

JAN 24 2024

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# A BILL FOR AN ACT

RELATING TO THE EAST KAUAI IRRIGATION SYSTEM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the state  
2 constitution mandates the State to conserve and protect  
3 agricultural lands, promote diversified agriculture, increase  
4 agricultural self-sufficiency, and assure the availability of  
5 agriculturally suitable lands.

6           The legislature further finds that the state constitution  
7 establishes that:

- 8           (1) All public natural resources are held in trust by the  
9           State for the benefit of the people;
- 10          (2) The State has an obligation to protect, control, and  
11          regulate the use of Hawaii's water resources for the  
12          benefit of its people; and
- 13          (3) The State and its people do further agree and declare  
14          that the spirit of the Hawaiian Homes Commission Act  
15          looking to the continuance of the Hawaiian homes  
16          projects for the further rehabilitation of the  
17          Hawaiian race shall be faithfully carried out.



1           The legislature additionally finds that the Hawaii supreme  
2 court has repeatedly provided guidance to the State on how to  
3 fulfill its public trust duties regarding water. The supreme  
4 court has ruled that the State is to apply a presumption in  
5 favor of four public trust uses of water over other uses:

- 6           (1) The maintenance of waters in their natural state;
- 7           (2) Domestic water uses;
- 8           (3) Uses of water in the exercise of native Hawaiian and  
9           traditional and customary rights; and
- 10          (4) Uses by and reservations of water for the department  
11          of Hawaiian home lands.

12          The legislature also finds that the east Kauai irrigation  
13 system derives its water from the north and south forks of the  
14 Wailua river as well as many smaller streams and that it is a  
15 critical irrigation system that supports agricultural production  
16 in Hawaii. The system currently services approximately 5,920  
17 acres of agricultural lands on Kauai and is relied upon by  
18 numerous farmers and ranchers. It is also a critical source of  
19 water for land held by the department of Hawaiian home lands.  
20 The department of Hawaiian home lands has a reservation from the  
21 commission on water resource management of approximately five



1 hundred thousand gallons per day from the Wailua river for its  
2 lands. The east Kauai irrigation system currently supplies  
3 water to the existing users and has the potential to expand the  
4 number of acres cultivated. Several improvements have been  
5 identified that could add as much as three hundred acres of  
6 farmland to the service area.

7 The legislature also finds that the east Kauai irrigation  
8 system is a century-old system that requires repair, renovation,  
9 and improvements. If lost, the cost to replace the infrastructure  
10 would be exorbitant. No replacement system is reasonable, and if  
11 the reservoir is decommissioned, 5,920 acres of agricultural land  
12 will dry up.

13 The legislature also finds that the maintenance of the east  
14 Kauai irrigation system and development of a plan to deliver water  
15 to land held by the department of Hawaiian home lands are necessary  
16 for the department to be able to use its reservation of water from  
17 the Wailua river.

18 The purpose of this Act is to continue to provide  
19 irrigation water to farm operations in east Kauai and support  
20 the water system by:



1 (1) Appropriating funds to the agribusiness development  
2 corporation for maintenance and improvements to the  
3 east Kauai irrigation system; and

4 (2) Creating and funding three positions to maintain and  
5 improve the east Kauai irrigation system.

6 SECTION 2. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$750,000 or so much  
8 thereof as may be necessary for fiscal year 2024-2025 for  
9 maintenance of and improvements to the east Kauai irrigation  
10 system.

11 The sum appropriated shall be expended by the agribusiness  
12 development corporation for the purposes of this Act.

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2024-2025 to  
16 fund three full-time equivalent (3.0 FTE) positions within the  
17 agribusiness development corporation to maintain and improve the  
18 east Kauai irrigation system.

19 The sum appropriated shall be expended by the agribusiness  
20 development corporation for the purposes of this Act.



1 SECTION 4. In accordance with section 9 of article VII of  
2 the Hawaii State Constitution and sections 37-91 and 37-93,  
3 Hawaii Revised Statutes, the legislature has determined that the  
4 appropriations contained in H.B. No. , will cause the state  
5 general fund expenditure ceiling for fiscal year 2024-2025 to be  
6 exceeded by \$ or per cent. In addition, the  
7 appropriations contained in this Act will cause the general fund  
8 expenditure ceiling for fiscal year 2024-2025 to be further  
9 exceeded by \$ or per cent. The combined total  
10 amount of general fund appropriations contained in only these  
11 two Acts will cause the state general fund expenditure ceiling  
12 for fiscal year 2024-2025 to be exceeded by  
13 \$ or per cent. The reasons for exceeding the  
14 general fund expenditure ceiling are that:

- 15 (1) The appropriations made in this Act are necessary to  
16 serve the public interest; and  
17 (2) The appropriations made in this Act meet the needs  
18 addressed by this Act.

19 SECTION 5. This Act shall take effect on July 1, 2024.



S.B. NO. **2951**

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INTRODUCED BY:                     *M.M.M.*                      
**By Request**



# S.B. NO. 2951

**Report Title:**

East Kauai Irrigation System; Agribusiness Development Corporation; Appropriation; Expenditure Ceiling

**Description:**

Appropriates funds to the Agribusiness Development Corporation to establish positions to maintain and improve the East Kauai irrigation system and for maintenance of and improvements to the system.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

