

## ACT 233

H.B. NO. 2179

A Bill for an Act Relating to Agriculture.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 167, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§167- Irrigation repair and maintenance special fund.** (a) There is established in the state treasury the irrigation repair and maintenance special fund that shall be administered by the board.

(b) Moneys in the irrigation repair and maintenance special fund shall be used to fund repair and maintenance of the following irrigation systems:

- (1) East Kauai irrigation system;
- (2) Kekaha ditch;
- (3) Kokee ditch;
- (4) Maui Land/Pioneer Mill irrigation system;
- (5) Waiahole ditch;
- (6) Lower Hamakua irrigation system;
- (7) Molokai irrigation system;
- (8) Upcountry Maui irrigation system;
- (9) Waimanalo irrigation system;
- (10) Waimea irrigation system;
- (11) East Maui irrigation system;
- (12) Kauai coffee irrigation system;
- (13) West Maui irrigation system;
- (14) Kau irrigation system;
- (15) Honomalino irrigation system;
- (16) Wahiawa reservoir and ditch system; and
- (17) Other privately-owned irrigation systems on former sugarcane and pineapple plantation lands that have been converted to diversified agriculture.

(c) The irrigation repair and maintenance special fund shall be funded by legislative appropriations, including general obligation bond funds and federal funds.

(d) Landowners may apply for funding assistance from the irrigation repair and maintenance special fund; provided that the landowner:

- (1) Provides matching funding equal to the amount received from the irrigation repair and maintenance special fund;
- (2) Agrees to file a petition for declaratory ruling pursuant to section 205-45 designating a majority of all land served by the water produced by the irrigation system as important agricultural lands as defined under section 205-42 and notifies the board and county of the petition and designation for the purpose of inclusion on maps; and

- (3) Agrees to use, or provide for the use of, all lands owned or controlled by the landowner and served by the water produced by the irrigation system for agricultural production.

The board shall develop processes, policies, standards, and criteria for selecting the landowners that are to receive funding and the amount of such funding. The board shall also develop processes, policies, standards, and criteria for determining the amount of funding provided to irrigation systems in subsection (b) owned by the State.

(e) As used in this section:

“Diversified agriculture” means agricultural operations that produce diversified agricultural products, including flowers, nursery products, vegetables, herbs, melons, seed crops, macadamia nuts, aquaculture, coffee, milk, cattle, eggs, hogs, and fruit.

“Irrigation system” means the agricultural system of intakes, diversions, wells, ditches, siphons, pipes, reservoirs, and accessory facilities established to provide water for agricultural production.

“Landowner” means a private entity that:

- (1) Owns agricultural land, formerly used as a sugarcane or pineapple plantation, that contains a privately-owned irrigation system that is necessary for the sustained production of diversified agriculture on the land served by the irrigation system; or
- (2) Owns, or partially owns, an irrigation system listed in subsection (b)(1) through (17).”

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§302A- Vocational agriculture education program.** (a) The department shall establish and administer a vocational agriculture education program. The program shall include adequate staffing of individuals trained or experienced in the field of vocational agriculture to coordinate the program and to provide assistance to school districts for the coordination of the activities of student agricultural organizations and associations.

(b) The vocational agriculture education program shall be administered by a director who shall:

- (1) Assess the agricultural needs of the state and devise methods of meeting those needs with the vocational agriculture education program;
- (2) Assist school districts in establishing vocational agriculture programs;
- (3) Review school district applications for approval of vocational agriculture programs;
- (4) Evaluate existing programs;
- (5) Plan research and studies for the improvement of curriculum materials for specialty areas of vocational agriculture;
- (6) Ensure that the standards and criteria developed under this section satisfy the mandates of federally-assisted vocational education;
- (7) Develop in-service programs for teachers and administrators of vocational agriculture;
- (8) Review applications for vocational agriculture teacher certification;
- (9) Assist in teacher recruitment and placement in vocational agriculture programs;
- (10) Serve as a liaison with the Future Farmers of America, representatives of business, industry, appropriate public agencies, and institutions of higher education to facilitate dissemination of information;
- (11) Promote improvement of vocational agriculture programs;

- (12) Assist in the development of adult and continuing education programs in vocational agriculture; and
- (13) Establish an advisory task force of agriculturists, who represent the diverse areas of the agricultural industry in the state, that shall make annual recommendations on the development of curriculum, staffing, and strategies to establish a source of trained and qualified individuals in agriculture and strategies for developing the state program in vocational agriculture education, including youth leadership throughout the public schools.

(c) The department may adopt rules pursuant to chapter 91 to effectuate this section.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2006-2007 to be deposited into the irrigation repair and maintenance special fund and used for the repair and maintenance of the irrigation systems specified under section 167- (b), Hawaii Revised Statutes; provided that \$1,500,000 in federal matching funds are also deposited into the irrigation repair and maintenance special fund.

The sum appropriated shall be expended by the department of budget and finance for the purposes of this Act.

SECTION 4. There is appropriated out of the irrigation repair and maintenance special fund the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2006-2007 to be expended for the repair and maintenance of the irrigation systems specified under section 167- (b), Hawaii Revised Statutes.

The sum appropriated shall be expended by the board of agriculture for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$11,886,000 or so much thereof as may be necessary for fiscal year 2006-2007 for repair and maintenance of irrigation systems as follows:

- (1) \$2,336,000 for the East Kauai irrigation system;
- (2) \$500,000 for the Waimanalo irrigation system;
- (3) \$2,500,000 for the Molokai irrigation system;
- (4) \$4,850,000 for the Waimea irrigation system; and
- (5) \$1,700,000 for the Lower Hamakua irrigation system.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2006-2007 to carry out the purposes of section 2 of this Act.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 7. The appropriations made for the capital improvement irrigation repair and maintenance projects authorized in this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all moneys from the appropriations unencumbered as of June 30, 2008, shall lapse as of that date.

SECTION 8. New statutory material is underscored.<sup>1</sup>

**ACT 233**

**SECTION 9.** This Act shall take effect on July 1, 2006.

(Approved June 23, 2006.)

**Note**

1. Edited pursuant to HRS §23G-16.5.