

JAN 24 2007

A BILL FOR AN ACT

RELATING TO IRRIGATION SYSTEMS.

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

1 SECTION 1. Act 233, Session Laws of Hawaii 2006,
2 established the Irrigation Repair and Maintenance Special Fund,
3 which provides \$3,000,000 for the repair and maintenance of
4 certain private irrigation systems; provided that the landowner:
5 (1) Provides matching funds;
6 (2) Agrees to designate the majority of the land served by
7 the irrigation system as important agricultural lands;
8 and
9 (3) Agrees to use all lands served by the irrigation
10 system for agricultural production.
11 The land use commission may not designate important agricultural
12 lands by a declaratory ruling pursuant to section 205-49, until
13 "...after the enactment of legislation establishing incentives
14 and protections contemplated under section 205-46." The result
15 is that no landowners can apply for the funding because the
16 designation of important agricultural lands cannot proceed until
17 after the enactment of incentives legislation.



1 The purpose of this Act is to repeal the provision that
2 requires the designation of important agricultural lands by
3 declaratory order and to provide that a landowner who has
4 dedicated land for agricultural use for not less than ten years
5 pursuant to county ordinance may apply for funding assistance
6 from the irrigation repair and maintenance fund.

7 SECTION 2. Section 167-24, Hawaii Revised Statutes, is
8 amended by amending subsection (d) to read as follows:

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

12 (1) Provides matching funding equal to the amount received
13 from the irrigation repair and maintenance special
14 fund;

15 ~~[(2) Agrees to file a petition for declaratory ruling~~
16 ~~pursuant to section 205-45 designating a majority of~~
17 ~~all land served by the water produced by the~~
18 ~~irrigation system as important agricultural lands as~~
19 ~~defined under section 205-42 and notifies the board~~
20 ~~and county of the petition and designation for the~~
21 ~~purpose of inclusion on maps,] and~~



1 3)] (2) Agrees to use, or provide for the use of, all
2 lands owned or controlled by the landowner and
3 dedicated for agricultural use for not less than ten
4 years pursuant to county ordinance that are served by
5 the water produced by the irrigation system [~~for~~
6 ~~agricultural production~~].

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

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

16

INTRODUCED BY:

Russell H. Baker



Report Title:

Irrigation Systems; Irrigation Repair and Maintenance Special Fund

Description:

Replaces the requirement of filing a petition for declaratory ruling that the majority of the land served by the irrigation system to be repaired is designated as important agricultural land with a dedication of the land for agricultural use for at least ten years in order to apply for assistance under the irrigation repair and maintenance special fund.

