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# A BILL FOR AN ACT

RELATING TO AGRICULTURAL WATER SECURITY.

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

1           SECTION 1. In accordance with the strategic plan developed  
2 by the United States Department of Agriculture, the legislature  
3 finds that agricultural water security is essential to maintain  
4 public health and well-being; ensure future cultivation of food,  
5 fiber, and energy crops; and enhance rural recreation and  
6 community aesthetics. On October 15, 2006, the Kiholo  
7 earthquake caused considerable damage to irrigation systems in  
8 the Waimea and Hamakua areas on the island of Hawaii, causing  
9 the agricultural water users to depend on ground water to supply  
10 water to the ditch systems and incurring costs for the  
11 transmission of water and energy to run pumps.

12           On October 15, 2006, the governor proclaimed these areas to  
13 be disaster areas and directed government agencies to take such  
14 action and employ such measures for water supply and other  
15 emergency functions as necessary. Furthermore, the governor's  
16 proclamation suspended statutes, including those relating to  
17 procurement, public lands management, water development, the  
18 state water code, and public utilities. These emergency



1 measures are to continue until an appropriate time for  
2 termination is determined by the governor.

3 The legislature further finds that agricultural water  
4 systems are critical for agricultural production and that  
5 measures should be implemented to allow appropriate responses to  
6 conditions caused by natural disasters such as earthquakes.

7 The purpose of this Act is to ensure the security of the  
8 agricultural water supply by authorizing emergency measures to  
9 be taken in response to damages caused by natural disasters,  
10 such as the damage to the Waimea and Hamakua agricultural water  
11 systems.

12 SECTION 2. Chapter 209, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§209- Agricultural water systems; emergency power.

16 When the governor has declared that a disaster has occurred for  
17 any portion of the State, pursuant to section 209-2, which  
18 results in damage to an agricultural water system that  
19 necessitates the temporary use of electrical power or backup  
20 generators to pump ground water for irrigation until the system  
21 can be repaired, the person who controls, operates, or manages  
22 the system may negotiate an agreement for the production of



1 emergency power for the agricultural water system. The  
2 agreement shall terminate when the governor determines that the  
3 disaster emergency relief period is terminated.

4 If the negotiated agreement is with an independent power  
5 producer that is not currently regulated by the public utilities  
6 commission, the execution of the agreement shall not cause the  
7 independent power producer to become subject to the jurisdiction  
8 of the public utilities commission."

9 SECTION 3. New statutory material is underscored.

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



**Report Title:**

Agricultural Water Security

**Description:**

Allows the negotiation of agreements for the production of emergency power for agricultural water systems following a disaster declared by the Governor. Provides that independent power producers shall not become subject to the jurisdiction of the PUC as the result of an agreement entered into pursuant to this Act. (SD2)

