



GOV. MSG. NO. 739

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 22, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 22, 2008, the following bill was signed into law:

HB2965 HD2 SD2

A BILL FOR AN ACT RELATING TO
AGRICULTURAL WATER SECURITY.
(ACT 97)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

MAY 22 2008

on _____

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

ACT 097

H.B. NO. 2965
H.D. 2
S.D. 2

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.

APPROVED this 22 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII

