
A BILL FOR AN ACT

RELATING TO DECLARATION OF WATER SHORTAGE AND EMERGENCY.

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

1 SECTION 1. The legislature finds that the commission on
2 water resource management must formulate water shortage plans
3 and adopt a reasonable system of permit classification through
4 rulemaking to properly plan for future water shortages and
5 provide stakeholders an opportunity to participate in the
6 process. With such plans and permit classifications, future
7 restrictions on water use would be applied uniformly and
8 individual users would know in advance their relative priority
9 during periods of water shortage.

10 The legislature further finds that the commission on water
11 resource management should have the ability to adopt water
12 shortage plans, permit classifications, and criteria outside of
13 water management areas and should apply these plans to the
14 owners and operators of wells and stream diversion works. As
15 recent droughts have revealed, water shortages and emergencies
16 can occur quickly. In 2024, all islands experienced drought
17 conditions, and many areas suffered from severe to extreme



1 drought. Therefore, it is necessary to ensure effective and
2 transparent planning for water shortages within and outside of
3 designated water management areas.

4 Accordingly, the purpose of this Act is to amend the
5 conditions, manner, and areas in which the commission on water
6 resource management can declare and provide notice of water
7 shortages and emergencies.

8 SECTION 2. Section 174C-62, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[+]§174C-62[+] Declaration of water shortage. (a) The
11 commission shall, by rule, formulate a plan for implementation
12 during periods of water shortage. As a part of the plan, the
13 commission shall, by rule, adopt a reasonable system of permit
14 classification according to source of water supply, method of
15 extraction or diversion, use of water, or a combination thereof.

16 (b) The commission[~~, by rule,~~] may declare that a water
17 shortage exists within all or part of an area, whether within or
18 outside of a water management area, when insufficient water is
19 available to meet the requirements of the permit system or when
20 conditions are such as to require a temporary reduction in total
21 water use within ~~[the]~~ or outside of the water management area



1 to protect water resources from serious harm. The commission
2 shall publish, by rule, a set of criteria for determining when a
3 water shortage exists.

4 (c) A water shortage declaration issued pursuant to
5 subsection (b) shall expire after ninety days; provided that the
6 commission may extend the duration of a water shortage
7 declaration if the commission determines that the continuance of
8 a water shortage declaration is necessary after reviewing the
9 appropriate criteria and hydrologic conditions.

10 ~~[(e)]~~ (d) In accordance with the plan adopted under
11 subsection (a), the commission may impose ~~[such]~~ restrictions on
12 one or more classes of permits and on the owners and operators
13 of wells and stream diversion works that are located outside of
14 water management areas as may be necessary to protect the water
15 resources of the area from serious harm and to restore them to
16 their previous water quantity or chloride level condition~~[-]~~;
17 provided that a water usage restriction imposed by the
18 commission pursuant to this subsection shall not exceed twenty
19 per cent of the permittee's or owner and operator's last
20 reported monthly water usage; provided further that the
21 commission shall consider a permittee's or owner and operator's



1 monthly water usage to be zero if the permittee or owner and
2 operator has not reported water usage within the twelve months
3 before the date that a water shortage declaration is issued.

4 ~~[(d) A declaration of water shortage and any measures~~
5 ~~adopted pursuant thereto may be rescinded by rule by the~~
6 ~~commission.]~~

7 (e) When a water shortage is declared, the commission
8 shall cause a notice ~~[thereof]~~ of the water shortage to be
9 published in a prominent place in a newspaper of general
10 circulation throughout the area~~[-]~~ and on the commission's
11 website. The notice shall be published each day for the first
12 week of the shortage ~~[and]~~, once a week ~~[thereafter]~~ for four
13 months, and once a month thereafter until the declaration is
14 rescinded. The notice shall remain on the commission's website
15 until the declaration is rescinded. Publication of ~~[such]~~ the
16 notice shall serve as notice to all water users in the area of
17 the condition of water shortage.

18 (f) The commission shall cause each permittee in the area
19 to be notified by regular mail and, if the permittee's
20 electronic mail address is known, by electronic mail of any
21 change in the conditions of the permittee's permit, any



1 suspension [~~thereof~~] of the permittee's permit, or of any other
2 restriction on the use of water for the duration of the water
3 shortage.

4 (g) The commission shall:

5 (1) Maintain a list of the name and postal address and
6 email address of any person who requests notification
7 of a water shortage declaration; and

8 (2) Send by certified mail or email a copy of a notice of
9 a water shortage declaration to persons on the list
10 maintained pursuant to paragraph (1) whenever a water
11 shortage is declared.

12 [~~(g)~~] (h) If an emergency condition arises due to a water
13 shortage within any area, whether within or outside of a water
14 management area, and if the commission finds that the
15 restrictions imposed under subsection [~~(e)~~] (d) are not
16 sufficient to protect the public health, safety, or welfare, or
17 the health of animals, fish, or aquatic life, or a public water
18 supply, or recreational, municipal, agricultural, or other
19 reasonable uses, the commission may issue orders reciting the
20 existence of such emergency and requiring that such actions as
21 the commission deems necessary to meet the emergency be taken,



1 including but not limited to apportioning, rotating, limiting,
2 or prohibiting the use of the water resources of the area. Any
3 party to whom an emergency order is directed may challenge such
4 an order but shall immediately comply with the order, pending
5 disposition of the party's challenge. The commission shall give
6 precedence to a hearing on [~~such~~] the challenge over all other
7 pending matters."

8 SECTION 3. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2040.



Report Title:

CWRM; Water Shortage and Emergency; Water Shortage Declaration;
Notice

Description:

Amends the conditions, manner, and areas in which the Commission on Water Resource Management can declare and provide notice of water shortages and emergencies. Limits the duration of a water shortage declaration to ninety days. Limits water usage restrictions imposed on a permittee or owner and operator to twenty per cent of the permittee's or owner and operator's last reported monthly use. Requires CWRM to maintain a list of names and postal or email addresses of persons who request notification of a water shortage declaration and send them a copy of a notice of a water shortage declaration whenever water shortage is declared. Effective 7/1/2040. (SD2)

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