
A BILL FOR AN ACT

RELATING TO WATER QUALITY MANAGEMENT.

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

1 SECTION 1. The legislature finds that water is a vital
2 natural resource used to support the people of Hawaii.
3 According to article XI, section 7, of the Hawaii State
4 Constitution, the State shall establish a "water resources
5 agency" tasked with the responsibility to "set overall water
6 . . . quality . . . policies." However, water quality and
7 resource management is split among different departments and
8 programs, often leading to inefficiencies. For example, the use
9 and protection of water resources is scattered among the safe
10 drinking water branch, wastewater branch, and clean water branch
11 of the department of health and the commission on water resource
12 management. Currently, the state water code places
13 responsibility for water quality matters in the department of
14 health.

15 To minimize inefficiencies between different departments
16 and programs, creating a single agency tasked with water quality
17 and water quantity policies would streamline procedures by:



- 1 (1) Ensuring consistency with the Hawaii State
2 Constitution;
- 3 (2) Creating efficiency within government by placing
4 responsibility within a single entity, including
5 simplified permitting and application procedures;
- 6 (3) Recognizing the need to protect valuable water
7 resources by integrating enforcement and compliance
8 provisions; and
- 9 (4) Improving allocation of water resources including the
10 reuse and recycling of wastewater.

11 Therefore, the legislature finds that, to protect water
12 resources, the commission on water resource management shall be
13 the lead agency to set policy on water quality and wastewater
14 treatment issues. As quantity decisions are also quality
15 decisions, managing water resources under one agency recognizes
16 a unified, streamlined, and consistent response to protect,
17 conserve, and use water at every step of the water cycle.

18 Accordingly, the purpose of this Act is to facilitate the
19 jurisdiction transfer of water quality management, water
20 pollution, wastewater treatment, instream flow standards, and



1 applications for water quality from the department of health to
2 the commission on water resource management.

3 SECTION 2. Section 174C-5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§174C-5 General powers and duties. The general
6 administration of the state water code shall rest with the
7 commission on water resource management. In addition to its
8 other powers and duties, the commission:

- 9 (1) Shall carry out topographic surveys, research, and
10 investigations into all aspects of water use and water
11 quality;
- 12 (2) Shall designate water management areas for regulation
13 under this chapter where the commission, after the
14 research and investigations mentioned in paragraph
15 (1), shall consult with the appropriate county council
16 and county water agency, and after public hearing and
17 published notice, finds that the water resources of
18 the areas are being threatened by existing or proposed
19 withdrawals of water;
- 20 (3) Shall establish an instream use protection program
21 designed to protect, enhance, and reestablish, where



1 practicable, beneficial instream uses of water in the
2 State;

3 (4) May contract and cooperate with the various agencies
4 of the federal government and with state and local
5 administrative and governmental agencies or private
6 persons;

7 (5) May enter, after obtaining the consent of the property
8 owner, at all reasonable times upon any property other
9 than dwelling places for the purposes of conducting
10 investigations and studies or enforcing any of the
11 provisions of this code, being liable, however, for
12 actual damage done. If consent cannot be obtained,
13 reasonable notice shall be given prior to entry;

14 (6) Shall cooperate with federal agencies, other state
15 agencies, county or other local governmental
16 organizations, and all other public and private
17 agencies created for the purpose of utilizing and
18 conserving the waters of the State, and assist these
19 organizations and agencies in coordinating the use of
20 their facilities and participate in the exchange of
21 ideas, knowledge, and data with these organizations



1 and agencies. For this purpose the commission shall
2 maintain an advisory staff of experts;

3 (7) Shall prepare, publish, and issue printed pamphlets
4 and bulletins as the commission deems necessary for
5 the dissemination of information to the public
6 concerning its activities;

7 (8) May appoint and remove agents, including hearings
8 officers and consultants, necessary to carry out the
9 purposes of this chapter, who may be engaged by the
10 commission without regard to the requirements of
11 chapter 76 and section 78-1;

12 (9) May hire employees in accordance with chapter 76;

13 (10) May acquire, lease, and dispose of such real and
14 personal property as may be necessary in the
15 performance of its functions, including the
16 acquisition of real property for the purpose of
17 conserving and protecting water and water related
18 resources as provided in section 174C-14;

19 (11) Shall identify, by continuing study, those areas of
20 the State where salt water intrusion is a threat to



1 fresh water resources and report its findings to the
2 appropriate county mayor and council and the public;
3 (12) Shall provide coordination, cooperation, or approval
4 necessary to the effectuation of any plan or project
5 of the federal government in connection with or
6 concerning the waters of the State. The commission
7 shall approve or disapprove any federal plans or
8 projects on behalf of the State. No other agency or
9 department of the State shall assume the duties
10 delegated to the commission under this paragraph;
11 ~~[except that the department of health shall continue~~
12 ~~to exercise the powers vested in it with respect to~~
13 ~~water quality, and]~~ except that the department of
14 business, economic development, and tourism shall
15 continue to carry out its duties and responsibilities
16 under chapter 205A;
17 (13) Shall plan and coordinate programs for the
18 development, conservation, protection, control, and
19 regulation of water resources, based upon the best
20 available information, and in cooperation with federal
21 agencies, other state agencies, county or other local



1 governmental organizations, and other public and
2 private agencies created for the utilization and
3 conservation of water;

4 (14) Shall catalog and maintain an inventory of all water
5 uses and water resources; and

6 (15) Shall determine appurtenant water rights, including
7 quantification of the amount of water entitled to by
8 that right, which determination shall be valid for
9 purposes of this chapter."

10 SECTION 3. Section 174C-71, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§174C-71 Protection of instream uses. The commission
13 shall establish and administer a statewide instream use
14 protection program. In carrying out this part, the commission
15 shall cooperate with the United States government or any of its
16 agencies, other state agencies, and the county governments and
17 any of their agencies. In the performance of its duties the
18 commission shall:

19 (1) Establish instream flow standards on a stream-by-
20 stream basis whenever necessary to protect the public
21 interest in waters of the State;



- 1 (A) The commission, on its own motion, may determine
2 that the public interest in the waters of the
3 State requires the establishment of an instream
4 flow standard for streams;
- 5 (B) In acting upon the establishment of instream flow
6 standards, the commission shall set forth in
7 writing its conclusion that the public interest
8 does or does not require, as is appropriate, an
9 instream flow standard to be set for the stream,
10 the reasons therefor, and the findings supporting
11 the reasons;
- 12 (C) Each instream flow standard shall describe the
13 flows necessary to protect the public interest in
14 the particular stream. Flows shall be expressed
15 in terms of variable flows of water necessary to
16 protect adequately fishery, wildlife,
17 recreational, aesthetic, scenic, or other
18 beneficial instream uses in the stream in light
19 of existing and potential water developments
20 including the economic impact of restriction of
21 such use;



1 (D) Establishment or modification of an instream flow
2 standard shall be initiated by the commission by
3 providing notice of its intention to set an
4 instream flow standard in a newspaper of general
5 circulation published in the vicinity of the
6 stream in question, to the mayor of the
7 appropriate county, and to persons who have
8 previously requested such notice in writing;

9 (E) After giving notice of its intention to set an
10 instream flow standard, the commission or other
11 agencies in participation with the commission
12 shall investigate the stream. During the process
13 of this investigation, the commission shall
14 consult with and consider the recommendations of
15 [~~the department of health,~~] the aquatic biologist
16 of the department of land and natural resources,
17 the natural area reserves system commission, the
18 University of Hawaii cooperative fishery unit,
19 the United States Fish and Wildlife Service, the
20 mayor of the county in which the stream is
21 located, and other agencies having interest in or



1 information on the stream, and may consult with
2 and consider the recommendations of persons
3 having interest in or information on the stream.
4 In formulating the proposed standard, the
5 commission shall weigh the importance of the
6 present or potential instream values with the
7 importance of the present or potential uses of
8 water from the stream for noninstream purposes,
9 including the economic impact of restriction of
10 such uses. In order to avoid or minimize the
11 impact on existing uses of preserving, enhancing,
12 or restoring instream values, the commission
13 shall consider physical solutions, including
14 water exchanges, modifications of project
15 operations, changes in points of diversion,
16 changes in time and rate of diversion, uses of
17 water from alternative sources, or any other
18 solution;

19 (F) Before adoption of an instream flow standard or
20 modification of an established instream flow
21 standard, the commission shall give notice and



1 hold a hearing on its proposed standard or
2 modification;

3 (2) Establish interim instream flow standards;

4 (A) Any person with the proper standing may petition
5 the commission to adopt an interim instream flow
6 standard for streams in order to protect the
7 public interest pending the establishment of a
8 permanent instream flow standard;

9 (B) Any interim instream flow standard adopted under
10 this section shall terminate upon the
11 establishment of a permanent instream flow
12 standard for the stream on which the interim
13 standards were adopted;

14 (C) A petition to adopt an interim instream flow
15 standard under this section shall set forth data
16 and information concerning the need to protect
17 and conserve beneficial instream uses of water
18 and any other relevant and reasonable information
19 required by the commission;

20 (D) In considering a petition to adopt an interim
21 instream flow standard, the commission shall



1 weigh the importance of the present or potential
2 instream values with the importance of the
3 present or potential uses of water for
4 noninstream purposes, including the economic
5 impact of restricting such uses;

6 (E) The commission shall grant or reject a petition
7 to adopt an interim instream flow standard under
8 this section within one hundred eighty days of
9 the date the petition is filed. The one hundred
10 eighty days may be extended a maximum of one
11 hundred eighty days at the request of the
12 petitioner and subject to the approval of the
13 commission;

14 (F) Interim instream flow standards may be adopted on
15 a stream-by-stream basis or may consist of a
16 general instream flow standard applicable to all
17 streams within a specified area;

18 (3) Protect stream channels from alteration whenever
19 practicable to provide for fishery, wildlife,
20 recreational, aesthetic, scenic, and other beneficial
21 instream uses;



- 1 (A) The commission shall require persons to obtain a
- 2 permit from the commission prior to undertaking a
- 3 stream channel alteration; provided that routine
- 4 streambed and drainageway maintenance activities
- 5 and maintenance of existing facilities are exempt
- 6 from obtaining a permit;
- 7 (B) Projects which have commenced construction or
- 8 projects reviewed and approved by the appropriate
- 9 federal, state, or county agency prior to July 1,
- 10 1987, shall not be affected by this part;
- 11 (C) The commission shall establish guidelines for
- 12 processing and considering applications for
- 13 stream channel alterations consistent with
- 14 section 174C-93;
- 15 (D) The commission shall require filing fees by users
- 16 to accompany each application for stream channel
- 17 alteration;
- 18 (4) Establish an instream flow program to protect,
- 19 enhance, and reestablish, where practicable,
- 20 beneficial instream uses of water. The commission
- 21 shall conduct investigations and collect instream flow



1 data including fishing, wildlife, aesthetic,
2 recreational, water quality, and ecological
3 information and basic streamflow characteristics
4 necessary for determining instream flow requirements.

5 The commission shall implement its instream flow standards
6 when disposing of water from state watersheds, including that
7 removed by wells or tunnels where they may affect stream flow,
8 and when regulating use of lands and waters within the state
9 conservation district, including water development."

10 SECTION 4. Section 174C-84, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (c) to read:

13 "(c) The commission may issue a permit only if the
14 proposed construction complies with all applicable laws, rules,
15 and standards. [~~Before acting on any application, the
16 commission shall cause the application to be reviewed by the
17 department of health for compliance with their rules and
18 standards concerning, among other things, the appropriateness of
19 the well location.~~]"

20 2. By amending subsection (e) to read:



1 "(e) The holder of a permit for well construction, with
2 the approval of the commission, may change the location of the
3 well before construction is completed. An application to change
4 the location shall describe the location, the proposed depth and
5 method of construction, and the size and expected capacity of
6 the new well. It shall also describe the manner of sealing or
7 plugging the incomplete and abandoned well. [~~The commission
8 shall cause all such applications to be reviewed by the
9 department of health for compliance with their rules and
10 standards concerning, among other things, the appropriateness of
11 the location of the well.~~] The commission may issue an amended
12 permit if it determines that the proposed new well location will
13 serve the same use as the original well and draw upon the same
14 supply of water and will not be contrary to any applicable law,
15 rule, order, or regulation, and that the incomplete and
16 abandoned well will be sealed or plugged in a manner to prevent
17 waste of water and damage to the water supply and to protect the
18 public from harm."

19 SECTION 5. Section 340B-1, Hawaii Revised Statutes, is
20 amended as follows:



1 1. By adding a new definition to be appropriately inserted
2 and to read:

3 "Chairperson" means the chairperson of the commission on
4 water resource management."

5 2. By deleting the definition of "director".

6 ~~["Director" means the director of health.]~~

7 SECTION 6. Section 340E-1, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By adding two new definitions to be appropriately
10 inserted and to read:

11 "Chairperson" means the chairperson of the commission on
12 water resource management.

13 "Commission" means the commission on water resource
14 management."

15 2. By amending the definition of "primary drinking water
16 regulation" to read:

17 ""Primary drinking water regulation" means a regulation or
18 rule which:

19 (1) Applies to public water systems;



- 1 (2) Specifies contaminants which, in the judgment of the
2 [~~director~~₇] chairperson, may have any adverse effect
3 on the health of persons;
- 4 (3) Specifies for each contaminant either:
- 5 (A) A maximum contaminant level if, in the judgment
6 of the [~~director~~₇] chairperson, it is
7 economically and technologically feasible to
8 ascertain the level of such contaminant in public
9 water systems; or
- 10 (B) If, in the judgment of the [~~director~~₇]
11 chairperson, it is not economically or
12 technologically feasible to ascertain the
13 contaminant level[₇] each treatment technique
14 known to the [~~director~~] chairperson which leads
15 to a reduction in the level of such contaminant
16 sufficient to satisfy the requirements of section
17 340E-2; and
- 18 (4) Contains criteria and procedures to assure a supply of
19 drinking water which dependably complies with such
20 maximum contaminant levels, including accepted methods
21 for quality control and testing procedures to insure



1 compliance with such levels and proper operation and
2 maintenance of the system, and requirements as to:

3 (A) The minimum quality of water which may be taken
4 into the system; and

5 (B) Siting for new facilities for public water
6 systems.

7 Quality control and testing procedures published in
8 the Federal Register as guidance by the administrator
9 may be adopted by the [~~director~~] chairperson by rule
10 as an alternative for public water systems to the
11 quality control and testing procedures listed in the
12 corresponding and previously promulgated federal
13 primary drinking water regulation."

14 3. By amending the definition of "secondary drinking water
15 regulation" to read:

16 ""Secondary drinking water regulation" means a regulation
17 or rule which applies to public water systems and which
18 specifies the maximum contaminant levels which, in the judgment
19 of the [~~director~~], chairperson, are requisite to protect the
20 public welfare."



1 4. By deleting the definitions of "department" and
2 "director".

3 ~~["Department" means the department of health.~~

4 ~~"Director" means the director of health or the director's~~
5 ~~authorized agent."]~~

6 SECTION 7. Section 340F-1, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By adding a new definition to be appropriately inserted
9 and to read:

10 "Chairperson" means the chairperson of the commission on
11 water resource management."

12 2. By deleting the definition of "director".

13 ~~["Director" means the director of health."]~~

14 SECTION 8. Section 340F-4, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) A state board of certification of five members shall
17 be appointed by the governor to carry out this chapter. The
18 board shall be placed, for administrative purposes, in the
19 ~~[department of health.]~~ commission on water resource management.

20 The board shall consist of the following:



1 (1) Four individuals who shall be duly qualified in the
2 fields of sanitary engineering or public water system
3 operation; and

4 (2) One individual from the state agency responsible for
5 the State's safe drinking water program."

6 SECTION 9. Section 342D-1, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By adding two new definitions to be appropriately
9 inserted and to read:

10 "Chairperson" means the chairperson of the commission on
11 water resource management.

12 "Commission" means the commission on water resource
13 management."

14 2. By amending the definition of "complaint" to read:

15 "Complaint" means any written charge filed with or by the
16 [~~department~~] commission that a person is violating any provision
17 of this chapter or any rule or order adopted pursuant to this
18 chapter."

19 3. By amending the definition of "gray water" to read:

20 ""Gray water" means any untreated wastewater that has not
21 come into contact with toilet waste. Gray water includes used



1 water from bathtubs, showers, and bathroom wash basins and water
2 from clothes washers and laundry tubs; provided that the water
3 is not contaminated with any household hazardous waste as
4 defined in section 342G-1, hazardous waste as defined in section
5 342J-2, or any contaminant the [~~department~~] commission deems
6 inappropriate. Gray water excludes wastewater from food
7 preparation sinks or dishwashers."

8 4. By amending the definition of "permit" to read:

9 ""Permit" means written authorization from the [~~director~~]
10 chairperson to discharge waste or to construct, modify, or
11 operate any water pollution source. A permit authorizes the
12 grantee to cause or discharge waste or water pollution in a
13 manner or amount, or to do an act, not forbidden by this chapter
14 or by rules adopted under this chapter, but requiring review by
15 the [~~department-~~] commission."

16 5. By amending the definition of "water pollution" to
17 read:

18 ""Water pollution" means:

19 (1) Such contamination or other alteration of the
20 physical, chemical, or biological properties of any



1 state waters, including change in temperature, taste,
2 color, turbidity, or odor of the waters or

3 (2) Such discharge of any liquid, gaseous, solid,
4 radioactive, or other substances into any state
5 waters,

6 as will or is likely to create a nuisance or render such waters
7 unreasonably harmful, detrimental, or injurious to public
8 health, safety, or welfare, including harm, detriment, or injury
9 to public water supplies, fish and aquatic life and wildlife,
10 recreational purposes and agricultural and industrial research
11 and scientific uses of such waters or as will or is likely to
12 violate any water quality standards, effluent standards,
13 treatment and pretreatment standards, or standards of
14 performance for new sources adopted by the [~~department.~~]
15 commission."

16 6. By deleting the definitions of "department" and
17 "director".

18 [~~"Department" means the department of health.~~
19 ~~"Director" means the director of health."~~]

20 SECTION 10. Section 342D-72, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[+] §342D-72 [†]~~ Cesspools; mandatory upgrade, conversion,
2 or connection. (a) Prior to January 1, 2050, every cesspool in
3 the State, excluding cesspools granted exemptions by the
4 ~~[director of health]~~ chairperson of the commission on water
5 resource management pursuant to subsection (b), shall be:

- 6 (1) Upgraded or converted to a septic system or aerobic
7 treatment unit system; or
- 8 (2) Connected to a sewerage system.

9 (b) The ~~[director of health]~~ chairperson of the commission
10 on water resource management may grant exemptions from the
11 requirements of subsection (a) to property owners of cesspools
12 that apply for an exemption and present documentation showing a
13 legitimate reason that makes it infeasible to upgrade, convert,
14 or connect the cesspools. For the purposes of this subsection,
15 a legitimate reason shall include but not be limited to:

- 16 (1) Small lot size;
 - 17 (2) Steep topography;
 - 18 (3) Poor soils; or
 - 19 (4) Accessibility issues.
- 20 (c) As used in this section:



1 "Aerobic treatment unit system" means an individual
2 wastewater system that consists of an aerobic treatment unit
3 tank, aeration device, piping, and a discharge method that is in
4 accordance with rules adopted by the [~~department~~] commission
5 relating to household aerobic units.

6 "Cesspool" means an individual wastewater system consisting
7 of an excavation in the ground whose depth is greater than its
8 widest surface dimension, which receives untreated wastewater,
9 and retains or is designed to retain the organic matter and
10 solids discharged into it, but permits the liquid to seep
11 through its bottom or sides to gain access to the underground
12 geographic formation.

13 "Septic system" means an individual wastewater system that
14 typically consists of a septic tank, piping, and a drainage
15 field where there is natural biological decontamination as
16 wastewater discharged into the system is filtered through soil."

17 SECTION 11. Section 342D-88, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The [~~director of health,~~] chairperson of the
20 commission on water resource management, with the approval of
21 the governor and the [~~+~~]director of finance[~~+~~], may issue



1 revenue bonds at such times and in such amount or amounts, not
2 to exceed \$250,000,000 in aggregate principal, as may be
3 necessary to carry out the purposes of this part."

4 SECTION 12. Section 342E-1, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By adding two new definitions to be appropriately
7 inserted and to read:

8 "Chairperson" means the chairperson of the commission on
9 water resource management.

10 "Commission" means the commission on water resource
11 management."

12 2. By amending the definition of "program" to read:

13 "Program" means the nonpoint source pollution management
14 and control program established within the [department]
15 commission pursuant to this chapter."

16 3. By deleting the definitions of "department" and
17 "director".

18 [~~"Department" means the department of health.~~

19 ~~"Director" means the director of health."]~~

20 SECTION 13. Section 174C-67, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§174C-67 Exchange of information. (a) The department~~
 2 ~~of health shall submit to the commission such information as the~~
 3 ~~commission shall require as prescribed in its rules, provided it~~
 4 ~~does not jeopardize any pending or ongoing enforcement action.~~

5 ~~(b) The commission shall submit to the department of~~
 6 ~~health such information as the department of health shall~~
 7 ~~require, for the performance of its water quality functions."]~~

8 SECTION 14. Sections 174C-31, 174C-44, 174C-51.5, 174C-66,
 9 and 174C-68, Hawaii Revised Statutes, are amended by
 10 substituting the word "commission", or similar term, wherever
 11 the term "department of health", or similar term, appears, as
 12 the context requires.

13 SECTION 15. Sections 340B-1, 340B-2, 340B-3, 340B-4,
 14 340B-6, 340B-12, 340E-2, 340E-2.5, 340E-3, 340E-4, 340E-4.6,
 15 340E-5, 340E-6, 340E-7, 340E-8, 340E-9, 340E-21, 340E-22,
 16 340E-23, 340E-24, 340E-33, 340E-33.5, 340E-34, 340E-35, 340E-37,
 17 340E-38, 340E-40, 340F-3, 340F-4, 340F-6, 342D-2, 342D-4,
 18 342D-5, 342D-6, 342D-6.5, 342D-7, 342D-8, 342D-9, 342D-10,
 19 342D-11, 342D-12, 342D-13, 342D-19, 342D-31, 342D-50, 342D-50.5,
 20 342D-51, 342D-52, 342D-53, 342D-54, 342D-55, 342D-56, 342D-57,
 21 342D-58, 342D-59, 342D-60, 342D-61, 342D-80, 342D-82, 342D-82.5,



1 342D-83, 342D-84, 342D-85, 342D-86, 342D-87, 342D-89, 342D-90,
2 342D-91, 342D-92, 342D-93, 342E-2, and 342E-3, Hawaii Revised
3 Statutes, are amended by substituting the word "chairperson", or
4 similar term, wherever the word "director", or similar term,
5 appears, as the context requires.

6 SECTION 16. Sections 340E-4.8, 340E-6, 340E-8, 340E-23,
7 340E-24, 342D-2, 342D-4, 342D-6, 342D-6.5, 342D-7, 342D-8,
8 342D-9, 342D-14, 342D-15, 342D-16, 342D-17, 342D-18, 342D-19,
9 342D-30, 342D-32, 342D-33, 342D-34, 342D-50, 342D-52, 342D-54,
10 342D-55, 342D-70, 342D-72, 342D-84, 342D-89, 342D-91, 342D-102,
11 342D-103, 342D-104, 342D-106, 342D-107, 342D-109, 342D-110,
12 342D-111, 342E-2, 342E-3, and 342E-4, Hawaii Revised Statutes,
13 are amended by substituting the word "commission", or similar
14 term, wherever the word "department", or similar term, appears,
15 as the context requires.

16 SECTION 17. All rights, powers, functions, and duties of
17 the department of health as prescribed under chapters 174C,
18 340B, 340E, 340F, 342D, and 342E, Hawaii Revised Statutes, are
19 transferred to the commission on water resource management.

20 All employees who occupy civil service positions and whose
21 functions are transferred to the commission on water resource



1 management by this Act shall retain their civil service status,
2 whether permanent or temporary. Employees shall be transferred
3 without loss of salary, seniority (except as prescribed by
4 applicable collective bargaining agreements), retention points,
5 prior service credit, any vacation and sick leave credits
6 previously earned, and other rights, benefits, and privileges,
7 in accordance with state personnel laws and this Act; provided
8 that the employees possess the minimum qualifications and public
9 employment requirements for the class or position to which
10 transferred or appointed, as applicable; provided further that
11 subsequent changes in status may be made pursuant to applicable
12 civil service and compensation laws.

13 Any employee who, prior to this Act, is exempt from civil
14 service and is transferred as a consequence of this Act may
15 retain the employee's exempt status, but shall not be appointed
16 to a civil service position as a consequence of this Act. An
17 exempt employee who is transferred by this Act shall not suffer
18 any loss of prior service credit, vacation or sick leave credits
19 previously earned, or other employee benefits or privileges as a
20 consequence of this Act; provided that the employees possess
21 legal and public employment requirements for the position to



H.B. NO. 2263

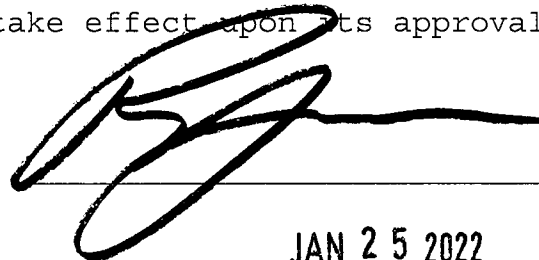
1 which transferred or appointed, as applicable; provided further
 2 that subsequent changes in status may be made pursuant to
 3 applicable employment and compensation laws. The chairperson of
 4 the commission on water resource management may prescribe the
 5 duties and qualifications of these employees and fix their
 6 salaries without regard to chapter 76, Hawaii Revised Statutes.

7 SECTION 18. All appropriations, records, equipment,
 8 machines, files, supplies, contracts, books, papers, documents,
 9 maps, and other personal property heretofore made, used,
 10 acquired, or held by the department of health relating to the
 11 functions transferred to the commission on water resource
 12 management shall be transferred with the functions to which they
 13 relate.

14 SECTION 19. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 20. This Act shall take effect upon its approval.
 17

INTRODUCED BY: _____



JAN 25 2022



H.B. NO. 2263

Report Title:

Water Quality Management; Water Pollution; Wastewater Treatment; Cesspools; Instream Flow Standards; Commission on Water Resource Management; Department of Health; Jurisdiction

Description:

Facilitates the jurisdiction transfer of water quality management, water pollution, wastewater treatment, instream flow standards, and applications for water quality from the Department of Health to the Commission on Water Resource Management.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

