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

3           " ~~{}~~ §174C-62 ~~{}~~ Declaration of water shortage~~{-}~~ and  
4 emergency. (a) The commission shall formulate a statewide plan  
5 for implementation during periods of water shortage. As a part  
6 of the plan, the commission shall adopt a reasonable system of  
7 permit classification according to source of water supply,  
8 method of extraction or diversion, use of water, or a  
9 combination thereof.

10          (b) The commission, by rule, may declare that a water  
11 shortage exists within all or part of an area, whether within or  
12 outside of a water management area, when insufficient water is  
13 available to meet the requirements of the permit system or when  
14 conditions are such as to require a temporary reduction in total  
15 water use within the area to protect water resources from  
16 serious harm. The commission shall publish a set of criteria



1 for determining when a water shortage exists~~[-]~~, including but  
2 not limited to impacts and effects of the climate crisis.

3 (c) In accordance with the plan adopted under subsection  
4 (a), the commission may impose such restrictions on one or more  
5 classes of permits and outside of management areas on well and  
6 stream diversion owners and operators as may be necessary to  
7 protect the water resources of the area from serious harm and to  
8 restore them to their previous water quantity or chloride level  
9 condition.

10 (d) A declaration of water shortage and any measures  
11 adopted pursuant thereto may be rescinded by rule by the  
12 commission.

13 (e) When a water shortage is declared, the commission  
14 shall cause a notice thereof to be published in a prominent  
15 place in a newspaper of general circulation throughout the  
16 area~~[-]~~ and the commission's website. The notice shall be  
17 published each day for the first week of the shortage and once a  
18 week ~~[thereafter]~~ for four months, followed by monthly  
19 publications until the declaration is rescinded. Publication of  
20 such notice shall serve as notice to all water users in the area  
21 of the condition of water shortage.



1 (f) The commission shall cause each permittee in the area  
2 to be notified by regular and electronic mail of any change in  
3 the conditions of the permittee's permit, any suspension  
4 thereof, or of any other restriction on the use of water for the  
5 duration of the water shortage.

6 (g) If an emergency condition arises [~~due to a water~~  
7 ~~shortage within any area~~], whether within or outside of a water  
8 management area, [~~and if the commission finds that the~~  
9 ~~restrictions imposed under subsection (c) are not sufficient to~~  
10 ~~protect the public health, safety, or welfare, or the health of~~  
11 ~~animals, fish, or aquatic life, or a public water supply, or~~  
12 ~~recreational, municipal, agricultural, or other reasonable~~  
13 ~~uses,~~] the commission may issue orders reciting the existence of  
14 such an emergency and requiring that [~~such~~] actions as the  
15 commission deems necessary to meet the emergency be taken,  
16 including but not limited to apportioning, rotating, limiting,  
17 or prohibiting the use of the water resources of the area. Any  
18 party to whom an emergency order is directed may challenge such  
19 an order but shall immediately comply with the order, pending  
20 disposition of the party's challenge. The commission shall give



1 precedence to a hearing on such challenge over all other pending  
2 matters.

3 (h) When a water shortage or emergency results in a long  
4 term or permanent reduction of the available water source, the  
5 commission may, after a hearing, modify, suspend, or revoke  
6 water use permits relying on that water source."

7 SECTION 2. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Water Shortage and Emergency; Declaration

**Description:**

Clarifies the conditions, manner, and areas in which the Commission on Water Resource Management of the Department of Land and Natural Resources can declare water shortages and emergencies. Effective 7/1/2050. (SD1)

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