
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~~[-]~~, including but not limited to impacts
4 and effects of the climate crisis.

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

12 ~~[(d) A declaration of water shortage and any measures~~
13 ~~adopted pursuant thereto may be rescinded by rule by the~~
14 ~~commission.~~

15 ~~(e)]~~ (d) When a water shortage is declared, the commission
16 shall cause a notice ~~[thereof]~~ of the water shortage to be
17 published in a prominent place in a newspaper of general
18 circulation throughout the area~~[-]~~ and on the commission's
19 website. The notice shall be published each day for the first
20 week of the shortage ~~[and]~~, once a week ~~[thereafter]~~ for four
21 months, and once a month thereafter until the declaration is



1 rescinded. The notice shall remain on the commission's website
2 until the declaration is rescinded. Publication of [~~such~~] the
3 notice shall serve as notice to all water users in the area of
4 the condition of water shortage.

5 [~~(g)~~] (e) The commission shall cause each permittee in the
6 area to be notified by regular mail and, if the permittee's
7 electronic mail address is known, by electronic mail of any
8 change in the conditions of the permittee's permit, any
9 suspension [~~thereof,~~] of the permittee's permit, or of any other
10 restriction on the use of water for the duration of the water
11 shortage.

12 [~~(g)~~] (f) 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 (c) are not sufficient to
16 protect the public health, safety, or welfare, or the health of
17 animals, fish, or aquatic life, or a public water supply, or
18 recreational, municipal, agricultural, or other reasonable uses,
19 the commission may issue orders reciting the existence of such
20 emergency and requiring that such actions as the commission
21 deems necessary to meet the emergency be taken, including but



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

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

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

15 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Commission on Water Resource Management; Water Shortage and
Emergency; 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. Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

