

JAN 28 2026

A BILL FOR AN ACT

RELATING TO A DEPARTMENT OF WATER SAFETY AND DROWNING
PREVENTION.

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

1 SECTION 1. The legislature finds that drowning is a tragic
2 yet preventable cause of injury and death. The State currently
3 has the second highest rate of deaths by drowning for residents
4 in the country and drowning is the leading cause of death for
5 children in the State. The legislature further finds that
6 drowning also threatens the State's lucrative tourism economy as
7 it is the leading cause of injury-related death for visitors.
8 While the State is home to some of the world's best ocean safety
9 lifeguards, recent policy has not prioritized drowning
10 prevention and water safety. Consequently, water safety and
11 drowning prevention organizations have experienced a chronic
12 shortage of resources and funding to ensure that residents and
13 visitors are safe in, on, and around the water.

14 The legislature further finds that the State previously
15 prioritized water safety and swim education. The Waikiki
16 memorial natatorium opened in 1927 in celebration of the State's

1 world prominence in the sport of swimming. Thousands of the
2 State's children learned to swim in its waters as a part of the
3 department of education's elementary learn-to-swim program.
4 Today, the natatorium is in a state of disrepair and the
5 department of education no longer administers a centralized
6 program for water safety and swim instruction. The legislature
7 also finds that the city and county of Honolulu is planning to
8 restore the natatorium. The legislature believes that this plan
9 should also include a parallel strategy implemented at the state
10 level to restore the department of education's water safety
11 learn to swim program.

12 The legislature additionally finds that the absence of
13 equitable swim education in the State has increased the rate of
14 drownings and has left many keiki without the water skills
15 necessary to safely enjoy the water. According to a 2018-2019
16 assessment by the Hawaii aquatics foundation, it found that only
17 two per cent of second graders have the basic skills to avoid or
18 recover from a dangerous aquatic situation and the percentage is
19 lower for low-income students. The State's high cost of living
20 leaves many parents without the time or financial resources to
21 ensure that their children acquire water safety and swimming

1 skills. The legislature additionally finds that the dearth of
2 available public pools statewide compounds these challenges,
3 especially for the economically disadvantaged. The Center for
4 Disease Control and Prevention and U.S. National Water Safety
5 Action Plan recommend "increasing access to basic swimming and
6 water safety skills training for all persons, which could reduce
7 disparities in unintentional drowning deaths".

8 The legislature additionally finds that even one targeted
9 pool-based program may have a significant impact in teaching
10 lifelong water competency and skills. Tiered swimming
11 education, where classes progress through steps, leads to more
12 proficient swimmers. It is essential that water safety and
13 drowning prevention programs are accessible to all regards of
14 race, ethnicity, socioeconomic status, language, sexual
15 orientation, family background, family income, and geographic
16 location. Thus, the State must also ensure that there is
17 support for programs addressing gender gaps and shortfalls and
18 programs that are specifically designed for individuals with
19 special needs, including adaptive swimming programs and
20 specialized water safety training.

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1 The legislature additionally finds that the department of
2 education and state leadership have not adequately scaled up in-
3 school lessons to match the gravity of need. In 2021, the
4 department of education required elementary school leadership to
5 select one grade level of their choice between kindergarten to
6 fifth grade to provide ocean safety materials to protect
7 students, prevent drownings, and promote safety. However,
8 actual pool-based lessons were not addressed. While
9 implementing tiered in-school water safety and swimming lessons
10 statewide is difficult, it is necessary to adopt this long-term
11 strategy to ensure the safety of the State's children.

12 The legislature additionally finds that while the ocean
13 provides a venue for swimming instruction, weather, ocean
14 conditions, and the availability of lifeguards affect the
15 suitability of ocean sites for instruction. Public pools offer
16 a viable alternative but come with their own set of challenges.
17 The scarcity of public pools and public pools programming,
18 combined with limited opening hours, makes it challenging to
19 learn to swim, especially for the economically disadvantaged.
20 Nevertheless, opportunities for natural partnerships to provide
21 access to swimming lessons exist between the department of

1 education and the counties, which have built many pools next to
2 schools. However, school administrators and staff have
3 hesitated to collaborate and instead have blocked progress by
4 citing easily overcome hurdles including insurance,
5 indemnification, and pool staffing. Additionally, schools
6 without a pool within walking distance must address the cost and
7 liability of transporting children to and from the pool.

8 The legislature additionally finds that to alleviate these
9 issues, the State and counties must work together to streamline
10 the hiring process for lifeguards and ensure that they are
11 compensated commensurate to their responsibilities.

12 Furthermore, the State and counties must collaborate to provide
13 more access to public pools and programming to support in-school
14 swimming programs and opportunities that fall outside of the
15 educational system.

16 The legislature additionally finds that while the
17 department of health has some oversight and accountability for
18 the rate of drownings in the State, it lacks adequate resources
19 and staffing. For example, the emergency services and injury
20 prevention system branch has a Hawaii injury prevention with a
21 core focus area of drowning prevention but there is not enough

1 authority, coordinated collaboration across agencies, or funding
2 to implement this plan effective. Furthermore, the drowning and
3 injury prevention action committee was established in 2014 and
4 for a time met regularly with a full-time drowning prevention
5 coordinator. During the COVID-19 pandemic, the action committee
6 lost its funding and paused. However, in 2024, the action
7 committee restarted with a part-time, temporary drowning
8 prevention coordinator. The legislature finds that the
9 restoration of the drowning prevention coordinator to a full-
10 time position is critical.

11 The legislature also finds that the Hawaii water safety
12 task force which was established within the department of land
13 and natural resources to regularly bring together safety
14 officials and experts from the state and counties to create
15 cohesive signage and warning policies has not convened for
16 several years, resulting in a lack of signage updates. The
17 legislature finds that the Hawaii water safety task force
18 requires more funding to perform its essential duties.

19 The legislature also finds that the State does not
20 currently have centralized oversight and coordination of pools
21 and other closed-water venues, including county swimming pools.



1 The legislature finds that a higher-level centralized solution
2 with authority and funding is needed to enact change throughout
3 the State through relevant agencies within various counties,
4 including a centralized website or application where residents
5 and tourists may obtain real-time information. Currently, such
6 information is spread across multiple websites, causing
7 confusion, and displaying a lack of coordination between
8 government agencies that have missed an opportunity to align
9 their resources. Multisectoral success will require public
10 sharing of drowning prevention strategies between agencies,
11 coordinated collaboration at all levels of government, and
12 receptiveness to public-private partnerships.

13 Accordingly, the purpose of this Act is to establish a
14 department of water safety and drowning prevention.

15 SECTION 2. The Hawaii Revised Statutes is amended by
16 adding a new chapter to be appropriately designated and to read
17 as follows:

18 **"CHAPTER**

19 **DEPARTMENT OF WATER SAFETY AND DROWNING PREVENTION**

20 **§ -1 Department of water safety and drowning prevention;**
21 **established; powers and duties.** There shall be established a

1 department of water safety and drowning prevention. The
2 department of water safety and drowning prevention shall:

3 (1) In consultation with the drowning and aquatic injury
4 prevention advisory committee and division of boating
5 and ocean recreation of the department of land and
6 natural resources, develop and maintain a statewide
7 water safety and drowning prevention strategic plan
8 and implement any recommendations made from relevant
9 agencies and organizations to continue the strategic
10 planning process;

11 (2) Coordinate with relevant agencies and organizations
12 involved in water safety statewide to ensure that
13 existing water safety and drowning prevention
14 initiatives:

15 (A) Integrate existing programs and resources; and

16 (B) Complement rather than duplicate existing
17 programs;

18 (3) Collaborate with the department of education and the
19 department of parks and recreation of each county to
20 streamline the approval processes for the utilization
21 of aquatics facilities; and



(4) Attract and promote capital investment in:

(A) Aquatics facilities development, maintenance, and restoration; and

(B) Water safety and drowning prevention programs.

§ -2 **Rules** The department of water safety and drowning prevention may adopt rules pursuant to chapter 91 to carry out the purposes of this chapter."

SECTION 3. Chapter 26, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§26- Department of water safety and drowning prevention. (a) The department of water safety and drowning prevention shall be headed by a single executive to be known as the director of water safety and drowning prevention.

(b) The director of water safety and drowning prevention shall appoint, without regard to chapter 76, a deputy director to serve at the director's pleasure.

(c) The department of water safety shall be responsible for the development, implementation, and coordination of water safety and drowning prevention programs statewide."



SECTION 4. Section 26-4, Hawaii Revised Statutes, is amended to read as follows:

"§26-4 Structure of government. Under the supervision of the governor, all executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers, and duties shall be allocated among and within the following principal departments that are hereby established:

- (1) Department of human resources development (Section 26-5);
- (2) Department of accounting and general services (Section 26-6);
- (3) Department of the attorney general (Section 26-7);
- (4) Department of budget and finance (Section 26-8);
- (5) Department of commerce and consumer affairs (Section 26-9);
- (6) Department of taxation (Section 26-10);
- (7) University of Hawaii (Section 26-11);
- (8) Department of education (Section 26-12);
- (9) Department of health (Section 26-13);
- (10) Department of human services (Section 26-14);



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- 1 (11) Department of land and natural resources (Section
- 2 26-15);
- 3 (12) Department of agriculture and biosecurity (Section
- 4 26-16);
- 5 (13) Department of Hawaiian home lands (Section 26-17);
- 6 (14) Department of business, economic development, and
- 7 tourism (Section 26-18);
- 8 (15) Department of transportation (Section 26-19);
- 9 (16) Department of labor and industrial relations (Section
- 10 26-20);
- 11 (17) Department of defense (Section 26-21);
- 12 (18) Department of corrections and rehabilitation (Section
- 13 26-14.6); ~~and~~
- 14 (19) Department of law enforcement (Section 26-14.8) ~~[]~~;
- 15 and
- 16 (20) Department of water safety and drowning prevention
- 17 (Section 26-) ."

18 SECTION 5. Section 26-52, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§26-52 Department heads and executive officers.** The
21 salaries of the following state officers shall be as follows:



1 (1) The salary of the superintendent of education shall be
2 set by the board of education. The superintendent
3 shall be subject to an annual performance evaluation
4 that is in alignment with other employee evaluations
5 within the department of education and are based on
6 outcomes determined by the board of education;
7 provided that nothing shall prohibit the board of
8 education from conditioning a portion of the salary on
9 performance;

10 (2) The salary of the president of the university of
11 Hawaii shall be set by the board of regents;

12 (3) Effective July 1, 2004, the salaries of all department
13 heads or executive officers of the departments of
14 accounting and general services; agriculture and
15 biosecurity; attorney general; budget and finance;
16 business, economic development, and tourism; commerce
17 and consumer affairs; corrections and rehabilitation;
18 Hawaiian home lands; health; human resources
19 development; human services; labor and industrial
20 relations; land and natural resources; law
21 enforcement; taxation; ~~and~~ transportation; and water



1 safety and drowning prevention shall be as last
2 recommended by the executive salary commission.
3 Effective July 1, 2007, and every six years
4 thereafter, the salaries shall be as last recommended
5 by the commission on salaries pursuant to section
6 26-56, unless rejected by the legislature; and
7 (4) The salary of the adjutant general shall be \$85,302 a
8 year. Effective July 1, 2007, and every six years
9 thereafter, the salary of the adjutant general shall
10 be as last recommended by the commission on salaries
11 pursuant to section 26-56, unless rejected by the
12 legislature, except that if the state salary is in
13 conflict with the pay and allowance fixed by the
14 tables of the regular Army or Air Force of the United
15 States, the latter shall prevail."

16 SECTION 6. Section 26-56, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) The commission shall review and recommend an
19 appropriate salary for the governor, lieutenant governor,
20 members of the legislature, justices and judges of all state
21 courts, administrative director of the State or an equivalent



1 position, and department heads or executive officers and the
2 deputies or assistants to the department heads of the
3 departments of:

4 (1) Accounting and general services;

5 (2) Agriculture and biosecurity;

6 (3) The attorney general;

7 (4) Budget and finance;

8 (5) Business, economic development, and tourism;

9 (6) Commerce and consumer affairs;

10 (7) Corrections and rehabilitation;

11 (8) Defense;

12 (9) Hawaiian home lands;

13 (10) Health;

14 (11) Human resources development;

15 (12) Human services;

16 (13) Labor and industrial relations;

17 (14) Land and natural resources;

18 (15) Law enforcement;

19 (16) Taxation; ~~and~~

20 (17) Transportation[-]; and

21 (18) Water safety and drowning prevention.



1 The commission shall not review the salary of any position
2 in the department of education or the University of Hawaii.

3 The commission may recommend different salaries for
4 department heads and executive officers and different salary
5 ranges for deputies or assistants to department heads; provided
6 that the commission shall recommend the same salary range for
7 deputies or assistants to department heads within the same
8 department; provided further that the appointing official shall
9 specify the salary for a particular position within the
10 applicable range.

11 The commission shall not recommend salaries lower than
12 salary amounts recommended by prior commissions replaced by this
13 section."

14 SECTION 7. Section 84-18, Hawaii Revised Statutes, is
15 amended by amending subsection (e) to read as follows:

16 "(e) Subject to the restrictions imposed in subsections
17 (a) through (d), the following individuals shall not represent
18 any person or business for a fee or other consideration
19 regarding any legislative action or administrative action, as
20 defined in section 97-1, for twelve months after termination
21 from their respective positions:

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- 1 (1) The governor;
- 2 (2) The lieutenant governor;
- 3 (3) The administrative director of the State;
- 4 (4) The attorney general;
- 5 (5) The comptroller;
- 6 (6) The chairperson of the board of agriculture and
- 7 biosecurity;
- 8 (7) The director of corrections and rehabilitation;
- 9 (8) The director of finance;
- 10 (9) The director of business, economic development, and
- 11 tourism;
- 12 (10) The director of commerce and consumer affairs;
- 13 (11) The adjutant general;
- 14 (12) The superintendent of education;
- 15 (13) The chairperson of the Hawaiian homes commission;
- 16 (14) The director of health;
- 17 (15) The director of human resources development;
- 18 (16) The director of human services;
- 19 (17) The director of labor and industrial relations;
- 20 (18) The chairperson of the board of land and natural
- 21 resources;



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- 1 (19) The director of law enforcement;
- 2 (20) The director of taxation;
- 3 (21) The director of transportation;
- 4 (22) The director of water safety and drowning prevention;
- 5 ~~[(+22)]~~ (23) The president of the ~~[University]~~ university of
- 6 Hawaii;
- 7 ~~[(+23)]~~ (24) The executive administrator of the board of
- 8 regents of the ~~[University]~~ university of Hawaii;
- 9 ~~[(+24)]~~ (25) The administrator of the office of Hawaiian
- 10 affairs;
- 11 ~~[(+25)]~~ (26) The chief information officer;
- 12 ~~[(+26)]~~ (27) The executive director of the agribusiness
- 13 development corporation;
- 14 ~~[(+27)]~~ (28) The executive director of the campaign spending
- 15 commission;
- 16 ~~[(+28)]~~ (29) The executive director of the Hawaii community
- 17 development authority;
- 18 ~~[(+29)]~~ (30) The executive director of the Hawaii housing
- 19 finance and development corporation;
- 20 ~~[(+30)]~~ (31) The president and chief executive officer of the
- 21 Hawaii tourism authority;



1 [~~+31+~~] (32) The executive officer of the public utilities
2 commission;
3 [~~+32+~~] (33) The state auditor;
4 [~~+33+~~] (34) The director of the legislative reference
5 bureau;
6 [~~+34+~~] (35) The ombudsman;
7 [~~+35+~~] (36) The permanent employees of the legislature,
8 other than persons employed in clerical, secretarial,
9 or similar positions;
10 [~~+36+~~] (37) The administrative director of the courts;
11 [~~+37+~~] (38) The executive director of the state ethics
12 commission;
13 [~~+38+~~] (39) The executive officer of the state land use
14 commission;
15 [~~+39+~~] (40) The executive director of the natural energy
16 laboratory of Hawaii authority;
17 [~~+40+~~] (41) The executive director of the Hawaii public
18 housing authority; and
19 [~~+41+~~] (42) The first deputy to the chairperson of the
20 commission on water resource management;



1 provided that this subsection shall not apply to any person who
2 has held one of the positions listed above only on an interim or
3 acting basis and for a period of less than one hundred eighty-
4 one days."

5 SECTION 8. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2026-2027 for
8 the establishment of the following positions with the department
9 of water safety and drowning prevention:

10 (1) One full-time equivalent (1.0 FTE) permanent director
11 position;

12 (2) One full-time equivalent (1.0 FTE) permanent deputy
13 director position;

14 (3) full-time equivalent (FTE) permanent
15 private secretary positions;

16 (4) One full-time equivalent (1.0 FTE) permanent
17 administrative services officer position; and

18 (5) One full-time equivalent (1.0 FTE) permanent human
19 resources officer position.

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1 The sum appropriated shall be expended by the department of
2 water safety and drowning prevention for the purposes of this
3 Act.

4 SECTION 9. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 10. This Act shall take effect on July 1, 2026.
7

INTRODUCED BY:

Carol Fuenmaye



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Report Title:

Department of Water Safety and Drowning Prevention;
Establishment; Positions; Appropriation

Description:

Establishes the Department of Water Safety and Drowning Prevention. Establishes the position of Director of Water Safety and Drowning Prevention. Establishes the position of Deputy Director of Water Safety and Drowning Prevention. Appropriates funds.

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