

JAN 21 2026

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# A BILL FOR AN ACT

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RELATING TO WATER.

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

1           SECTION 1. The legislature finds that effective and  
2 efficient water resource management requires consistent,  
3 experienced, and independent leadership, especially considering  
4 the climate crisis. Proper stewardship of the State's water  
5 resources will benefit present and future generations by  
6 perpetuating the natural lifeblood and cultural lifeways of  
7 these islands and providing for essential uses such as the  
8 affordable housing needs of local residents. In 1978 the people  
9 of Hawaii established article XI, section 7, of the Hawaii State  
10 Constitution, mandating the legislature to "provide for a water  
11 resources agency" to uphold the State's "obligation to protect,  
12 control and regulate the use of Hawaii's water resources for the  
13 benefit of its people". Pursuant to this mandate, in 1987, the  
14 legislature promulgated the comprehensive state water code,  
15 Chapter 174C, Hawaii Revised Statutes, which established the  
16 commission on water resources management (commission) to  
17 administer and implement the state water code.



**S.B. NO. 2002**

1       The legislature is concerned that impediments and threats  
2 to the independence of the commission has undermined its ability  
3 to fulfill its constitutional and statutory duties. Based on  
4 historical and recent experiences, the legislature finds that  
5 certain administrative structures of the commission create  
6 inherent conflicts and dependencies that impair its critical  
7 function of comprehensive water planning and management.

8       In the *Waiahole* water case, for example, the Hawaii Supreme  
9 Court expressed "serious misgivings" about the conflicts and  
10 political pressures influencing the commission which "did  
11 nothing to improve public confidence in government and the  
12 administration of justice in this state". These problems  
13 include the inherent conflict of interest that stems from the  
14 chairperson of the department of land and natural resources also  
15 presiding as the chairperson of the commission. The commission  
16 also lacks the ability to employ its own legal staff and,  
17 consequently, was left without the assistance of legal counsel  
18 in the momentous, precedent-setting *Waiahole* case when the  
19 department of the attorney general terminated its representation  
20 of the commission and opposed the commission's recommendations.



1 More recently, in the aftermath of the 2023 Maui wildfires,  
2 the commission has undergone further challenges that have  
3 undermined its effectiveness and eroded public confidence in the  
4 agency. These include controversies that arose due to the  
5 chairperson's exercise of unilateral authority over the  
6 commission in response to external political influences. In one  
7 highly publicized example, the chairperson summarily suspended  
8 legal protections of instream flows and removed the commission's  
9 deputy director, until community objects forced the  
10 administration to rescind those actions.

11 The legislature further finds that the basic governance and  
12 administrative structures of the commission do not adequately  
13 protect or ensure the commission's independence. For many  
14 years, these concerns have been acknowledged but no action has  
15 been taken. While identified reform measure have been  
16 recommended as solutions, none have been adopted.

17 In 1994, the review commission tasked with comprehensively  
18 reviewing the state water code recognized the "potential for  
19 significant conflicts" in the chairperson of the department of  
20 land natural resources also being designated by law as the  
21 chairperson of the commission. To provide the commission with



1 "greater autonomy" and "accountability" and increase  
2 "administrative distance" from the department of land and  
3 natural resources, the review commission's final report  
4 recommended various amendments to the state water code. These  
5 recommendations included removing the commission from the  
6 department of land and natural resources and "attaching the  
7 commission to the [department] for administrative purposes  
8 only"; specifying that the chairperson of the board of land and  
9 natural resources shall "be ineligible to serve as chairperson  
10 of the [commission]"; and providing that the chief executive  
11 officer of the commission shall not be a deputy director of the  
12 department of land and natural resources, but an "executive  
13 director of the [commission], appointed by and answerable to the  
14 [commission]".

15       The legislature also finds that in a similar fashion, the  
16 Model Water Code, which guided the legislature's development of  
17 the state water code, recognizes the need to establish a water  
18 commission as "an independent board" and recommends model  
19 governance and administrative provisions to support such  
20 independence. These include provisions that members of the  
21 board "shall elect" their own chairperson, and that the board



1 "shall employ an executive director as chief administrative  
2 officer" and "may employ a legal staff" to provide legal  
3 counsel, represent it in proceedings, and otherwise assist it in  
4 the administration of the water code.

5 The legislature additionally finds that as the fortieth  
6 anniversary of the establishment of the state water code and  
7 commission approaches, and the State confronts escalating  
8 challenges in the management of its freshwater resources, there  
9 is an urgent and overdue need to update the provisions for the  
10 leadership, governance, and administration of the commission so  
11 that it may be best positioned to fulfill its constitutionally  
12 and statutorily mandated responsibilities for the people of the  
13 State going forward in the twenty-first century.

14 Therefore, the legislature believes that clarification of  
15 these provisions, as well as other updates to provisions  
16 regarding penalties and emergency orders in the state water code  
17 are necessary to provide greater accountability and protection  
18 for the State's public trust water resources.

19 Accordingly, the purpose of this Act is to:

- 20 (1) Allow the commission on water resource management to  
21 retain independent legal counsel;



(2) Repeal the position of deputy to the chairperson of the commission on water resource management and establish the position of executive director of the commission on water resource management;

(3) Amend the composition and administrative structures of the commission on water resource management to provide for its separation from the department of land and natural resources;

(4) Add one member to the nominating committee for the commission on water resource management to be appointed by the chief executive officer of the Office of Hawaiian Affairs;

(5) Authorize entities to challenge an emergency order of the commission on water resource management under certain conditions; and

(6) Establish fines for certain water use offenses.

SECTION 2. Section 28-8.3, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) No department of the State other than the attorney general may employ or retain any attorney, by contract or



1 otherwise, for the purpose of representing the State or the  
2 department in any litigation, rendering legal counsel to the  
3 department, or drafting legal documents for the department;  
4 provided that the foregoing provision shall not apply to the  
5 employment or retention of attorneys:

6 (1) By the public utilities commission, the labor and  
7 industrial relations appeals board, and the Hawaii  
8 labor relations board;

9 (2) By any court or judicial or legislative office of the  
10 State; provided that if the attorney general is  
11 requested to provide representation to a court or  
12 judicial office by the chief justice or the chief  
13 justice's designee, or to a legislative office by the  
14 speaker of the house of representatives and the  
15 president of the senate jointly, and the attorney  
16 general declines to provide ~~such~~ representation on  
17 the grounds of conflict of interest, the attorney  
18 general shall retain an attorney for the court,  
19 judicial, or legislative office, subject to approval  
20 by the court, judicial, or legislative office;

21 (3) By the legislative reference bureau;



- 1 (4) By any compilation commission that may be constituted
- 2 from time to time;
- 3 (5) By the real estate commission for any action involving
- 4 the real estate recovery fund;
- 5 (6) By the contractors license board for any action
- 6 involving the contractors recovery fund;
- 7 (7) By the office of Hawaiian affairs;
- 8 (8) By the department of commerce and consumer affairs for
- 9 the enforcement of violations of chapters 480 and
- 10 485A;
- 11 (9) As grand jury counsel;
- 12 (10) By the Hawaii health systems corporation, or its
- 13 regional system boards, or any of their facilities;
- 14 (11) By the auditor;
- 15 (12) By the office of ombudsman;
- 16 (13) By the insurance division;
- 17 (14) By the [~~University~~] university of Hawaii;
- 18 (15) By the Kahoolawe island reserve commission;
- 19 (16) By the division of consumer advocacy;
- 20 (17) By the office of elections;
- 21 (18) By the campaign spending commission;





(19) By the Hawaii tourism authority, as provided in  
section 201B-2.5;

(20) By the division of financial institutions;

(21) By the office of information practices;

(22) By the school facilities authority;

(23) By the Mauna Kea stewardship and oversight authority;

[~~or~~]

(24) By the commission on water resource management; or

[~~(24)~~] (25) By a department, if the attorney general, for  
reasons deemed by the attorney general to be good and  
sufficient, declines to employ or retain an attorney  
for a department; provided that the governor waives  
the provision of this section."

2. By amending subsection (c) to read:

"(c) Every attorney employed by any department on a  
full-time basis, except an attorney employed by the public  
utilities commission, the labor and industrial relations appeals  
board, the Hawaii labor relations board, the office of Hawaiian  
affairs, the Hawaii health systems corporation or its regional  
system boards, the department of commerce and consumer affairs  
in prosecution of consumer complaints, insurance division, the



1 division of consumer advocacy, the [~~University~~] university of  
2 Hawaii, the Hawaii tourism authority as provided in section  
3 201B-2.5, the Mauna Kea stewardship and oversight authority, the  
4 commission on water resource management, the office of  
5 information practices, or as grand jury counsel, shall be a  
6 deputy attorney general."

7 SECTION 3. Section 84-18, Hawaii Revised Statutes, is  
8 amended by amending subsection (e) to read as follows:

9 "(e) Subject to the restrictions imposed in subsections  
10 (a) through (d), the following individuals shall not represent  
11 any person or business for a fee or other consideration  
12 regarding any legislative action or administrative action, as  
13 defined in section 97-1, for twelve months after termination  
14 from their respective positions:

- 15 (1) The governor;
- 16 (2) The lieutenant governor;
- 17 (3) The administrative director of the State;
- 18 (4) The attorney general;
- 19 (5) The comptroller;
- 20 (6) The chairperson of the board of agriculture and  
21 biosecurity;



- 1 (7) The director of corrections and rehabilitation;
- 2 (8) The director of finance;
- 3 (9) The director of business, economic development, and
- 4 tourism;
- 5 (10) The director of commerce and consumer affairs;
- 6 (11) The adjutant general;
- 7 (12) The superintendent of education;
- 8 (13) The chairperson of the Hawaiian homes commission;
- 9 (14) The director of health;
- 10 (15) The director of human resources development;
- 11 (16) The director of human services;
- 12 (17) The director of labor and industrial relations;
- 13 (18) The chairperson of the board of land and natural
- 14 resources;
- 15 (19) The director of law enforcement;
- 16 (20) The director of taxation;
- 17 (21) The director of transportation;
- 18 (22) The president of the [~~University~~] university of
- 19 Hawaii;
- 20 (23) The executive administrator of the board of regents of
- 21 the [~~University~~] university of Hawaii;



- 1       (24)   The administrator of the office of Hawaiian affairs;
- 2       (25)   The chief information officer;
- 3       (26)   The executive director of the agribusiness development
- 4               corporation;
- 5       (27)   The executive director of the campaign spending
- 6               commission;
- 7       (28)   The executive director of the Hawaii community
- 8               development authority;
- 9       (29)   The executive director of the Hawaii housing finance
- 10              and development corporation;
- 11       (30)   The president and chief executive officer of the
- 12              Hawaii tourism authority;
- 13       (31)   The executive officer of the public utilities
- 14              commission;
- 15       (32)   The state auditor;
- 16       (33)   The director of the legislative reference bureau;
- 17       (34)   The ombudsman;
- 18       (35)   The permanent employees of the legislature, other than
- 19              persons employed in clerical, secretarial, or similar
- 20              positions;
- 21       (36)   The administrative director of the courts;



- 1 (37) The executive director of the state ethics commission;
- 2 (38) The executive officer of the state land use
- 3 commission;
- 4 (39) The executive director of the natural energy
- 5 laboratory of Hawaii authority;
- 6 (40) The executive director of the Hawaii public housing
- 7 authority; and
- 8 (41) The [~~first deputy to the chairperson~~] executive
- 9 director of the commission on water resource
- 10 management;
- 11 provided that this subsection shall not apply to any person who
- 12 has held one of the positions listed above only on an interim or
- 13 acting basis and for a period of less than one hundred
- 14 eighty-one days."

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

17 "**§174C-5 General powers and duties.** The general  
18 administration of the state water code shall rest with the  
19 commission on water resource management. In addition to its  
20 other powers and duties, the commission:



- 1       (1) Shall carry out topographic surveys, research, and  
2             investigations into all aspects of water use and water  
3             quality;
- 4       (2) Shall designate water management areas for regulation  
5             under this chapter where the commission, after the  
6             research and investigations mentioned in  
7             paragraph (1), shall consult with the appropriate  
8             county council and county water agency, and after  
9             public hearing and published notice, finds that the  
10            water resources of the areas are being threatened by  
11            existing or proposed withdrawals of water;
- 12       (3) Shall establish an instream use protection program  
13             designed to protect, enhance, and reestablish, where  
14             practicable, beneficial instream uses of water in the  
15             State;
- 16       (4) May contract and cooperate with the various agencies  
17             of the federal government and with state and local  
18             administrative and governmental agencies or private  
19             persons;
- 20       (5) May enter, after obtaining the consent of the property  
21             owner, at all reasonable times upon any property other



1           than dwelling places for the purposes of conducting  
2           investigations and studies or enforcing any of the  
3           provisions of this code, being liable, however, for  
4           actual damage done. If consent cannot be obtained,  
5           reasonable notice shall be given prior to entry;

6           (6) Shall cooperate with federal agencies, other state  
7           agencies, county or other local governmental  
8           organizations, and all other public and private  
9           agencies created for the purpose of utilizing and  
10          conserving the waters of the State, and assist these  
11          organizations and agencies in coordinating the use of  
12          their facilities and participate in the exchange of  
13          ideas, knowledge, and data with these organizations  
14          and agencies. For this purpose the commission shall  
15          maintain an advisory staff of experts;

16          (7) Shall prepare, publish, and issue printed pamphlets  
17          and bulletins as the commission deems necessary for  
18          the dissemination of information to the public  
19          concerning its activities;

20          (8) May appoint and remove agents, including hearings  
21          officers and consultants, necessary to carry out the



1 purposes of this chapter, who may be engaged by the  
2 commission without regard to the requirements of  
3 chapter 76 and section 78-1;

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

5 (10) May appoint and dismiss attorneys as may be necessary,  
6 who shall be exempt from chapter 76;

7 [~~+10+~~] (11) May acquire, lease, and dispose of real and  
8 personal property as may be necessary in the  
9 performance of its functions, including the  
10 acquisition of real property for the purpose of  
11 conserving and protecting water and water related  
12 resources as provided in section 174C-14;

13 [~~+11+~~] (12) Shall identify, by continuing study, those areas  
14 of the State where salt water intrusion is a threat to  
15 fresh water resources and report its findings to the  
16 appropriate county mayor and council and the public;

17 [~~+12+~~] (13) Shall provide coordination, cooperation, or  
18 approval necessary to the effectuation of any plan or  
19 project of the federal government in connection with  
20 or concerning the waters of the State. The commission  
21 shall approve or disapprove any federal plans or





1 projects on behalf of the State. No other agency or  
2 department of the State shall assume the duties  
3 delegated to the commission under this paragraph;  
4 except that the department of health shall continue to  
5 exercise the powers vested in it with respect to water  
6 quality, and except that the department of business,  
7 economic development, and tourism shall continue to  
8 carry out its duties and responsibilities under  
9 chapter 205A;

10 [~~(13)~~] (14) Shall plan and coordinate programs for the  
11 development, conservation, protection, control, and  
12 regulation of water resources, based upon the best  
13 available information, and in cooperation with federal  
14 agencies, other state agencies, county or other local  
15 governmental organizations, and other public and  
16 private agencies created for the utilization and  
17 conservation of water;

18 [~~(14)~~] (15) Shall catalog and maintain an inventory of all  
19 water uses and water resources; and

20 [~~(15)~~] (16) Shall determine appurtenant water rights,  
21 including but not limited to the quantification of the



1 amount of water and the specification of the water  
2 course or the means of access and delivery entitled to  
3 by that right, which determination shall be valid for  
4 purposes of this chapter."

5 SECTION 5. Section 174C-6, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"§174C-6 ~~[Deputy to the chairperson]~~ Executive director of**  
8 **the commission on water resource management.** (a) There shall  
9 be ~~[a first deputy to the chairperson]~~ an executive director of  
10 the commission on water resource management ~~[("deputy for water~~  
11 ~~resource management") who shall be in addition to any other~~  
12 ~~first deputy to the chairperson as the chairperson of the board~~  
13 ~~of land and natural resources. The deputy], who~~ shall have  
14 experience in the area of water resources and shall be appointed  
15 by ~~[the chairperson with the approval of a majority of]~~ the  
16 commission~~[-]~~ and serve at the pleasure of the commission.

17 (b) The duties of the ~~[deputy]~~ executive director for  
18 water resource management shall be to administer and implement,  
19 under the direction of the commission, the state water code ~~[and~~  
20 ~~all], the~~ rules, and other directives ~~[promulgated in accordance~~  
21 ~~therewith]~~ adopted by the commission. Nothing in this



1 ~~[provision]~~ section shall be construed as limiting the authority  
2 of the commission as to matters regarding water resources.

3 (c) The position of ~~[deputy]~~ executive director for water  
4 resource management ~~[is not]~~ shall not be subject to chapter 76.

5 (d) The salary of the ~~[deputy]~~ executive director for  
6 water resource management shall be ~~[as provided in section 26-53~~  
7 ~~for first deputies or first assistants to the head of any~~  
8 ~~department.]~~ set by the commission and the executive director  
9 shall be included in any benefit program generally applicable to  
10 the officers and employees of the State.

11 (e) The commission shall develop and document annual goals  
12 and performance measures for the executive director that  
13 authorize the commission to annually evaluate the executive  
14 director's work to ensure compliance by the commission with  
15 statutory and constitutional requirements and achievement of its  
16 statutory and constitutional purposes.

17 (f) The commission shall evaluate and document the  
18 evaluation of the executive director's performance annually, or  
19 more frequently upon the request of at least four members of the  
20 commission, based on annual goals, performance measures, and  
21 other relevant criteria."



SECTION 6. Section 174C-7, Hawaii Revised Statutes, is amended to read as follows:

**"§174C-7 Commission on water resource management. (a)**

There is established [~~within the department~~] a commission on water resource management consisting of seven members which shall have exclusive jurisdiction and final authority in all matters relating to implementation and administration of the state water code, except as otherwise specifically provided in this chapter. The commission shall be attached to the department of land and natural resources for administrative purposes only.

(b) Five members shall be appointed by the governor subject to confirmation by the senate in the manner prescribed in subsection [~~(d)~~]. (e). Each member shall have substantial experience in the area of water resource management; provided that at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage [~~such as~~] including those preserved by section 174C-101. Each of the members shall be eligible to serve as the chairperson of the



1 commission upon election by a majority of the commission  
2 members.

3 (c) The chairperson of the board of land and natural  
4 resources [~~shall be the chairperson of the commission. The~~] and  
5 the director of health or the director's designee shall serve as  
6 [an] ex officio[+], [+] voting [~~member.~~] members, but shall not  
7 be eligible to serve as chairperson of the commission.

8 [~~(e)~~] (d) The members of the commission shall serve  
9 without compensation but shall be reimbursed for expenses,  
10 including travel expenses, necessary for the performance of  
11 their duties.

12 [~~(d)~~] (e) In appointing a member to the commission, the  
13 governor shall select from a list submitted by a nominating  
14 committee. The nominating committee shall be composed of [~~four~~]  
15 five individuals chosen as follows: two persons appointed by  
16 the governor; one person appointed by the president of the  
17 senate; [~~and~~] one person appointed by the speaker of the  
18 house[~~-~~]; and one person appointed by the chief executive  
19 officer of the office of Hawaiian affairs. The committee shall  
20 solicit applications and send to the governor the names of at  
21 least three individuals for each open position.



1       ~~[(e)]~~ (f) Except as otherwise provided in this chapter,  
2 the commission shall be subject to sections 26-34, 26-35, and  
3 26-36."

4       SECTION 7. Section 174C-9, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "~~[(f)]~~**\$174C-9**~~[(f)]~~ **Proceedings before the commission**  
7 **concerning water resources.** (a) All proceedings before the  
8 commission concerning the enforcement or application of any  
9 provision of this chapter or any rule adopted pursuant thereto,  
10 or the issuance, modification, or revocation of any permit or  
11 license under this code by the commission, shall be conducted in  
12 accordance with chapter 91. Hearings regarding particular water  
13 resources shall be conducted on the island where those water  
14 resources are located.

15       (b) Any party to whom an emergency order is directed may  
16 challenge that order but shall immediately comply with the order  
17 pending disposition of the party's challenge. The commission  
18 shall give precedence to a hearing on the challenge over all  
19 other pending matters."

20       SECTION 8. Section 174C-15, Hawaii Revised Statutes, is  
21 amended to read as follows:



1        **"§174C-15 Penalties and common law remedies.** (a) The  
2 commission may enforce its rules and orders adopted pursuant to  
3 this chapter by suit for injunction or for damages or both.

4        (b) Any person who ~~[violates any]~~:

5        (1) Violates any provision of this chapter[~~, or any~~];

6        (2) Violates any rule adopted pursuant to this chapter[~~,~~  
7        may];

8        (3) Violates any order of the commission;

9        (4) Fails to obtain a permit when a permit is required  
10       pursuant to this chapter;

11       (5) Fails to comply with permit conditions; or

12       (6) Fails to comply with standardized water audit  
13       requirements pursuant to Act 169, Session Laws of  
14       Hawaii 2016,

15 shall be subject to a fine imposed by the commission. ~~[Such]~~

16 The fine shall not be less than \$250 and shall not exceed

17 ~~[\$5,000. For a continuing offense, each day during which the~~  
18 ~~offense is committed is a separate violation.]~~ \$60,000 per

19 violation. Each day that a violation exists or continues to

20 exist shall constitute a separate offense. Penalties for

21 continuing violations shall be assessed from the earliest known



1 date of the violation. The earliest known date of a violation  
2 shall be determined by the commission by a preponderance of the  
3 evidence; provided that if the earliest known date cannot be  
4 determined by a preponderance of evidence, penalties for  
5 continuing violations shall be assessed from the earliest date  
6 the commission is made aware of the violation.

7 (c) When imposing a penalty, the commission shall consider  
8 factors, including but not limited to the following:

9 (1) The nature, circumstances, extent, gravity, and  
10 history of the violation and of any prior violations;

11 (2) The economic benefit to the violator, or anticipated  
12 by the violator, resulting from the violation;

13 (3) The potential or actual harm to water resources, other  
14 water users, or the environment;

15 (4) The violator's good faith efforts to comply;

16 (5) The violator's degree of culpability; and

17 (6) Any other matters as justice may require.

18 ~~[(c)]~~ (d) No provision of this chapter shall bar the right  
19 of any injured person to seek other legal or equitable relief  
20 against a violator of this chapter.





1        [~~(d)~~] (e) Except as otherwise provided by law, the  
2        commission or its authorized representative by proper delegation  
3        [~~may~~] shall set, charge, and collect administrative fines [~~or~~];  
4        may bring legal action to recover administrative fees and costs  
5        as documented by receipts or affidavit, including attorneys'  
6        fees and costs; [~~or~~] and may bring legal action to recover  
7        administrative fines, fees, and costs, including attorneys' fees  
8        and costs, or payment for damages resulting from a violation of  
9        this chapter or any rule adopted pursuant to this chapter."

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

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

18        (b) The commission, by rule, may declare that a water  
19        shortage exists within all or part of an area, whether within or  
20        outside of a water management area, when insufficient water is  
21        available to meet the requirements of the permit system or when



1 conditions [~~are such as to~~] require a temporary reduction in  
2 total water use within the area to protect water resources from  
3 serious harm. The commission shall publish a set of criteria  
4 for determining when a water shortage exists~~[-]~~, including but  
5 not limited to impacts and effects of the climate crisis.

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

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

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



1 months, followed by monthly publications until the declaration  
2 is rescinded. Publication of [~~such~~] the notice shall serve as  
3 notice to all water users in the area of the condition of water  
4 shortage.

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

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



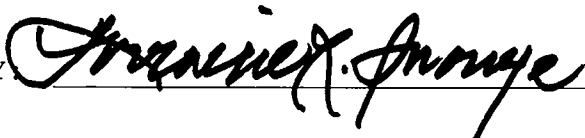
1 the use of the water resources of the area. Any party to whom  
2 an emergency order is directed may challenge [~~such an~~] the order  
3 but shall immediately comply with the order, pending disposition  
4 of the party's challenge. The commission shall give precedence  
5 to a hearing on [~~such~~] the challenge over all other pending  
6 matters."

7 SECTION 10. 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 11. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 12. This Act shall take effect upon its approval.

16  
INTRODUCED BY





# S.B. NO. 2002

**Report Title:**

CWRM; BLNR; OHA; Responsibilities; Commission Membership; Executive Director; Independent Legal Counsel; Emergency Order; Water Emergencies

**Description:**

Allows the Commission on Water Resource Management to retain independent counsel. Repeals the First Deputy to the Chairperson of CWRM. Establishes the Executive Director of the CWRM. Administratively attaches the CWRM to the Department of Land and Natural Resources. Authorizes members of CWRM to be eligible to serve as chairperson. Requires the Chairperson of the Board of Land and Natural Resources and Director of Health to serve as ex officio voting members ineligible to serve as chairperson. Adds one member to the nominating committee for CWRM, to be appointed by the Chief Executive Officer of the Office of Hawaiian Affairs. Authorizes entities to whom an emergency order is directed to challenge the order under certain conditions. Clarifies the notification requirements and contents of declarations of water shortages. Establishes fines. Makes conforming amendments.

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

