

## ACT 10

H.B. NO. 688

A Bill for an Act Relating to the Effective Date of Existing Uses Under the Water Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 174C-50, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) All existing uses of water in a designated water management area, except those exempted from regulation by this chapter, may be continued after [July 1, 1987,] the effective date of designation only with a permit issued in accordance with sections 174C-51, 174C-52, and 174C-53(b).

(b) After publication as provided in section 174C-52, the commission shall issue a permit for the continuation of a use in existence on [July 1, 1987,] the effective date of designation, if the criteria in subsection (a) are met and the existing use is reasonable and beneficial.

Whether the existing use is a reasonable-beneficial use and is allowable under the common law of the State shall be determined by the commission after a hearing; provided that the commission may make such a determination without a hearing, if the quantity of water applied for does not exceed an amount per month established by rule or if the quantity of water applied for exceeds an amount per month established by rule, but no objection to the application is filed by any person having standing to file an objection. In determining whether an application does not exceed the amount per month established by rule, the commission shall consider an average of water use over the three-month period immediately preceding the filing of the application.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act, upon its approval, shall take effect retroactive to July 1, 1987.

(Approved April 19, 2001.)