
A BILL FOR AN ACT

RELATING TO WATER RIGHTS.

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

1 SECTION 1. Section 174C-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§174C-15 Penalties and common law and other remedies.**

4 (a) The commission may enforce its rules and orders adopted
5 pursuant to this chapter by suit for injunction or for damages
6 or both.

7 (b) Any person who violates any provision of this chapter,
8 or any rule adopted pursuant to this chapter, may be subject to
9 a fine imposed by the commission. [~~Such~~] The fine shall not
10 exceed \$5,000. For a continuing offense, each day during which
11 the offense is committed is a separate violation.

12 (c) No provision of this chapter shall bar the right of
13 any injured person to seek other legal or equitable relief
14 against a violator of this chapter.

15 (d) Except as otherwise provided by law, the commission or
16 its authorized representative by proper delegation may set,
17 charge, and collect administrative fines or bring legal action
18 to recover administrative fees and costs as documented by



1 receipts or affidavit, including attorneys' fees and costs; or
2 bring legal action to recover administrative fines, fees, and
3 costs, including attorneys' fees and costs, or payment for
4 damages resulting from a violation of this chapter or any rule
5 adopted pursuant to this chapter.

6 (e) No provision in this chapter shall bar or prevent any
7 person from bringing any action before the circuit court
8 pursuant to the provisions of chapter 664."

9 SECTION 2. Section 664-32, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§664-32 Jurisdiction.** The circuit courts shall have
12 immediate jurisdiction to hear and determine, without prior
13 consultation with or review by the commission on water resource
14 management or any other agency or department or the intervention
15 of a jury, all controversies respecting rights of private way
16 and water rights, as in this part provided."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

~~AND~~ A.C. Leahy

JAN 19 2010



Report Title:

Water Rights; Commission of Water Resource Management

Description:

Establishes that action may be brought directly before circuit court to enforce water rights pursuant to the provisions of chapter 664, HRS (boundaries, fences, ways, water rights).

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

