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# A BILL FOR AN ACT

RELATING TO WATER.

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

1 PART I

2 SECTION 1. The legislature finds that the United States  
3 Navy's Red Hill Bulk Fuel Storage Facility consists of twenty  
4 steel-lined underground storage tanks that were built from 1940  
5 to 1943. Each tank can store 12.5 million gallons of fuel; in  
6 total, the Red Hill Bulk Fuel Storage Facility can store up to  
7 two hundred fifty million gallons. The tanks are located only  
8 about one hundred feet above the United States Environmental  
9 Protection Agency's designated sole-source groundwater aquifer  
10 that provides drinking water to approximately four hundred  
11 thousand residents of the island of Oahu. Over the past eighty  
12 years, numerous spills have occurred at Red Hill. Specifically,  
13 on November 20, 2021, about ninety-three thousand individuals  
14 served by the Navy's potable water system for Joint Base Pearl  
15 Harbor-Hickam were directly affected when the Navy's Red Hill  
16 shaft was contaminated by the release of up to nineteen thousand  
17 gallons of fuel, including JP-5 jet fuel, older fuels stored at



1 the Red Hill Bulk Fuel Storage Facility, and any additives used.  
2 Over six thousand individuals sought medical attention, and one  
3 thousand were forced to leave their homes due to the  
4 contamination. Much of the fuel released from the Red Hill Bulk  
5 Fuel Storage Facility remains in the environment, trapped within  
6 the complex geological formations beneath and near the tanks.

7 The legislature further finds that on May 9, 2023,  
8 officials from the State and city and county of Honolulu signed  
9 a unified statement on Red Hill, recognizing the stewardship  
10 responsibility to ensure that there is clean water on Oahu for  
11 future generations. The Red Hill Water Alliance Initiative  
12 (WAI), a working group, met regularly in 2023 since the signing  
13 of the unified statement. The Red Hill WAI posed questions,  
14 conducted research, listened to subject-matter experts, and  
15 formulated recommended policies.

16 The legislature also finds that the Red Hill WAI's approach  
17 of total stewardship responsibility required a stance of  
18 extending beyond statutory roles, specific responsibilities,  
19 tenure in those roles, and even personal lifetimes. Its inquiry  
20 included the pursuit of critical questions for which there may



1 currently be no answers. Thus, the pursuit of those answers is  
2 part of the ongoing work.

3 The legislature notes that besides its regulatory functions  
4 under federal and state environmental laws, the State also has  
5 unique public trust responsibilities set forth in the Hawaii  
6 State Constitution, which establishes an affirmative duty of the  
7 State to preserve and protect public trust resources, including  
8 water resources.

9 The legislature additionally finds that the focus of the  
10 Red Hill WAI's inquiry is the remediation needs after the  
11 defueling of the tanks and removal of residual fuel and  
12 contaminants from the Red Hill Bulk Fuel Storage Facility. In  
13 particular, the Red Hill WAI is concerned with the unknowns  
14 posed by fuel contaminants already in the ground, as well as the  
15 residuals of the fuel plume in the aquifer as a result of the  
16 spill that occurred on November 20, 2021. In fact, there may be  
17 as many as 1,940,000 gallons of fuel constituents in the ground  
18 that have leaked or spilled over eight decades. Pursuant to a  
19 proactive approach, the Red Hill WAI seeks to describe the  
20 remediation it believes necessary for the future well-being of  
21 the aquifer in which there is a negligible risk to current and



1 future water sources, including the Halawa Shaft, Halawa wells,  
2 and Aiea wells; the water distribution system; and the  
3 ecosystem, including springs, streams, and nearshore waters.

4 After much diligent work, the Red Hill WAI issued a public  
5 report in November 2023 that set forth its findings and  
6 recommendations. Some of the recommendations can only be  
7 addressed by the federal government, while other recommendations  
8 can be undertaken by the State and city and county of Honolulu.  
9 Moreover, the legislature finds that there must be no delay in  
10 adopting the recommendations of the Red Hill WAI, especially  
11 those that can be implemented at the state and county levels.

12 Therefore, the purpose of this part is to:

- 13 (1) Establish within the office of the chairperson of the
- 14 board of land and natural resources a policy lead and
- 15 coordinator for Red Hill WAI initiatives;
- 16 (2) Create the Red Hill remediation special fund; and
- 17 (3) Appropriate funds for these purposes.

18 SECTION 2. The Hawaii Revised Statutes is amended by  
19 adding a new chapter to be appropriately designated and to read  
20 as follows:

21 **"CHAPTER**



**RED HILL WATER ALLIANCE INITIATIVE**

§ -1 **Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:

"Board" means the board of land and natural resources.

"Chairperson" means the chairperson of the board of land and natural resources.

"Department" means the department of land and natural resources.

"Red Hill Water Alliance Initiative" means the group of individuals composed of the governor, speaker of the house of representatives, president of the senate, chairperson of the board of land and natural resources and commission on water resource management, president of the University of Hawaii, mayor of the city and county of Honolulu, chairperson of the Honolulu city council, and manager and chief engineer of the Honolulu board of water supply that issued a public report in November 2023 concerning the remediation of Red Hill following the defueling of the Red Hill Bulk Fuel Storage Facility.

"Special fund" means the Red Hill remediation special fund.

"WAI" means the Red Hill Water Alliance Initiative.



1           **§ -2 Policy lead and coordination.** (a) The department  
2 shall serve as the State's policy lead on WAI initiatives  
3 through the position of the WAI policy coordinator, to be placed  
4 in the office of the chairperson. The WAI policy coordinator  
5 shall work with respective state and county agencies and other  
6 groups.

7           (b) The WAI policy coordinator shall:

8           (1) Facilitate implementation and monitoring and interface  
9 with federal entities on WAI initiatives outlined in  
10 the WAI's November 2023 report;

11          (2) Periodically and regularly review:

12           (A) The health status of the ecosystem; and

13           (B) The state of science and opportunities for  
14 remediation and rehabilitation;

15          (3) Develop and maintain a public-facing test results  
16 dashboard describing the significance of results from  
17 the State and city and county of Honolulu, as part of  
18 a broader public education program; and

19          (4) Coordinate the implementation of a thirty-six-month  
20 public information and education program to describe,  
21 inform, and educate the general public and



1 institutions on the post-defueling remediation phases  
2 for Red Hill to restore public trust, secure public  
3 support, and address health and environmental  
4 concerns.

5 (c) No later than December 1, 2024, the WAI policy  
6 coordinator shall submit a report to the legislature regarding  
7 the potential organizational structure, responsibilities,  
8 duties, and powers of a proposed Red Hill remediation authority,  
9 based on the provisions of House Bill No. 2691, introduced  
10 during the regular session of 2024, as the starting point.

11 **§ -3 Red Hill remediation special fund.** (a) There is  
12 established in the state treasury the Red Hill remediation  
13 special fund into which shall be deposited the following moneys:

14 (1) Appropriations by the legislature to the special fund;

15 (2) Gifts, donations, and grants from public agencies,  
16 including the United States government, and private  
17 persons; and

18 (3) All interest earned on or accrued to moneys deposited  
19 in the special fund.

20 (b) The special fund shall be administered by the WAI  
21 policy coordinator.



1 (c) The moneys in the special fund shall be used to  
2 address contamination resulting from the Red Hill Bulk Fuel  
3 Storage Facility, including monitoring, applied research, public  
4 outreach and education, and evaluation; provided that the cost  
5 of remediation of the aquifer shall be borne by the federal  
6 government.

7 § -4 **Cooperation by state and county agencies.** All  
8 state and county agencies shall provide all information and data  
9 requested by the WAI policy coordinator within thirty calendar  
10 days; provided that the WAI policy coordinator may, in the  
11 coordinator's discretion, set a longer deadline.

12 § -5 **Report.** The WAI policy coordinator shall submit a  
13 report of the coordinator's activities and expenditures to the  
14 legislature, governor, and mayor and city council of the city  
15 and county of Honolulu no later than December 1 of each year,  
16 beginning in 2024."

17 SECTION 3. The following positions, which shall be exempt  
18 from chapter 76, Hawaii Revised Statutes, are established in the  
19 office of the chairperson of the board of land and natural  
20 resources for the purposes of Red Hill WAI policy coordination:





- 1 (1) full-time equivalent ( FTE) policy
- 2 coordinator;
- 3 (2) full-time equivalent ( FTE) outreach
- 4 coordinator; and
- 5 (3) full-time equivalent ( FTE) administrative
- 6 assistant.

7 SECTION 4. In accordance with section 9 of article VII of  
 8 the Hawaii State Constitution and sections 37-91 and 37-93,  
 9 Hawaii Revised Statutes, the legislature has determined that the  
 10 appropriations contained in H.B. No. , will cause the state  
 11 general fund expenditure ceiling for fiscal year 2024-2025 to be  
 12 exceeded by \$ or per cent. In addition, the  
 13 appropriations contained in this Act will cause the general fund  
 14 expenditure ceiling for fiscal year 2024-2025 to be further  
 15 exceeded by \$ or per cent. The combined total  
 16 amount of general fund appropriations contained in only these  
 17 two Acts will cause the state general fund expenditure ceiling  
 18 for fiscal year 2024-2025 to be exceeded by  
 19 \$ or per cent. The reasons for exceeding the  
 20 general fund expenditure ceiling are that:



1 (1) The appropriations made in this Act are necessary to  
2 serve the public interest; and

3 (2) The appropriations made in this Act meet the needs  
4 addressed by this Act.

5 SECTION 5. 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 2024-2025 for  
8 the positions identified in section 3 of this Act for Red Hill  
9 WAI policy coordination.

10 The sum appropriated shall be expended by the department of  
11 land and natural resources for the purposes of this Act.

12 SECTION 6. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so  
14 much thereof as may be necessary for fiscal year 2024-2025 for  
15 ecosystem monitoring of the area surrounding the Red Hill Bulk  
16 Fuel Storage Facility by the department of land and natural  
17 resources.

18 The sum appropriated shall be expended by the department of  
19 land and natural resources for the purposes of this Act.

20 PART II



1           SECTION 7. The legislature finds that effective and  
2 efficient water resource management requires continuous and  
3 experienced leadership, especially given the climate crisis and  
4 urgent need to properly steward water resources to meet the  
5 affordable housing needs of local residents. On December 28,  
6 1994, the review commission on the state water code submitted  
7 its final report to the legislature pursuant to Act 45, Session  
8 Laws of Hawaii 1987. The review commission determined that  
9 amendments to the state water code were necessary to enable the  
10 commission on water resource management to more effectively  
11 carry out its mandate pursuant to article XI, section 7, of the  
12 Hawaii State Constitution to "set overall water conservation,  
13 quality and use policies; define beneficial and reasonable uses;  
14 protect ground and surface water resources, watersheds and  
15 natural stream environments; establish criteria for water use  
16 priorities while assuring appurtenant rights and existing  
17 correlative and riparian uses and establish procedures for  
18 regulating all uses of Hawaii's water resources". Therefore,  
19 further clarification of the commission on water resource  
20 management's purpose, including its leadership structure and the



1 composition of the commission, will provide greater  
2 accountability and protection of the State's waters.

3 The purpose of this part is to:

4 (1) Repeal the position of deputy to the chairperson of  
5 the commission and establish the position of executive  
6 director of the commission;

7 (2) Amend the composition of the commission and  
8 administratively attach it to the department of land  
9 and natural resources; and

10 (3) Establish fines for certain water use offenses.

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

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

19 (1) The governor;

20 (2) The lieutenant governor;

21 (3) The administrative director of the State;



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



- 1           (23) The executive administrator of the board of regents of
- 2                   the University of Hawaii;
- 3           (24) The administrator of the office of Hawaiian affairs;
- 4           (25) The chief information officer;
- 5           (26) The executive director of the agribusiness development
- 6                   corporation;
- 7           (27) The executive director of the campaign spending
- 8                   commission;
- 9           (28) The executive director of the Hawaii community
- 10                   development authority;
- 11           (29) The executive director of the Hawaii housing finance
- 12                   and development corporation;
- 13           (30) The president and chief executive officer of the
- 14                   Hawaii tourism authority;
- 15           (31) The executive officer of the public utilities
- 16                   commission;
- 17           (32) The state auditor;
- 18           (33) The director of the legislative reference bureau;
- 19           (34) The ombudsman;



1 (35) The permanent employees of the legislature, other than  
2 persons employed in clerical, secretarial, or similar  
3 positions;

4 (36) The administrative director of the courts;

5 (37) The executive director of the state ethics commission;

6 (38) The executive officer of the state land use  
7 commission;

8 (39) The executive director of the natural energy  
9 laboratory of Hawaii authority;

10 (40) The executive director of the Hawaii public housing  
11 authority; and

12 (41) The [~~first deputy to the chairperson~~] executive  
13 director of the commission on water resource  
14 management;

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

19 SECTION 9. Section 174C-6, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "~~§174C-6 [Deputy to the chairperson]~~ Executive director of  
2 the commission on water resource management. (a) There shall  
3 be ~~[a first deputy to the chairperson]~~ an executive director of  
4 the commission on water resource management [~~("deputy for water  
5 resource management")~~ who shall be in addition to any other  
6 ~~first deputy to the chairperson as the chairperson of the board  
7 of land and natural resources. The deputy],~~ who shall have  
8 experience in the area of water resources and shall be appointed  
9 by ~~[the chairperson with the approval of a majority of]~~ the  
10 commission[-] and serve at the pleasure of the commission.

11           (b) The duties of the ~~[deputy for]~~ executive director of  
12 the commission on water resource management shall be to  
13 administer and implement, under the direction of the commission,  
14 the state water code ~~[and all],~~ the rules, and other directives  
15 ~~[promulgated in accordance therewith]~~ adopted by the commission.  
16 Nothing in this ~~[provision]~~ section shall be construed as  
17 limiting the authority of the commission as to matters regarding  
18 water resources.

19           (c) The position of ~~[deputy for]~~ executive director of the  
20 commission on water resource management ~~[is not]~~ shall not be  
21 subject to chapter 76.





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

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

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

18 SECTION 10. Section 174C-7, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§174C-7 Commission on water resource management.** (a)

21 There is established within the department a commission on water



1 resource management consisting of seven members which shall have  
2 exclusive jurisdiction and final authority in all matters  
3 relating to implementation and administration of the state water  
4 code, except as otherwise specifically provided in this chapter.  
5 The commission shall be attached to the department of land and  
6 natural resources for administrative purposes only.

7 (b) Five members shall be appointed by the governor  
8 subject to confirmation by the senate in the manner prescribed  
9 in subsection ~~[(d)].~~ (e). Each member shall have substantial  
10 experience in the area of water resource management; provided  
11 that at least one member shall have substantial experience or  
12 expertise in traditional Hawaiian water resource management  
13 techniques and in traditional Hawaiian riparian usage such as  
14 those preserved by section 174C-101. Each of the members shall  
15 be eligible to serve as the chairperson of the commission upon  
16 election by a majority of the commission members.

17 (c) The chairperson of the board of land and natural  
18 resources ~~[shall be the chairperson of the commission. The]~~ and  
19 the director of health or the director's designee shall serve as  
20 ~~[an]~~ ex officio~~[f], [t]~~ voting ~~[member.]~~ members but shall be  
21 ineligible to serve as chairperson of the commission.



1           ~~(c)~~ (d) The members of the commission shall serve  
2 without compensation but shall be reimbursed for expenses,  
3 including travel expenses, necessary for the performance of  
4 their duties.

5           ~~(d)~~ (e) In appointing a member to the commission, the  
6 governor shall select from a list submitted by a nominating  
7 committee. The nominating committee shall be composed of four  
8 individuals chosen as follows: two persons appointed by the  
9 governor; one person appointed by the president of the senate;  
10 and one person appointed by the speaker of the house. The  
11 committee shall solicit applications and send to the governor  
12 the names of at least three individuals for each open position.

13           ~~(e)~~ (f) Except as otherwise provided in this chapter,  
14 the commission shall be subject to sections 26-34, 26-35, and  
15 26-36."

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

18           "~~{}~~§174C-9~~{}~~ **Proceedings before the commission**  
19 **concerning water resources.** (a) All proceedings before the  
20 commission concerning the enforcement or application of any  
21 provision of this chapter or any rule adopted pursuant thereto,



1 or the issuance, modification, or revocation of any permit or  
2 license under this code by the commission, shall be conducted in  
3 accordance with chapter 91. Hearings regarding particular water  
4 resources shall be conducted on the island where those water  
5 resources are located.

6 (b) Any party to whom an emergency order is directed may  
7 challenge that order but shall immediately comply with the order  
8 pending disposition of the party's challenge. The commission  
9 shall give precedence to a hearing on the challenge over all  
10 other pending matters."

11 SECTION 12. Section 174C-15, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§174C-15 Penalties and common law remedies.** (a) The  
14 commission may enforce its rules and orders adopted pursuant to  
15 this chapter by suit for injunction or for damages or both.

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

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

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

20 (3) Violates any order of the commission;



1        (4) Fails to obtain a permit when a permit is required  
2            pursuant to this chapter;  
3        (5) Fails to comply with permit conditions; or  
4        (6) Fails to comply with standardized water audit  
5            requirements pursuant to Act 169, Session Laws of  
6            Hawaii 2016,  
7 shall be subject to a fine imposed by the commission. [Such]  
8 The fine shall be not less than \$50 and shall not exceed  
9 [\$5,000. For a continuing offense, each day during which the  
10 offense is committed is a separate violation.] \$25,000 per  
11 violation. Each day that a violation exists or continues to  
12 exist shall constitute a separate offense. Penalties for  
13 continuing violations shall be assessed from the earliest known  
14 date of the violation. The earliest known date of a violation  
15 shall be determined by the commission by a preponderance of the  
16 evidence; provided that if the earliest known date cannot be  
17 determined by a preponderance of evidence, penalties for  
18 continuing violations shall be assessed from the earliest date  
19 that the commission is made aware of the violation.



1        (c) When imposing a penalty, the commission shall consider  
2 the following factors, which shall include but not be limited  
3 to:

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

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

8        (3) The opportunity, difficulty, and history of corrective  
9 action;

10       (4) Good faith efforts to comply;

11       (5) Degree of culpability; and

12       (6) Other matters as justice may require.

13       [~~e~~] (d) No provision of this chapter shall bar the right  
14 of any injured person to seek other legal or equitable relief  
15 against a violator of this chapter.

16       [~~d~~] (e) Except as otherwise provided by law, the  
17 commission or its authorized representative by proper delegation  
18 [~~may~~] shall set, charge, and collect administrative fines [~~e~~];  
19 may bring legal action to recover administrative fees and costs  
20 as documented by receipts or affidavit, including [~~attorneys'~~]  
21 attorney's fees and costs; [~~e~~] and may bring legal action to



1 recover administrative fines, fees, and costs, including  
2 [~~attorneys'~~] attorney's fees and costs, or payment for damages  
3 resulting from a violation of this chapter or any rule adopted  
4 pursuant to this chapter."

5 SECTION 13. Section 174C-62, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "~~[§]~~**§174C-62**~~[§]~~ **Declaration of water shortage.** (a) The  
8 commission shall formulate a statewide plan for implementation  
9 during periods of water shortage. As a part of the plan, the  
10 commission shall adopt a reasonable system of permit  
11 classification according to source of water supply, method of  
12 extraction or diversion, use of water, or a combination thereof.

13 (b) The commission, by rule, may declare that a water  
14 shortage exists within all or part of an area, whether within or  
15 outside of a water management area, when insufficient water is  
16 available to meet the requirements of the permit system or when  
17 conditions [~~are such as to~~] require a temporary reduction in  
18 total water use within the area to protect water resources from  
19 serious harm. The commission shall publish a set of criteria  
20 for determining when a water shortage exists~~[=]~~, including but  
21 not limited to impacts and effects of the climate crisis.



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

8 (d) A declaration of water shortage and any measures  
9 adopted pursuant thereto may be rescinded by rule by the  
10 commission.

11 (e) When a water shortage is declared, the commission  
12 shall cause a notice [~~thereof~~] of the water shortage to be  
13 published in a prominent place in a newspaper of general  
14 circulation throughout the area[~~+~~] and on the commission's  
15 website. The notice shall be published each day for the first  
16 week of the shortage and once a week [~~thereafter~~] for four  
17 months, followed by monthly publications until the declaration  
18 is rescinded. Publication of [~~such~~] the notice shall serve as  
19 notice to all water users in the area of the condition of water  
20 shortage.





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

7 (g) If an emergency condition arises due to a water  
8 shortage within any area, whether within or outside of a water  
9 management area, and if the commission finds that the  
10 restrictions imposed under subsection (c) are not sufficient to  
11 protect the public health, safety, or welfare, or the health of  
12 animals, fish, or aquatic life, or a public water supply, or  
13 recreational, municipal, agricultural, or other reasonable uses,  
14 the commission may issue orders reciting the existence of such  
15 an emergency and requiring that such actions as the commission  
16 deems necessary to meet the emergency be taken, including but  
17 not limited to apportioning, rotating, limiting, or prohibiting  
18 the use of the water resources of the area. Any party to whom  
19 an emergency order is directed may challenge such an order but  
20 shall immediately comply with the order, pending disposition of



1 the party's challenge. The commission shall give precedence to  
2 a hearing on such challenge over all other pending matters."

3 PART III

4 SECTION 14. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 15. This Act does not affect rights and duties  
11 that matured, penalties that were incurred, and proceedings that  
12 were begun before its effective date.

13 SECTION 16. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 17. This Act shall take effect on July 1, 2050;  
16 provided that sections 3, 5, and 6 of this Act shall take effect  
17 on July 1, 2024.



**Report Title:**

DLNR; CWRM; Red Hill WAI; Policy Lead and Coordination; Red Hill Remediation Special Fund; Public Trust Purpose; Responsibilities; Commission Membership; Executive Director; Independent Legal Counsel; Emergency Order; Water Emergencies; Water Shortage Declarations; Fines; Appropriation; Expenditure Ceiling

**Description:**

Part I: Establishes a WAI Policy Coordinator and other positions within the Department of Land and Natural Resources for coordination of Red Hill WAI initiatives. Creates the Red Hill Remediation Special Fund. Declares that the general fund expenditure ceiling is exceeded. Appropriates funds. Part II: Repeals the position of deputy to the chairperson of the Commission and establishes the position of executive director of the Commission. Amends the composition of the Commission and administratively attaches it to DLNR. Establishes fines for certain water use offenses. Takes effect 7/1/2050. (Proposed SD1)

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

