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# A BILL FOR AN ACT

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

**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 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



1 regulating all uses of Hawaii's water resources." Therefore,  
2 further clarification of the commission on water resource  
3 management's purpose, including its leadership structure and  
4 composition of the board, will provide greater accountability  
5 and protection of the State's waters.

6 The purpose of this Act is to:

- 7 (1) Define public trust purposes of the commission on  
8 water resource management;
- 9 (2) Amend the scope of the commission on water resource  
10 management to include declaration of emergencies;
- 11 (3) Repeal the deputy to the chairperson of the commission  
12 on water resource management and establish the  
13 executive director of the commission on water resource  
14 management;
- 15 (4) Amend the composition of the commission on water  
16 resource management;
- 17 (5) Authorize entities to challenge an emergency order of  
18 the commission on water resource management under  
19 certain conditions;
- 20 (6) Establish fines for certain water use offenses; and  
21 (7) Appropriate funds.



1 SECTION 2. Chapter 174C, Hawaii Revised Statutes, is  
2 amended by adding a new section to part IV to be appropriately  
3 designated and to read as follows:

4 "§174C- Public trust purpose. The commission shall act  
5 upon water use permit applications, filed in accordance with  
6 sections 174C-51, 174C-52, and 174C-53, for both existing and  
7 new public trust purposes before acting upon water use permit  
8 applications for other existing or new uses, or both, filed in  
9 accordance with sections 174C-51, 174C-52, and 174C-53.

10 Proceedings for applications for public trust purposes shall be  
11 held first and separate from proceedings for all other  
12 applications filed in accordance with sections 174C-51, 174C-52,  
13 and 174C-53."

14 SECTION 3. Section 28-8.3, Hawaii Revised Statutes, is  
15 amended as follows:

- 16 1. By amending subsection (a) to read:  
17 "(a) No department of the State other than the attorney  
18 general may employ or retain any attorney, by contract or  
19 otherwise, for the purpose of representing the State or the  
20 department in any litigation, rendering legal counsel to the  
21 department, or drafting legal documents for the department;

1 provided that the foregoing provision shall not apply to the  
2 employment or retention of attorneys:

3 (1) By the public utilities commission, the labor and  
4 industrial relations appeals board, and the Hawaii  
5 labor relations board;

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

18 (3) By the legislative reference bureau;

19 (4) By any compilation commission that may be constituted  
20 from time to time;



- 1       (5) By the real estate commission for any action involving
- 2             the real estate recovery fund;
- 3       (6) By the contractors license board for any action
- 4             involving the contractors recovery fund;
- 5       (7) By the office of Hawaiian affairs;
- 6       (8) By the department of commerce and consumer affairs for
- 7             the enforcement of violations of chapters 480 and
- 8             485A;
- 9       (9) As grand jury counsel;
- 10       (10) By the Hawaii health systems corporation, or its
- 11            regional system boards, or any of their facilities;
- 12       (11) By the auditor;
- 13       (12) By the office of ombudsman;
- 14       (13) By the insurance division;
- 15       (14) By the University of Hawaii;
- 16       (15) By the Kahoolawe island reserve commission;
- 17       (16) By the division of consumer advocacy;
- 18       (17) By the office of elections;
- 19       (18) By the campaign spending commission;
- 20       (19) By the Hawaii tourism authority, as provided in
- 21            section 201B-2.5;



- 1       (20) By the division of financial institutions;
- 2       (21) By the office of information practices;
- 3       (22) By the school facilities authority;
- 4       (23) By the Mauna Kea stewardship and oversight authority;
- 5               [~~or~~]
- 6       (24) By the commission on water resource management; or
- 7       ~~[(24)]~~ (25) By a department, if the attorney general, for
- 8               reasons deemed by the attorney general to be good and
- 9               sufficient, declines to employ or retain an attorney
- 10              for a department; provided that the governor waives
- 11              the provision of this section."

12       2. By amending subsection (c) to read:

13       "(c) Every attorney employed by any department on a full-

14 time basis, except an attorney employed by the public utilities

15 commission, the labor and industrial relations appeals board,

16 the Hawaii labor relations board, the office of Hawaiian

17 affairs, the Hawaii health systems corporation or its regional

18 system boards, the department of commerce and consumer affairs

19 in prosecution of consumer complaints, insurance division, the

20 division of consumer advocacy, the University of Hawaii, the

21 Hawaii tourism authority as provided in section 201B-2.5, the



1 Mauna Kea stewardship and oversight authority, the commission on  
2 water resource management, the office of information practices,  
3 or as grand jury counsel, shall be a deputy attorney general."

4 SECTION 4. Section 84-18, Hawaii Revised Statutes, is  
5 amended by amending subsection (e) to read as follows:

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

- 12 (1) The governor;
- 13 (2) The lieutenant governor;
- 14 (3) The administrative director of the State;
- 15 (4) The attorney general;
- 16 (5) The comptroller;
- 17 (6) The chairperson of the board of agriculture;
- 18 (7) The director of corrections and rehabilitation;
- 19 (8) The director of finance;
- 20 (9) The director of business, economic development, and  
21 tourism;



- 1       (10) The director of commerce and consumer affairs;
- 2       (11) The adjutant general;
- 3       (12) The superintendent of education;
- 4       (13) The chairperson of the Hawaiian homes commission;
- 5       (14) The director of health;
- 6       (15) The director of human resources development;
- 7       (16) The director of human services;
- 8       (17) The director of labor and industrial relations;
- 9       (18) The chairperson of the board of land and natural
- 10       resources;
- 11       (19) The director of law enforcement;
- 12       (20) The director of taxation;
- 13       (21) The director of transportation;
- 14       (22) The president of the University of Hawaii;
- 15       (23) The executive administrator of the board of regents of
- 16       the University of Hawaii;
- 17       (24) The administrator of the office of Hawaiian affairs;
- 18       (25) The chief information officer;
- 19       (26) The executive director of the agribusiness development
- 20       corporation;





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



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

12       SECTION 5. Section 174C-3, Hawaii Revised Statutes, is

13 amended by adding a new definition to be appropriately inserted

14 and to read as follows:

15       "Public trust purpose" means, as recognized by the Hawaii

16 supreme court, the maintenance of waters in its natural state,

17 the exercise of Native Hawaiian traditional and customary

18 practices, including appurtenant rights, domestic water uses as

19 defined in this section, and the reservations and homestead use

20 of water for the department of Hawaiian home lands."



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

3 "§174C-5 General powers and duties. The general  
4 administration of the state water code shall rest with the  
5 commission on water resource management. In addition to its  
6 other powers and duties, the commission:

- 7 (1) Shall carry out topographic surveys, research, and  
8 investigations into all aspects of water use and water  
9 quality;
- 10 (2) Shall designate water management areas for regulation  
11 under this chapter where the commission, after the  
12 research and investigations mentioned in paragraph  
13 (1), shall consult with the appropriate county council  
14 and county water agency, and after public hearing and  
15 published notice, finds that the water resources of  
16 the areas are being threatened by existing or proposed  
17 withdrawals of water;
- 18 (3) Shall establish an instream use protection program  
19 designed to protect, enhance, and reestablish, where  
20 practicable, beneficial instream uses of water in the  
21 State;



- 1           (4) May contract and cooperate with the various agencies  
2           of the federal government and with state and local  
3           administrative and governmental agencies or private  
4           persons;
- 5           (5) May enter, after obtaining the consent of the property  
6           owner, at all reasonable times upon any property other  
7           than dwelling places for the purposes of conducting  
8           investigations and studies or enforcing any of the  
9           provisions of this code, being liable, however, for  
10          actual damage done. If consent cannot be obtained,  
11          reasonable notice shall be given prior to entry;
- 12          (6) Shall cooperate with federal agencies, other state  
13          agencies, county or other local governmental  
14          organizations, and all other public and private  
15          agencies created for the purpose of utilizing and  
16          conserving the waters of the State, and assist these  
17          organizations and agencies in coordinating the use of  
18          their facilities and participate in the exchange of  
19          ideas, knowledge, and data with these organizations  
20          and agencies. For this purpose the commission shall  
21          maintain an advisory staff of experts;



- 1           (7) Shall prepare, publish, and issue printed pamphlets  
2           and bulletins as the commission deems necessary for  
3           the dissemination of information to the public  
4           concerning its activities;
- 5           (8) May appoint and remove agents, including hearings  
6           officers and consultants, necessary to carry out the  
7           purposes of this chapter, who may be engaged by the  
8           commission without regard to the requirements of  
9           chapter 76 and section 78-1;
- 10          (9) May hire employees in accordance with chapter 76;
- 11          (10) May appoint and dismiss attorneys as may be necessary,  
12          who shall be exempt from chapter 76;
- 13          ~~(10)~~ (11) May acquire, lease, and dispose of real and  
14          personal property as may be necessary in the  
15          performance of its functions, including the  
16          acquisition of real property for the purpose of  
17          conserving and protecting water and water related  
18          resources as provided in section 174C-14;
- 19          ~~(11)~~ (12) Shall identify, by continuing study, those areas  
20          of the State where salt water intrusion is a threat to



1 fresh water resources and report its findings to the  
2 appropriate county mayor and council and the public;  
3 ~~[(12)]~~ (13) Shall provide coordination, cooperation, or  
4 approval necessary to the effectuation of any plan or  
5 project of the federal government in connection with  
6 or concerning the waters of the State. The commission  
7 shall approve or disapprove any federal plans or  
8 projects on behalf of the State. No other agency or  
9 department of the State shall assume the duties  
10 delegated to the commission under this paragraph;  
11 except that the department of health shall continue to  
12 exercise the powers vested in it with respect to water  
13 quality, and except that the department of business,  
14 economic development, and tourism shall continue to  
15 carry out its duties and responsibilities under  
16 chapter 205A;  
17 ~~[(13)]~~ (14) Shall plan and coordinate programs for the  
18 development, conservation, protection, control, and  
19 regulation of water resources, based upon the best  
20 available information, and in cooperation with federal  
21 agencies, other state agencies, county or other local



1 governmental organizations, and other public and  
2 private agencies created for the utilization and  
3 conservation of water;

4 [~~(14)~~] (15) Shall catalog and maintain an inventory of all  
5 water uses and water resources; [~~and~~]

6 [~~(15)~~] (16) Shall determine appurtenant water rights,  
7 including but not limited to the quantification of the  
8 amount of water and the specification of the water  
9 course or the means of access and delivery entitled to  
10 by that right, which determination shall be valid for  
11 purposes of this chapter~~[-]~~; and

12 (17) May declare an emergency if the commission determines,  
13 in consultation with the governor, the appropriate  
14 county, and the department of health, that there is an  
15 absence of sufficient quantity and quality of water in  
16 any area, whether within or outside of a water  
17 management area, that immediately threatens the public  
18 health, safety, and welfare. The commission may issue  
19 orders reciting the existence of the emergency and  
20 requiring those actions as the commission deems  
21 necessary to address the emergency be taken, including



1           but not limited to apportioning, rotating, limiting,  
2           or prohibiting the use of water resources of the area;  
3           provided that an emergency order shall expire no later  
4           than one year after issuance by the commission;  
5           provided further that the order may be extended by a  
6           separate or supplementary order."

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

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

19           (b) The duties of the ~~[deputy]~~ executive director for  
20 water resource management shall be to administer and implement,  
21 under the direction of the commission, the state water code ~~[and~~





1 all], the rules, and other directives [~~promulgated in accordance~~  
2 ~~therewith~~] adopted by the commission. Nothing in this  
3 [~~provision~~] section shall be construed as limiting the authority  
4 of the commission as to matters regarding water resources.

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

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

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

19 (f) The commission shall evaluate and document the  
20 evaluation of the executive director's performance annually, or  
21 more frequently upon the request of at least four members of the



1 commission, based on annual goals, performance measures, and  
2 other relevant criteria."

3 SECTION 8. Section 174C-7, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§174C-7 Commission on water resource management. (a)

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

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



1 be eligible to serve as the chairperson of the commission upon  
2 election by a majority of the commission 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 be  
7 ineligible 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 individuals chosen as follows: two persons appointed by the  
16 governor; one person appointed by the president of the senate;  
17 and one person appointed by the speaker of the house. The  
18 committee shall solicit applications and send to the governor  
19 the names of at 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 9. Section 174C-9, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "~~§~~174C-9~~§~~ 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 10. 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 be not less than \$50 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 the following factors, which shall include but not be limited  
9 to:

- 10 (1) The nature, circumstances, extent, gravity, and  
11 history of the violation and of any prior violations;  
12 (2) The economic benefit to the violator, or anticipated  
13 by the violator, resulting from the violation;  
14 (3) The opportunity, difficulty, and history of corrective  
15 action;  
16 (4) Good faith efforts to comply;  
17 (5) Degree of culpability; and  
18 (6) Other matters as justice may require.

19 [+e)] (d) No provision of this chapter shall bar the right  
20 of any injured person to seek other legal or equitable relief  
21 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        attorney's fees and costs; [~~or~~] and may bring legal action to  
7        recover administrative fines, fees, and costs, including  
8        [~~attorneys~~] attorney's fees and costs, or payment for damages  
9        resulting from a violation of this chapter or any rule adopted  
10       pursuant to this chapter."

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

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

19       (b) The commission, by rule, may declare that a water  
20       shortage exists within all or part of an area, whether within or  
21       outside of a water management area, when insufficient water is



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

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

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

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





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

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

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



1 ~~not limited to apportioning, rotating, limiting, or prohibiting~~  
2 ~~the use of the water resources of the area. Any party to whom~~  
3 ~~an emergency order is directed may challenge such an order but~~  
4 ~~shall immediately comply with the order, pending disposition of~~  
5 ~~the party's challenge. The commission shall give precedence to~~  
6 ~~a hearing on such challenge over all other pending matters.]"~~

7 SECTION 12. 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 Act 164, Regular Session of 2023,  
11 and this Act will cause the state general fund expenditure  
12 ceiling for fiscal year 2024-2025 to be exceeded by  
13 \$            or            per cent. This current declaration takes  
14 into account general fund appropriations authorized for fiscal  
15 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
16 only. The reasons for exceeding the general fund expenditure  
17 ceiling are that:

- 18        (1) The appropriation made in this Act is necessary to  
19            serve the public interest; and
- 20        (2) The appropriation made in this Act meets the needs  
21            addressed by this Act.



1 SECTION 13. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2024-2025 for  
4 the hiring of independent counsel.

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

7 SECTION 14. 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 15. This Act does not affect rights and duties  
14 that matured, penalties that were incurred, and proceedings that  
15 were begun before its effective date.

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

18 SECTION 17. This Act shall take effect on July 1, 2024.

19

INTRODUCED BY:

*Jessie R. Spungis*



# S.B. NO. 3327

**Report Title:**

CWRM; BLNR; Public Trust Purpose; Responsibilities; Board Membership; Expenditure Ceiling; Appropriation

**Description:**

Establishes a public trust purpose for the Commission on Water Resource Management. Authorizes the Commission on Water Resource Management to declare an emergency under certain conditions. Repeals the First Deputy to the Chairperson of the Commission on Water Resource Management. Establishes the Executive Director of the Commission on Water Resource Management. Administratively attaches the Commission on Water Resource Management to the Department of Land and Natural Resources. Authorizes members of the Commission on Water Resource Management 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. 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. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.

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

