

JAN 15 2025

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# A BILL FOR AN ACT

RELATING TO DECLARATION OF WATER SHORTAGE AND EMERGENCY.

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

1           SECTION 1. The legislature finds that the commission on  
2 water resource management must formulate water shortage plans  
3 and adopt a reasonable system of permit classification through  
4 rulemaking to properly plan for future water shortages and  
5 provide stakeholders an opportunity to participate in the  
6 process. With such plans and permit classifications, future  
7 restrictions on water use would be applied uniformly and  
8 individual users would know in advance their relative priority  
9 during periods of water shortage.

10           The legislature further finds that the commission on water  
11 resource management should have the ability to adopt water  
12 shortage plans, permit classifications, and criteria outside of  
13 water management areas and should apply these plans to well and  
14 stream diversion works owners and operators. As recent droughts  
15 have revealed, water shortages and emergencies can occur  
16 quickly. In 2024, all islands experienced drought conditions,  
17 and many areas suffered from severe to extreme drought.



1 Therefore, it is necessary to ensure effective and transparent  
2 planning for water shortages within and outside of designated  
3 water management areas.

4 Accordingly, the purpose of this Act is to amend the  
5 conditions, manner, and areas in which the commission on water  
6 resource management can declare and provide notice of water  
7 shortages and emergencies.

8 SECTION 2. Section 174C-62, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "~~{}~~§174C-62~~{}~~ **Declaration of water shortage.** (a) The  
11 commission shall, by rule, formulate a plan for implementation  
12 during periods of water shortage. As a part of the plan, the  
13 commission shall, by rule, adopt a reasonable system of permit  
14 classification according to source of water supply, method of  
15 extraction or diversion, use of water, or a combination thereof.

16 (b) The commission~~[, by rule,]~~ may declare that a water  
17 shortage exists within all or part of an area, whether within or  
18 outside of a water management area, when insufficient water is  
19 available to meet the requirements of the permit system or when  
20 conditions are such as to require a temporary reduction in total  
21 water use within the area to protect water resources from



1 serious harm. The commission shall publish, by rule, a set of  
2 criteria for determining when a water shortage exists~~[+]~~,  
3 including but not limited to impacts and effects of the climate  
4 crisis.

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

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

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



1 is rescinded. The notice shall remain on the commission's  
2 website until the declaration is rescinded. Publication of  
3 [~~such~~] the notice shall serve as notice to all water users in  
4 the area of the condition of water shortage.

5 [~~(f)~~] (e) The commission shall cause each permittee in the  
6 area to be notified by regular mail and, if the permittee's  
7 electronic mail address is known, by electronic mail of any  
8 change in the conditions of the permittee's permit, any  
9 suspension [~~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)~~] (f) 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 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 3. 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 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'JBL', is written over a horizontal line.

# S.B. NO. 145

**Report Title:**

Commission on Water Resource Management; Water Shortage and  
Emergency; Declaration; Notice

**Description:**

Amends the conditions, manner, and areas in which the Commission  
on Water Resource Management can declare and provide notice of  
water shortages and emergencies.

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

