

Honolulu, Hawaii

MAR 21 2025

RE: H.B. No. 510
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred H.B. No. 510, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DECLARATION OF WATER SHORTAGE AND EMERGENCY,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the conditions, manner, and areas in which the Commission on Water Resource Management can declare and provide notice of water shortages and emergencies.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Honolulu Board of Water Supply, and Sierra Club of Hawai'i.

Your Committee received testimony in opposition to this measure from Earthjustice, Land Use Research Foundation of Hawaii, and Hawai'i Farm Bureau.

Your Committee finds that the State is experiencing more frequent water shortages due to climate change, prolonged drought conditions, and aging water infrastructure. Your Committee further finds that when a water shortage occurs in an area, the county water departments or private water utilities can only restrict the water usage of customers. Your Committee also finds



that the Commission on Water Resource Management (Commission) has authority over all water resources in the State. However, existing law does not provide the Commission with the latitude to declare a water shortage in non-designated water management areas and is required to declare a water shortage by a lengthy administrative rulemaking process. This measure provides the Commission with the flexibility needed to effectively respond to conditions threatening the State's water supply when issuing a water shortage declaration.

Your Committee notes the concerns in the testimony from the Department of Land and Natural Resources regarding impacts that this measure would have on farmers and the agricultural sector as a whole.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have required the Commission to include the impacts and effects of the climate crisis as a criterion for water shortage declarations;
- (2) Inserting language limiting the duration of a water shortage declaration to ninety days;
- (3) Inserting language authorizing the Commission to extend the duration of a water shortage declaration under certain conditions;
- (4) Limiting a water usage restriction imposed by the Commission on a permittee or owner and operator to twenty percent of the permittee's or owner and operator's last reported monthly water usage;
- (5) Clarifying that the Commission shall consider a permittee's or owner and operator's monthly water usage to be zero if the permittee or owner and operator has not reported monthly water usage within the previous twelve months before the date that a water shortage declaration is issued;



- (6) Requiring the Commission to maintain a list of the name and address and email address of any person who requests notification of a water shortage declaration;
- (7) Requiring the Commission to send by certified mail or email a copy of a notice of a water shortage declaration to persons requesting notification of a water shortage declaration whenever a water shortage is declared;
- (8) Inserting an effective date of July 1, 2040, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 510, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 510, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



Record of Votes
Committee on Water and Land
WTL

*Only one measure per Record of Votes