



Waikoko Stream, Wailua, Kaua'i

Item B3:

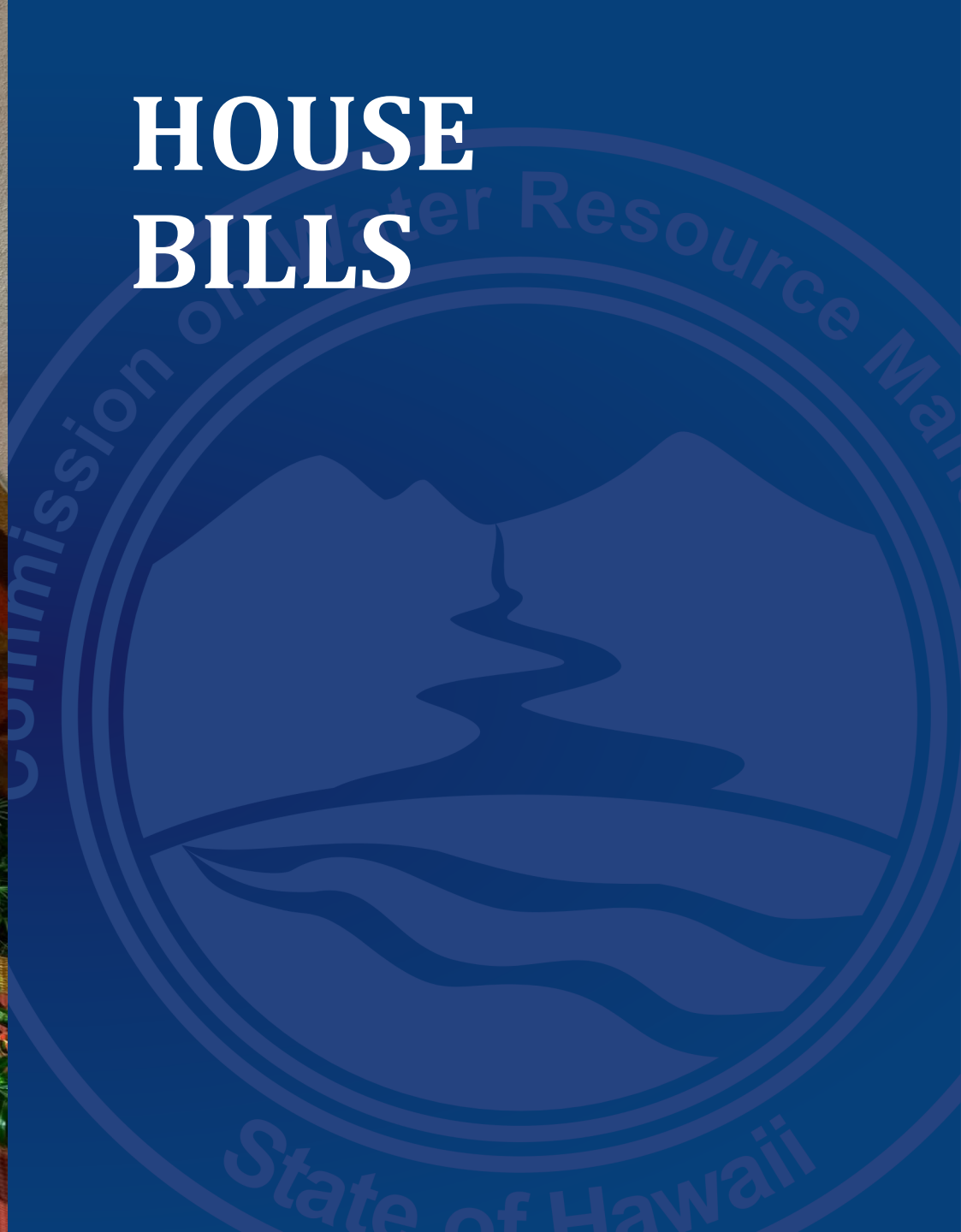
Select Legislation of
Note Related to the
Commission on Water
Resource Management
from 2023-2024
Legislative Biennium

February 20, 2024

State of Hawaii



HOUSE BILLS



HB1544, HD1:

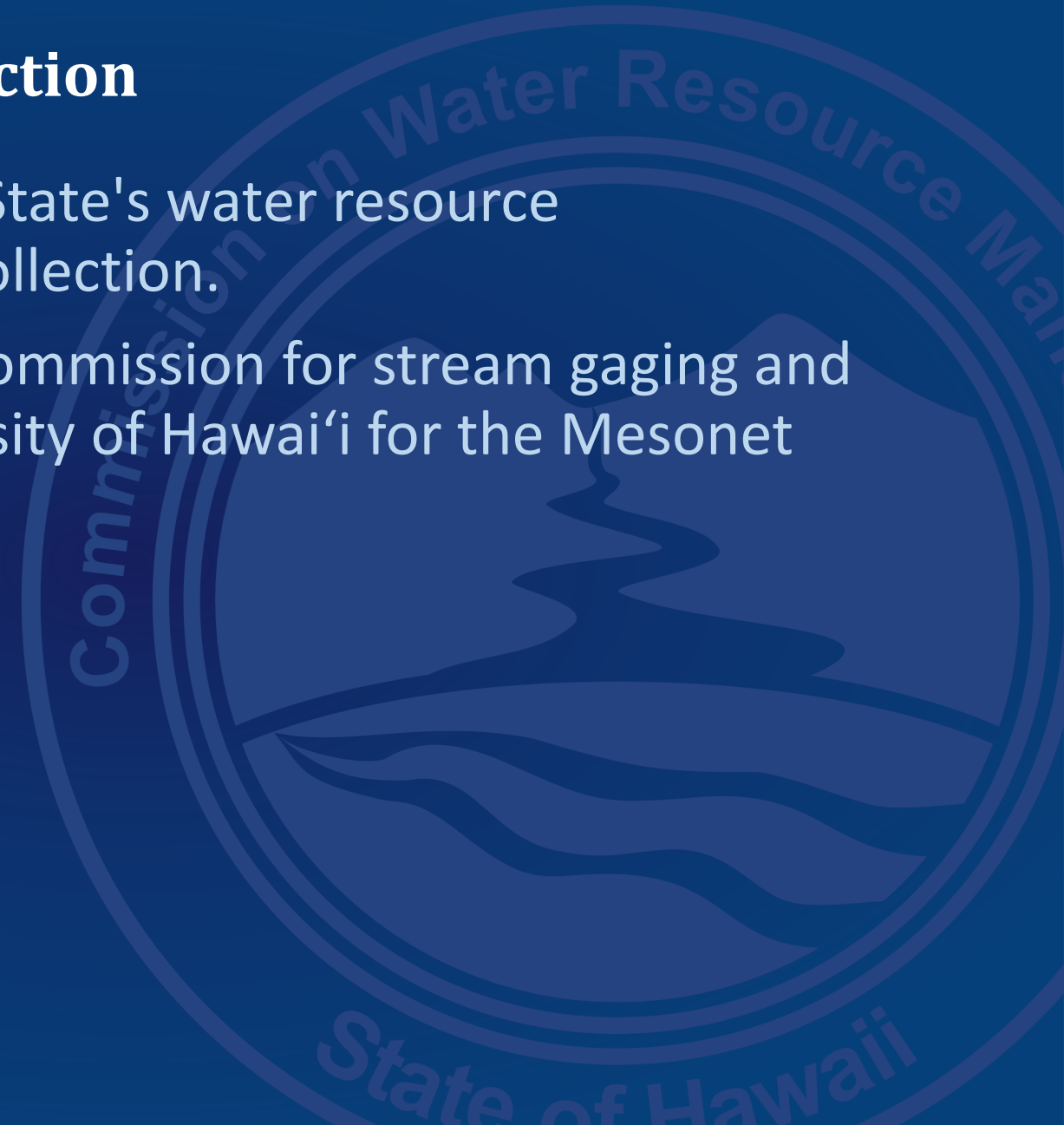
Relating to State Water Code Penalties

- Adds a minimum penalty and amends the maximum penalty per violation of the State Water Code.
- Requires the Commission on Water Resource Management to consider certain factors when imposing penalties.
- Makes the setting, charging, and collecting of administrative fines by the Commission on Water Resource Management mandatory.
- Department strongly supports the measure.
- While initial maximum penalty was \$60,000; following consultation with the counties, Department recommends a maximum fine of at least \$25,000.

HB1900, HD1:

Relating to Hydrologic Data Collection

- Appropriates funds to improve the State's water resource management and hydrologic data collection.
- Seeks to appropriate funds to the Commission for stream gaging and monitoring wells; and to the University of Hawai'i for the Mesonet program.
- Department supports this measure.



HB2263, HD1:

Relating to East Kaua'i Irrigation System

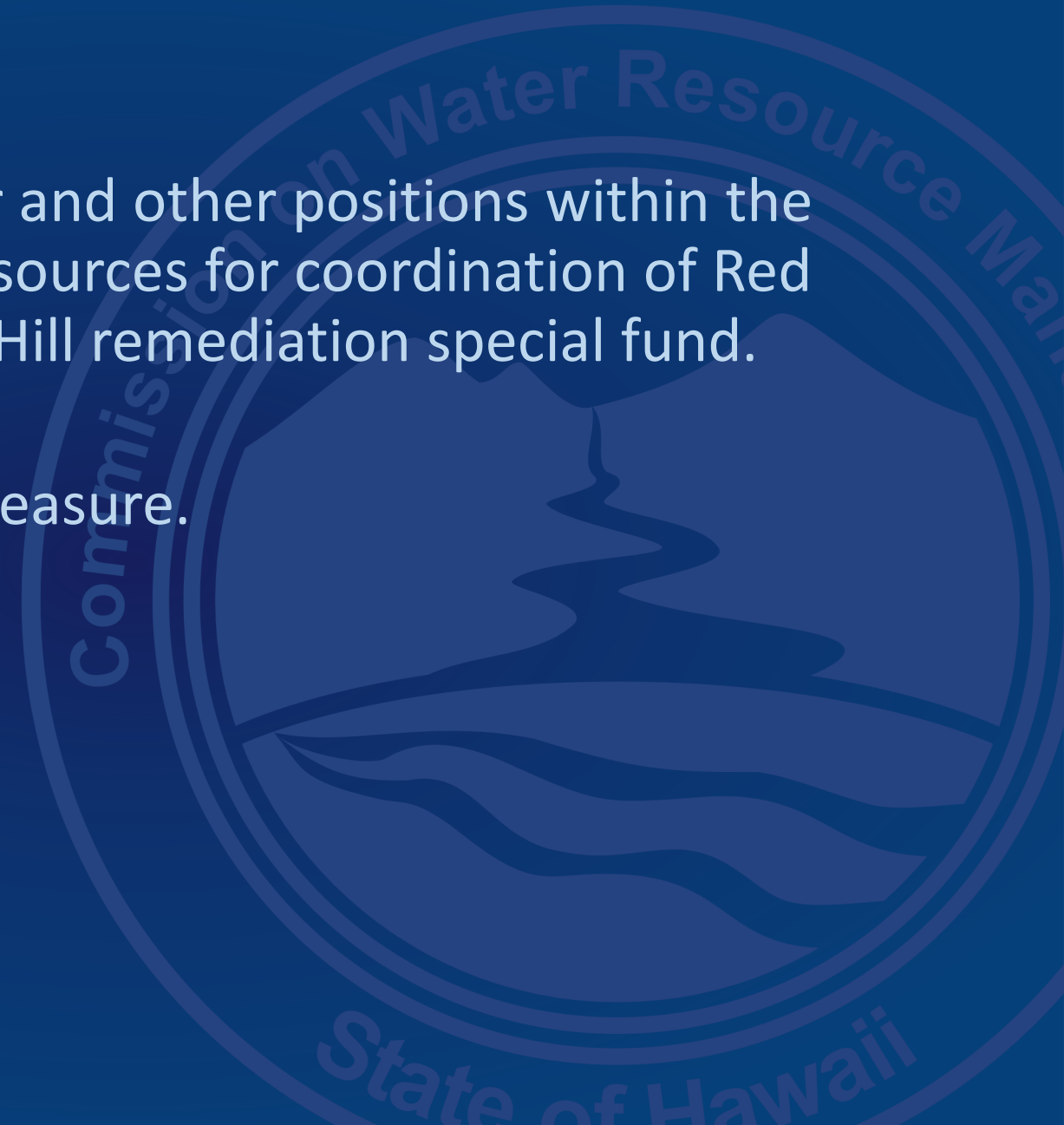
- Appropriates funds to the Agribusiness Development Corporation to establish positions to maintain and improve the East Kauai irrigation system and for maintenance of and improvements to the system. Department strongly supports the measure.
- Department supports this measure.



HB2690:

Relating to Water

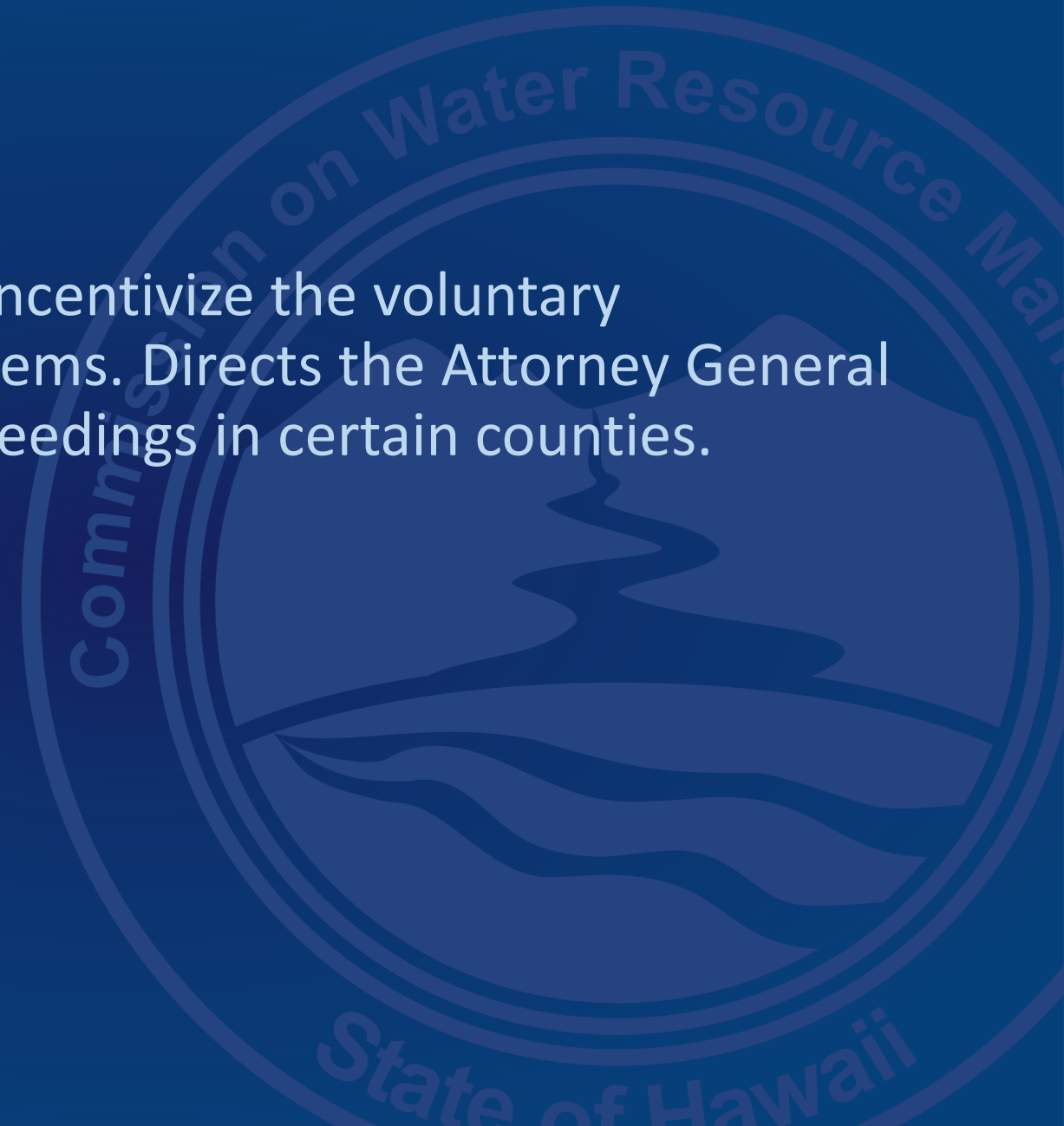
- Establishes a WAI policy coordinator and other positions within the Department of Land and Natural Resources for coordination of Red Hill WAI initiatives. Creates the Red Hill remediation special fund. Appropriates funds.
- Department strongly support this measure.



HB2694, HD1:

Relating to Water Resources

- Companion to SB2978
- Establishes an income tax credit to incentivize the voluntary relinquishment of private water systems. Directs the Attorney General to commence eminent domain proceedings in certain counties. Appropriates funds.
- Department opposes this measure.



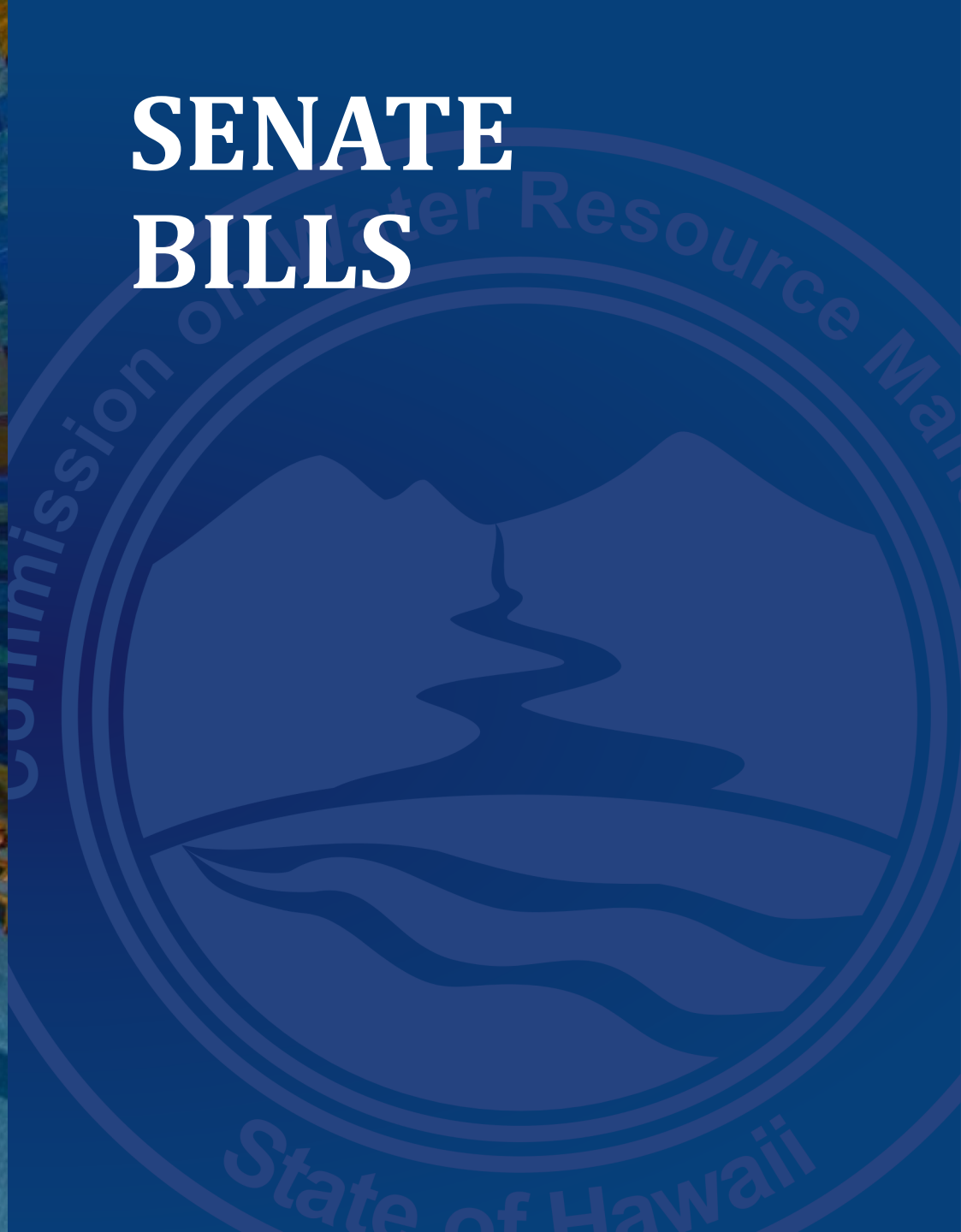
HB2703, HD1:

Relating to the Administration of the Commission on Water Resource Management

- Replaces the position of Deputy to the Chairperson of the Commission with the position of Executive Officer.
- Authorizes the Commission to retain independent legal counsel.
- Makes the Chairperson of the Board of Land and Natural Resources an ex officio member of the Commission and provides that the Commission shall elect a chairperson from among its non ex officio members.
- Requires the Commission and Department of Land and Natural Resources to establish procedures and safeguards to avoid conflicts of interest.
- Department supports, opposes, and comments on this measure, respectively.



SENATE BILLS



SB2089, SD1:

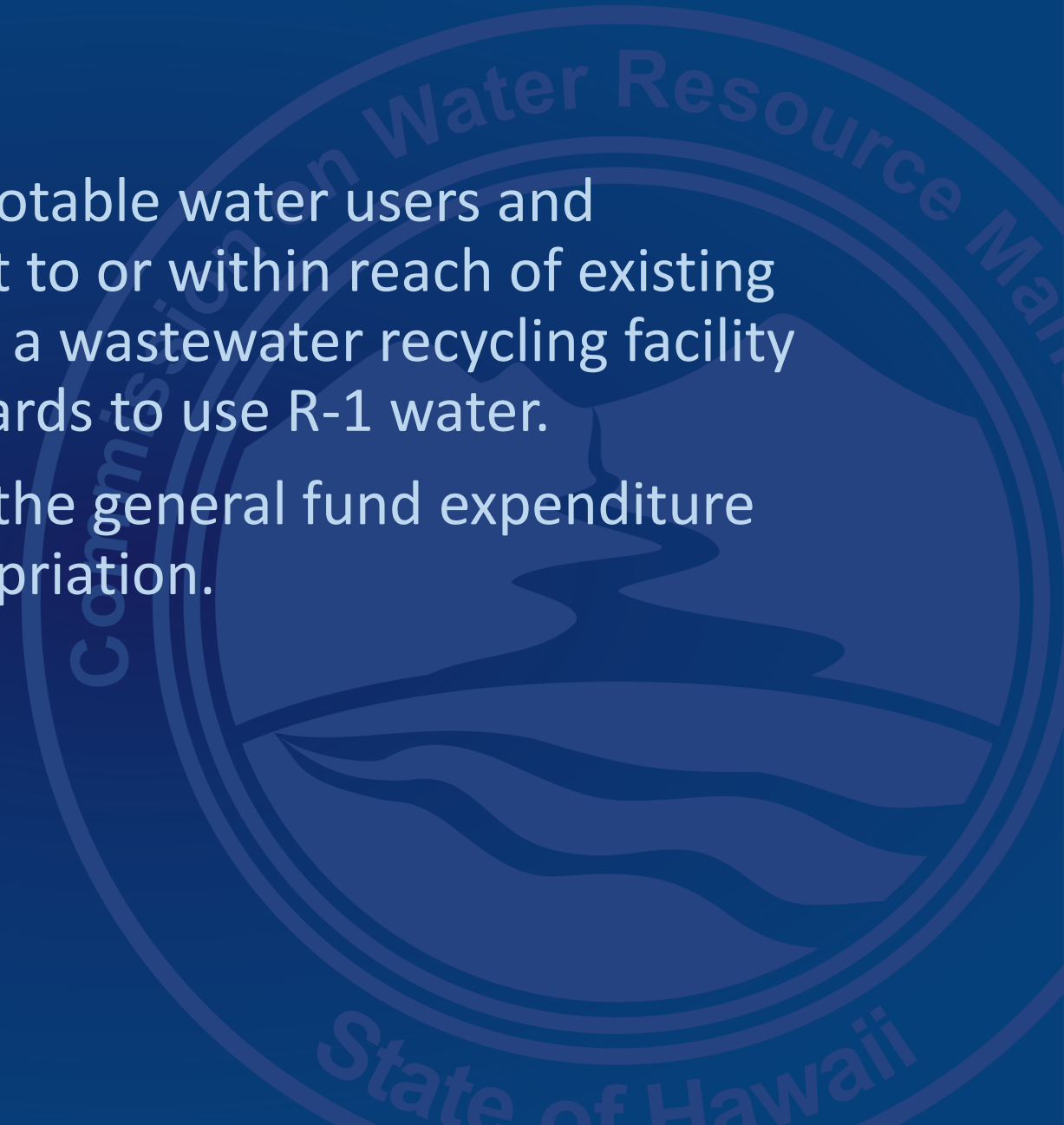
Relating to Water

- Specifies that fire safety use is a beneficial use of fresh water in the State Water Code. Requires the Department of Land and Natural Resources, in consultation with the Hawai'i Emergency Management Agency, to cooperate with the counties and reservoir owners to develop protocols and agreements for the use of reservoir waters for fire safety purposes. Amends the conditions, manner, and areas in which the Commission on Water Resource Management can declare and provide notice of water shortages and emergencies.
- Companion bill HB1551 and similar bill SB2146.
- Last year, HB1088 passed, but was vetoed by the Governor.
- Department provided comments and proposed amendments.

SB2147, SD1:

Relating to Reuse Zones

- Beginning 1/1/2026, requires non-potable water users and developers of real property adjacent to or within reach of existing suitable infrastructure connected to a wastewater recycling facility that treats wastewater to R-1 standards to use R-1 water.
- Establishes positions. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.
- Department provided comments



SB2824, SD1:

Relating to the County of Maui

- Authorizes the Director of Finance to issue general obligation bonds to the Agribusiness Development Corporation for the upgrade of South and West Maui's R-1 water delivery systems, and the upgrade of certain water reservoirs located in the forest watershed areas of South and West Maui.
- Requires the Agribusiness Development Corporation to collaborate with the Department of Land and Natural Resources, County of Maui, and private land owners, as necessary. Appropriates moneys. Takes effect 1/1/2060.
- Department provided comments

SB2978, SD1:

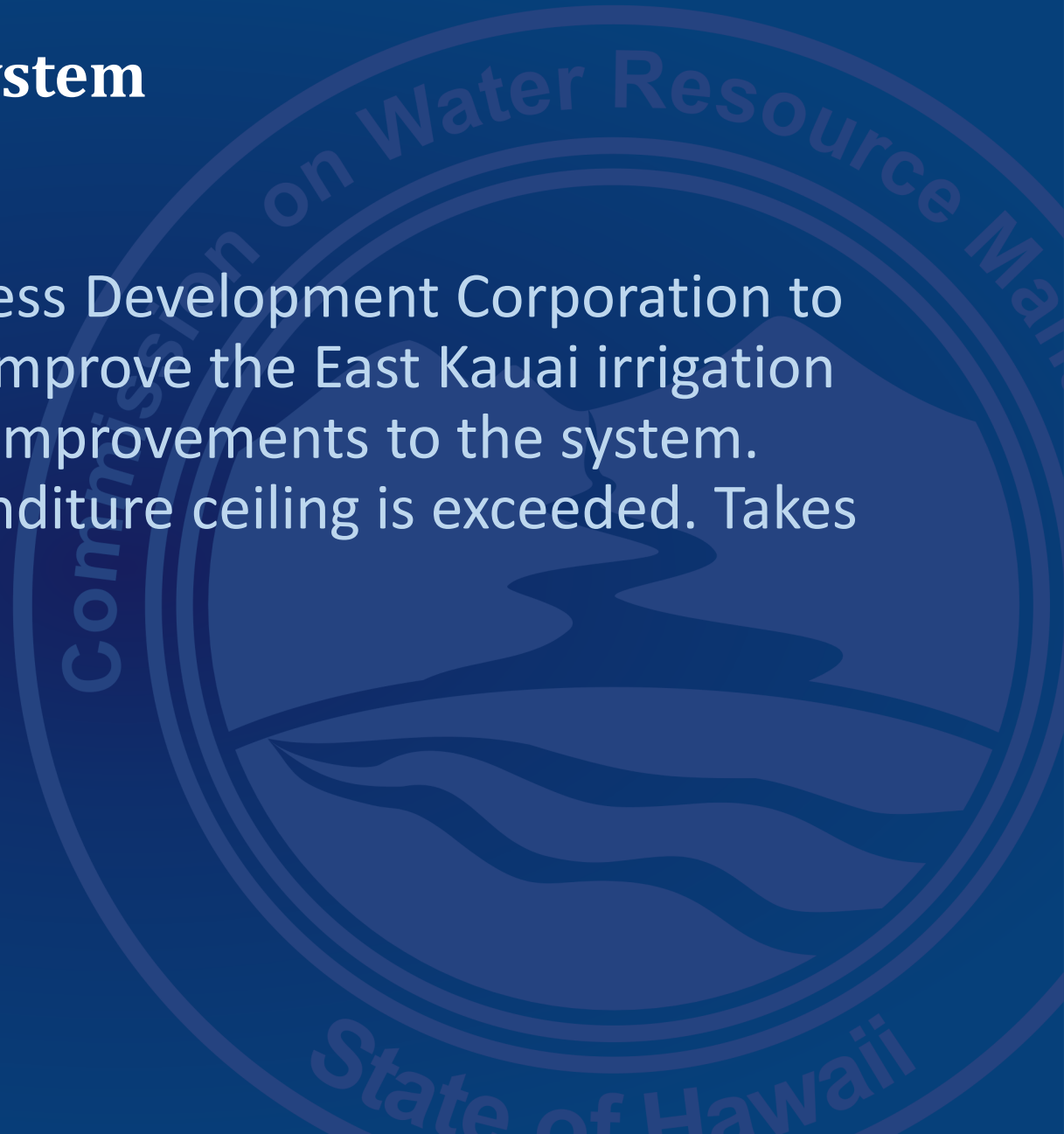
Relating to Water Resources

- Companion to HB2694
- Establishes an income tax credit to incentivize the voluntary relinquishment of private water systems. Directs the Attorney General to commence eminent domain proceedings in certain counties. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation
- Department would support this measure if it was clarified to use public funds to acquire private water systems to county water departments for public benefit, but has concern to the extent it imposes ownership of any relinquished or condemned water system on the Department.

SB2951, SD1:

Relating to East Kauai Irrigation System

- Companion to HB2263
- Appropriates funds to the Agribusiness Development Corporation to establish positions to maintain and improve the East Kauai irrigation system and for maintenance of and improvements to the system. Declares that the general fund expenditure ceiling is exceeded. Takes effect 1/1/2060.
- Department supports this measure



SB3327, SD1:

Relating to the Commission on Water Resource Management

- Establishes a public trust purpose for the Commission on Water Resource Management.
- Allows the Commission on Water Resource Management to retain independent counsel.
- 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.

SB3327, SD1:

Relating to the Commission on Water Resource Management

- 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. Takes effect 7/1/2050.
- Department supports, opposes, and comments on this measure, respectively.

SB3338, SD1:

Relating to Water

- Companion bill to HB2690
- 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. Takes effect 7/1/2050.
- Department strongly support this measure

