

Resolution

No. 24-130

APPROVING FOR INCLUSION IN THE 2025
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL
RELATING TO THE COMMISSION ON WATER
RESOURCE MANAGEMENT

WHEREAS, amendments to the State Water Code are necessary to enable the Commission on Water Resource Management to more effectively carry out its mandate under Article XI, Section 7, of the Hawai'i State Constitution; and

WHEREAS, further clarification of the Commission on Water Resource Management's purpose, including its leadership structure and composition, will provide greater accountability and protection of the State's water from third parties; and

WHEREAS, the August 8, 2023, Maui wildfires demonstrated the need for the Commission to be able to declare an emergency and take the necessary actions to address the emergency; and

WHEREAS, the Commission must be able to effectively regulate ground and surface water standards, as these will be crucial during the rebuilding of Lahaina to ensure there will be adequate water for years to come; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill attached as Exhibit "A," relating to the Commission on Water Resource Management be included in the 2025 Hawai'i State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawai'i State Association of Counties Executive Committee.

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN

1 further clarification of the commission on water resource
2 management's purpose, including its leadership structure and the
3 composition of the commission, will provide greater
4 accountability and protection of the State's waters.

5 The purpose of this Act is to:

- 6 (1) Define the public trust purposes of the commission on
7 water resource management and require the commission,
8 in acting upon water use permit applications, to
9 prioritize applications for public trust purposes;
- 10 (2) Allow the commission to retain independent legal
11 counsel;
- 12 (3) Repeal the position of deputy to the chairperson of
13 the commission and establish the position of executive
14 director of the commission;
- 15 (4) Amend the composition of the commission and
16 administratively attach it to the department of land and
17 natural resources;
- 18 (5) Authorize entities to challenge an emergency order of
19 the commission under certain conditions;
- 20 (6) Establish fines for certain water use offenses; and
- 21 (7) Amend the commission's authority to declare water

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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
18 regulating all uses of Hawaii's water resources." Therefore,

1 emergencies and issue orders to address them and
2 declare water shortages and related notice
3 requirements.

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

7 "§174C- Public trust purpose. The commission shall act upon
8 water use permit applications, filed in accordance with sections
9 174C-51, 174C-52, and 174C-53, for both existing and new public
10 trust purposes before acting upon water use permit applications
11 for other existing or new uses, or both, filed in accordance
12 with sections 174C-51, 174C-52, and 174C-53. Proceedings for
13 applications for public trust purposes shall be held first and
14 separate from proceedings for all other applications filed in
15 accordance with sections 174C-51, 174C-52, and 174C-53."

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

18 1. By amending subsection (a) to read:

19 "(a) No department of the State other than the attorney
20 general may employ or retain any attorney, by contract or
21 otherwise, for the purpose of representing the State or the
22 department in any litigation, rendering legal counsel to the

1 department, or drafting legal documents for the department;
2 provided that the foregoing provision shall not apply to the
3 employment or retention of attorneys:

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

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

19 (3) By the legislative reference bureau;

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

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- 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 485A;
- 8 (9) As grand jury counsel;
- 9 (10) By the Hawaii health systems corporation, or its
- 10 regional system boards, or any of their facilities;
- 11 (11) By the auditor;
- 12 (12) By the office of ombudsman;
- 13 (13) By the insurance division;
- 14 (14) By the University of Hawaii;
- 15 (15) By the Kahoolawe island reserve commission;
- 16 (16) By the division of consumer advocacy;
- 17 (17) By the office of elections;
- 18 (18) By the campaign spending commission;
- 19 (19) By the Hawaii tourism authority, as provided in section
- 20 201B-2.5;
- 21 (20) By the division of financial institutions;
- 22 (21) By the office of information practices;

1 (22) By the school facilities authority;

2 (23) By the Mauna Kea stewardship and oversight
3 authority; [~~or~~]

4 (24) By the commission on water resource management; or

5 [~~(24)~~] (25) By a department, if the attorney general, for
6 reasons deemed by the attorney general to be good and
7 sufficient, declines to employ or retain an attorney
8 for a department; provided that the governor waives the
9 provision of this section."

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

11 "(c) Every attorney employed by any department on a full-
12 time basis, except an attorney employed by the public utilities
13 commission, the labor and industrial relations appeals board,
14 the Hawaii labor relations board, the office of Hawaiian
15 affairs, the Hawaii health systems corporation or its regional
16 system boards, the department of commerce and consumer affairs
17 in prosecution of consumer complaints, insurance division, the
18 division of consumer advocacy, the University of Hawaii, the
19 Hawaii tourism authority as provided in section 201B-2.5, the
20 Mauna Kea stewardship and oversight authority, the commission on
21 water resource management, the office of information practices,
22 or as grand jury counsel, shall be a deputy attorney general."

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

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

- 9 (1) The governor;
- 10 (2) The lieutenant governor;
- 11 (3) The administrative director of the State;
- 12 (4) The attorney general;
- 13 (5) The comptroller;
- 14 (6) The chairperson of the board of agriculture;
- 15 (7) The director of corrections and rehabilitation;
- 16 (8) The director of finance;
- 17 (9) The director of business, economic development, and
18 tourism;
- 19 (10) The director of commerce and consumer affairs;
- 20 (11) The adjutant general;
- 21 (12) The superintendent of education;
- 22 (13) The chairperson of the Hawaiian homes commission;

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

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- 1 (30) The president and chief executive officer of the Hawaii
- 2 tourism authority;
- 3 (31) The executive officer of the public utilities
- 4 commission;
- 5 (32) The state auditor;
- 6 (33) The director of the legislative reference bureau;
- 7 (34) The ombudsman;
- 8 (35) The permanent employees of the legislature, other than
- 9 persons employed in clerical, secretarial, or similar
- 10 positions;
- 11 (36) The administrative director of the courts;
- 12 (37) The executive director of the state ethics commission;
- 13 (38) The executive officer of the state land use commission;
- 14 (39) The executive director of the natural energy laboratory
- 15 of Hawaii authority;
- 16 (40) The executive director of the Hawaii public housing
- 17 authority; and
- 18 (41) The [~~first deputy to the chairperson~~] executive
- 19 director of the commission on water resource
- 20 management;

21 provided that this subsection shall not apply to any person who
22 has held one of the positions listed above only on an interim or

1 acting basis and for a period of less than one hundred eighty-
2 one days.”

3 SECTION 5. Section 174C-3, Hawaii Revised Statutes, is
4 amended by adding a new definition to be appropriately inserted
5 and to read as follows:

6 “Public trust purpose” means in accordance with the
7 principles outlined in articles XI and XII of the Hawaii State
8 Constitution, the maintenance of waters in their natural state;
9 the exercise of Native Hawaiian traditional and customary
10 practices, including appurtenant rights; domestic water uses as
11 defined in this section; and the reservations and homestead use
12 of water for the department of Hawaiian home lands.”

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

15 **“§174C-5 General powers and duties.** The general
16 administration of the state water code shall rest with the
17 commission on water resource management. In addition to its
18 other powers and duties, the commission:

- 19 (1) Shall carry out topographic surveys, research, and
20 investigations into all aspects of water use and water
21 quality;

- 1 (2) Shall designate water management areas for regulation
2 under this chapter where the commission, after the
3 research and investigations mentioned in paragraph (1),
4 shall consult with the appropriate county council and
5 county water agency, and after public hearing and
6 published notice, finds that the water resources of the
7 areas are being threatened by existing or proposed
8 withdrawals of water;
- 9 (3) Shall establish an instream use protection program
10 designed to protect, enhance, and reestablish, where
11 practicable, beneficial instream uses of water in the
12 State;
- 13 (4) May contract and cooperate with the various agencies of
14 the federal government and with state and local
15 administrative and governmental agencies or private
16 persons;
- 17 (5) May enter, after obtaining the consent of the property
18 owner, at all reasonable times upon any property other
19 than dwelling places for the purposes of conducting
20 investigations and studies or enforcing any of the
21 provisions of this code, being liable, however, for

- 1 actual damage done. If consent cannot be obtained,
2 reasonable notice shall be given prior to entry;
- 3 (6) Shall cooperate with federal agencies, other state
4 agencies, county or other local governmental
5 organizations, and all other public and private
6 agencies created for the purpose of utilizing and
7 conserving the waters of the State, and assist these
8 organizations and agencies in coordinating the use of
9 their facilities and participate in the exchange of
10 ideas, knowledge, and data with these organizations and
11 agencies. For this purpose, the commission shall
12 maintain an advisory staff of experts;
- 13 (7) Shall prepare, publish, and issue printed pamphlets and
14 bulletins as the commission deems necessary for the
15 dissemination of information to the public concerning
16 its activities;
- 17 (8) May appoint and remove agents, including hearings
18 officers and consultants, necessary to carry out the
19 purposes of this chapter, who may be engaged by the
20 commission without regard to the requirements of
21 chapter 76 and section 78-1;
- 22 (9) May hire employees in accordance with chapter 76;

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1 (10) May, as necessary, appoint and dismiss attorneys, who
2 shall be exempt from chapter 76;

3 [~~(10)~~] (11) May acquire, lease, and dispose of real and
4 personal property as may be necessary in the
5 performance of its functions, including the
6 acquisition of real property for the purpose of
7 conserving and protecting water and water related
8 resources as provided in section 174C-14;

9 [~~(11)~~] (12) Shall identify, by continuing study, those areas
10 of the State where salt water intrusion is a threat to
11 fresh water resources and report its findings to the
12 appropriate county mayor and council and the public;

13 [~~(12)~~] (13) Shall provide coordination, cooperation, or
14 approval necessary to the effectuation of any plan or
15 project of the federal government in connection with
16 or concerning the waters of the State. The commission
17 shall approve or disapprove any federal plans or
18 projects on behalf of the State. No other agency or
19 department of the State shall assume the duties
20 delegated to the commission under this paragraph;
21 except that the department of health shall continue to
22 exercise the powers vested in it with respect to water

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1 quality, and except that the department of business,
2 economic development, and tourism shall continue to
3 carry out its duties and responsibilities under
4 chapter 205A;

5 ~~[(13)]~~ (14) Shall plan and coordinate programs for the
6 development, conservation, protection, control, and
7 regulation of water resources, based upon the best
8 available information, and in cooperation with federal
9 agencies, other state agencies, county or other local
10 governmental organizations, and other public and
11 private agencies created for the utilization and
12 conservation of water;

13 ~~[(14)]~~ (15) Shall catalog and maintain an inventory of all
14 water uses and water resources; ~~[and]~~

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

21 (17) May declare an emergency if the commission determines,
22 in consultation with the governor, the appropriate

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1 county, and the department of health, that there is an
2 absence of sufficient quantity and quality of water in
3 any area, whether within or outside of a water
4 management area, that immediately threatens the public
5 health, safety, and welfare. The commission may issue
6 orders reciting the existence of the emergency and
7 requiring those actions as the commission deems
8 necessary to address the emergency be taken, including
9 but not limited to apportioning, rotating, limiting,
10 or prohibiting the use of water resources of the area;
11 provided that an emergency order shall expire no later
12 than one year after issuance by the commission;
13 provided further that the order may be extended by a
14 separate or supplementary order."

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

17 "~~§174C-6 [Deputy to the chairperson]~~ Executive director of
18 the commission on water resource management. (a) There shall
19 be ~~[a first deputy to the chairperson]~~ an executive director of
20 the commission on water resource management [~~("deputy for water~~
21 ~~resource management")~~] ~~who shall be in addition to any other~~
22 ~~first deputy to the chairperson as the chairperson of the board~~

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1 ~~of land and natural resources. The deputy], who shall have~~
2 experience in the area of water resources and shall be appointed
3 by ~~[the chairperson with the approval of a majority of]~~ the
4 commission~~[-]~~ and serve at the pleasure of the commission.

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

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

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

22 (e) The commission shall develop and document annual goals

1 and performance measures for the executive director that
2 authorize the commission to annually evaluate the executive
3 director's work to ensure compliance by the commission with
4 statutory and constitutional requirements and achievement of its
5 statutory and constitutional purposes.

6 (f) The commission shall evaluate and document the
7 evaluation of the executive director's performance annually, or
8 more frequently upon the request of at least four members of the
9 commission, based on annual goals, performance measures, and
10 other relevant criteria."

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

13 **"§174C-7 Commission on water resource management. (a)**
14 There is established within the department a commission on water
15 resource management consisting of seven members which shall have
16 exclusive jurisdiction and final authority in all matters
17 relating to implementation and administration of the state water
18 code, except as otherwise specifically provided in this chapter.
19 The commission shall be attached to the department of land and
20 natural resources for administrative purposes only.

21 (b) Five members shall be appointed by the governor
22 subject to confirmation by the senate in the manner prescribed

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1 in subsection [~~(d)~~] (e). Each member shall have substantial
2 experience in the area of water resource management; provided
3 that at least one member shall have substantial experience or
4 expertise in traditional Hawaiian water resource management
5 techniques and in traditional Hawaiian riparian usage such as
6 those preserved by section 1740-101. Each of the members shall
7 be eligible to serve as the chairperson of the commission upon
8 election by a majority of the commission members.

9 (c) The chairperson of the board of land and natural
10 resources [~~shall be the chairperson of the commission. The~~] and
11 the director of health or the director's designee shall serve as
12 [~~an~~] ex officio[~~(+)~~], [~~(+)~~] voting [~~member~~]. members but shall be
13 ineligible to serve as chairperson of the commission.

14 [~~(e)~~] (d) The members of the commission shall serve without
15 compensation but shall be reimbursed for expenses, including
16 travel expenses, necessary for the performance of their duties.

17 [~~(d)~~] (e) In appointing a member to the commission, the
18 governor shall select from a list submitted by a nominating
19 committee. The nominating committee shall be composed of four
20 individuals chosen as follows: two persons appointed by the
21 governor; one person appointed by the president of the senate;
22 and one person appointed by the speaker of the house. The

1 committee shall solicit applications and send to the governor
2 the names of at least three individuals for each open position.

3 ~~[(e)]~~ (f) Except as otherwise provided in this chapter,
4 the commission shall be subject to sections 26-34, 26-35, and
5 26-36.”

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

8 **“~~[H]~~§174C-9~~[H]~~ Proceedings before the commission**
9 **concerning water resources.** (a) All proceedings before the
10 commission concerning the enforcement or application of any
11 provision of this chapter or any rule adopted pursuant thereto,
12 or the issuance, modification, or revocation of any permit or
13 license under this code by the commission, shall be conducted in
14 accordance with chapter 91. Hearings regarding particular water
15 resources shall be conducted on the island where those water
16 resources are located.

17 (b) Any party to whom an emergency order is directed may
18 challenge that order but shall immediately comply with the order
19 pending disposition of the party’s challenge. The commission
20 shall give precedence to a hearing on the challenge over all
21 other pending matters.”

22 SECTION 10. Section 174C-15, Hawaii Revised Statutes, is

1 amended to read as follows:

2 "**§174C-15 Penalties and common law remedies.** (a) The
3 commission may enforce its rules and orders adopted pursuant to
4 this chapter by suit for injunction or for damages or both.

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

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

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

9 (3) Violates any order of the commission;

10 (4) Fails to obtain a permit when a permit is required
11 pursuant to this chapter;

12 (5) Fails to comply with permit conditions; or

13 (6) Fails to comply with standardized water audit
14 requirements pursuant to Act 169, Session Laws of
15 Hawaii 2016,

16 shall be subject to a fine imposed by the commission. [~~Such~~] The
17 fine shall be not less than \$50 and shall not exceed [~~\$5,000~~.

18 ~~For a continuing offense, each day during which the offense is~~
19 ~~committed is a separate violation.] \$60,000 per violation. Each
20 day that a violation exists or continues to exist shall~~

21 constitute a separate offense. Penalties for continuing

22 violations shall be assessed from the earliest known date of the

1 violation. The earliest known date of a violation shall be
2 determined by the commission by a preponderance of the evidence;
3 provided that if the earliest known date cannot be determined by
4 a preponderance of evidence, penalties for continuing violations
5 shall be assessed from the earliest date that the commission is
6 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 by
13 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.

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1 ~~[(d)]~~ (e) Except as otherwise provided by law, the commission
2 or its authorized representative by proper delegation ~~[may]~~
3 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
22 available to meet the requirements of the permit system or when

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

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

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

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

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1 is rescinded. Publication of [~~such~~] the notice shall serve as
2 notice to all water users in the area of the condition of water
3 shortage.

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

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

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1 shall immediately comply with the order, pending disposition of
2 the party's challenge. The commission shall give precedence to
3 a hearing on such challenge over all other pending matters."

4 SECTION 12. 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 13. 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 14. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 15. This Act shall take effect on July 1, 3000.

16

17 INTRODUCED BY: _____

18 paf:clm:24-162b