

JAN 26 2011

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# A BILL FOR AN ACT

RELATING TO WATER.

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

1           SECTION 1. The legislature finds that water is a precious  
2 resource in Hawaii. According to the Honolulu board of water  
3 supply, it takes approximately twenty-five years for rain water  
4 to percolate into the earth and into underground aquifers. Yet  
5 water is frequently wasted through careless use, including the  
6 use of sprinklers during rain storms and the use of broken  
7 sprinklers that allow excessive water runoff. This type of  
8 wastage is comparable to littering; however, there are greater  
9 consequences to the public.

10           The purpose of this Act is to establish excessive water  
11 wastage as a petty misdemeanor.

12           SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15           "§711- Criminal wastage of water. (1) A person commits  
16 the offense of criminal wastage of water if that person  
17 knowingly:



1        (a) Allows substantial amounts of water emanating from  
2        that person's property to fall, run, or stream onto  
3        areas outside of that person's property, as evidenced  
4        by a constant stream of water overflowing into the  
5        street or other drainage area for a period of one hour  
6        or more; or

7        (b) Operates a permanently installed irrigation system,  
8        not including portable sprinklers, with a defective  
9        sprinkler head that results in a constant stream of  
10       water that overflows into the street or other drainage  
11       area for a period of one hour or more.

12       (2) It shall be a defense to prosecution under this  
13       section if the reason for the wastage is damaged pipes.

14       (3) Violation of this section shall be a petty  
15       misdemeanor. A violation shall be subject to a fine as follows:

16       (a) \$50 for the first offense;

17       (b) \$100 for the second offense; and

18       (c) Up to \$1,000 for the third and any subsequent offense;  
19       provided that there shall be no sentence of imprisonment."

20       SECTION 3. This Act does not affect rights and duties that  
21       matured, penalties that were incurred, and proceedings that were  
22       begun before its effective date.



1 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY:



By Request



**Report Title:**

Water Wastage; Crime

**Description:**

Establishes the offense of criminal wastage of water as a petty misdemeanor subject to a fine.

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

