

STAND. COM. REP. NO.

1037

Honolulu, Hawaii

MAR 1 - 2019

RE: S.B. No. 554  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 554, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATE WATER CODE PENALTIES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add a minimum penalty of \$50 per violation to the state water code and make each day that a violation exists or continues a separate offense; and
- (2) Require the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and O'ahu County Committees on Legislative Priorities of the Democratic Party of Hawai'i. Your Committees received testimony in opposition to this measure from the Department of Agriculture.

Your Committees find that the Legislature adopted the state water code in 1987 to protect the water resources of the State of Hawai'i. Your Committees further find that the water code's penalties and fines must be strengthened to deter violators because current fines and penalties appear to be too low to act as



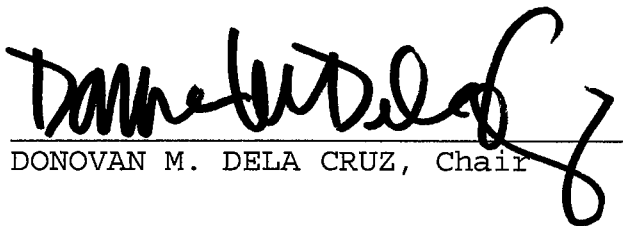
an effective deterrent. Your Committees additionally find that current language of the state water code may limit the Commission on Water Resource Management's ability to impose daily fines for unpermitted activities, and that this issue has recently come up before the Commission. This measure will clarify and strengthen the state water code and facilitate enforcement activities by the Commission.

Your Committees have amended this measure by:

- (1) Reinserting language that requires the Commission on Water Resource Management to assess a fine for a continuing violation from the earliest known date of the violation and to determine the earliest known date of continuing violation by a preponderance of the evidence; and
- (2) Making technical, substantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 554, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 554, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i


**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 554, SDI	WTL, JDC/WAM	2/26/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>SB 554, SD 1</b>	Committee Referral: <b>WTL, JDC / WAM</b>	Date: <b>2/26/2019</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	/			
KEITH-AGARAN, Gilbert S.C. (VC)				/
ENGLISH, J. Kalani	/			
HARIMOTO, Breene	/			
INOUYE, Lorraine R.				/
KAHELE, Kaiali'i				/
KANUHA, Dru Mamo	/			
KIDANI, Michelle N.	/			
MORIWAKI, Sharon Y.	/			
RIVIERE, Gil				/
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	<b>9</b>			<b>4</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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