STAND. COM. REP. NO. 1234

Honolulu, Hawaii

MAR 16: , 2023

RE: S.B. No. 44

S.D. 2 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 44, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to strengthen the State Water Code by:

- (1) Adding a minimum penalty of \$50 per violation and a maximum penalty of \$25,000 per violation of the State Water Code and making each day that a violation exists or continues to exist a separate offense;
- (2) Requiring the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation; and
- (3) Appropriating funds for two full-time equivalent positions to ensure compliance and enforcement of the State Water Code.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and two individuals.

Your Committee finds that this measure clarifies what constitutes a violation of the State Water Code and how a penalty amount for a violation is determined.

Your Committee has amended this measure by:

- (1) Increasing the maximum penalty per violation of the State Water Code to \$60,000;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 44, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 44, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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

LINDA ICHIYAMA, Chair

## State of Hawaii House of Representatives The Thirty-second Legislature

## HSCR 1234

## Record of Votes of the Committee on Water & Land

Bill/Resolution No.: Committee SB44, SD2 WAL, J					
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)					
WAL Members	Ayes	Ayes (WR)	Nays	Excused	
1. ICHIYAMA, Linda (C)					
点。特别的 <b>"基础</b> "的特殊。					
2. POEPOE, Mahina (VC)					
3. CHUN, Cory M.		F66 - 3 - 135 1			
3. Chur, cuy m.		<b>18</b> 0 (1.12 (1.13)			
4. GANADEN, Sonny					
5. HASHEM, Mark J.	-	\$80.00 M			
6. MORIKAWA, Dee					
7. TAKAYAMA, Gregg					
7. TAKATAMA, OTEGG					
8. SOUZA, Kanani	<b>V</b>				
			· · · · · · · · · · · · · · · · · · ·		
				· · · · · · · · · · · · · · · · · · ·	
·					
		·			
TOTAL (8)	7			1	
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					