Honolulu, Hawaii

APR 28

, 2023

RE:

H.B. No. 1079

H.D. 2 S.D. 2

C.D. 1

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

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1079, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to amend sections in chapter 342D, Hawaii Revised Statutes (HRS), relating to water pollution, to:

- (1) Conform to definitions and civil penalty amounts pursuant to federal regulations and laws, including the Clean Water Act;
- (2) Consolidate separate water quality certification statutes into one section of law for clarity;

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- (3) Clarify the authority of the Department of Health to conduct water quality certifications; and
- (4) Revise civil penalty amounts to ensure consistency within the Department of Health.

Your Committee on Conference has amended this measure by:

- (1) Adding a definition of "territorial seas";
- (2) Raising the maximum fine for any person who violates chapter 342D, HRS, any rule, or any term or condition of a permit, water quality certification, or variance issued pursuant to chapter 342D, HRS, to \$60,000 for each separate offense;
- (3) Raising the maximum fine for any person who denies, obstructs, or hampers the entrance or inspection by any duly authorized officer or employee of the Department of Health of any building, place, or vehicle that the officer or employee is authorized to enter and inspect to \$25,000 for each day of denial, obstruction, or hampering;
- (4) Changing its effective date to upon approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1079, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1079, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

LORRAINE R. INOUYE

Chair

LINDA ICHIYAMA

Co-Chair

MIKE CABBARD

Co-Chair

SHARON MORIWAKI

Co-Chair

NICOLE E. LOWEN

Co-Chair

LISA KITAGAWA

Co-Chair

Hawaii State Legislature

Record of Votes of a Conference Committee

CCR 124

Bill / Concurrent Resolution No.: HB 1079, HD 2, SD 2					Date/Time: 4/29/23	11	:26	1a	,
The recommendation of the House and Senate managers is to pass with amendments (CD).									
☐ The Committee is reconsidering in	ts prev	ious de	ecisio	n.					
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	Е	House Managers	A	WR	N	Е
INOUYE, Lorraine R., Chr.	1				ICHIYAMA, Linda, Co-Chr.	1			
GABBARD, Mike, Co-Chr.	√				LOWEN, Nicole E., Co-Chr.	√			
MORIWAKI, Sharon Y., Co-Chr.	1				KITAGAWA, Lisa, Co-Chr.	~			
ELEFANTE, Brandon J.C.	-				EVSLIN, Luke A.	✓			
					POEPOE, Mahina	~			
					SOUZA, Kanani	✓			
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TOTAL	4	0	O	0	TOTAL	4	0	D	0
A = Aye $WR = Aye$ with Reservations $N = Nay$ $E = Excused$									
Senate Recommendation is:					House Recommendation is:				
Adopted					Adopted Not Adopted				
Senate Lead Chair's or Designee's Signature: Thomas					House Lead Chair's or Designee's Signature:				
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