

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.

2023-2493 SB44 HD1 HSCR HMSO



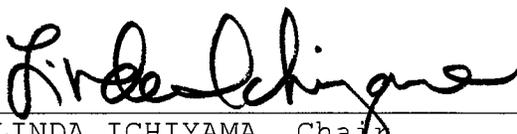
Your Committee finds that this measure clarifies what constitutes a violation of the State Water Code and how a penalty amount for a violation is determined.

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



