

Honolulu, Hawaii

FEB 16 2023

RE: S.B. No. 44

S.D. 1

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

Sir:

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

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add a minimum penalty of \$50 per violation of 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 Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that in 1987, the State Water Code was adopted to protect the precious water resources of the State. To better enable the Department of Land and Natural Resources and Commission on Water Resource Management to carry out that mission, your Committee further finds that the State Water Code's penalties and fines must be amended and increased to serve as an effective deterrence to violators. Therefore, this measure adds a minimum penalty of \$50 per violation of the State Water Code and makes



each day that a violation exists or continues a separate offense and requires the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

Your Committee has amended this measure by:

- (1) Raising the maximum penalty per violation to \$25,000, from \$5,000;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

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

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

  
LORRAINE R. INOUYE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

|  |                     |                |     |         |
|--|---------------------|----------------|-----|---------|
| Bill / Resolution No.:*  | Committee Referral: | Date:          |     |         |
| SB 44  | WTL, JDC/WAM        | 02 / 13 / 2023 |     |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |                     |                |     |         |
| The Recommendation is:<br><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 |
| INOUYE, Lorraine R. (C)  | ✓                   |                |     |         |
| ELEFANTE, Brandon J.C. (VC)  | ✓                   |                |     |         |
| CHANG, Stanley   | ✓                   |                |     |         |
| MCKELVEY, Angus L.K.   | ✓                   |                |     |         |
| FEVELLA, Kurt  | ✓                   |                |     |         |
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| <b>TOTAL</b>   | 5                   | 0              | 0   | 0       |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                     |                |     |         |
| Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>                                  |                     |                |     |         |
| <b>Distribution:</b> Original     Yellow     Pink     Goldenrod<br>File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy   |                     |                |     |         |

\*Only one measure per Record of Votes