

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 44
S.D. 2

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 44, 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) Create a minimum penalty of \$50 for every violation of the State Water Code;
- (2) Raise the maximum penalty to \$25,000 for every violation of the State Water Code;
- (3) Clarify that each day that a violation exists or continues is a separate offense; and
- (4) Require the Commission on Water Resource Management (Commission) 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.

Your Committees find that this measure will support the Commission in its affirmative duty to protect, control, and regulate the use of Hawaii's water resources in accordance with



article XI, section 7, of the Hawaii State Constitution. According to testimony received by your Committees, many violations of the State Water Code go unchecked due to the limited number of Commission staff. Your Committees further find that none of the staff at the Commission are dedicated solely to investigating and correcting violations of the State Water Code.

Accordingly, your Committees have amended this measure by:

- (1) Inserting a blank appropriation amount to the Department of Land and Natural Resources for two full-time equivalent (2.0 FTE) general professional positions within the Commission to ensure compliance and enforce the State Water Code;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive 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. 44, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 44, 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
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 44 SDI	Committee Referral: WTL, JDC/WAM	Date: 3/1/23		
<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)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	13			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes