

STAND. COM. REP. NO.

742

Honolulu, Hawaii

FEB 14 , 2025

RE: H.B. No. 306
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 306, H.D. 1, 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:

- (1) Ensure that all violators of the State Water Code are held accountable for their violations by adding a minimum penalty and amending the maximum penalty, with scheduled incremental increases, per violation of the State Water Code and clarifying what constitutes a separate offense; and
- (2) Require the Commission on Water Resource Management to consider certain factors when imposing penalties.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawai'i Alliance for Progressive Action; Ulupono Initiative; Kauai Climate Action Coalition; and numerous individuals. Your Committee received comments on this measure from the Land Use Research Foundation of Hawaii.



Your Committee finds that this measure will better enable the Department of Land and Natural Resources and Commission on Water Resource Management to protect the precious water resources of Hawaii by amending and clarifying the penalty structure for violators of the State Water Code.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider requiring the fine to be no less than \$50 and no more than \$25,000 per violation, with the maximum fine increasing to:

- (1) \$30,000 beginning January 1, 2030;
- (2) \$40,000 beginning January 1, 2035;
- (3) \$55,000 beginning January 1, 2040; and
- (4) \$75,000 beginning January 1, 2045.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 306, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 306, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



