Honolulu, Hawaii

FEB 08 , 2024

RE: H.B. No. 1544 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 1544 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) Add a minimum penalty of \$50 and a maximum penalty of \$60,000 per violation of the State Water Code;
- (2) Expand the types of potential violations of the State Water Code;
- (3) Make each day that a violation exists or continues to exist a separate offense;
- (4) Require the Commission on Water Resource Management to consider certain factors when imposing penalties; and
- (5) Make the setting, charging, and collecting of administrative fines by the Commission on Water Resource Management mandatory, rather than discretionary.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Sierra Club of

Hawai'i; and two individuals. Your Committee received testimony in opposition to this measure from the Board of Water Supply, City and County of Honolulu; Department of Water, County of Kaua'i; and Department of Water Supply, County of Hawai'i.

Your Committee finds that the State Water Code's penalties and fines must be amended and increased to serve as an effective deterrent to violators.

Your Committee has amended this measure by:

- (1) Changing the minimum and maximum fine amounts per violation of the State Water Code to unspecified amounts;
- (2) Changing the effective date to July 1, 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 H.B. No. 1544, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1544, 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

State of Hawaii House of Representatives The Thirty-second Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB 1544	Committee Referral: WAL, JHA, FIN	Date:	01/30	124
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. ICHIYAMA, Linda (C)	✓			
2. POEPOE, Mahina (VC)			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	e e e e e e e e e e e e e e e e e e e
2 CHUN Cow M				
3. CHUN, Cory M.			No. 1985 Property Control of the Con	
4. GANADEN, Sonny			Mijer i Salai i	
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5. HASHEM, Mark J.	V			
6. MIZUNO, May Besario	√	THINK LUDON		
7. MORIKAWA, Dee		Anna and an anna an a		
8. TAKAYAMA, Gregg				34. 3
8. TAKAYAMA, Gregg				
9. SOUZA, Kanani		alle Kalidian il		
		-		
		-		
TOTAL (9)	9			
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				