STAND. COM. REP. NO. 1768 -08

Honolulu, Hawaii

, 2008

RE: S.B. No. 3103

> S.D. 1 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3103, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES,"

begs leave to report as follows:

The purpose of this bill is to increase landowner participation in safe harbor agreements and habitat conservation plans by authorizing the development and use of programmatic safe harbor agreements and programmatic habitat conservation plans that cover multiple landowners, or a class of landowners, over a wide area or region.

The Department of Land and Natural Resources and University of Hawaii Environmental Center supported this bill. The Hawaii Leeward Planning Conference supported the intent of this measure. Earthjustice and Sierra Club - Hawaii Chapter, opposed this bill. A concerned individual provided comments.

Your Committee has amended this bill by:

Removing the amendment defining "landowner" to include (1)an agent of the landowner;

SB3103 HD2 HSCR JUD HMS 2008-3676

- (2) Moving to section 195D-4(g), Hawaii Revised Statutes, the provisions allowing certificates of inclusion extending the coverage of an incidental take license, to be issued to landowners joining existing programmatic safe harbor plans and programmatic habitat conservation plans, to ensure that the certificates are issued only after they meet specified conditions and are approved by not less than two-thirds of the members of the Board of Land and Natural Resources; and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3103, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3103, S.D. 1, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

TOMMY WATERS, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

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Record of Votes of the Committee on Judiciary

			Date: 4-1-04	
SB3103, SD1, HD1 (HSCR1296-08) WLH/EEP, JUD The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) 2 Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken				
6. LUKE, Sylvia	/			
7. McKELVEY, Angus L.K.				
8. MORITA, Hermina M.	/			
9. SONSON, Alex M.				1
10. SOUKI, Joseph M.				/
11. TSUJI, Clift				
12. YAMANE, Ryan I.	1			
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia				
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TOTAL (16)	12		1	3
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				