STAND. COM. REP. NO. 3454

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3176

H.D. 1 S.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 3176, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE TO STONY CORAL AND LIVE ROCK,"

begs leave to report as follows:

The purpose of this measure is to authorize the Chairperson of the Board of Land and Natural Resources to impose an additional administrative penalty of a fine of up to \$10,000 for per square meter of area damaged to Hawaii's stony coral reefs and live rocks, or in the alternative, utilize an accepted economic valuation method to gauge the relative value of the particular area damaged and use that value as the fine amount, whichever is greater.

This measure also defines "accepted economic valuation method", "breaking", "damaging", "live rock", and "stony coral".

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and Ocean Tourism Coalition. Testimony in opposition was received from RT Distributors.

Your Committee finds that Hawaii's live coral reefs provide food and shelter for the myriad of native and endemic reef organisms that populate the State's coastal waters. This unique ecosystem serves as the backbone of the State's vibrant marine

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tourism industry, creating many of our world-famous wave breaks, providing subsistence, recreational, and commercial fishing for residents and visitors alike.

Your Committee further finds that there has been an increase in the occurrence of human and non-human damage to Hawaii's living coral colonies and live rock environments, and therefore understands the importance of this measure in that it provides an additional mechanism to protect Hawaii's unique ocean ecosystem and natural resources for the benefit of its residents and future generations.

Your Committee has amended this measure by making it apply:

- (1) To an intentional act or an act in total disregard to causing damage; and
- (2) To an unspecified minimum amount of square footage of damage.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3176, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3176, H.D. 1, S.D. 2.

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

BRIAN T. TANIGUCHI, Chai

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:			Date:	
HB 3176 HD I SDI	WTL, JOL			4 - 3 - 08	
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye /	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)		V			
HEE, Clayton (VC)					V
GABBARD, Mike		<u> </u>			~~~
KOKUBUN, Russell S.		V/			
NISHIHARA, Clarence K.		V_{ℓ}			<u> </u>
SLOM, Sam		/_			A CONTROL OF THE CONT
TOTAL		S		Of the State of th	
Recommendation: Adopted 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