STAND. COM. REP. NO. 3453

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3177

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. 3177, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Increase the maximum allowable fine from \$2,000 to \$20,000 for violation of the State's land use conservation district laws and rules, and an additional fine of up to \$20,000 for a wilful violation per day per violation after written or verbal notification from the Department of Land and Natural Resources is given; and
- (2) Allow the Board of Land and Natural Resources to set, charge, and collect the fine based on the value of the natural resource that is damaged, the market value of the natural resource damaged, and any other factor it deems appropriate.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, The Nature Conservancy of Hawaiii, and Sierra Club Hawaii Chapter. Your Committee finds that the State has a public trust obligation and must remain vigilant in its duty to protect Hawaii's natural resources for the benefit of all of its residents and future generations. In recent years, there has been an increase in the incidences of intentional violation of and blatant disregard for state natural resource laws and rules.

Your Committee has amended this measure by:

- (1) Clarifying that the exercise of native Hawaiian gathering rights or traditional cultural practices are excluded from the penalty section; and
- (2) Changing the effective date to July 1, 2050 to continue the discussions on this matter.

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. 3177, 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. 3177, 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.:* Comm	Committee Referral: Date:			
HB 317 HOISDI	WTL, JDL 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)				
GABBARD, Mike	I V			
KOKUBUN, Russell S.				
NISHIHARA, Clarence K.				
SLOM, Sam				
TOTAL	5		Samuel State Control of the Control	
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				

<sup>\*</sup>Only one measure per Record of Votes