

Honolulu, Hawaii  
Feb 15, 2008

RE: H.B. No. 3178

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 H.B. No. 3178 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL PENALTIES FOR VIOLATIONS ON PUBLIC LANDS,"

begs leave to report as follows:

The purpose of this bill is to protect Hawaii's public lands by:

- (1) Establishing that any person causing an encroachment upon public lands is liable for administrative costs incurred by the Department of Land and Natural Resources (DLNR);
- (2) Increasing the current fine and establishing greater fines for any person engaging in any prohibited use of public lands or conducting a prohibited activity on public lands;
- (3) Authorizing the Board of Land and Natural Resources to set, charge, and collect a fine that, in its discretion, is appropriate considering the value of the natural resource that is damaged or the subject of the theft; and



- (4) Providing an exemption to sanctions for persons exercising native Hawaiian gathering rights and traditional cultural practices as authorized by law or permitted by DLNR.

DLNR, the Office of Hawaiian Affairs, and a concerned individual testified in support of this bill.

Your Committee notes that DLNR testified orally at the public hearing for this measure that payment by a violator of all administrative costs and expenses should be a discretionary, rather than mandatory, penalty. Your Committee respectfully requests that your Committee on Finance address this matter.

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 H.B. No. 3178 and recommends that it pass Second Reading and be referred to the Committee on Finance.

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



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TOMMY WATERS, Chair



