STAND. COM. REP. NO. 2682

Honolulu, Hawaii

MAR 0 2 2012

RE: S.B. No. 2277 S.D. 2

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2277, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a new administrative procedure and administrative remedy for challenges to a habitat conservation plan or safe harbor agreement and accompanying license; and
- (2) Make permanent the Board of Land and Natural Resources' power to approve safe harbor agreements, habitat conservation plans, and incidental take licenses.

Your Committee did not receive any testimony on this measure.

Your Committee finds that the existing procedure for enforcing rules, habitat conservation plans, and safe harbor agreements and accompanying licenses is unworkable. Unforeseen emergencies inevitably arise, and when they do, effective remedies must be available. This measure preserves the right to review an administrative decision or failure to render a decision in the appropriate circuit court.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to ensure further discussion.

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 S.B. No. 2277, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2277, S.D. 2.

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

CLAYTON HEE. Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:			Date: /		
SB 2277, SDI	ENE/WLH, JDL			3/1/12		
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 (W	R)	Nay	Excused
HEE, Clayton (C)	""					
SHIMABUKURO, Maile (VC)		V				
GABBARD, Mike	· · · · · · · · · · · · · · · · · · ·					
IHARA, Jr., Les						
SLOM, Sam						
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TOTAL		5				·
Recommendation:						
Adopted Not Adopted						
Chair's or Designee's Signature:						
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^{*}Only one measure per Record of Votes