

## ACT 217

H.B. NO. 3177

A Bill for an Act Relating to Penalties for Violations Within the Conservation District.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 183C-7, Hawaii Revised Statutes, is amended to read as follows:

**“§183C-7 Penalty for violation.** (a) The department shall prescribe administrative procedures as it deems necessary for the enforcement of this chapter and any zoning rule adopted in accordance therewith. These rules may be enforced by court order at the suit of the department or of the owner or owners of real estate directly affected by the rules. The provisions of section 607-25 shall apply to this chapter.

(b) Any person violating this chapter or any rule adopted in accordance with this chapter shall be fined not more than [~~\$2,000~~] \$15,000 per violation in addition to administrative costs [~~and~~], costs associated with land or habitat restoration, [~~or both, if required,~~] and damages to [~~state~~] public land[-] or natural resources, or any combination thereof. After written or verbal notification from the department, wilful violation of this [~~section~~] chapter or any rule adopted in accordance with this chapter may incur an additional fine of up to [~~\$2,000~~] \$15,000 per day per violation for each day in which the violation persists. The board may 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, such as the loss of the natural resource to its natural habitat and environment and the cost of restoration or replacement. The remedies provided for in this subsection are cumulative and in addition to any other remedies allowed by law.

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(c) This section shall not be construed to prohibit any person from exercising native Hawaiian gathering rights or traditional cultural practices as authorized by law or as permitted by the department pursuant to article XII, section 7, of the Hawaii Constitution.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 7, 2008.)