

GOV. MSG. NO. 862

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE GOVERNOR

July 7, 2008

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on July 7, 2008, the following bill was signed into law:

HB3177 HD1 SD2 CD1

A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT. (ACT 217)

Sincerely,

LINDA LINGLE

Approved by the Governor JUL 7 2008

HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII ACT 217 H.B. NO. ³¹⁷⁷ H.D. 1 S.D. 2 C.D. 1

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:

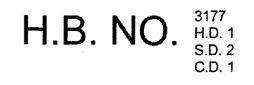
SECTION 1. Section 183C-7, Hawaii Revised Statutes, is
 amended to read as follows:

3 "\$183C-7 Penalty for violation. (a) The department shall
4 prescribe administrative procedures as it deems necessary for
5 the enforcement of this chapter and any zoning rule adopted in
6 accordance therewith. These rules may be enforced by court
7 order at the suit of the department or of the owner or owners of
8 real estate directly affected by the rules. The provisions of
9 section 607-25 shall apply to this chapter.

(b) Any person violating this chapter or any rule adopted 10 11 in accordance with this chapter shall be fined not more than 12 [\$2,000] \$15,000 per violation in addition to administrative 13 costs [and], costs associated with land or habitat restoration, 14 [or both, if required,] and damages to [state] public land[-] or 15 natural resources, or any combination thereof. After written or 16 verbal notification from the department, wilful violation of 17 this [section] chapter or any rule adopted in accordance with



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1	this chapter may incur an additional fine of up to [\$2,000]
2	$\frac{15,000}{100}$ per day per violation for each day in which the
3	violation persists. The board may set, charge, and collect the
4	fine based on the value of the natural resource that is damaged,
5	the market value of the natural resource damaged, and any other
6	factor it deems appropriate, such as the loss of the natural
7	resource to its natural habitat and environment and the cost of
8	restoration or replacement. The remedies provided for in this
9	subsection are cumulative and in addition to any other remedies
10	allowed by law.
11	(c) This section shall not be construed to prohibit any
12	person from exercising native Hawaiian gathering rights or
13	traditional cultural practices as authorized by law or as
14	permitted by the department pursuant to article XII, section 7,
15	of the Hawaii Constitution."
16	SECTION 2. Statutory material to be repealed is bracketed
17	and stricken. New statutory material is underscored.
18	SECTION 3. This Act shall take effect upon its approval.

HB3177 CD1 HMS 2008-4002

H.B. NO. ³¹⁷⁷ H.D. 1 S.D. 2 C.D. 1

APPROVED this 7 day of JUL , 2008

Chilip

GOVERNOR OF THE STATE OF HAWAII