Honolulu, Hawaii

Fe 715, 2008

RE: H.B. No. 3176

H.D. 1

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. 3176 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE TO STONY CORAL AND LIVE ROCK,"

begs leave to report as follows:

The purpose of this bill is to provide additional protections to our valuable reefs by establishing a more appropriate means of quantifying damage to living coral colonies and live rock. This bill directs the Board of Land and Natural Resources (BLNR) to impose administrative penalties for damages to stony coral and live rock on a "per square meter" basis in addition to a "per specimen" basis.

The Department of Land and Natural Resources, Office of Hawaiian Affairs, The Nature Conservancy of Hawaii, and several individuals testified in support of this bill. Ocean Tourism Coalition supported this measure with amendments.

With the prior concurrence of the Chair of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, your Committee has amended this bill by:

(1) Requiring BLNR, in determining the fine to be assessed, to calculate the relative economic value of the damaged area;

HB3176 HD1 HSCR JUD HMS 2008-2128



- (2) Adding a definition for an "accepted economic valuation method"; and
- (3) Changing the effective date to January 1, 2112, to encourage further discussion.

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. 3176, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 3176, H.D. 1.

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

TOMMY WATERS, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

HSCR 533-08

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: Committee Referral: IB 3 1 7 6 (HSCR 185-08) WLH, JUD, FIN		Date	Date: 2/12/08		
☐ The committee is reconsidering its previous	ous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. WATERS, Tommy (C)					
2. OSHIRO, Blake K. (VC)					
3. EVANS, Cindy					
4. GREEN, Josh, M.D.					
5. ITO, Ken					
6. LUKE, Sylvia					
7. McKELVEY, Angus L.K.					
8. MORITA, Hermina M.			**************************************		
9. SONSON, Alex M.					
10. SOUKI, Joseph M.					
11. TSUJI, Clift					
12. YAMANE, Ryan I.					
13. YAMASHITA, Kyle T.					
14. MARUMOTO, Barbara C.					
15. PINE, Kymberly Marcos					
16. THIELEN, Cynthia					
			×		
		F 100 F resident of the resident of			
TOTAL (16)	14			2	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office					