STAND. COM. REP. NO. 534 -08

Honolulu, Hawaii Fernis, 2008

RE: H.B. No. 3177 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. 3177 entitled:

"A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT,"

begs leave to report as follows:

HB3177 HD1 HSCR JUD HMS 2008-2131

The purpose of this bill is to protect our natural resources and deter unlawful acts on conservation land by:

- Raising the maximum fine from \$2,000 to \$10,000 for each violation of the laws and rules governing conservation districts; and
- (2) Allowing the Board of Land and Natural Resources (Board) to set, charge, and collect the fines based on the value of the natural resource that is damaged, the market value of the natural resource damaged, and any other factor deemed appropriate by the Board.

The Department of Land and Natural Resources, Office of Hawaiian Affairs, The Nature Conservancy of Hawaii, and Sierra Club, Hawaii Chapter, supported this bill. Your Committee agrees with the general intent of this measure to assess fines based on damage to natural resources in conservation districts but notes that the term "natural resources" is not defined under the Conservation District Law, and that the lack of such a definition could potentially result in unintended consequences or overbroad application.

Accordingly, your Committee has amended this measure by changing its effective date to January 1, 2112, to encourage further discussion.

HB3177 HD1 HSCR JUD HMS 2008-2131

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. 3177, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 3177, 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 534-08

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:		Date:		
HB3177 (HSCR186-08)	WLH, JUD, FIN		2/12/08		
□ The committee is reconsidering its pre-	vious decision on the measure.				
	, unamended (as is) Pa short form bill with HD to reco	ss, with amendments (mmit for future public			
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.			12		
13. YAMASHITA, Kyle T.					
14. MARUMOTO, Barbara C.	/				
15. PINE, Kymberly Marcos					
16. THIELEN, Cynthia					
3		_			
		_			
TOTAL (16)				2	
The recommendation is: Add If joint	opted D Not Adopt referral, committee acronym	did not suppor	rt recommendation.		
Vice Chair's or designee's signature:	roy	$n \rightarrow -$			
Distribution: Original (White) – Cor	mmittee Duplicate (Yell	ow) – Chief Clerk's O	ffice		