

Honolulu, Hawaii

April 5, 2006

RE: S.B. No. 2358  
S.D. 2  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2358, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES,"

begs leave to report as follows:

The purpose of this bill is to strengthen the overall management of Hawaii's forest reserves by:

- (1) Providing for procedures to establish and collect administrative fines for violations of forest reserve laws;
- (2) Increasing the criminal fine for timber trespass in forest reserves and establishing an additional fine for every tree illegally destroyed or harvested;
- (3) Allowing all revenue derived from forest reserves, including fines for violations, to be deposited into the Forest Stewardship Fund (Fund); and
- (4) Allowing conveyance tax revenues deposited into the Fund to be used for the management of forest reserves, in addition to the Forest Stewardship Program.




The Nature Conservancy supported this bill. The Department of Land and Natural Resources (DLNR) supported this measure with amendments.

Your Committee has amended this bill by:

- (1) Deleting a potential ambiguity that legal action may be necessary for DLNR to collect administrative fines, fees, and costs, including attorney's fees and costs, as well as costs associated with land or habitat restoration;
- (2) Specifying that a \$10,000 fine shall be imposed for a third or subsequent violation within five years of the last violation rather than the last two violations;
- (3) Rephrasing the provisions relating to native Hawaiian gathering rights and traditional cultural practices in a manner that allows these practices to continue but without jeopardizing DLNR's ability to enforce violations; and
- (4) Making technical, nonsubstantive amendments for consistency, clarity, and style.

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 S.B. No. 2358, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2358, S.D. 2, H.D. 2.

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

  
for SYLVIA LUKE, Chair



