



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,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

---

---

**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:**

1 SECTION 1. Section 183C-7, Hawaii Revised Statutes, is  
2 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.

10 (b) Any person violating this chapter or any rule adopted  
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



1 this chapter may incur an additional fine of up to [~~\$2,000~~]  
2 \$15,000 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.



H.B. NO. 3177  
H.D. 1  
S.D. 2  
C.D. 1

---

APPROVED this 7 day of JUL , 2008



GOVERNOR OF THE STATE OF HAWAII