

STAND. COM. REP. NO. 534 -08

Honolulu, Hawaii
Feb 15, 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:

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

- (1) 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.

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



