

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3176
H.D. 1
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 3176, H.D. 1, S.D. 1, 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 measure is to authorize the Chairperson
of the Board of Land and Natural Resources to impose an additional
administrative penalty of a fine of up to \$10,000 for per square
meter of area damaged to Hawaii's stony coral reefs and live
rocks, or in the alternative, utilize an accepted economic
valuation method to gauge the relative value of the particular
area damaged and use that value as the fine amount, whichever is
greater.

This measure also defines "accepted economic valuation
method", "breaking", "damaging", "live rock", and "stony coral".

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources, Office of
Hawaiian Affairs, and Ocean Tourism Coalition. Testimony in
opposition was received from RT Distributors.

Your Committee finds that Hawaii's live coral reefs provide
food and shelter for the myriad of native and endemic reef
organisms that populate the State's coastal waters. This unique
ecosystem serves as the backbone of the State's vibrant marine



tourism industry, creating many of our world-famous wave breaks, providing subsistence, recreational, and commercial fishing for residents and visitors alike.

Your Committee further finds that there has been an increase in the occurrence of human and non-human damage to Hawaii's living coral colonies and live rock environments, and therefore understands the importance of this measure in that it provides an additional mechanism to protect Hawaii's unique ocean ecosystem and natural resources for the benefit of its residents and future generations.

Your Committee has amended this measure by making it apply:

- (1) To an intentional act or an act in total disregard to causing damage; and
- (2) To an unspecified minimum amount of square footage of damage.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3176, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3176, H.D. 1, S.D. 2.

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


BRIAN T. TANIGUCHI, Chair



