

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3177
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. 3177, H.D. 1, S.D. 1, 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 measure is to:

- (1) Increase the maximum allowable fine from \$2,000 to \$20,000 for violation of the State's land use conservation district laws and rules, and an additional fine of up to \$20,000 for a wilful violation per day per violation after written or verbal notification from the Department of Land and Natural Resources is given; and
- (2) Allow the Board of Land and Natural Resources to set, charge, and collect the fine based on the value of the natural resource that is damaged, the market value of the natural resource damaged, and any other factor it deems appropriate.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, The Nature Conservancy of Hawai'i, and Sierra Club Hawai'i Chapter.



Your Committee finds that the State has a public trust obligation and must remain vigilant in its duty to protect Hawaii's natural resources for the benefit of all of its residents and future generations. In recent years, there has been an increase in the incidences of intentional violation of and blatant disregard for state natural resource laws and rules.

Your Committee has amended this measure by:

- (1) Clarifying that the exercise of native Hawaiian gathering rights or traditional cultural practices are excluded from the penalty section; and
- (2) Changing the effective date to July 1, 2050 to continue the discussions on this matter.

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. 3177, 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. 3177, H.D. 1, S.D. 2.

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


BRIAN T. TANIGUCHI, Chair



