

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 580
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 580, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FORFEITURE,"

begs leave to report as follows:

The purpose of this measure is to subject to forfeiture proceedings persons who violate statutes and rules relating to conservation and resources, the protection of caves, historic preservation, and the Kaho'olawe Island Reserve.

The Hawaii Supreme Court in the case of *Carlisle v. One (1) Boat, et al.* (No. 26995, November 17, 2008), held that the State's forfeiture laws, and the Department of Land and Natural Resources administrative rules, as applied to natural resource violations do not provide the requisite specificity to authorize forfeiture claims by the State.

This measure provides the Kaho'olawe Island Reserve Commission with statutory authority to participate in the State's forfeiture program as an additional civil remedy to address violations of statutes and rules relating to the Commission. Additionally, this measure reaffirms the Department of Land and Natural Resources' authority regarding the forfeiture program and directs the Department to adopt necessary rules.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to continue the discussions on the issue.



As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 580, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 580, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,




BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 580, SD1	NTL, JGO	2/27/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
TOTAL	4	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes