

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 2590
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2590, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC RESOURCE VIOLATIONS,"

begs leave to report as follows:

The purpose of this measure is to strengthen enforcement of penalties resulting from aquatic resource violations by:

- (1) Authorizing the Board of Land and Natural Resources to impose natural resource-related community service in lieu of or in addition to monetary fines; and
- (2) Providing a process by which violators with outstanding fines or community service requirements may have their driver's license privileges suspended or revoked after a 30-day notification period and a reasonable opportunity to be heard.

The Department of Land and Natural Resources, The Nature Conservancy, Malama Maunalua, Conservation Council for Hawaii, Sierra Club Hawaii Chapter, Malama Pupuokea-Waimea, Fish and Coral Think Tank, Lost Fish Coalition, and several concerned individuals provided testimony in support of this measure. The Ocean Tourism Coalition, Friends of Lanai, and one individual provided comments.



Your Committee is encouraged by the addition of subsection (k) to section 187A-12.5, Hawaii Revised Statutes, which allows the Board to delegate to a hearings officer or officers its authority, as it provides greater flexibility, equity and due process to individuals on islands other than Oahu, subject to the Board's general administrative penalties. Additionally, your Committee respectfully requests the Committee on Finance to consider the options for neighbor island participation.

Your Committee notes that the provisions related to the Board's authority to suspend an individual's driver's license are similar to provisions under Chapter 576D, Hawaii Revised Statutes, related to child support enforcement. Your Committee believes provisions related to suspension of an individual's motor vehicle registration, under Chapter 10 of the City & County of Honolulu's Department of Planning and Permitting's Rules and Procedures, are insightful and merits further consideration.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2590, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2590, H.D. 2.

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


GILBERT KEITH-AGARAN, Chair



