

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 2277  
S.D. 2

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2277, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERED AND THREATENED  
SPECIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a new administrative procedure and administrative remedy for challenges to a habitat conservation plan or safe harbor agreement and accompanying license; and
- (2) Make permanent the Board of Land and Natural Resources' power to approve safe harbor agreements, habitat conservation plans, and incidental take licenses.

Your Committee did not receive any testimony on this measure.

Your Committee finds that the existing procedure for enforcing rules, habitat conservation plans, and safe harbor agreements and accompanying licenses is unworkable. Unforeseen emergencies inevitably arise, and when they do, effective remedies must be available. This measure preserves the right to review an administrative decision or failure to render a decision in the appropriate circuit court.



Your Committee has amended this measure by changing the effective date to July 1, 2050, to ensure further discussion.

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 S.B. No. 2277, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2277, S.D. 2.

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



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CLAYTON HEE, Chair



