

Honolulu, Hawaii

FEB 13 2013

RE: S.B. No. 1170

S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committees on Water and Land and Public Safety,  
Intergovernmental and Military Affairs and Judiciary and Labor, to  
which was referred S.B. No. 1170 entitled:

"A BILL FOR AN ACT RELATING TO ENFORCEMENT OF VIOLATIONS BY  
THE DEPARTMENT OF LAND AND NATURAL RESOURCES,"

beg leave to report as follows:

The purpose and intent of this measure is to provide  
alternative civil enforcement options that may be utilized by the  
Board of Land and Natural Resources in the processing of natural  
and cultural resource violation cases.

Your Committees received testimony in support of this measure  
from the Department of Land and Natural Resources, Office of  
Hawaiian Affairs, Indigenous Consultant LLC/Innovations  
Development Group, and Nature Conservancy. Your Committees  
received testimony in opposition to this measure from one  
individual. Your Committees received comments on this measure  
from the Society for Hawaiian Archeology.

Currently, under section 171-6, Hawaii Revised Statutes, the  
Board of Land and Natural Resources may levy administrative fines  
and order encroachment removal and damage restoration for  
violations of natural and cultural resource laws and regulations.  
Your Committees find that in many cases the use of these means may  
not be feasible or optimal.



This measure provides flexibility to the Department of Land and Natural Resources and resource law violators. According to the Department of Land and Natural Resources, the community services in remedial or non-remedial actions responding to resource violations will be imposed only with the prior consent of all the parties involved and will not incur any potential liabilities to the State. This measure encourages parties to voluntarily come into compliance and to proactively address the violations in every way possible and available to them. It will also promote the Department's efficiency by saving the time and cost otherwise needed in enforcement actions. Further, it will promote the participation of various community-based non-profit organizations in partnering with the Department on resource protection and management projects.

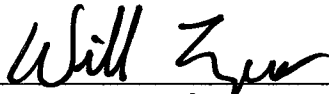
Your Committees have amended this measure by:

- (1) Requiring the Board of Land and Natural Resources to adopt rules to implement each of the additional powers contained in this measure to address concerns raised at the hearing on this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1170, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1170, S.D. 1, and be referred to the Committee on Ways and Means.



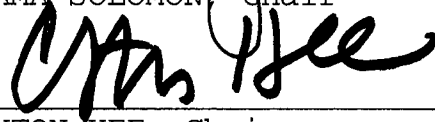
Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Public Safety,  
Intergovernmental and Military  
Affairs and Judiciary and  
Labor,



WILL ESPERO, Chair



MALAMA SOLOMON, Chair



CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

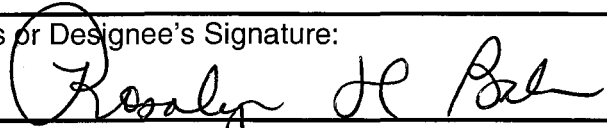
**Record of Votes**  
**Committee on Water and Land**  
**WTL**

|  |   |                        |     |          |
|--|---|------------------------|-----|----------|
| Bill / Resolution No.:*<br><b>SB 1170</b>  | Committee Referral:<br><b>WTL/PSM/JDL,WAM</b> | Date:<br><b>2/5/13</b> |     |          |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |   |                        |     |          |
| The Recommendation is:<br><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  |
| SOLOMON, Malama (C)  | ✓   |                        |     |          |
| SHIMABUKURO, Maile S.L. (VC)   | ✓   |                        |     |          |
| DELA CRUZ, Donovan M.  | ✓   |                        |     |          |
| IHARA, Jr., Les  |   |                        |     | ✓        |
| RUDERMAN, Russell E.   |   |                        |     | ✓        |
| THIELEN, Laura H.  |   |                        |     | ✓        |
| SLOM, Sam  | ✓   |                        |     |          |
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| <b>TOTAL</b>   | <b>4</b>                                      |                        |     | <b>3</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |   |                        |     |          |
| Chair's or Designee's Signature:   |   |                        |     |          |
| <b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod<br>File with Committee Report    Clerk's Office          Drafting Agency        Committee File Copy |   |                        |     |          |

\*Only one measure per Record of Votes

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 Twenty-Seventh Legislature  
 State of Hawai'i

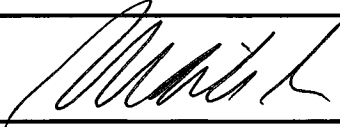
**Record of Votes**  
**Committee on Public Safety, Intergovernmental and Military Affairs**  
**PSM**

|   |   |                          |          |          |
|---|---|--------------------------|----------|----------|
| Bill / Resolution No.:*<br><b>8B 1170</b>   | Committee Referral: <b>WAM</b><br><b>WTL/PSM/JDL,</b> | Date:<br><b>2-5-2013</b> |          |          |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____   |   |                          |          |          |
| The Recommendation is:<br><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  |
| ESPERO, Will (C)  | ✓   |                          |          |          |
| BAKER, Rosalyn H. (VC)  | ✓   |                          |          |          |
| GALUTERIA, Brickwood  |   |                          |          | ✓        |
| GREEN, Josh   |   |                          |          | ✓        |
| SLOM, Sam   | ✓   |                          |          |          |
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| <b>TOTAL</b>  | <b>3</b>  | <b>-</b>                 | <b>-</b> | <b>2</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted  |   |                          |          |          |
| Chair's or Designee's Signature:<br>   |   |                          |          |          |
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**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

|  |                     |          |     |         |
|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:*  | Committee Referral: | Date:    |     |         |
| SB1170   | WTL/PSM/JDL, WAM    | 2/5/13   |     |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |                     |          |     |         |
| The Recommendation is:<br><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 |
| HEE, Clayton (C)   | ✓                   |          |     |         |
| SHIMABUKURO, Maile S.L. (VC)   | ✓                   |          |     |         |
| GABBARD, Mike  |                     |          |     | ✓       |
| IHARA, Jr., Les  |                     |          |     | ✓       |
| SLOM, Sam  | ✓                   |          |     |         |
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| <b>TOTAL</b>   | 3                   |          |     | 2       |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                     |          |     |         |
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