

STAND. COM. REP. NO. 987

Honolulu, Hawaii

March 15, 2013

RE: S.B. No. 1170

S.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs, to which was referred S.B. No. 1170, S.D. 2, 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 of this measure is to provide the Board of Land and Natural Resources with flexibility in imposing administrative penalties by authorizing the Board to order the performance of community service, suspend or revoke Board-issued licenses or permits, and direct the denial of motor vehicle registration as penalties for violation of rules or statutes related to conservation and resources, caves, or historic preservation.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Nature Conservancy, and three individuals. Hawaii Nearshore Fishermen and one individual submitted testimony in opposition to this measure.

Your Committees have grave concerns regarding the alternate administrative penalties authorized by this measure, particularly the denial of motor vehicle registration. Your Committees respectfully request that your Committee on Judiciary, should it consider this measure, investigate the propriety of authorizing the Board to impose these penalties without the safeguards

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afforded by the judicial process. Despite these very serious concerns, your Committees find that it is appropriate to move this measure forward for the sake of continued discussion on the issues.

As affirmed by the records of votes of the members of your Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1170, S.D. 2, and recommend that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Water & Land and
Ocean, Marine Resources, &
Hawaiian Affairs,



FAYE E. HANOHANO, Chair



CINDY EVANS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HCR 987

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB 1170, SD 2 (SSCR 662)	Committee Referral: WAL/OMH, JUD, FIN	Date: 3-11-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. COFFMAN, Denny		✓		
4. CULLEN, Ty J.K.		✓		
5. HANOHANO, Faye P.		✓		
6. KAWAKAMI, Derek S.K.	(S.K.)			✓
7. LEE, Chris	✓			
8. FALE, Richard Lee		✓		
9. THIELEN, Cynthia	✓			
TOTAL (9)	84 (28)	4		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Nicole E. Lowen</i>				
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