

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2451
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 2451, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHAPTER 183, HAWAII REVISED STATUTES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the administrative fines for destroying or harvesting koa trees and other trees and plants under section 183-5(c), Hawaii Revised Statutes, to be an amount not to exceed the current market value of the koa tree or other tree or plant destroyed or harvested;
- (2) Clarify that any person who violates a provision of part II of chapter 183, Hawaii Revised Statutes, forest reserves, or any rule adopted pursuant thereto, other than section 183-17, Hawaii Revised Statutes, shall be guilty of a petty misdemeanor; and
- (3) Repeal the general penalty provision in section 183-4, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources. Your Committees received comments on this measure from the Department of the Attorney General.



Your Committees find that forest resource thefts are occurring on state lands. The State's forest resources are precious and limited resources worthy of the State's protection. Implementation of this measure will deter unauthorized use of public resources and provide better protection of the State's forest resources.

Your Committees have amended this measure by:

- (1) Inserting language to clarify that the current market value of the koa tree or other tree or plant destroyed or harvested is the current market value at that location; and
- (2) Requiring the maximum administrative fine for destroying or harvesting koa trees and other trees and plants to include the cost of restoration and replacement of the habitat, in addition to a fine to the offender for an amount not to exceed the current market value of the koa tree or other tree or plant destroyed or harvested at that location.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2451, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2451, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair

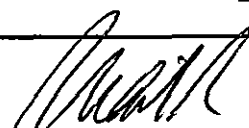


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
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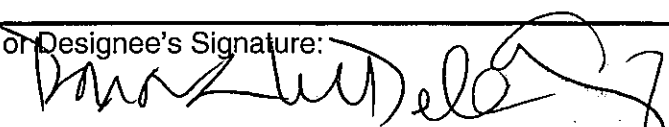
Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2491 SD1		Committee Referral: WLA, JDL/WAM		Date: 2/24/16	
<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
KEITH-AGARAN, Gilbert S.C. (C)		/			
SHIMABUKURO, Maile S.L. (VC)		/			
GABBARD, Mike		/			
KAHELE, Kaiali'i		/			
KIM, Donna Mercado		/			
THIELEN, Laura H.		/			
SLOM, Sam		/			
TOTAL		7			
Recommendation:					
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted			
Chair's or Designee's Signature: 					
Distribution:					
Original	Yellow	Pink	Goldenrod		
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy		

*Only one measure per Record of Votes

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2451, SD1	WLA, SDL/WAM	2/24/16		
<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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene				/
INOUE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	10			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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