

STAND. COM. REP. NO.

499

Honolulu, Hawaii

FEB 16 , 2023

RE: H.B. No. 328

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 328 entitled:

"A BILL FOR AN ACT RELATING TO CONSERVATION MITIGATION BANKS,"

begs leave to report as follows:

The purpose of this measure is to protect Hawaii's environment and natural resources by authorizing the Department of Land and Natural Resources to establish and operate conservation mitigation banks to restore, create, enhance, or preserve conservation habitats or resources as compensatory mitigation where a person or entity is required to provide compensatory mitigation prospectively and the use of banked mitigation is approved by the agency requiring mitigation, or for past damages to conservation habitats or resources.

Your Committee received testimony in support of this measure from three individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that conservation mitigation banks would serve as a mechanism to restore or replace natural resources and ecological functions of habitats either prospectively or after they have been damaged.

2023-1186 HB328 HD1 HSCR HMSO-1




Your Committee notes that the Department of Land and Natural Resources suggested amending this measure to refer to "conservation banks" so as not to be confused with aquatic "mitigation banks" under sections 187A-41 and 187A-42, Hawaii Revised Statutes. However, given the title of the measure is "Relating to Conservation Mitigation Banks", your Committee retained the program name as originally drafted.

Your Committee has amended this measure by:

- (1) Modifying the purpose, structure, and operations of the conservation mitigation banks;
- (2) Changing its effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 328, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 328, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,


LINDA ICHIYAMA, Chair



State of Hawaii
 House of Representatives
 The Thirty-second Legislature

HSCR 499

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB 328	Committee Referral: WAL, FIN	Date: 02/02/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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. ICHIYAMA, Linda (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. CHUN, Cory M.	✓			
4. GANADEN, Sonny	✓			
5. HASHEM, Mark J.	✓			
6. MORIKAWA, Dee	✓			
7. TAKAYAMA, Gregg	✓			
8. SOUZA, Kanani	✓			
TOTAL (8)	8			
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; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				