

STAND. COM. REP. NO.

446

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 1127
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Water and Land, Transportation, and Public Safety, Intergovernmental and Military Affairs, to which was referred S.B. No. 1127 entitled:

"A BILL FOR AN ACT RELATING TO ENFORCEMENT ACTIONS BY THE BOARD 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 (Board) 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, The Nature Conservancy, and one individual. Your Committees received testimony in opposition to this measure from the Near Shore Fishermen of Hawaii.

Your Committees find that Hawaii's fragile environment may be improved through improved compliance, enforcement, and prosecution of violations of our state natural resource laws.

Your Committees further find that the Department of Land and Natural Resources is lacking in adequate enforcement powers under current law. Currently, the Board may levy administrative fines and order encroachment removal and damage restoration for violations of natural and cultural resource laws and rules. However, in many cases, the use of these means may not be feasible



or optimal. This measure is intended to provide greater flexibility to the Board in taking enforcement actions.

Your Committees further find that in many resource violation cases, it is unfair to continue to allow a party to reap economic benefits from the holding of a license or permit issued by the Department of Land and Natural Resources while delinquent in complying with a law or rule administered by the Department. Oftentimes, the violation is so interrelated to the license or permit, even if not directly related, that a withholding of the license or permit is not only a justifiable but also a responsible action that should be taken by the Board.

Your Committees have amended this measure by:

- (1) Inserting language to authorize the Board to suspend, revoke, or deny any application for a license or permit issued under the authority of the Board or Department of Land and Natural Resources if the Board finds that the licensee, permittee, or applicant has failed to comply with a final order of the Board issued under title 12 or chapter 6D or 6E, Hawaii Revised Statutes, or any rule adopted thereunder, until satisfactory compliance is certified by the Board or its designated agent;
- (2) Clarifying that the Director of Finance of the appropriate county shall deny any application for registration of a motor vehicle if the Director of Finance has received from the Board notification of failure to pay a fine due under a final decision and order by the Board; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Furthermore, your Committees request the Department of the Attorney General to review this measure and provide further amendments as warranted as the measure moves forward this session.

As affirmed by the records of votes of the members of your Committees on Water and Land, Transportation, and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1127, as amended herein, and recommend that it pass



Second Reading in the form attached hereto as S.B. No. 1127,
S.D. 1, and be referred to the Committee on Ways and Means.

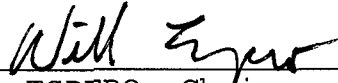
Respectfully submitted on
behalf of the members of the
Committees on Water and Land,
Transportation, and Public
Safety, Intergovernmental and
Military Affairs,



CLARENCE K. NISHIHARA, Chair



LAURA H. THIELEN, Chair

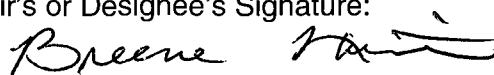


WILL ESPERO, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation
TRA

| | | | | |
|--|--|-------------------------|-----|----------|
| Bill / Resolution No.:* SB 1127 | Committee Referral: NTL/TRA/PSM, WAM | Date: 2/12/15 | | |
| <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 |
| NISHIHARA, Clarence K. (C) | ✓ | | | |
| HARIMOTO, Breene (VC) | ✓ | | | |
| DELA CRUZ, Donovan M. | . | | | ✓ |
| ENGLISH, J. Kalani | ✓ | | | |
| ESPERO, Will | ✓ | | | |
| INOUYE, Lorraine R. | ✓ | | | |
| KIDANI, Michelle N. | | | | ✓ |
| KOUCHI, Ronald D. | | | | ✓ |
| SLOM, Sam | | | | ✓ |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 5 | | | 4 |
| 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 Public Safety, Intergovernmental and Military Affairs
PSM

| | | | | |
|--|--|-------------------------|----------|----------|
| Bill / Resolution No.:* SB 1127 | Committee Referral: WTL/TRA/PSM, WAM | Date: 2-12-15 | | |
| <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 |
| ESPERO, Will (C) | ✓ | | | |
| BAKER, Rosalyn H. (VC) | ✓ | | | |
| GALUTERIA, Brickwood | ✓ | | | |
| KEITH-AGARAN, Gilbert S.C. | ✓ | | | |
| SLOM, Sam | | | | ✓ |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 4 | - | - | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Rosalyn H Baker</div> | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes