

STAND. COM. REP. NO. 1610

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 1009
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 1009, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CERTAIN PENALTIES FOR VIOLATIONS OF SUBTITLE 4 OF TITLE 12, HAWAII REVISED STATUTES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the additional fines and costs for destroying or harvesting trees or tree products, including koa, on state forest reserves lands;
- (2) Establish penalties for any person who violates vehicular parking or traffic movement rules adopted by the Department of Land and Natural Resources under forest reserves, water development, and zoning laws;
- (3) Authorize the State to pursue civil legal action and criminal action against a person violating laws and rules pertaining to forest reserves, water development, and zoning;
- (4) Establish criminal penalties for violations of all forest reserves laws or rules; and



- (5) Repeal the general penalty provision for violations of certain forestry and wildlife, recreation areas, and fire protection laws and rules.

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

Your Committees find that the current value of koa and other forest products, such as Hawaiian sandalwood, far exceeds the current dollar amount of the administrative fine of up to \$10,000 per koa tree and \$2,000 for all other tree or plants destroyed or harvested on state lands. Your Committees further find that the costs associated with enforcement, as well as with restoration or replacement of the habitat and damages to public land and natural resources are not balanced by the fines and other enforcement options currently available to the Department of Land and Natural Resources. This measure not only streamlines offenses and penalties within statutes regarding forest reserves, but also allows the Department of Land and Natural Resources to more consistently and effectively enforce administrative rules and protect, preserve, and enhance the State's natural resources.

Your Committees have amended this measure by 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 Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1009, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1009, H.D. 1, S.D. 1.

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


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1009, HD1	WTL, JDC/WAM	4/6/2021		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
TOTAL	5	2	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

