

STAND. COM. REP. NO.

1138

Honolulu, Hawaii

March 2, 2007

RE: H.B. No. 1499

H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1499, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OCEAN RESOURCES,"

begs leave to report as follows:

The purpose of this bill is to strengthen the Department of Land and Natural Resources' (DLNR) and specifically the Division of Conservation and Resources Enforcement's (DOCARE's) ability to enforce the State's aquatic resources laws by authorizing any DOCARE officer or other enforcement officer of the State to conduct administrative examinations and inspections of bags, containers, vehicles, or conveyances used to transport aquatic life without probable cause, under written consent obtained when issuing licenses or permits under Subtitle 5 of Title 12, Hawaii Revised Statutes (HRS).

This bill also provides that refusal to comply with the administrative search results in immediate revocation of the permit or license.

The Nature Conservancy of Hawaii, the Ocean Law & Policy Institute of the Pacific Forum CSIS, the Pacific Fisheries Coalition, and a concerned individual testified in support of this bill. DLNR, the Sierra Club, Hawaii Chapter, Hawaii Audubon Society, and Malama Hawaii supported this measure with amendments. A concerned individual opposed this bill.

HB1499 HD2 HSCR JUD HMS 2007-2869

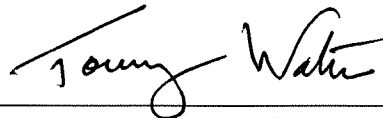


Your Committee has amended this bill by:

- (1) Clarifying that no person shall refuse an examination and inspection to determine compliance with the terms of registration, and that refusal shall result in immediate revocation;
- (2) Exempting the refusal to grant an examination or inspection from the penalties under section 187A-13, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1499, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1499, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HJR 1138

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1499 HD1 (HSCR 677)		Date: 2/27/07		
Committee Referral: JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	/			
3. CALDWELL, Kirk	/			
4. EVANS, Cindy	/			
5. GREEN, Josh, M.D.	/			
6. ITO, Ken	/			
7. LUKE, Sylvia	/			
8. McKELVEY, Angus L.K.	/			
9. MORITA, Hermina M.	/			
10. SONSON, Alex M.	/			
11. SOUKI, Joseph M.	/			
12. TSUJI, Clift	/			
13. YAMANE, Ryan I.	/			
14. YAMASHITA, Kyle T.	/			
15. MARUMOTO, Barbara C.	/			
16. PINE, Kymberly Marcos	/			
17. THIELEN, Cynthia				/
TOTAL	16			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				