

STAND. COM. REP. NO. 677

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 1499
H.D. 1

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

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 1499 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' 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 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.

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

The Department of Land and Natural Resources, Office of Hawaiian Affairs, Ocean Law & Policy Institute of the Pacific Forum CSIS, Sierra Club-Hawaii Chapter, The Nature Conservancy of Hawaii, and a concerned individual testified in support of this bill.

HB1499 HD1 HSCR WLH HMS 2007-2310



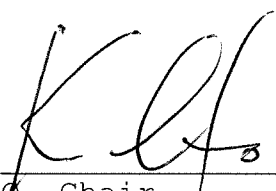
Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

Your Committee notes that the issue of constitutionality has not been resolved, and requests that the Committee on Judiciary further review the constitutional implications, as constitutional issues are within the realm of its expertise.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1499, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1499, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, Ocean
Resources & Hawaiian Affairs,



KEN ITO, Chair



