

STAND. COM. REP. NO. 663 -08

Honolulu, Hawaii

Feb 15, 2008

RE: H.B. No. 3174

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3174 entitled:

"A BILL FOR AN ACT RELATING TO FEDERAL FISHERIES REGULATIONS,"

begs leave to report as follows:

The purpose of this bill is to clarify that the Department of Land and Natural Resources (DLNR) may adopt administrative rules to be consistent with federal fisheries regulations to improve the joint management of fisheries that:

- (1) Are declared to be in decline; and
- (2) Occur in both state and federal marine waters.

DLNR and The Nature Conservancy of Hawaii supported this bill. The Office of Hawaiian Affairs (OHA) opposed this measure.


Your Committee notes OHA's concerns that this measure does not take into account state constitutional protections afforded to Native Hawaiians with respect to customary and traditional practices that may include fishing activities. Your Committee encourages DLNR and OHA to discuss this matter further and to recommend additional language for this measure, if necessary.

HB3174 HSCR JUD HMS 2008-2240



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. 3174 and recommends that it pass Second Reading and be referred to the Committee on Finance.

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



TOMMY WATERS, Chair



