

STAND. COM. REP. NO.

736

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 768

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation and International Affairs, to which was referred S.B. No. 768 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY VEHICLES,"

beg leave to report as follows:

The purpose of this measure is to increase effective enforcement of the laws and rules that protect and conserve the State's natural resources by designating Division of Conservation and Resources Enforcement vehicles as authorized emergency vehicles.

Specifically, this measure:

- (1) Amends section 291-31.5, Hawaii Revised Statutes, to allow Division of Conservation and Resources Enforcement vehicles to operate, affix, display, or possess a lamp, reflector, or illumination device that appears to be the color blue; and
- (2) Amends section 291C-1, Hawaii Revised Statutes, to include vehicles authorized pursuant to section 291-31.5, Hawaii Revised Statutes, under the definition for "authorized emergency vehicle."

Testimony in support of this measure was submitted by the Department of Land and Natural Resources, the Department of Public Safety, the Nature Conservancy, and ten individuals. Testimony in



opposition to this measure was submitted by the Police Department, City and County of Honolulu and one individual.

The Department of Land and Natural Resources Division of Conservation and Resources Enforcement officers need the proper equipment to allow them to more effectively enforce the laws and rules that protect and conserve the State's natural resources. Several Division of Conservation and Resources Enforcement officers testified to your Committees that there have been numerous situations where Division Enforcement officers have been involved in risky or dangerous circumstances while investigating possible violations of or enforcing conservation laws and rules.

Your Committees find that blue lights affixed to Division of Conservation and Resources Enforcement vehicles act as a deterrent when used during conspicuous patrols in state parks, hunting areas, forests, harbors, coastal areas, and other public recreational areas. The blue light is immediately identifiable as a color of authority, particularly during the night or during adverse weather conditions, and can enhance the Division's ability to respond to natural or manmade disasters, search and rescue, and wild land fires.

The Honolulu Police Department had concerns about the display of blue lights on vehicles from agencies other than police vehicles because of the public's association of blue lights with police vehicles. Your Committees note the suggestion made by the Honolulu Police Department to authorize the use of blue lights on Division of Conservation and Resources Enforcement vehicles only in a combination of blue and red to set these vehicles apart from Honolulu Police Department and other county police department vehicles.

Your Committees are also concerned that the language in this measure under section 1 may imply that the Chairperson of the Board of Land and Natural Resources may be able to authorize other Department vehicles to use and display blue lights other than Division of Conservation and Resources Enforcement vehicles. Thus, your Committees believe that the language needs to be amended to only apply to Division of Conservation and Resources Enforcement vehicles.

Accordingly, your Committees have amended this measure by:



- (1) Deleting the language under section 1 and replacing it with language that creates a new section under chapter 291, Hawaii Revised Statutes, which allows only the Division of Conservation and Resources Enforcement to affix and display a lamp, reflector, or illumination device that appears to be the colors blue and red; and
- (2) Deleting the reference to section 291-31.5, Hawaii Revised Statutes, under the definition for "authorized emergency vehicle" and replacing it with a reference to the new section under chapter 291, Hawaii Revised Statutes, in section 1 of this measure.

Your Committees believe that this measure, as amended, fulfills the intent of this measure, which is to increase effective enforcement of the laws and rules that protect and conserve the State's natural resources.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation and International Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 768, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 768, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Transportation and
International Affairs,



J. KALANI ENGLISH, Chair



RUSSELL S. KOKUBUN, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii


Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

Bill / Resolution No.:* <i>S.B. 768</i>	Committee Referral: <i>WAH/TIA</i>	Date: <i>2/12/07</i>		
<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
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton	X			
SLOM, Sam	X			
TOTAL	<i>5</i>	<i>0</i>	<i>0</i>	<i>0</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:* SB 768	Committee Referral: WAH/TIA	Date: 2/12/07		
<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
ENGLISH, J. Kalani (C)	✓			
INOUE, Lorraine R. (VC)	✓			
ESPERO, Will	✓			
HOOSER, Gary L.				✓
TANIGUCHI, Brian T.				✓
TSUTSUI, Shan S.				✓
GABBARD, Mike	✓			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

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