

STAND. COM. REP. NO.

118

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 1311
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Higher Education, to which was referred S.B. No. 1311 entitled:

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

beg leave to report as follows:

The purpose of this measure is to protect Hawai'i's natural resources and to promote and expand collaboration among state agencies.

Specifically, the purpose of this measure is to:

- (1) Allow the University of Hawai'i use of Department of Land and Natural Resources staff for the purposes of the Hawai'i Marine Laboratory Refuge; and
- (2) Exempt the University of Hawai'i from any permitting or application requirements when carrying out any function or duty relating to the Hawai'i Marine Laboratory Refuge.

Testimony was submitted in support of the intent of this measure by one organization, and testimony in opposition was submitted by one state agency. Copies of written testimony are available for review on the Legislature's website.

The University of Hawai'i employs twenty-four-hour security personnel at the Hawai'i Marine Laboratory Refuge, with an annual



cost of approximately \$161,066. The security personnel do not have authority to patrol the refuge and stop persons from taking live coral, fish, or other invertebrates from the refuge. Your Committees find that allowing the University of Hawai'i use of Department of Land and Natural Resources staff for the purposes of enforcing security of the Hawai'i Marine Laboratory Refuge will help preserve the reef and its living resources.

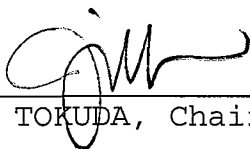
Your Committees further find that exempting the University of Hawai'i from any permitting or application requirements when carrying out any function or duty relating to the Hawai'i Marine Laboratory Refuge is too broad. The permitting process requires all applicants to undergo necessary oversight to uphold high standards when conducting research or removing a regulated species.

Your Committees have amended this measure by:

- (1) Narrowing the exemption to allow the University of Hawai'i to carry out repair and maintenance of the Hawai'i Marine Laboratory Refuge without a permit or application; and
- (2) Amending the effective date to July 1, 2050 for the purpose of encouraging further discussion.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1311, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1311, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Higher Education,



JILL TOKUDA, Chair



CLAYTON HEE, Chair



