

STAND. COM. REP. NO. 1595

Honolulu, Hawaii

APR 22 2013

RE: H.C.R. No. 143
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Transportation and International Affairs and Energy and Environment, to which was referred H.C.R. No. 143, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXEMPT CERTAIN CORAL SPECIES IN ALL COMMERCIAL HARBORS IN THE STATE OF HAWAII FROM RECLASSIFICATION UNDER A PROPOSED FEDERAL RULE CHANGE, "

beg leave to report as follows:

The purpose and intent of this measure is to request the President of the United States and the United States Congress to exempt certain coral species in all commercial harbors in the State of Hawaii from reclassification under a proposed federal rule change.

Your Committees received testimony in support of this measure from the Department of Transportation, Matson Navigation Company, Young Brothers, Horizon Lines, and Ocean Tourism Coalition. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Conservation Council for Hawaii, Center for Biological Diversity, and five individuals. Your Committees received comments on this measure from one individual.

Your Committees find that Hawaii is critically dependent upon ocean transportation and commerce that occurs through the State's

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commercial harbors. The proposed rule for reclassification of coral species includes two species, *Montipora patula* and *Montipora flabellate*, which are the fourth and fifth most abundant coral in the waters surrounding Hawaii. This measure seeks to have these two flourishing coral species within all harbors in the State of Hawaii exempted from reclassification under the proposed rule to ensure that there are no significant impacts to harbor operations.

Your Committees have amended this measure on the recommendation of the Department of Land and Natural Resources by:

- (1) Addressing the request to the National Oceanic and Atmospheric Administration (NOAA), instead of the President of the United States and the United States Congress, since NOAA makes the rules pertaining to this measure;
- (2) Clarifying that the requested rule change is to apply to all state waters, particularly commercial harbors;
- (3) Changing the title accordingly to read:

"REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO EXEMPT CERTAIN CORAL SPECIES IN ALL STATE WATERS, PARTICULARLY COMMERCIAL HARBORS, FROM RECLASSIFICATION UNDER A PROPOSED FEDERAL RULE CHANGE";
and

- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

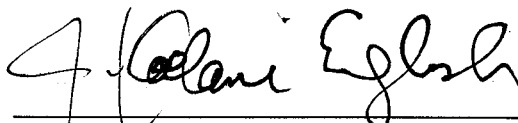
As affirmed by the records of votes of the members of your Committees on Transportation and International Affairs and Energy and Environment that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 143, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 143, H.D. 1, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committees on Transportation
and International Affairs and
Energy and Environment,



MIKE GABBARD, Chair

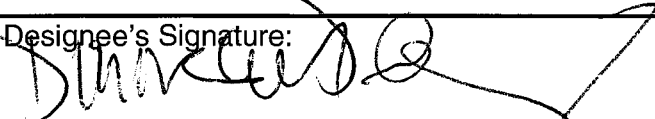


J. KALANI ENGLISH, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

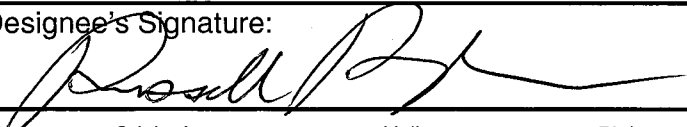
Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 143, HD1	TIA/ENE	4-18-13		
<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)	/			
DELA CRUZ, Donovan M. (VC)	/			
ESPERO, Will	/			
GABBARD, Mike	/			
KAHELE, Gilbert	/			
KEITH-AGARAN, Gilbert S.C.				/
KOUCHI, Ronald D.	/			
SOLOMON, Malama	/			
SLOM, Sam	/			
TOTAL	8			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 143 HD1	TIA/ENE	4/18/13		
<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
GABBARD, Mike (C)	X			
RUDERMAN, Russell E. (VC)	X			
CHUN OAKLAND, Suzanne	X			
IHARA, Jr., Les				X
SLOM, Sam	X			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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