

STAND. COM. REP. NO. 693

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 1169
S.D. 2

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

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1169, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE KAHOO LAWE ISLAND RESERVE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify the offenses for which property is subject to forfeiture under chapter 6K, Hawaii Revised Statutes, relating to the Kaho'olawe Island Reserve, including any activity prohibited by rules of the island reserve and any violation of rules regulating fishing in waters within the island reserve except by persons or vessels within one nautical mile of the boundaries of the island reserve; and
- (2) Clarify that property seized pursuant to conservation and resources enforcement actions may be forfeited and any natural resource seized may be disposed of as provided by law.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Kaho'olawe Island Reserve Commission, and Ocean Tourism Coalition. Testimony in opposition to this measure was submitted by one individual.



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Your Committee finds that this measure serves as a deterrent to conservation and natural resource violations, thus strengthening the enforcement powers of the Department of Land and Natural Resources and protecting the natural resources of the island reserve. Your Committee notes that forfeiture is not intended to be used for inadvertent acts or emergency entries onto the island reserve.

Your Committee further notes the amendment suggested by the Kaho'olawe Island Reserve Commission and Ocean Tourism Coalition regarding an exception for persons or vessels within one nautical mile of the boundaries of the island reserve under the offenses that are subject to forfeiture. The Commission and the Ocean Tourism Coalition recommended that for purposes of clarity, this exception should apply to any prohibited activity, not only any violation of rules regulating fishing in waters.

Accordingly, your Committee has amended this measure by:

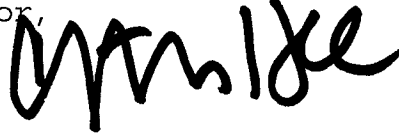
- (1) Adopting the amendment suggested by the Kaho'olawe Island Reserve Commission and Ocean Tourism Coalition to clarify that the exception for persons or vessels within one nautical mile of the boundaries of the island reserve applies to any prohibited activity, not only any violation of rules regulating fishing in waters;
- (2) Making conforming amendments to the purpose section under section 1 to reflect the amendments made to section 2;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1169, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1169, S.D. 2.



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



CLAYTON HEE, Chair



