

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 1169
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 Water and Land and Tourism and Hawaiian Affairs, to which was referred S.B. No. 1169 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to clarify 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, and to clarify that property seized pursuant to conservation and resources enforcement actions may be forfeited and disposed of as provided by law.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Kaho'olawe Island Reserve Commission, and Office of Hawaiian Affairs. Your Committees received testimony in opposition to this measure from the Ocean Tourism Coalition. Your Committees received comments on this measure from the Attorney General.

Your Committees find 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.



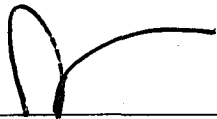
Your Committees agree with the concerns expressed by the Ocean Tourism Coalition that forfeiture is not intended to be used for inadvertent acts or emergency entries onto the island reserve.

Your Committees have amended this measure by:

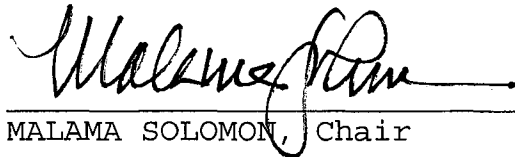
- (1) Clarifying that this measure does not apply to violations of rules regulating fishing in waters within the island reserve by persons or vessels within one nautical mile of the boundaries of the island reserve, on the recommendation of the Kaho'olawe Island Reserve Commission; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Tourism and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1169, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1169, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Tourism and Hawaiian
Affairs,



BRICKWOOD GALUTERIA, Chair

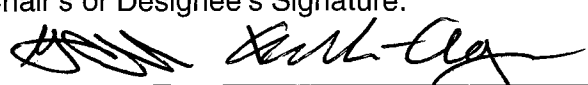


MALAMA SOLOMON, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Tourism and Hawaiian Affairs
THA

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|--|---------------------|----------|-----|----------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 1169 | WTL/THA, JDL | 2/12/13 | | |
| <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 |
| GALUTERIA, Brickwood (C) | ✓ | | | |
| KEITH-AGARAN, Gilbert S.C. (VC) | ✓ | | | |
| HEE, Clayton | | | | ✓ |
| KAHELE, Gilbert | ✓ | | | |
| KIDANI, Michelle N. | | | | ✓ |
| SHIMABUKURO, Maile S.L. | ✓ | | | |
| SOLOMON, Malama | ✓ | | | |
| SLOM, Sam | | | | ✓ |
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| TOTAL | 5 | | | 3 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes