

Honolulu, Hawaii

FEB 19 2015

RE: S.B. No. 470
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Water and Land and Hawaiian Affairs, to which was referred S.B. No. 470 entitled:

"A BILL FOR AN ACT RELATING TO KAHO'OLAWE ISLAND RESERVE,"

beg leave to report as follows:

The purpose and intent of this measure is to clarify that any equipment, article, instrument, aircraft, vehicle, vessel, business record, or natural resource used or taken in violation of the rules applicable to the Kaho'olawe Island Reserve may be seized and subject to forfeiture.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Kaho'olawe Island Reserve Commission, and fourteen individuals. Your Committees received testimony in opposition to this measure from the Ocean Tourism Coalition, Windward Sea Yacht Charters, and Aqua Lung Pacific. Your Committees received comments on this measure from the Department of the Attorney General and three individuals.

Your Committees find that Kaho'olawe, a kinolau of Kanaloa, remains a piko of Hawaiian culture yet still retains visible scars from decades of previous mismanagement. Kaho'olawe was critical to the Hawaiian cultural renaissance and continues to serve as an integral education center for traditional navigation, hula, natural resource management, and other cultural traditions and disciplines.



Your Committees further find that while numerous laws and rules have been adopted to respect, restore, and protect Kaho'olawe and its natural and cultural resources, the relative isolation of the island substantially inhibits the enforcement of these laws and rules. Asset forfeiture, as a civil enforcement mechanism, may therefore be a critical tool to address and deter violations of these important laws and rules.

Your Committees, upon consultation with the Department of the Attorney General, have amended this measure by:

- (1) Clarifying that property or natural resources used or taken in violation of chapter 6K, Hawaii Revised Statutes, or rules adopted by the Department of Land and Natural Resources or the Kaho'olawe Island Reserve Commission may be subject to seizure and disposal in accordance with the procedures under current law if the offense occurs within the fast lands of the Reserve or by persons or on vessels located in the area extending seaward one nautical mile of the shoreline of Kaho'olawe Island;
- (2) Directing the Department of Land and Natural Resources to adopt administrative rules identifying the types of rule violations that may warrant asset forfeiture;
- (3) Deleting the unnecessary enumeration of the offenses, subject to forfeiture since offenses can be set out in administrative rules;
- (4) Deleting the unnecessary amendment to section 6K-6, Hawaii Revised Statutes, relating to rulemaking authority of the Kaho'olawe Island Reserve Commission, since it is duplicative of other provisions in the measure;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) 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 Hawaiian Affairs that are



attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 470, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 470, 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 Hawaiian Affairs,



MAILE S.L. SHIMABUKURO, Chair



LAURA H. THIELEN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

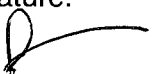
Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 470	Committee Referral: WTL/HWN, JDL	Date: 02.09.15		
<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
THIELEN, Laura H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
IHARA, Jr., Les				✓
RIVIERE, Gil	✓			
RUDERMAN, Russell E.		✓		
SHIMABUKURO, Maile S.L.	✓			
SLOM, Sam				✓
TOTAL	4	1		2
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

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

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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
SHIMABUKURO, Maile S.L. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
INOUYE, Lorraine R.				✓
KAHELE, Gilbert	✓			
SLOM, Sam				✓
TOTAL	3			2
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				

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