

Honolulu, Hawaii

FEB 13 2019

RE: S.B. No. 1260
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 1260 entitled:

"A BILL FOR AN ACT RELATING TO THE TAKING OF NATURAL RESOURCES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a warrantless administrative search scheme to enforce natural resources regulations. Specifically, this measure:

- (1) Authorizes police officers or agents of the Department of Land and Natural Resources upon whom the Board of Land and Natural Resources has conferred police powers to, in the performance of their primary duties and without a warrant, inspect certain items for compliance with title 12, chapters 6D, 6E, and 6K, Hawaii Revised Statutes, and any rule adopted thereunder, relating to the protection and conservation of natural resources; and
- (2) Requires a person to exhibit certain items upon demand by any such person authorized by the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, For the Fishes,



The Nature Conservancy, and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs and two individuals.

Your Committee finds that clear legislative wording outlining a limited inspection authority coupled with the need to exhibit upon a lawful demand, is necessary to allow any police officer or agent of the Department of Land and Natural Resources upon whom the Board of Land and Natural Resources has conferred police powers to have valid authority for a limited inspection while in the field and fulfill the need to adequately protect the natural and cultural resources of Hawaii.

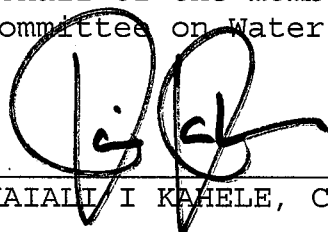
Your Committee has heard the concerns regarding the protection of traditional and customary Native Hawaiian rights and believes this merits further discussion by your Committee on Judiciary.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) 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 Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1260, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1260, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,

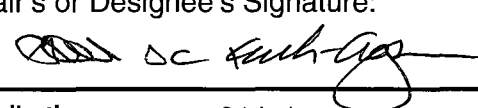


KAIALI'I KAHELE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 1260	Committee Referral: WTL, JDC	Date: 02-04-19		
<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
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	4			1
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