

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER, LAND AND HAWAIIAN AFFAIRS**

**Wednesday, February 6, 2019
9:30 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1035
RELATING TO THE INTERSTATE WILDLIFE VIOLATOR COMPACT**

House Bill 1035 proposes to authorize the Department of Land and Natural Resources (Department) to enter into the interstate wildlife violator compact or similar agreement for mutual assistance in the enforcement of wildlife laws. **The Department strongly supports this Administrative measure.**

The protection of the wildlife resources of the state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources. Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

The Wildlife Violator Compact includes a reciprocal recognition of license privilege suspension by member states, thus any person whose license privileges are suspended in a member state would also be suspended in Hawaii. Wildlife law violators will be held accountable due to the fact that their illegal activities in one state can affect their privileges in all participating states. This cooperative interstate effort will enhance the State of Hawaii's ability to protect and manage wildlife resources for the benefit of all residents and visitors.

Implementation of the Interstate Wildlife Violator Compact in Hawaii would involve the cooperation and coordination of three divisions within the Department: Division of Conservation and Resources Enforcement, Division of Aquatic Resources, and Division of Forestry and Wildlife, as well as input from other stakeholders. A nominal fee of \$500.00 annually is necessary to establish and maintain the system. Staff time to input or extract data is dependent on the number of qualifying violations.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

HB-1035

Submitted on: 2/4/2019 10:27:27 AM

Testimony for WLH on 2/6/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	West Hawaii Humane Society	Support	Yes

Comments:

TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) REGARDING H.B. 1035

Date: Wednesday, Feb. 6, 2019
Time: 9:30 a.m.
Room: 325

To: Chair Ryan I. Yamane and Members of the House Committee on Water, Land & Hawaiian Affairs.

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding H.B. 1035 Relating to the Interstate Wildlife Violator Compact as currently drafted.

This purpose of this bill is to join the multistate agreement that promotes the multistate enforcement of hunting, fishing, trapping and other wildlife related regulations. The bill states that it models the multistate driver license compact and nonresident violator compact. However, this bill includes immunity from civil liability for employees acting in their course and scope of employment when enforcing the agreement. This section is unnecessary as the existing laws making the employer responsible would apply in situations when an employee acting the court and scope of employment causes injury or damages due to negligence. This bill does not specify the type of act or omission that permits immunity from damages and as written would grant immunity to grossly negligent acts. This is poor public policy for all citizens.

Furthermore, neither the multistate driver license compact nor the nonresident violator compact include immunity provisions. There is no valid reason why one should be included here. Therefore, we respectfully ask for the following amendment to the bill:

Delete, lines 7 to 21 on page 3:

~~(b) Employees of the department who perform an act of omission or commission in administering or enforcing the terms or conditions of the agreement entered into pursuant to subsection (a), if the act is within the course and scope of their employment in administering or enforcing the agreement, shall be:~~

~~(1) Immune from civil liability for damages;~~

~~(2) Entitled to legal representation for defense of legal actions in which they are a named party or of claims in which they are implicated; and~~

~~(3) Entitled to indemnification for any damages arising from legal actions or claims resulting therefrom.~~

Generally, the immunity provision is overly broad and employees are already protected under the laws of employer liability. Thank you very much for allowing me to testify regarding this measure. Please contact me if there are any questions or concerns.

HB-1035

Submitted on: 2/5/2019 10:19:51 AM

Testimony for WLH on 2/6/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:



THE HUMANE SOCIETY
OF THE UNITED STATES

To: Honorable Chair Yamane, members of the House Committee on Water, Land and Hawaiian Affairs
In Support Of: HB1035
Date: February 6, 2019
Testimony By: Heather Carpenter, Western Regional Director, The Humane Society of the United States

On behalf of The Humane Society of the United States and our members and supporters across Hawaii, I appreciate the opportunity to submit this written testimony in support of HB1035, a bill to enter Hawaii into the Interstate Wildlife Violator Compact, with amendments.

The HSUS works to end the worst abuses facing wildlife, including poaching. Poaching—the illegal harming or killing of wildlife—is a serious problem across the country. Poachers take animals over the allowable limit or out of season and kill animals using prohibited methods. This bill will keep poachers from illegally taking Hawaii’s wildlife and assists with the enforcement of wildlife laws.

The Interstate Wildlife Violator Compact is a nationwide law enforcement network aimed at preventing lawbreakers who have lost their hunting, fishing, and/or trapping privileges in one state, due to committing poaching crimes or violations, from carrying out those activities in other states.

Hawaii is one of only two non-member states of the nationwide law enforcement network, along with Massachusetts. As a non-member, Hawaii does not benefit from the network that has been helping wildlife agencies increase compliance with wildlife laws for 25 years. We must modernize penalties to deter wildlife criminals.

When a violator has their hunting, fishing, and/or trapping privileges legally suspended in a state that is a member of the compact, the suspension may be recognized by all other compact member states. The violation is treated as if it happened in the violator’s home state for purposes of license suspension.

If a violator fails to comply with a ticket issued in a member state, the issuing state can request the violator's home state to immediately suspend the violator's hunting, fishing and trapping privileges in their state until the violator complies with the terms of the ticket.

With that ability, the non-resident violator (if a resident of a Compact state) in many cases can be handled in the same manner as a resident violator and released on his or her own recognizance. This saves law enforcement the often unnecessary step of taking a non-resident violator to jail and allows them to stay in the field and focus on enforcement. It also removes an unnecessary burden on the court system.

A good example of how the compact punishes poachers is the [recent case of an Arizona hunting guide](#) who killed a desert bighorn sheep in Utah with a fraudulently obtained big game permit. The hunter rented a home in UT, claiming in-state residence to obtain the permit. After killing the bighorn sheep, he was charged with fraud, had to pay \$30,000 in restitution, and cannot hunt for 10 years in the 48 states participating in the compact. However, he can still hunt in Hawaii and Massachusetts. It is critical that we protect our wildlife from people who break the law.

Poachers jeopardize the livelihood of outdoor recreation outfitter and ecotourism companies and other businesses. When poachers illegally take our fish and wildlife, they exploit our natural resources and steal revenue from constituents who make a living by selling goods and services that contribute to wildlife recreation and tourism in

Hawaii.

This is a common sense tool to combat poaching which 48 other states participate in and I urge the committee to protect our unique tourism and local businesses here in Hawaii by entering our state into the Interstate Wildlife Violator Compact.

We request the following amendments to the bill:

- Create a new Chapter 183E.
- Remove language regarding acts of omission.
- Insert the text of the compact, approximately 13 pages in length.
- Amend language to make it clear that the state is entering into the Compact.
- Add an enforcement provision for reciprocal recognition of license suspensions to make sure there is a penalty for someone who actually engages in hunting, trapping, or fishing in the state, but who has had a license for the same activity revoked in another state, and add details about a hearing regarding said suspension.
- Add a definition at the end of the bill language to clarify that as used in the new chapter, "wildlife" includes aquatic species. Licenses are required for the taking in Hawaii of introduced freshwater species, and fishing in certain areas:

<https://freshwater.ehawaii.gov/freshwater/>
<http://dlnr.hawaii.gov/dar/licenses-permits/>

Permits are also required to take aquatic life for aquarium purposes, using certain gear:

<http://dlnr.hawaii.gov/dar/fishing/faqs/>

The Humane Society of the United States offers to provide funding for any needed training on the details of the Compact for Department of Land and Natural Resources, Division of Conservation and Resources Enforcement staff. We request a favorable report on HB 1035, with our proposed amendments.



Heather Carpenter
Western Regional Director
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702-929-2999

HB-1035

Submitted on: 2/4/2019 6:03:29 AM

Testimony for WLH on 2/6/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Individual	Support	No

Comments:

HB-1035

Submitted on: 2/4/2019 10:21:11 PM

Testimony for WLH on 2/6/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary James	Individual	Support	No

Comments: