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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WATER AND LAND

Monday, February 4, 2019
1:15 PM
State Capitol, Conference Room 229

In consideration of
SENATE BILL 1261
RELATING TO THE INTERSTATE WILDLIFE VIOLATOR COMPACT

Senate Bill 1261 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 bill and offers the following comments.**

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 co-operation 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.



Hawaiian Humane Society
People for animals. Animals for people.

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808.356.2200 • HawaiianHumane.org

Date: Feb. 1, 2019

To: Chair Sen. Kaiali'i Kahele
Vice Chair Sen. Gilbert Keith-Agaran
and Members of the Water and Land Committee

Submitted By: Stephanie Kendrick, Public Policy Advocate
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 1261:
Relating to the Interstate Wildlife Violator Compact
Monday, Feb. 4, 2019, 1:15 p.m., Capitol conference room 229

Aloha Chair Kahele, Vice Chair Keith-Agaran and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for SB 1261, which authorizes the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws.

The Hawaiian Humane Society advocates for the humane treatment of all animals, including wildlife. Hawaii authorities charged with enforcing wildlife-related regulations should have access to information about individuals convicted of violating these rules in other states so they can bar them from similar activities in Hawaii. SB 1261 would bring Hawaii in line with 48 other states that have joined together to enforce protections for wild animals.

Please pass SB 1261 to strengthen the enforcement of wildlife regulations across jurisdictions.

Mahalo for your consideration and let me know if I can be of assistance.

SB-1261

Submitted on: 2/2/2019 5:49:47 PM

Testimony for WTL on 2/4/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Testifying for Pono Advocacy, For the Fishes	Support	Yes

Comments:

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) REGARDING S.B. 1261**

Date: Monday, Feb. 4, 2019
Time: 1:15 p.m.
Room: 229



To: Chair Kahele and Members of the Senate Committee on Water and Land.

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding S.B. 1261 Relating to the Interstate Wildlife Violator Compact.

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 in the scope of employment causes injury or damages due to negligence. This bill does not specify what type of act or omission 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.

SB-1261

Submitted on: 1/31/2019 8:07:52 PM

Testimony for WTL on 2/4/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

SB-1261

Submitted on: 2/1/2019 10:44:14 AM

Testimony for WTL on 2/4/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

I support SB1261. This enables law enforcement to protect our natural resource laws and enables cooperation with other state jurisdictions.