

STAND. COM. REP. NO.

395

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1371
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. 1371 entitled:

"A BILL FOR AN ACT RELATING TO LAY NETS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the use of lay nets to take aquatic life, except under a permit obtained from the Department of Land and Natural Resources, and establish the use of lay nets to take aquatic life without a permit as a misdemeanor offense with a mandatory minimum period of imprisonment of one day.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Animal Rights Hawai'i, Center for Biological Diversity, Hawaii Marine Animal Response, Coral Fish Hawaii, and eleven individuals. Your Committee received testimony in opposition to this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and two individuals. Your Committee received comments on this measure from Office of Hawaiian Affairs and one individual.

Your Committee finds that although lay nets are not currently regulated under the Hawaii Revised Statutes, the Division of Aquatic Resources does enforce Hawaii Administrative Rules governing lay nets, including net registration and marking, limits



on dimensions, and time and location restrictions. This measure would allow for permit holders to continue using lay nets as regulated by the Department of Land and Natural Resources, while establishing strong penalties for violators.

Your Committee has amended this measure by:

- (1) Inserting language to exempt native Hawaiian traditional and customary practices from the lay net prohibition and permit requirements;
- (2) Amending the penalty for the misdemeanor offense of using a lay net to take aquatic life without a permit a mandatory minimum period of imprisonment of one day or, for a first offense, a minimum fine of \$1,000;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making a technical, nonsubstantive amendment 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. 1371, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1371, 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,




KAIMALI KAHALE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 1371	Committee Referral: WTL, JDC	Date: 2/8/2019		
<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	3	0	0	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