

STAND. COM. REP. NO.

850

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 1371  
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1371, S.D. 1, 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:

- (1) Prohibit the use of lay nets to take aquatic life, except under a permit obtained by the Department of Land and Natural Resources or as otherwise permitted pursuant to article XII, section 7, of the Hawaii State Constitution; and
- (2) Establish the use of lay nets to take aquatic life as a misdemeanor offense with a mandatory minimum period of imprisonment of one day or, for a first offense, a fine of no less than \$1,000.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Big Island Fisheries Alliance; Hunting, Farming, and Fishing Association; Hawai'i Goes Fishing; and nine individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.



Your Committee finds that the Department of Land and Natural Resources regulates lay net fishing through detailed restrictions on net dimensions, mesh size, soak time, time of day, frequency between sets, location, water depth, and inspection requirements. Your Committee further finds that all lay nets are required to be registered with the Department and marked with identification tags and surface buoys. However, your Committee additionally finds that despite these detailed regulations, which are intended to ensure responsible use of lay nets, the irresponsible use of lay nets continues with adverse impacts to fishery resources and protected species. This measure will establish strong penalties for the unlawful use of lay nets while allowing permit holders to continue using lay nets as regulated by the Department.

Your Committee has amended this measure by removing the mandatory sentence of imprisonment for a term of one day or a fine of not less than \$1,000 and instead making the penalties for use of lay nets for fishing the standard penalties for a misdemeanor offense.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1371, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1371, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



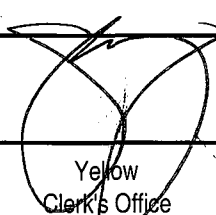
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1371, SD1	WTL, JDC	2/26/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	3	∅	∅	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes