

Honolulu, Hawaii

MAR 1 - 2019

RE: S.B. No. 931
S.D. 2

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 931, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MARINE AQUARIUM FISHING,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit any person from possessing a fine-mesh net or fine-mesh trap on their person or within a vessel within state marine waters or on or about the shore where fish can be taken and impose a \$5,000 fine for violations;
- (2) Place a two-year moratorium on the commercial capture of aquatic life for aquarium purposes or under a commercial marine license through the use of fine-mesh nets or fine-mesh traps;
- (3) Require the Research Corporation of the University of Hawaii to evaluate the impacts of the Department of Land and Natural Resources' issuance of commercial aquarium permits on the island of Oahu and West Hawaii;
- (4) Require a cultural impact assessment in coordination with the Office of Hawaiian Affairs and Native Hawaiian cultural organizations;



- (5) Require the Department of Land and Natural Resources to establish a marine aquarium fishing advisory group; and
- (6) Make an appropriation.

Your Committees received testimony in support of this measure from One Ocean Conservation, Water Inspired Conservation Group, O'ahu County Commission on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals. Your Committees received testimony in opposition to this measure from Coral Fish Hawaii; Hawaii Tropical Fish Association; Wayne's Ocean World, Inc.; Exotic Sealife International, Inc.; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.; Tropical Marine Centre; and thirty-three individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, University of Hawai'i System, Research Corporation of the University of Hawai'i, and one individual.

Your Committees find that prohibiting the commercial capture of Hawaii's reef wildlife will uphold constitutionally protected traditional and cultural practices. Removal of fish and other aquatic life for commercial purposes is contrary to these cherished principles.

Accordingly, your Committees have amended this measure by:

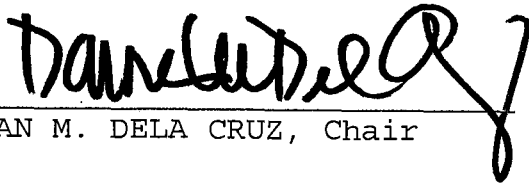
- (1) Deleting its substantive provisions and establishing a prohibition on harvesting aquatic life for commercial aquarium purposes by any means effective March 1, 2024, other than activities conducted pursuant to a special activities permit or aquaculturist license;
- (2) Deleting the savings clause;
- (3) Changing the effective date to March 15, 2024, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and



purpose of S.B. No. 931, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 931, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Ways and Means,



DONOVAN M. DELA CRUZ, Chair



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB931, SDI	Committee Referral: WTL, JDC / WAM	Date: 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
DELA CRUZ, Donovan M. (C)	/			
KEITH-AGARAN, Gilbert S.C. (VC)				/
ENGLISH, J. Kalani	/			
HARIMOTO, Breene	/			
INOUYE, Lorraine R.				/
KAHELE, Kaiali'i				/
KANUHA, Dru Mamo	/			
KIDANI, Michelle N.	/			
MORIWAKI, Sharon Y.	/			
RIVIERE, Gil				/
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
FEVELLA, Kurt	/			
TOTAL	9			4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes