

STAND. COM. REP. NO.

502

Honolulu, Hawaii

, 2023

**FEB 16**

RE: H.B. No. 760

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 760 entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the Department of Land and Natural Resources' rulemaking authority to include any rule deemed necessary to protect certain aquatic life;
- (2) Expand the Board of Land and Natural Resources' authority to temporarily adopt, amend, or repeal certain natural resource rules by formal action at a publicly noticed meeting under certain circumstances;
- (3) Create new fines for violations of rules pertaining to the Department of Land and Natural Resources' prevention of or response to previously benign aquatic nuisance species; and
- (4) Authorize the Department of Land and Natural Resources to prevent or respond to threats from aquatic nuisance species from all discharges incidental to the normal



operation of a vessel, not just ballast water and hull fouling.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Coordinating Group on Alien Pest Species. Your Committee received comments on this measure from the Hawaii Harbor Users Group.

Your Committee finds that the Department of Land and Natural Resources is mandated to manage and administer the aquatic life and aquatic resources of the State. While the Department has management tools to help regulate the State's fisheries, your Committee finds that expanding the Department's managing tools will allow for more effective management of the State's aquatic resources. This measure will equip the Department of Land and Natural Resources with the statutory authority to adopt necessary rules to ensure the safety and integrity of the State's aquatic life and aquatic resources.

While the Department of Land and Natural Resources requires wider statutory authority to adopt rules, your Committee notes the concerns of the Department that parts of this measure may be inconsistent with similar proposals currently moving through the legislative process.

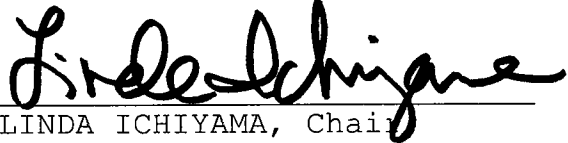
Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have:
  - (A) Authorized the Department of Land and Natural Resources to prevent or respond to threats from aquatic nuisance species from all discharges incidental to the normal operation of a vessel; and
  - (B) Authorized the Governor to enter into an agreement with the United States Coast Guard, rather than the United States Secretary of Transportation, for purposes of regulating alien aquatic organisms;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 760, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 760, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Water & Land,

  
LINDA ICHIYAMA, Chair



