

STAND. COM. REP. NO.

1064

Honolulu, Hawaii

MAR 03 , 2023

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 Judiciary & Hawaiian Affairs, to which was referred H.B. No. 760, H.D. 1, 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; and
- (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.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Environmental Caucus of The Democratic Party of Hawai'i, and one individual.

2023-2407 HB760 HD1 HSCR HMSO



Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs and one individual.

Your Committee finds that the Department of Land and Natural Resources is responsible for the management and protection of the State's aquatic resources, including preventing the over-exploitation of fisheries and introduction of aquatic nuisance species. Your Committee further finds that the Department is currently only authorized to adopt temporary rules if the rule is in response to "rapidly changing resource conditions". However, there are often other compelling reasons to authorize temporary rulemaking through the adaptive management process. This measure would expand the Department's array of management tools, allowing for better protection of the State's aquatic resources.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 760, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 760, HD1	Committee Referral: WAL, JHA	Date: 3/2/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	✓			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. SOUZA, Kanani	✓			
TOTAL (10)	10	—	—	—
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				