stand. com. rep. no. **663** -08

Honolulu, Hawaii

Fe 415, 2008

RE: H.B. No. 3174

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3174 entitled:

"A BILL FOR AN ACT RELATING TO FEDERAL FISHERIES REGULATIONS,"

begs leave to report as follows:

The purpose of this bill is to clarify that the Department of Land and Natural Resources (DLNR) may adopt administrative rules to be consistent with federal fisheries regulations to improve the joint management of fisheries that:

- (1) Are declared to be in decline; and
- (2) Occur in both state and federal marine waters.

DLNR and The Nature Conservancy of Hawaii supported this bill. The Office of Hawaiian Affairs (OHA) opposed this measure.

Your Committee notes OHA's concerns that this measure does not take into account state constitutional protections afforded to Native Hawaiians with respect to customary and traditional practices that may include fishing activities. Your Committee encourages DLNR and OHA to discuss this matter further and to recommend additional language for this measure, if necessary.

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 H.B. No. 3174 and recommends that it pass Second Reading and be referred to the Committee on Finance.

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

TOMMY WATERS, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 3 1 7 4	Committee Referral: JUD, FIN	Date	e: 2-14-08	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				
2. OSHIRO, Blake K. (VC)	✓			
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken				
6. LUKE, Sylvia				
7. McKELVEY, Angus L.K.				
 MORITA, Hermina M. SONSON, Alex M. 				_
10. SOUKI, Joseph M.		Name of the state		
11. TSUJI, Clift				
12. YAMANE, Ryan I.				
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia				
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TOTAL (16)	13	l	l	1
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				