STAND. COM. REP. NO. 20

Honolulu, Hawaii FEB 19 2009

RE: S.B. No. 1228 S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 1228 entitled:

"A BILL FOR AN ACT RELATING TO STATE SMALL BOAT HARBORS,"

begs leave to report as follows:

The purpose of this measure is to clarify that commercial fishing operations can transfer ownership without losing necessary permits and without a transfer fee being imposed.

Testimony in support of this measure was submitted by fifteen public citizens. One state agency submitted comments, and testimony in opposition was submitted by one public citizen. Copies of written testimony are available for review on the Legislature's website.

Your Committee finds that section 200-10, Hawaii Revised Statutes, allows a corporation to transfer any or all stock or other interest to another person without terminating the right of the corporation or business entity to retain or renew its commercial use permit issued by the Department of Land and Natural Resources. The Attorney General, in a recent opinion, determined that permits issued to fishing corporations are not transferable. Thus, commercial fishing operators who purchased operations including mooring permits are prevented from transferring ownership of their business operations.



STAND. COM. REP. NO. Page 2

Your Committee has amended this measure by adopting the recommendation of a public citizen to delete the exemption from transfer fees for commercial fishing operation transfers.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1228, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1228, S.D. 1, and be referred to the Committee on Ways and Means.

> Respectfully submitted on behalf of the members of the Committee on Water, Land, Agriculture, and Hawaiian Affairs,

CLAYI'N HEE, Chair



## The Senate Twenty-Fifth Legislature State of Hawaii

## Record of Votes Committee on Water, Land, Agriculture and Hawaiian Affairs WTL

| Bill / Resolution No.:*  | Committee |  | Da       | te:  |              |
|--|-----------|--|----------|--|--------------|
| SB 1228  | WTL,      | WAM  |          | 2/13/  | 09           |
| The committee is reconsidering its previous decision on this measure.  |           |  |          |  |              |
| If so, then the previous decision was to:  |           |  |          |  |              |
| The Recommendation is:   |           |  |          |  |              |
| Pass, unamended Pass, with amendments Hold Recommit<br>2312 2311 2310 2313   |           |  |          |  |              |
| Members  |           | Aye  | Aye (WR) | Nay  | Excused      |
| HEE, Clayton (C)   |           |  |          |  |              |
| TOKUDA, Jill N. (VC)   |           | $\overline{\mathbf{v}}$                            |          |  |              |
| BUNDA, Robert  |           |  |          |  | $\sim$       |
| FUKUNAGA, Carol  |           | $\sim$   |          |  |              |
| KOKUBUN, Russell S.  |           | 1  |          |  | $\mathbf{V}$ |
| TAKAMINE, Dwight Y.  |           |  |          |  |              |
| HEMMINGS, Fred   |           | conf-d Synfacture on Lancent Discourse (Discourse) | · ·      | 100 g 700 2000 000 000 000 000 000 000 000 00  |              |
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|  |           |  |          |  |              |
| TOTAL  |           | 4  | Ø        | Ø  | 3            |
| Recommendation:  |           |  |          |  |              |
| Chair's or Designee's Signature:   |           |  |          |  |              |
| Distribution: Original Yellow Pink Goldenrod   File with Committee Report Clerk's Office Drafting Agency Committee File Copy |           |  |          |  |              |

\*Only one measure per Record of Votes