STAND. COM. REP. NO. 1142

Honolulu, Hawaii March 22, 2013 RE: S.B. No. 1169 S.D. 2

H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1169, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE KAHOOLAWE ISLAND RESERVE,"

begs leave to report as follows:

The purpose of this measure is to specify offenses for which property is subject to forfeiture relating to the Kaho'olawe Island Reserve and to clarify that property seized within the Kaho'olawe Island Reserve may be forfeited and disposed of as provided by law.

The Department of Land and Natural Resources, the Office of Hawaiian Affairs, the Kaho'olawe Island Reserve Commission, and the Ocean Tourism Coalition submitted testimony in support of this measure. One concerned individual submitted testimony in opposition. The Department of the Attorney General provided comments.

Your Committee circulated a Proposed S.B. No. 1169, H.D. 1 (Proposed Draft) at the hearing, which among other things:

 Identifies and enumerates the specific offenses subject to forfeiture;



STAND. COM. REP. NO. 142 Page 2

- (2) Clarifies that forfeiture of property applies only to offenses committed on the island of Kaho'olawe or by persons or on vessels located in the waters extending seaward one nautical mile from its shoreline;
- (3) Amends the measure to be effective upon approval; and
- (4) Makes technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee after careful consideration has amended the bill as received by adopting the provisions of the Proposed Draft.

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 S.B. No. 1169, S.D. 2, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1169, S.D. 2, H.D. 1.

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

KARL RHOADS, Chair





Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral: Date:			
SB1169, SD2	OHM, JUD, FIN 31913			
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Deass, unamended (as is)				
Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X	_		
2. HAR, Sharon E. (VC)	×			
3. BELATTI, Della Au	΄χ			
4. BROWER, Tom	<u> </u>			
5. CABANILLA, Rida T.R.	<u> </u>			
6. CARROLL, Mele	<u> </u>		· ••••	
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. LEE, Chris	<u> </u>			
10. TSUJI, Clift	<u> </u>			
11. WOOLEY, Jessica	X			
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	<u> </u>			
	1			
			· · · ·	
		···		
			· · · · · ·	
			 .	
· · · · · · · · · · · · · · · · · · ·				
			<u> </u>	
TOTAL (13)	13			
The recommendation is: Adopted If Joint referral, committee cronym(s) did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				