STAND. COM. REP. NO.

750

Honolulu, Hawaii

February 18 , 201

RE: H.B. No. 511 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2015 State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian Affairs, to which was referred H.B. No. 511 entitled:

"A BILL FOR AN ACT RELATED TO HARASSMENT,"

begs leave to report as follows:

The purpose of this measure is to include individuals engaged in ocean fishing in the same protections from harassment that are currently applicable to individuals fishing for freshwater game fish. This measure also clarifies the Division of Conservation and Resource Enforcement's duty to enforce anti-harassment statutes.

Your Committee received testimony in support of this measure from Hawaii Goes Fishing; Ornamental Aquatic Trade Association, LTD; Pet Industry Joint Advisory Council; Tropical Marine Center; Oshima Company CPA, LLC; Quality Marine; Pohina, Inc.; and numerous individuals. Your Committee received testimony in opposition to this measure from Hanalei Watershed Hui and numerous individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources and several individuals.

Your Committee received more than five hundred pieces of testimony from both the proponents of and those opposed to this measure. It is clear that this issue is of the highest importance to conservation activists and the fishing community. Both sides of this issue expressed strong feelings and sincere, deeply-held

convictions. Although differences may appear between proponents and opponents of this measure, it is undeniable that both sides recognize the importance of the reef ecosystem as a natural resource and the value of mutual accountability among members of the diverse ocean community. It is in accordance with that spirit of respect and accountability that your Committee recommends the continued progression of this measure through the legislative process so that voices on all sides may continue to be heard as the Legislature continues its deliberations.

Your Committee has amended this measure by:

- (1) Adding the elements of purposeful conduct and the intent to prevent the taking of aquatic life to the elements of the offense of harassment of fishermen;
- (2) Establishing exemptions to the offense of harassment of fisherman for otherwise lawful citizen conservation enforcement activities;
- (3) Changing its effective date to December 24, 2088, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 511, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 511, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Ocean, Marine Resources, & Hawaiian Affairs,



State of Hawaii House of Representatives The Twenty-eighth Legislature

Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs

	ee Referral:	Date	7/17/18	
☐ 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)				
OMH Members	Ayes	Ayes (WR)	Nays	Excused
1. ING, Kaniela (C)				
2. LOWEN, Nicole E. (VC)				
3. CULLEN, Ty J.K.			: 	
4. EVANS, Cindy				
5. LEE, Chris				
6. NISHIMOTO, Scott Y.			<u></u>	
7. SAY, Calvin K.Y.				
8. YAMANE, Ryan I.				
o. TAMANE, Kyan I.				:
9. POUHA, Feki				
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10. THIELEN, Cynthia				<u> </u>
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TOTAL (10)	10	0	0	\mathcal{O}
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: MUSQ & J				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				