

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1136  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 1136 entitled:

"A BILL FOR AN ACT RELATING TO FISHING,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit scuba spearfishing at night, except through a permit.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Reef and Ocean Coalition, Animal Rights Hawai'i, Friends of Hanauma Bay, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Center for Biological Diversity, and ten individuals. Your Committee received testimony in opposition to this measure from Coral Fish Hawaii and three individuals.

Your Committee finds that night scuba spearfishing could potentially deplete the ocean of aquatic life, which is necessary for the preservation of Hawaii's ocean environment and coral reefs. Many reef fish species, particularly herbivores such as parrotfish and surgeonfish, sleep in crevices in the reef at night. While enough of these fish can effectively evade spearfishers during the day, they are easy targets at night and are therefore susceptible to over-harvest, particularly with the use of scuba. This measure seeks to protect the State's




environment, aquatic species, and fishing stocks for present and future generations.

Your Committee has amended this measure by:

- (1) Statutorily placing the prohibition on nighttime scuba spearfishing, except through a permit, in a new section in chapter 188, Hawaii Revised Statutes, rather than in section 188-23, Hawaii Revised Statutes;
- (2) Authorizing the Department of Land and Natural Resources to issue and revoke permits for nighttime scuba spearfishing;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1136, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1136, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,



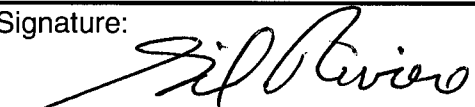
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KATALINA KAHALE, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB1136</b>	Committee Referral: <b>WTL, JDL</b>	Date: <b>2/8/2019</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes