

STAND. COM. REP. NO.

24

Honolulu, Hawaii

FEB 05

, 2021

RE: H.B. No. 98

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 98 entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to strengthen the penalties for violations of the State's aquatic resources law.

Your Committee received testimony in support of this measure from the Environmental Caucus of the Democratic Party of Hawaii, For the Fishes, Hawaii Island Group Sierra Club, Moana Ohana, Hawaii Reef and Ocean Coalition, and four individuals. Your Committee received testimony in opposition to this measure from the Ocean Tourism Coalition, Trilogy Excursions, PacWhale EcoAdventures, Alii Nui Charters, Calypso Charters, Malolo Charters, and two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that Hawaii's aquatic resources are finite and deserving of greater protection and that these additional statutes and increased penalties proposed in this measure are long overdue.

2021-1229 HB98 HD1 HSCR HMSO



Noting the Department of Land and Natural Resources' concerns about elevating violations of chapter 187A, Hawaii Revised Statutes, to a misdemeanor, your Committee urges the Department to further analyze and articulate these concerns should your Committee on Judiciary & Hawaiian Affairs choose to hear this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the seizure and forfeiture of property and the imposition of a criminal fine are penalties for intentional violations of the aquatic resources law;
- (2) Adding other assets to the types of property that can be seized and forfeited for intentional violations of the aquatic resources law;
- (3) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 98, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 98, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



DAVID A. TARNAS, Chair



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**Record of Votes of the Committee on Water & Land**

<b>Bill/Resolution No.:</b> HB98	<b>Committee Referral:</b> WAL, JHA, FIN	<b>Date:</b> 2/2/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. BRANCO, Patrick Pihana (VC)	✓			
3. GANADEN, Sonny	✓			
4. KOBAYASHI, Bertrand	✓			
5. KONG, Sam Satoru	✓			
6. MORIKAWA, Dee	✓			
7. OHNO, Takashi				✓
8. McDERMOTT, Bob				✓
<b>TOTAL (8)</b>	6			2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <i>Patrick Branco</i>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				