

STAND. COM. REP. NO.

567

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 572
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 572 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to strengthen the penalties for violations of the State's aquatic resources law by:

- (1) Specifying that any equipment, article, instrument, aircraft, vehicle, vessel, or business record used in violation of the aquatic resources law is subject to forfeiture;
- (2) Authorizing the imposition of a criminal fine;
- (3) Clarifying that the fine structure may be assessed on a per-specimen basis;
- (4) Making violations of the aquatic resources law a misdemeanor, rather than a petty misdemeanor; and
- (5) Permitting the Department of Land and Natural Resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine.



Your Committee received testimony in support of this measure from the Hawaii Reef and Ocean Coalition, Animal Rights Hawai'i, and two individuals. Your Committee received testimony in opposition to this measure from the Ocean Tourism Coalition and Calypso Charters. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that allowing funds from fines to be collected and deposited into the Conservation and Resources Enforcement Special Fund could be used to support the Department's law enforcement efforts through its Conservation and Resources Enforcement Program.

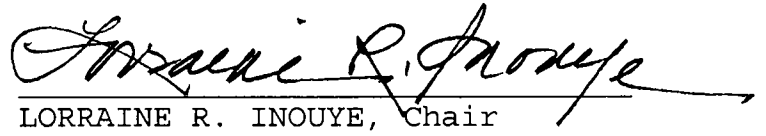
Your Committee has amended this measure by:

- (1) Removing "for each specimen" since the Department of Land and Natural Resources already provides for per-specimen fines of up to \$1,000 and \$5,000 for the respective offenses;
- (2) Maintaining violations as petty misdemeanors, to prevent a relapse of pleading down or dismissing aquatic resource cases;
- (3) Providing that a fine of up to \$1,000 may be levied for all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12, Hawaii Administrative Rules, or any rule adopted thereunder;
- (4) Deleting the provision providing for seizure and forfeiture of property due to the Department of Land and Natural Resources' existing forfeiture authority under section 199-7, Hawaii Revised Statutes; and
- (5) 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. 572, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 572, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.



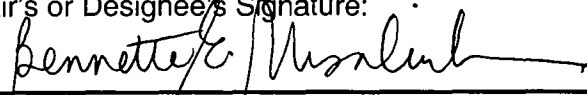
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 572	Committee Referral: WTL, WAM/JDC	Date: 2-17-2021		
<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
INOUE, Lorraine R. (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)	✓			
MISALUCHA, Bennette E.	✓			
RIVIERE, Gil				✓
FEVELLA, Kurt	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
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