

STAND. COM. REP. NO. 3345
Honolulu, Hawaii

MAR 23 2022

RE: H.B. No. 1653
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred H.B. No. 1653, H.D. 2, 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:

- (1) Establish a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured;
- (2) Establish a criminal fine structure on a per-specimen basis for violations involving aquatic life;
- (3) Authorize 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; and
- (4) Authorize the Department of Land and Natural Resources to recommend certain probationary terms and conditions to the court.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Judiciary, Mālama Pūpūkea-Waimea, and two individuals. Your Committee



received testimony in opposition to this measure from Ocean Tourism Coalition. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that a critical component of effective resource management is ensuring that management agencies have the appropriate suite of enforcement tools and penalties to encourage compliance with aquatic resource laws and to ensure just and reasonable punishment for violations. Timely responses to aquatic resources violations allow for greater protection of marine resources and aquatic species. This measure provides a tiered administrative fine system and an option for community service to deter aquatic resource violations.

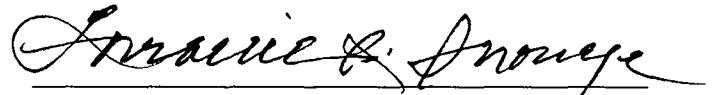
Your Committee has amended this measure by:

- (1) Clarifying that a defendant be restricted from specific geographical areas where aquatic resources may be found within "waters of the State";
- (2) Clarifying that a defendant be restricted from engaging in certain fishing activities;
- (3) Prohibiting a defendant from taking or possessing certain aquatic species;
- (4) Inserting an effective date of July 1, 2022; 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 H.B. No. 1653, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1653, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



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.:* HB 1653, HD2	Committee Referral: WTL, JDC/WAM	Date: 3/21/22
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
MISALUCHA, Bennette E.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
TOTAL	4	0	0	1

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes