

STAND. COM. REP. NO. 1074

Honolulu, Hawaii
, 2023

MAR 03

RE: H.B. No. 1134
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1134, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO KANEOHE BAY,"

begs leave to report as follows:

The purpose of this measure is to prohibit unpermitted commercial ocean use activities within Kaneohe Bay waters and the advertising of those unpermitted activities, and establish enforcement mechanisms for the prohibitions.

Your Committee received testimony in support of this measure from the Hawaii State Aha Moku, Ko'olau Foundation, Ko'olaupoko Hawaiian Civic Club, and three individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that unpermitted commercial activity is especially noticeable in certain areas, such as Kaneohe Bay. One of the main problems with enforcement is proving that operators of unpermitted commercial activities were in fact compensated for their services, since operators and customers may be dishonest about their transactions and compensation may be made online or through other non-physical methods. This measure seeks to provide the Department of Land and Natural Resources with alternate

2023-2333 HB1134 HD2 HSCR HMSO



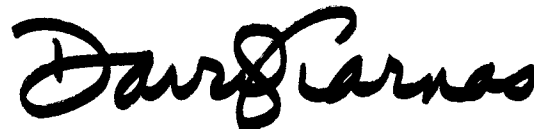
enforcement mechanisms to more effectively stop illegal commercial activity at Kaneohe Bay.

Your Committee has amended this measure by:

- (1) Requiring the Department of Land and Natural Resources to adopt rules establishing administrative penalties and fines for violations of Kaneohe Bay commercial ocean use activity restrictions, instead of violations of ocean recreation and coastal areas programs laws generally;
- (2) Clarifying that the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources, instead of the Hawaii Harbor Police, have the authority to issue citations, issue subpoenas, and take legal custody of any personal property for violations of Kaneohe Bay commercial ocean use activity restrictions;
- (3) Deleting language that would have appropriated general revenues for full-time equivalent positions to enforce the Kaneohe Bay commercial ocean use activity restrictions; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1134, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1134, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 1134, HD 1	Committee Referral: WAL, JHA	Date: 2/28/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	/			1
4. HOLT, Daniel	/			
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru				✓
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
TOTAL (10)	9	-	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				