STAND. COM. REP. NO. 10

Honolulu, Hawaii FEB 17 ' ²⁰²³

RE: H.B. No. 758 H.D. 1

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

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 758 entitled:

"A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY FISHING PRACTICES,"

begs leave to report as follows:

The purpose of this measure is to authorize the Department of Land and Natural Resources to issue special activity permits for the purpose of recognizing and protecting individuals exercising their Native Hawaiian traditional and customary rights.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii State Aha Moku, and one individual. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs, Center for Hawaiian Sovereignty Studies, and one individual.

Your Committee finds that despite the protections afforded by article XII, section 7, of the Hawaii State Constitution, individuals who choose to exercise their rights to gather aquatic resources in ways that contravene state fishing laws are subjected to the risk of civil and criminal citation and arrest before being afforded an opportunity to confirm their traditional and customary rights. Allowing for permits to be issued by the Department of Land and Natural Resources for the purpose of exercising



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traditional and customary fishing practices would provide a less burdensome avenue for individuals to lawfully exercise traditional and customary fishing practices.

Your Committee has amended this measure by:

- Changing the effective date to June 30, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Judiciary and Hawaiian Affairs, should it deliberate on this measure, to consider the concerns raised by the Office of Hawaiian Affairs and Hawaii State Aha Moku in their written testimony.

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. 758, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 758, 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,



State of Hawaii House of Representatives The Thirty-second Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB758	Committee Referral: WAL, JHA		Date: 02 09 2023		
The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
WAL Members	Ayes	Ayes (WR)	Nays	Excused	
1. ICHIYAMA, Linda (C)					
			an states and the		
2. POEPOE, Mahina (VC)					
3. CHUN, Cory M.			t i sait e ta di		
4. GANADEN, Sonny					
5. HASHEM, Mark J.	<u>,</u>	a den statute en anteres de la calencia de la calen Interestat	an ann an		
S. HADHIM, Mark J.					
6. MORIKAWA, Dee		<u>a la construcción de la const</u>			
7. TAKAYAMA, Gregg					
			Analasi in in analasi in analasi a		
8. SOUZA, Kanani	\checkmark		· · · · · · · · · · · · · · · · · · ·		
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TOTAL (8)	7	l			
The recommendation is: Adopted Not Adopted If joint referral,					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					