

STAND. COM. REP. NO. 1706

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 1022  
H.D. 1  
S.D. 2

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

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred H.B. No. 1022, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE TAKING OF NATURAL RESOURCES,"

beg leave to report as follows:

The purpose and intent of this measure is to facilitate the timely enforcement of laws and rules intended to protect and conserve the State's natural resources.

More specifically, the measure:

- (1) Allows officers of the Division of Conservation and Resources Enforcement, Department of Land and Natural Resources, upon reasonable belief that a person is or was recently engaged in hunting or fishing, to briefly detain that person as necessary to review any relevant licenses, permits, or related documents and inspect any wildlife or aquatic life in that person's possession;
- (2) Specifies conditions under which the detentions and inspections may take place; and
- (3) Specifies applicable administrative fines for violations.



Your Committees received written comments in support of this measure from the Department of Land and Natural Resources, Kuaaina Ulu Auamo, The Nature Conservancy Hawaii, Ohana Association, Malama Pupukeya-Waimea, Hawaii Reef and Ocean Coalition, Clean The Pacific, Center for Biological Diversity, Surfrider Foundation, and six individuals.

Your Committees received written comments in opposition to this measure from one individual.

Your Committees received written comments on this measure from the Office of Hawaiian Affairs and one individual.

Your Committees note that the brief detentions and administrative inspections authorized by this measure are limited in purpose and scope and must adhere to certain specified conditions, such as close proximity in time and place to the taking of game or aquatic resources. Your Committees further note that the measure limits penalties to only civil administrative fines and that a cited individual would be afforded due process throughout the citation and appeal process, according to written comments received from the Department of Land and Natural Resources. Your Committees find that the State has a special interest in enforcing laws and rules that help to protect and conserve the State's unique combination of wildlife, aquatic life, and other natural resources. Further, your Committees find that providing Department of Land and Natural Resources enforcement officers with the ability to conduct inspections with greater immediacy than currently authorized under state law will increase the likelihood that illicitly obtained wildlife and aquatic life may survive a return to the natural environment, if feasible, or be recovered for economic value.

Your Committees have amended this measure by:

- (1) Clarifying that applicable administrative fines may be imposed on individuals who refuse to comply with inspection requests made by conservation and resources enforcement officers, and are to be imposed in addition to any other applicable penalties;



- (2) Specifying that the administrative fines shall not apply to persons engaged in the proper and lawful exercise of traditional and customary Native Hawaiian rights for subsistence, religious, or cultural purposes;
- (3) Providing that items, natural resources, or other evidence obtained through an administrative inspection may be used to pursue any civil and administrative penalties that are authorized by law; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

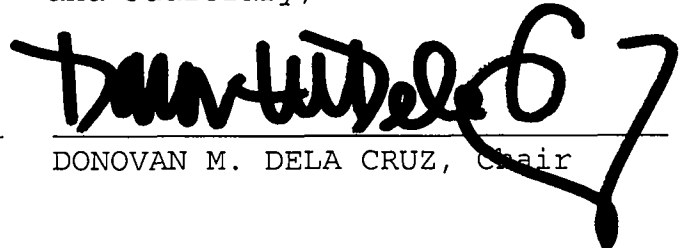
As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1022, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1022, H.D. 1, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Ways and Means and Judiciary,



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KARL RHOADS, Chair



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DONOVAN M. DELA CRUZ, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:
<i>HB 1022, HD1, SD 1</i>	<i>WTL, WAM/JDC</i>	<i>4/6/21</i>


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
DELA CRUZ, Donovan M. (C)	<i>X</i>			
KEITH-AGARAN, Gilbert S.C. (VC)	<i>X</i>			
ENGLISH, J. Kalani	<i>X</i>			
INOUYE, Lorraine R.	<i>X</i>			
KANUHA, Dru Mamo	<i>X</i>			
KIDANI, Michelle N.	<i>X</i>			
MORIWAKI, Sharon Y.				<i>X</i>
SHIMABUKURO, Maile S.L.				<i>X</i>
TANIGUCHI, Brian T.	<i>X</i>			
WAKAI, Glenn	<i>X</i>			
FEVELLA, Kurt			<i>X</i>	
<b>TOTAL</b>	<i>8</i>		<i>1</i>	<i>2</i>

Recommendation:  Adopted     Not Adopted

Chair's or Designee's Signature:  


Distribution:    Original    Yellow    Pink    Goldenrod  
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\*Only one measure per Record of Votes

The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

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The Recommendation is:

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

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura			✓	
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt			✓	
<b>TOTAL</b>	5	0	2	0

Recommendation:  Adopted       Not Adopted

Chair's or Designee's Signature: 

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