

STAND. COM. REP. NO.

896

Honolulu, Hawaii

March 6, 2015

RE: H.B. No. 483

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 483 entitled:

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

begs leave to report as follows:

The purpose of this measure is to provide conservation officers of the Department of Land and Natural Resources with the means to administratively enforce conservation and resource extraction requirements in the West Hawai'i Regional Fishery Management Area. This measure grants the Department the authority to conduct administrative inspections of commercial licensees' and wholesale dealers' records, permitting documents, catch, equipment, and premises and to administratively suspend or revoke commercial licenses for noncompliance.

The Aha Moku Advisory Committee of the Department of Land and Natural Resources, Office of Hawaiian Affairs, a member of the Kaua'i County Council, Conservation Council for Hawai'i, and many concerned individuals testified in support of this measure. The Department of Land and Natural Resources supported the intent of the measure and offered comments. The Department of the Attorney General and many concerned individuals testified in opposition.

Your Committee has amended this measure to:

- (1) Clarify that authority is granted to the Department to conduct administrative inspections based on an officer's

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reasonable belief of misconduct related to licensed activities in the West Hawai'i Regional Fishery Management Area;

- (2) Clarify that this measure is intended to apply to the West Hawai'i Regional Fishery Management Area and is separate, independent, and in addition to the Department's authority to protect aquatic life and levy sanctions pursuant to Chapters 187A and 189, Hawaii Revised Statutes;
- (3) Clarify that administrative inspections may be conducted on an officer's reasonable belief to support administrative enforcement and sanctions, but the evidence obtained from that search may not be used to support charges of criminal law violations; and
- (4) Make technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 483, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 483, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



