

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1264
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred S.B. No. 1264, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL FISHING,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to establish limited entry commercial fisheries where appropriate or necessary to maintain sustainable and healthy fisheries.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and three individuals.

Your Committees find that existing law requires the Department of Land and Natural Resources to manage and administer the aquatic life and aquatic resources of the State. Successful aquatic resource management includes ensuring abundance while also allowing sustainable levels of take. However, certain commercial fishery resources have become depleted and can no longer sustain unregulated and unlimited harvest, as the Department of Land and Natural Resources is not authorized under existing law to establish limited entry commercial fisheries. Limited commercial entry is a management method in which an agency or governing body limits the number of participants or vessels participating in a certain fishery as a means of reducing commercial fishing pressure



on a particular fish species or group of fish species while still allowing some commercial take. This measure authorizes the Department of Land and Natural Resources to establish limited entry commercial fisheries to accomplish its goal of balancing sustainable yet commercially viable fisheries in the State.


Your Committees recognize that federal law preempts the Department of Land and Natural Resources' ability to cap or otherwise limit the number of entrants into commercial fisheries subject to federal fisheries regulations. Therefore, amendments to this measure are necessary to prevent a conflict between state and federal law.

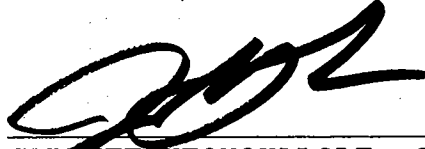
Accordingly, your Committees have amended this measure by:

- (1) Inserting language that limits the Department of Land and Natural Resources' ability to establish limited entry commercial fisheries to those that are not subject to federal fisheries regulations; and
- (2) Amending section 1 to reflect its amended purpose.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1264, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1264, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and Ways
and Means,


DONOVAN M. DELA CRUZ, Chair


JARRETT KEOHOKALOLE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB1264 SD1	Committee Referral: WTL, CPN/WAM	Date: 3/1/23
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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
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton	✓			
TOTAL	✓			

Recommendation: Adopted Not Adopted

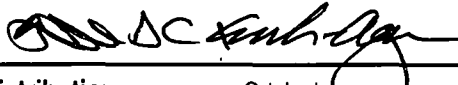
Chair's or Designee's Signature:
Carol Fukunaga

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*Only one measure per Record of Votes

The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 1264 SDI	Committee Referral: WTZ, CPN/WAM	Date: 3/1/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.				X
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	12			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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