

Honolulu, Hawaii
Fe 4 29 , 2008

RE: H.B. No. 3440
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 3440, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ISLAND OF NI'HAU,"

begs leave to report as follows:

The purpose of this bill is to protect the people of and natural resources on and around the island of Ni'ihau by creating a marine life conservation district within the waters surrounding the island of Ni'ihau with exceptions for subsistence fishing and limu harvesting by the residents of Ni'ihau.

Pae'aina Communications, LLC., testified in support of this bill. Hawaii Nearshore Fishermen testified in opposition to this measure.

Your Committee has amended this bill by:

- (1) Deleting the current language allowing for subsistence fishing and limu harvesting by the residents of Ni'ihau;
- (2) Inserting language that requires the Department of Land and Natural Resources (DLNR), in conjunction with the 'Aha Kiolo Advisory Committee and, when established, the 'Aha Moku Council, to adopt rules that:



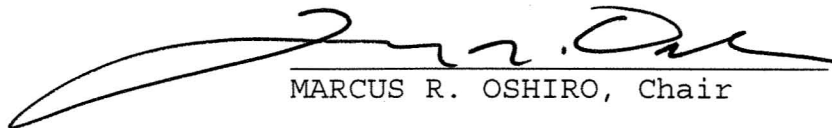
- (A) Restrict all forms of thrill craft, including jet skis, and tour boat activities in the marine life conservation district;
- (B) Permit all current forms of fishing as provided by statute within the marine life conservation district; and
- (C) Permit, restrict, or condition other activities, including allowing exceptions to the conservation district and other rules and prohibitions consistent with sections 190-3 and 190-4, Hawaii Revised Statutes.

and

- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3440, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3440, H.D. 2.

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


MARCUS R. OSHIRO, Chair



Record of Votes of the Committee on Finance

| Bill/Resolution No.: HB 3440, HD1 | Committee Referral: FIN | Date: 2-28-2008 | | |
|--|-----------------------------------|---------------------------|------|---------|
| <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) | | | | |
| FIN Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. OSHIRO, Marcus R. (C) | ✓ | | | |
| 2. LEE, Marilyn B. (VC) | ✓ | | | |
| 3. AWANA, Karen Leinani | ✓ | | | |
| 4. BELATTI, Della Au | ✓ | | | |
| 5. BROWER, Tom | ✓ | | | |
| 6. CARROLL, Mele | ✓ | | | |
| 7. HANOHANO, Faye P. | ✓ | | | |
| 8. HAR, Sharon E. | | | | ✓ |
| 9. KARAMATSU, Jon Riki | ✓ | | | |
| 10. MAGAOAY, Michael Y. | ✓ | | | |
| 11. MANAHAN, Joey | ✓ | | | |
| 12. MIZUNO, John | ✓ | | | |
| 13. NAKASONE, Bob | | | | ✓ |
| 14. RHOADS, Karl | ✓ | | | |
| 15. SAGUM, Roland D., III | ✓ | | | |
| 16. TOKIOKA, James Kunane | ✓ | | | |
| 17. MEYER, Colleen Rose | | | | ✓ |
| 18. PINE, Kymberly Marcos | | | | ✓ |
| 19. WARD, Gene, Ph.D. | | | | ✓ |
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| TOTAL (19) | 14 | 0 | 0 | 5 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: <u>Marilyn B. Lee</u> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office | | | | |