

Honolulu, Hawaii

Apr. 130 , 2009

RE: H.B. No. 1512  
H.D. 1  
S.D. 1  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1512, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to allow a family court judge to issue an ex parte temporary restraining order (TRO) to:

- (1) Grant exclusive care of a pet animal or equine animal to a party; and
- (2) Restrain both parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any pet animal or equine animal whose exclusive care has been granted to a protected party.



Your Committee on Conference notes that this measure is intended to protect the well-being of animals and that its language should not be construed to impede a person from or penalize a person for taking or removing an animal requiring urgent veterinary care to an appropriate facility or person, or for allowing an animal to be euthanized by a veterinarian if the veterinarian deems the procedure appropriate under the circumstances.

Your Committee on Conference has amended this bill by:

- (1) Requiring both parties to be covered by the TRO to preclude the possibility that one party might misuse the TRO process with the intent of gaining control over and abusing an animal;
- (2) Requiring that a party seeking the TRO identify to the court the animals that are a part of a household and in need of protection;
- (3) Deleting references and definitions of "pet animal" and "equine animal" to allow the court greater discretion in granting protection to animals; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1512, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1512, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

  
BRIAN T. TANIGUCHI, Chair

  
JO RIKI KARAMATSU, Chair



**Hawaii State Legislature**  
**Record of Votes of a**  
**Conference Committee**

*CDR 43*

Bill / Concurrent Resolution No.: HB 1512, HD 1, SD 1	Date/Time: <i>4/30/09</i> 11:14 AM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				KARAMATSU, Jon Riki, Chr.	✓			
NISHIHARA, Clarence K.	✓				TSUJI, Clift	✓			
SLOM, Sam	✓				THIELEN, Cynthia	✓			
<b>TOTAL</b>	<b>3</b>				<b>TOTAL</b>	<b>3</b>			

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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