

Honolulu, Hawaii
Feb 3, 2010

RE: H.B. No. 1775
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 1775 entitled:

"A BILL FOR AN ACT RELATING TO FISHING,"

begs leave to report as follows:

The purpose of this bill is to strengthen shark protection laws by:

- (1) Prohibiting the importation to the state or possession of shark fins unless the fins were taken from a shark landed whole;
- (2) Establishing a presumption that fins were taken illegally if the fins landed or found on board do not weigh more than five percent of the total weight of the shark carcasses; and
- (3) Applying the prohibition to any vessel that stops to refuel or off-load cargo or otherwise transit through State waters.

The Department of Land and Natural Resources, The Humane Society of the United States, and Hawaii Audubon Society provided comments.

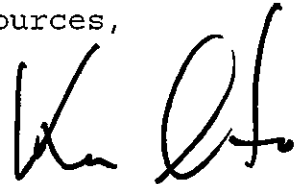


Your Committee has amended this bill by:

- (1) Prohibiting the transshipment of sharks or shark fins harvested illegally;
- (2) Prohibiting the sale, trade, or distribution of shark fins;
- (3) Providing that these prohibitions apply to all vessels fishing outside the territorial waters of the State, provided that the enforcement is not in violation of, or in conflict with, federal law;
- (4) Clarifying that these prohibitions apply to all vessels in transit through the state or State territorial waters, stop to off-load cargo, or refuel in the state or State territorial waters;
- (5) Changing the rebuttable presumption that a shark fin landed from a vessel was taken illegally, from being based on the percentage of the shark fins to the total weight of shark carcasses onboard, to whether the fins were attached to the shark or not; and
- (6) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1775, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1775, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,



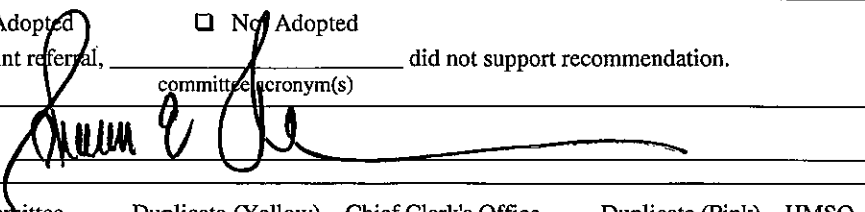
KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 66-10

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HB 1775	Committee Referral: WLO, JUD, FIN	Date: 1/29/09 10:00 AM		
<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)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.	✓			
8. LEE, Chris	✓			
9. LUKE, Sylvia	✓			
10. MORITA, Hermina M.	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.		✓		
13. THIELEN, Cynthia	✓			
TOTAL (13)	12	1		
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: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				