

STAND. COM. REP. NO.

2958

Honolulu, Hawaii

APR - 1 2010

RE: H.B. No. 2724
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 2724, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER,"

begs leave to report as follows:

The purpose of this measure is to permit tethering of an unattended dog if the tether meets certain specifications and the dog is at least two months old.

Testimony in support of the measure was submitted by one private organization and three individuals. Testimony in support of the measure, with suggested amendments, was submitted by two private organizations. Comments regarding the measure were submitted by one state agency and two private organizations. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure is intended to amend the prohibitions against tethering a dog and establish key requirements by which a person would be held accountable for cruelty to animals if found in violation. However, testimony regarding this measure indicates that there are still unaddressed concerns from various parties. Your Committee notes concerns raised by the Hawaii Farm Bureau Federation and the Hawaii Cattlemen's Council that this measure is not intended to criminalize certain practices that enable working dogs to learn

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their trade and stay safe, and it is your Committee's intent that only pet dogs will be covered by this measure and not working dogs used to assist with cattle herding, for example. Your Committee understands that the parties are working together to develop a draft to sort out these points.

Your Committee notes that a measure similar to H.B. No. 2724, H.D. 1, was heard and approved by your Committee and passed by the Senate. Given the ongoing discussion between the parties, your Committee believes that substituting the contents of the similar measure, S.B. No. 2877, S.D. 1, will encourage discussion on these unanswered issues.

Accordingly, your Committee has amended this measure by deleting its contents and substituting the contents of S.B. No. 2877, S.D. 1, which establishes a new violation of confinement of a dog by tethering, prohibiting a person from tethering a dog if the person intentionally, knowingly, or recklessly tethers, fastens, ties, or restrains a dog under certain conditions.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2724, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2724, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,




BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* HB 2724, HD1	Committee Referral: JGO	Date: 29 ca 3/28/10		
<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
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	-	-	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				

*Only one measure per Record of Votes