

Honolulu, Hawaii

APR 22 2010 , 2010

RE: S.B. No. 2169
S.D. 2
H.D. 2
C.D. 1

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

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2169, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SHARK FINS,"

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 measure is to abolish the practice of shark finning.

Specifically, this measure:

- (1) Prohibits the harvest, possession, sale, or distribution of a shark or shark parts unless landed whole and harvested under a commercial marine license; and
- (2) Prohibits under the Hawaii Food, Drug, and Cosmetic Act, the possession or sale of shark fins.



The practice of shark finning, where a shark is caught, the fin is cut off, and the shark is returned to the water, causes tens of millions of sharks to die a slow death each year. Unlike other fish species, most sharks do not reach sexual maturity until seven to twelve years of age and then only give birth to a small litter of young. Thus, sharks cannot rebuild their populations quickly once they are overfished. Sharks are apex marine predators and play an important role in maintaining healthy marine ecosystems. As noted in a Honolulu Advertiser opinion piece on February 9, 2010, shark finning is "a cruel and wasteful practice that damages the marine ecosystem by killing off the ocean's most expert predators." Your Committee finds that existing federal and state law is inadequate to effectively abolish the practice of shark finning. This measure is a broad, all-inclusive stand against shark finning, and asserts Hawaii's position as a leader for shark conservation.

Your Committee has amended this measure by:

- (1) Amending the purpose section to reflect the changes to the measure;
- (2) Removing the provision that requires exceptions to the prohibition against harvesting, possessing, selling, offering for sale, trading, transferring, or distributing sharks or shark parts be established by a preponderance of the evidence;
- (3) Exempting persons holding a license or permit issued by the Department of Land and Natural Resources to conduct research or for educational purposes;
- (4) Providing that prior to July 1, 2011, a restaurant may possess, sell, offer for sale, trade, or distribute shark fins possessed by that restaurant as of the effective date of this measure which are prepared for consumption;
- (5) Specifying the penalties for a second, third, or subsequent violation of this measure;
- (6) Clarifying that any person who violates this measure shall be subject to any other penalties authorized by section 188-70, Hawaii Revised Statutes, in addition to administrative fees and costs and attorney's fees and costs;



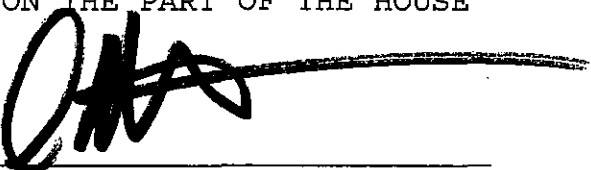
- (7) Removing the definitions of "land" or "landed" and "whole";
- (8) Removing the amendments to section 328-6, Hawaii Revised Statutes, relating to the Hawaii Food, Drug, and Cosmetic Act;
- (9) Repealing section 188-40.5, Hawaii Revised Statutes, relating to the ban on the practice of shark finning;
- (10) Removing the severability clause;
- (11) Changing the effective date to July 1, 2010; and
- (12) Making technical, nonsubstantive changes for the purpose of clarity.

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 S.B. No. 2169, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2169, S.D. 2, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

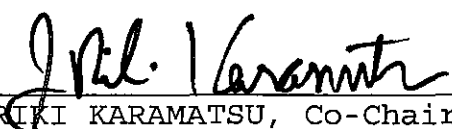
ON THE PART OF THE SENATE


ANGUS L.K. MCKELVEY, Co-Chair


CLAYTON HEE, Chair


KEN ITO, Co-Chair


BRIAN T. TANIGUCHI, Co-Chair


JON RIKI KARAMATSU, Co-Chair



