

Honolulu, Hawaii

March 16, 2010

RE: S.B. No. 2441
S.D. 2
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 S.B. No. 2441, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES,"

begs leave to report as follows:

The purpose of this bill is to protect the endangered Hawaiian monk seal from harassment and death, by establishing the crime of intentional or knowing taking of a Hawaiian monk seal as a class C felony.

Animal Rights Hawaii, Hawaii Audubon Society, Hawaiian Monk Seal Response Team of Oahu, The Humane Society of the United States, KAHEA, Save Our Seal Campaign, West Hawaii Humane Society, and numerous concerned individuals testified in support of this bill. The Department of Land and Natural Resources supported this measure with an amendment.

Your Committee has amended this bill by:


- (1) Changing the effective date to July 1, 2010; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.



Concerns were raised regarding the fairness of the application of the provisions of this bill to situations where the initial aggressor is the monk seal rather than the human, and the prudence of elevating the penalties of so many crimes to felonies. Your Committee acknowledges these meritorious concerns, but recognizes that the provisions of this bill deserve further consideration, and accordingly respectfully requests the Committee on Judiciary to further contemplate and address these concerns.

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 S.B. No. 2441, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2441, S.D. 2, 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 748-10

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

Bill/Resolution No.: SB 2441, SD2	Committee Referral: WLO, JUD	Date: 3/8/10		
<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)	X			
2. HAR, Sharon E. (VC)	X			
3. CABANILLA, Rida	X			
4. CHANG, Jerry L.	X			
5. CHONG, Pono	X			
6. COFFMAN, Denny	X			
7. HERKES, Robert N.	X			
8. LEE, Chris	X			
9. LUKE, Sylvia	X			
10. MORITA, Hermina M.	X			
11. SAGUM, Roland D., III	X			
12. CHING, Corinne W.L.	X			
13. THIELEN, Cynthia	X			
TOTAL (13)	13			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committed acronym(s) did not support recommendation.				
Vice Chair's or designee's signature:				
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