

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 1133  
H.D. 2  
S.D. 2

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1133, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make the intentional or knowing performance of a veterinary procedure on a pet animal by a person not licensed as a veterinarian, in violation of section 471-2, Hawaii Revised Statutes, a class C felony;
- (2) Exempt from the criminal offense of animal cruelty in the first degree the performance of accepted veterinary practices and the cropping of ears or the docking of a tail of a pet animal by a licensed veterinarian.

Prior to the hearing on this measure, your Committee posted a proposed S.D. 2 for review and comment. The proposed S.D. 2 amends this measure by deleting its contents and inserting language to:

- (1) Establish a spay and neuter special fund to cover the costs of reducing the number of feral animals through spaying and neutering, educating the public regarding the importance of spaying and neutering, and preventing homeless animal overpopulation;



- (2) Establish an advisory committee to assist the Department of Budget and Finance in developing special fund disbursement eligibility criteria and procedures;
- (3) Provide certain taxpayers with the option of designating a portion of their income tax refund to be deposited into the special fund; and
- (4) Change the effective date to July 1, 2012, with the income tax check-off provisions to apply to taxable years beginning after December 31, 2011, and a repeal date of July 1, 2017, to allow the Department of Budget and Finance time to review and assess the viability of the special fund.

Your Committee received testimony in support of the proposed S.D. 2 from the Humane Society of America, Hawaii Military Pets, and twenty-two private individuals. Testimony in opposition to the proposed S.D. 2 was submitted by the Department of Taxation. The Department of Budget and Finance submitted comments on the proposed S.D. 2.

Your Committee finds that pet overpopulation is caused by an over abundance of animal litters and a lack of affordable and accessible spay and neuter options. The proposed S.D. 2 provides additional funding to help reduce pet overpopulation and decrease pet euthanasia.

Your Committee notes the concerns raised by the Department of Taxation regarding income check-off boxes. The Department has an outdated computer system with significant functionality issues as well as limited staffing resources to develop and implement the necessary system modifications. Thus, the Department needs additional time and resources before it can effectively implement another income check-off box.

Accordingly, your Committee has amended this measure by adopting the proposed S.D. 2 and amending it further by:

- (1) Adopting the suggestion made by Humane Society of America to:



- (A) Add a part I to reinsert the language from the original measure (H.B. No. 1133, H.D. 2, S.D. 1); and
- (B) Add a part II to incorporate the language from the proposed S.D. 2;
- (2) Delaying the application of the income tax check-off provisions to taxable years beginning after December 31, 2012;
- (3) Inserting a repeal date of December 31, 2017, for part II; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1133, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1133, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



