

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 329
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 329 entitled:

"A BILL FOR AN ACT RELATING TO ANIMALS,"

begs leave to report as follows:

The purpose and intent of this measure is to support
charitable and nonprofit animal shelter and rescue organizations
that care for animals in need. Specifically, this measure:

- (1) Exempts from civil liability any charitable or nonprofit
organization for providing shelter or subsistence to any
animal in need; and
- (2) Exempts from civil liability any person who donates
goods, food, materials, or services to a charitable or
nonprofit organization for the purpose of providing
shelter or subsistence to any animal in need.

Your Committee received testimony in support of this measure
from the Humane Society of the United States-Hawaii, Hui Pono
Holoholona, and one individual.

There are many charitable and nonprofit animal shelters and
rescue organizations that in good faith provide shelter or proper
means of subsistence to any animal in need as part of its bona
fide and customary charitable activities. Your Committee finds
that these organizations provide an important service that should
not be discouraged due to fear that their acts could potentially



be subject to civil liability. This measure encourages charitable and nonprofit animal shelters and rescue organizations to continue to provide services without the fear of liability in caring for animals in good faith.

Your Committee further finds that many of these animal shelters and rescue organizations run entirely on donations with much of their work performed by volunteers. One of the major expenses of these organizations is the cost of supplies to care for animals. This measure will encourage individuals and businesses to donate necessary items to local animal shelters and rescue organizations without the fear of liability related to the items they donated.

Your Committee notes that this measure is similar to section 663-10.6, Hawaii Revised Statutes, which exempts from civil liability charitable or nonprofit organizations that provide shelter and subsistence to the needy and exempts any person from civil liability for donating goods, food, materials, and services to the charitable or nonprofit organization for injuries and damages resulting from the donation.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

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 S.B. No. 329, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 329, 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
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 329	Committee Referral: JDL	Date: 01-30-2013
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	5			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes