

Honolulu, Hawaii

APR 04 2014

RE: H.B. No. 493
H.D. 1
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 493, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,"

begs leave to report as follows:

The purpose and intent of this measure is to protect African elephants and other endangered species that are hunted for their ivory.

Specifically, this measure:

- (1) Establishes the offense of the unlawful sale or trade of ivory products for any person who imports, sells, offers to sell, or possesses with the intent to sell any ivory product;
- (2) Defines "ivory products" as ivory teeth or tusks from any of the following: elephants, hippopotamuses, walruses, whales, and narwhals;
- (3) Creates exemptions for the sale or trade of certain ivory products, including antique ivory or ivory legally imported prior to 1975 if from an Asian elephant or prior to 1990 if from an African elephant; provided that the seller can demonstrate that the ivory product meets specific requirements; and



- (4) Allows the forfeiture of seized ivory products and provides penalties.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Elephants DC, Elephants NJ, Golfing for Elephants, In Defense of Animals - Elephant Protection Campaign, International Fund for Animal Welfare, Natural Resources Defense Council, Save the Elephants, South African Safari Adventures, and forty-two individuals. Written comments in opposition were received from the League of Women Voters of Hawaii. The Department of the Attorney General and one individual submitted written comments on the measure.

Your Committee finds that the international trade of ivory has driven African elephants to the brink of extinction. Your Committee further finds that an investigation supported by The Humane Society of the United States and Humane Society International found that Hawaii is the third-highest retailer of elephant ivory in the United States, behind only California and New York.

Accordingly, your Committee believes that the sale of elephant ivory should be prohibited in Hawaii, with certain limited exceptions, and that the prohibition should also extend to other endangered animals that have ivory teeth or tusks, to prevent an increase in poaching of these other species.

Your Committee has amended this measure by:

- (1) Inserting references to specific federal government definitions and qualifications for exempt antique ivory products and the types of appraisals that may be used to identify them;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 493, H.D. 1, S.D. 1, as amended herein, and recommends that it



pass Third Reading in the form attached hereto as H.B. No. 493,
H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

David Y. Ige

DAVID Y. IGE Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 493 HD1 SD1	Committee Referral: JDL, WAM	Date: 3-28-14		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
	12	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes