

STAND. COM. REP. NO.

726

Honolulu, Hawaii

February 28, 2013

RE: H.B. No. 619  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 619 entitled:

"A BILL FOR AN ACT RELATING TO FERAL BIRDS,"

begs leave to report as follows:

The purpose of this measure is to protect public health and welfare by prohibiting the feeding of feral birds under certain circumstances. Specifically, this measure, among other things:

- (1) Makes it a violation under Chapter 142, Hawaii Revised Statutes (HRS), relating to animals, brands, and fences, to feed a feral bird on a person's own property such that the feral bird causes a common nuisance on other property;
- (2) Establishes penalties for violating the prohibition; and
- (3) Defines various terms, including "feral bird".

Hawaii Pest Control Association and a number of concerned individuals supported this measure. Several concerned individuals opposed this measure. The Department of Land and Natural Resources, Innolytics, LLC, and the Humane Society of the United States provided comments.



Your Committee has amended this measure by:

- (1) Moving the prohibition on feeding birds to Chapter 712, HRS, relating to offenses against public health and morals, which makes a violation of the statute a penal offense;
- (2) Expanding the scope of the measure to include the feeding of wild as well as feral birds;
- (3) Establishing a blanket prohibition against knowingly feeding wild or feral birds regardless of location;
- (4) Making a first offense a violation and a second or subsequent offense a petty misdemeanor;
- (5) Eliminating the mandatory fines for violating the prohibition on feeding wild or feral birds;
- (6) Exempting certain persons feeding wild or feral birds for specified animal control or conservation activities;
- (7) Excluding chickens from the definition of "wild or feral bird"; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 619, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 619, H.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



