

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 2593
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2593, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to promote the humane treatment of feral cats by:

- (1) Requiring an unspecified agency to contract with a nonprofit animal rescue group to oversee caretakers of feral cats;
- (2) Exempting registered caretakers of feral cats from state and county laws relating to the feeding and confinement of cats; provided that the caretakers are registered with the contracted rescue group; and
- (3) Establishing a feral cat trap-sterilize-return process.

Your Committees received testimony in support of this measure from the Hawaii Association of Animal Welfare Agencies, Hawaiian Humane Society, The Humane Society of the United States, West Hawaii Humane Society, Joey's Feline Friends, Poi Dogs & Popoki, Cat People of Oahu, #SpeakUp Movement, Hawaii Happy Cats, Animal



Rights Hawai'i, Feline Foundation of Maui, and one hundred two individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, American Bird Conservancy, Coordinating Group on Alien Pest Species, Conservation Council for Hawaii, and twenty-six individuals. Your Committees received comments on this measure from the Department of Health and two individuals.

Your Committees find that free-roaming cat issues remain complex and controversial. This measure proposes to recognize and register cat caregivers to ensure the use of standard cat management practices, generate data to guide ongoing or future efforts, and afford protections only to those individuals who are in compliance with such standards of care, which must include recognition of areas where cats should not be managed or maintained due to wildlife or other concerns. Your Committees further find that it is critical to the State's efforts to protect indigenous and endangered wildlife that free-roaming cat populations be reduced; however, a balance must be struck to provide humane treatment to free-roaming cats. Trap-sterilize-return-manage is a process that allows for humane treatment and population reduction of free-roaming cats.

Your Committees have amended this measure by:

- (1) Replacing the terms "caretaker", "contracted rescue group", "feral cat", and "trap-sterilize-return" with "caregiver", "animal care or rescue group", "free-roaming cat", and "trap-sterilize-return-manage", respectively;
- (2) Deleting unnecessary definitions;
- (3) Clarifying the definitions of "animal care or rescue group", "caregiver", and "trap-sterilize-return-manage";
- (4) Deleting language that would have required a state agency to contract with a rescue group;
- (5) Clarifying that animal care or rescue groups may register caregivers of free-roaming cats; provided that



they meet certain record keeping, reporting, and management responsibilities and requirements;

- (6) Requiring animal care or rescue groups to make reasonable efforts to mediate and resolve concerns regarding the presence of a known free-roaming cat colony managed by a registered caregiver on or immediately adjacent to property managed by a federal, state, or county agency for the primary purpose of protection of wildlife;
- (7) Requiring animal care or rescue groups to submit annual reports relating to the trap-sterilize-return-manage process to the Senate standing committee and the House of Representatives standing committee whose purviews include agriculture;
- (8) Providing that registered caregivers are exempt from any state or county statute, ordinance, regulation, rule, or other law that:
 - (A) Prohibits the feeding or care of stray cats or requires a permit to do so;
 - (B) Mandates the confinement of cats; or
 - (C) Limits the number of cats that a person may own, harbor, or have custody of;
- (9) Clarifying that the registered caregiver exemption shall not be construed to limit the enforcement of any law or ordinance requiring the sterilization of cats or prohibiting cruelty to animals;
- (10) Clarifying the responsibilities of a registered caregiver in the trap-sterilize-return-manage process;
- (11) Deleting the requirement for the Department of Health to adopt administrative rules necessary for this measure;
- (12) Requiring animal care or rescue groups to submit a five-year summary report on the results of the trap-sterilize-return-manage process to the Legislature no



later than twenty days prior to the convening of the Regular Session of 2023;

- (13) Amending the preamble to reflect its amended purpose;
- (14) Changing its effective date to January 1, 2018, and inserting a repeal date of December 31, 2022; and
- (15) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

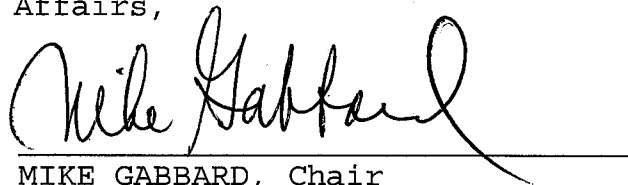
Your Committees request that as this measure moves forward, your Committee on Judiciary consider the concerns raised in testimony regarding entry of caregivers upon protected wildlife habitats.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2593, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2593, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair




MIKE GABBARD, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2593 HD 1	AEN/PSM, JDC	3/21/18		
<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
GABBARD, Mike (C)	X			
RIVIERE, Gil (VC)			X	
NISHIHARA, Clarence K.	X			
RHOADS, Karl		X		
RUDERMAN, Russell E.			X	
TOTAL	2	1	2	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* HB 2593, HD1	Committee Referral: AEL/PSM, JDC	Date: 3/24/18		
<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
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)		✓		✓
BAKER, Rosalyn H.		✓		✓
IHARA, Jr., Les				✓
THIELEN, Laura H.		✓		
TOTAL	1	3	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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