

STAND. COM. REP. NO.

845

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 489  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 489, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SHARK AND RAY PROTECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish an offense of knowingly capturing, taking, possessing, abusing, entangling, or killing a shark in state marine waters, along with penalties and fines;
- (2) Expand the existing prohibition on knowingly capturing or killing a manta ray in state marine waters to apply to all rays and also include knowingly taking, possessing, abusing, or entangling a ray; and
- (3) Provide certain exemptions.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Land and Natural Resources, The Nature Conservancy, One Ocean Conservation, Keiko Conservation, One Ocean Diving, O'ahu County Commission on Legislative Priorities of the Democratic Party of Hawai'i, Divers for Sharks, Humane Society of the United States, Titi Conservation Alliance, and twenty-four individuals. Your Committee received testimony in opposition to this measure from the Center for



Hawaiian Sovereignty Studies; Hunting, Farming and Fishing Association; Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; and three individuals.

Your Committee finds that sharks and rays are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committee further finds that article XI, section 1, of the Hawaii State Constitution provides that the State "shall conserve and protect Hawaii's natural beauty and all natural resources". This measure will provide protection for sharks and rays by establishing and expanding prohibitions against knowingly capturing or killing them.

Your Committee has amended this measure by 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 489, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 489, S.D. 2.

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



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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 489, SD1	WTL, JDC	2/22/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	4	<del>0</del>	<del>0</del>	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes