

STAND. COM. REP. NO.

2242

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2441
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Energy and Environment and Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 2441 entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES,"

beg leave to report as follows:

The purpose of this measure is to establish the intentional or knowing taking of an endangered species as a class C felony and provide a private right of action to enforce conservation of aquatic life, wildlife, and land plants laws.

Testimony in support of the measure was submitted by six organizations and six individuals. One state agency submitted testimony in opposition. Written testimony presented to the Committees may be reviewed on the Legislature's website.

This measure is in response to two recent intentional killings of Hawaiian monk seals on Kauai and one on Molokai. In September 2009, a Kauai man pleaded guilty to shooting a monk seal in violation of the federal Endangered Species Act. The man received a ninety-day jail term, one year supervised release, and a \$25 fine.

With the number of monk seals increasing in the main Hawaiian islands, occurrences of human and seal interactions are on the rise. It is critical for the survival of the monk seals that Hawaii develop a culture of cohabitation, that will not tolerate any kind of inappropriate or violent behaviors toward these



species. Your Committees find that increased penalties for the intentional or knowing destruction of an endangered species will protect those species from future harassment and death.

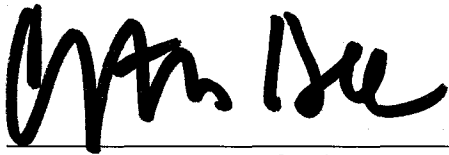
Your Committees further find that expanding the scope of permissible citizen suits will supplement government enforcement through actions seeking injunctive relief to prevent future harm to endangered and threatened species.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050 for the purposes of further discussion; and
- (2) Making technical, nonsubstantive changes for the purposes of style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Water, Land, Agriculture, and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2441, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2441, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committees on Energy and
Environment and Water, Land,
Agriculture, and Hawaiian
Affairs,



CLAYTON HEE, Chair



MIKE GABBARD, Chair



Record of Votes
Committee on Energy and Environment
ENE

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 2441</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">ENE/WTL, JGO</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/10/10</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
TOKUDA, Jill N. (VC)				/
BUNDA, Robert	/			
FUKUNAGA, Carol				/
KOKUBUN, Russell S.	/			
TAKAMINE, Dwight Y.				/
HEMMINGS, Fred			/	
TOTAL	3		1	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">Russell S. Koko</div>				
Distribution: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes