

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 579

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 579 entitled:

"A BILL FOR AN ACT RELATING TO WILDLIFE,"

begs leave to report as follows:

The purpose of this bill is to:

- (1) Prohibit the use of body-crushing traps and foot or leg-hold traps; provided that exemptions are granted to:
 - (A) State or federal agencies acting pursuant to a mandatory statutory duty for the protection of:
 - (i) Species listed as threatened or endangered, or other wildlife species protected by law; or
 - (ii) Public health, safety, or property; and
 - (B) Accepted practices for rodent or mongoose control;
- (2) Regulate the use of snares by requiring a person using a snare to hunt, capture or kill any animal to:
 - (A) Possess a valid hunting license or permit issued by the Department of Land and Natural Resources (DLNR), or written authorization issued by the



Board of Land and Natural Resources, and attend any required training and abide by all rules;

- (B) Have a metal identification tag affixed to the snare with the person's name and contact phone number; and
- (C) Check the snare a minimum of once every 48 hours and, upon request, present written documentation to DLNR verifying when and by whom the snare was checked; provided that this regulation does not apply to private conservation agencies conducting activities that are recognized by DLNR, or to agricultural land managers to protect crops and livestock;

provided that these regulations will not apply to:

- (A) State or federal agencies acting pursuant to a mandatory statutory duty for the protection of:
 - (i) Species listed as threatened or endangered, or other wildlife species protected by law; or
 - (ii) Public health, safety, or property; and
 - (B) Accepted practices for rodent or mongoose control;
- (3) Require any dog or cat captured using any snare to be immediately checked for identification and reported to the designated county animal control contractor and, upon request, be turned over to the contractor; provided that exemptions are granted to:
- (A) State or federal agencies acting pursuant to a mandatory statutory duty for the protection of:
 - (i) Species listed as threatened or endangered, or other wildlife species protected by law; or
 - (ii) Public health, safety, or property; and
 - (B) Accepted practices for rodent or mongoose control;



- (4) Define body-crushing trap, foot or leg-hold trap, and snare; and
- (5) Establish penalties for violations.

The Humane Society of the United States, Hawaiian Humane Society, Maui Humane Society, West Hawaii Humane Society, and several concerned individuals testified in support of this bill. The Nature Conservancy and Hawaii Cattlemen's Council, Inc. opposed this measure. The United States Department of Agriculture, DLNR, Animal Rights Hawaii, and several concerned individuals provided comments.

Your Committee has amended this bill by:

- (1) Removing language that bans a person from using, setting, or maintaining a snare in an area zoned as residential or any other area prohibited by law or rule, to hunt, capture, or kill any animal;
- (2) Changing the length of time, from 24 hours to 48 hours, a person is required to check, a minimum of once, a snare used to hunt, capture, or kill any animal;
- (3) Exempting private conservation agencies conducting activities that are recognized by DLNR, or agricultural land managers to protect crops and livestock from checking snares a minimum of once every 48 hours once the snare is set and, upon request, presenting written documentation to DLNR verifying when and by whom the snare was checked;
- (4) Exempting state or federal agencies acting pursuant to a mandatory statutory duty for the protection of public health, safety, or property from:
 - (A) The ban on using, setting, or maintaining a body-crushing trap or a foot or leg-hold trap;
 - (B) Regulations for the use of a snare to hunt, capture, or kill any animal; and
 - (C) Requirements for checking the identification of and reporting the capture of any dog or cat using any snare;

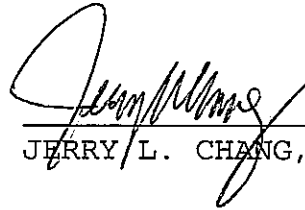


- (5) Removing language that exempts state, federal, or private conservation agencies trapping feral or injurious species in remote areas for conservation purposes from:
- (A) The ban on using, setting, or maintaining a body-crushing trap or a foot or leg-hold trap;
 - (B) Regulations for the use of a snare to hunt, capture, or kill any animal; and
 - (C) Requirements for checking the identification of and reporting the capture of any dog or cat using any snare;
- (6) Exempting accepted practices for mongoose control from:
- (A) The ban on using, setting, or maintaining a body-crushing trap or a foot or leg-hold trap;
 - (B) Regulations for the use of a snare to hunt, capture, or kill any animal; and
 - (C) Requirements for checking the identification of and reporting the capture of any dog or cat using any snare;
- and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 579, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 579, H.D. 1, and be referred to the Committee on Judiciary.



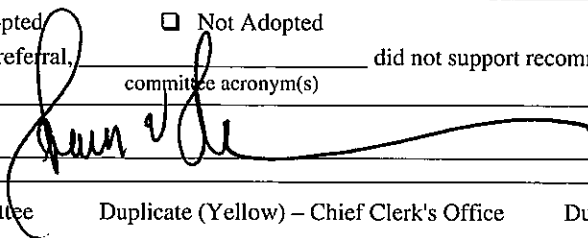
Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,



JERRY/L. CHANG, Chair



Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HR 579	Committee Referral: WLO, JOD	Date: 2/14/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida T.R.	✓			
4. CARROLL, Mele				✓
5. CHONG, Pono				✓
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.	✓			
8. ITO, Ken	✓			
9. MORITA, Hermina M.	✓			
10. NAKASHIMA, Mark M.	✓			
11. RIVIERE, Gil	✓			
12. THIELEN, Cynthia				✓
TOTAL (12)	9			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted if joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				