

ACT 9

S.B. NO. 1568

A Bill for an Act Relating to Agriculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 86, Session Laws of Hawaii 1988, repealed parts VII and VIII of chapter 322, Hawaii Revised Statutes, relating

ACT 9

to the regulation of pigeons and aviary game birds, respectively. Based on the belief that there existed no reason for the department of health to continue the regulation of pigeon and aviary game bird raising on the basis of public health, and that the paperwork involved in the issuance of state permits was therefore unnecessary, Act 86 eliminated all departmental involvement in the regulation of these activities. Without the department's oversight in pigeon and aviary game bird raising, county zoning regulations took precedence.

In the case of the city and county of Honolulu, zoning regulations equate the raising pigeons and aviary game birds to the raising of livestock--which is strictly limited in areas zoned residential. Consequently, permittees under the city and county's zoning regulations are allowed to raise a maximum of two birds each within a residential zone. Because of the fact that certain hobbyists raise and maintain hundreds of pigeons for competition or exhibition, the present situation has seriously jeopardized the viability of this sport in Hawaii.

The legislature finds that uniform and reasonable regulation of pigeon and aviary game bird raising is necessary throughout the State. The purpose of this Act is to designate the department of agriculture as the agency responsible for the regulation of pigeon and aviary game bird raising.

SECTION 2. Chapter 142, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . PIGEONS

§142- Definitions. As used in this part, unless the context otherwise provides:

"Carrier pigeon" means homing and racing pigeons which are banded on the leg with an identification leg band.

"Department" means the department of agriculture.

"Identification leg band" means the band placed around the pigeon's leg identifying the owner by name or initials or containing numbers or letters or a combination thereof.

"Pigeon" includes all carrier and show birds but does not pertain to birds raised for food or for similar commercial purposes.

"Racing pigeon" means any pigeon whose leg band identification is registered with any county, state, national, or international pigeon racing organization.

"Show pigeon" means any pigeon intended for show purposes which bears an identification leg band.

§142- Pigeon permits. The department shall issue a pigeon ownership permit to any person who raises pigeons and shall adopt rules pursuant to chapter 91 to effectuate this part.

§142- Exercise, training, and racing. Any owner of carrier pigeons, to whom the department has issued a pigeon permit, or person acting for the owner, having in the owner's or person's control or possession and under restraint not more than twenty-five pairs of carrier pigeons in an area zoned for residential or for hotel and apartment uses shall be allowed to fly the pigeons for necessary exercise, training, and racing. Any owner or person maintaining the carrier pigeons in areas zoned for other land uses shall fly not more than two hundred birds for necessary exercise, training, and racing. Show pigeons which are not allowed to fly free are not within the foregoing control on carrier pigeons."

SECTION 3. Chapter 142, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . AVIARY GAME BIRDS

§142- Definitions. As used in this part, unless the context otherwise requires:

“Aviary game bird” includes the various species of pheasant which are of rare nature and are generally propagated and raised for its ornamental and aesthetic purposes, but does not pertain to birds raised for food, fighting, baiting, or for similar commercial purposes.

“Department” means the department of agriculture.

§142- Aviary game bird permits. The department shall issue an aviary game bird permit to any person who raises aviary game birds and shall adopt rules pursuant to chapter 91 to effectuate this part.”

SECTION 4. This Act shall take effect upon its approval.

(Approved April 11, 1989.)