

STAND. COM. REP. NO.

2443

Honolulu, Hawaii

FEB 19 2016

RE: S.B. No. 2647
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Water, Land, and Agriculture and Judiciary and Labor, to which was referred S.B. No. 2647 entitled:

"A BILL FOR AN ACT RELATING TO NATURAL RESOURCES,"

beg leave to report as follows:

The purpose and intent of this measure is to improve coordination between state and other government authorities as encouraged in section 183D-8, Hawaii Revised Statutes, and to remove any potential conflicts of law that unintentionally make Hawaii an attractive market for illegal wildlife trafficking by:

- (1) Prohibiting the sale, offering to sell, purchase, trade, or barter of any part or product from various animal and marine species;
- (2) Imposing penalties for violations of the prohibition on trafficking animal parts and products; and
- (3) Authorizing the Board of Land and Natural Resources to impose specific administrative fines for wildlife law violations.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Humane Society of the United States, Vulcan Inc., West Hawaii Humane Society, Humane Society International, Global March for Elephants and Rhinos, Action for Elephants UK, Hawaiian Humane Society, Conservation Council for Hawai'i, Animal Welfare Institute, Nsefu



Wildlife Conservation Foundation, and fifty-seven individuals. Your Committees received testimony in opposition to this measure from Hawaii Rifle Association, Elephant Protection Association, Whaler's Locker' Inc., and four individuals.

Your Committees find that the trafficking of animals threatened with extinction continues to grow at an alarming pace and ranks as the fourth most lucrative criminal activity behind narcotics, counterfeiting, and human trafficking. According to a 2008 study, Hawaii was the nation's third largest market for ivory, after New York and California, which have both recently passed legislation to shut down their in-state markets for ivory, which means that without passage of this measure Hawaii may soon be the largest ivory market in the United States. Your Committees further find that the International Fund for Animal Welfare partnered with the Wildlife Conservation Society, Vulcan Inc., Natural Resources Defense Council, and Humane Society International to conduct a six-day investigation. The investigation of Hawaii's online ivory trade found approximately \$1,200,000 worth of ivory and related wildlife products for sale in Hawaii, with the vast majority of retailers failing to provide documentation that would indicate these sales are legal under federal law.

Your Committees find that it is important to demonstrate Hawaii's continuing leadership in global conservation challenges, such as international wildlife trafficking and endangered species protection, and prohibit the market for threatened animal species parts and products with few exceptions.

Your Committees have amended this measure to mirror the changes in H.B. No. 2502, H.D. 1 (Regular Session of 2016), a substantially similar measure, by:

- (1) Deleting the term "evidencing provenance" from the antique and musical instrument exemption provisions;
- (2) Increasing the allowable amount of a covered animal species part or product in an antique or musical instrument from ten percent to twenty percent;
- (3) Inserting language to exempt a covered animal species part or product that is less than twenty percent of a legally purchased and possessed firearm or knife;

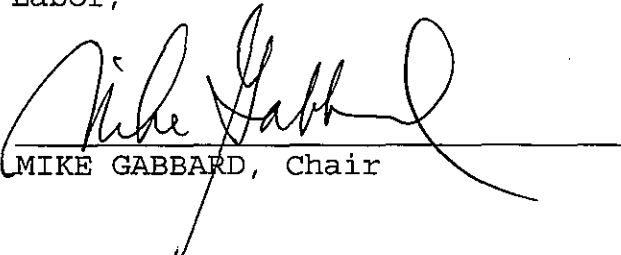


- (4) Inserting language to exempt a covered animal species part or product that is a fixed component or components of a larger manufactured item and is not, in its current form, the primary source of value of the item;
- (5) Deleting language that would have authorized the Board of Land and Natural Resources to impose specific administrative fines for wildlife law violations, as that language was stated in S.B. No. 2647, since it is unnecessary as section 183D-12, Hawaii Revised Statutes, already allows for administrative fines;
- (6) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2647, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2647, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land, and
Agriculture and Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair


MIKE GABBARD, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, and Agriculture
WLA

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2647	WLA/JDL	2/10/16
<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)	✓	
NISHIHARA, Clarence K. (VC)	✓	
DELA CRUZ, Donovan M.	✓	
RIVIERE, Gil	✓	
RUDERMAN, Russell E.		✓
SHIMABUKURO, Maile S.L.	✓	✓ <i>en</i>
THIELEN, Laura H.	✓	
WAKAI, Glenn		✓
SLOM, Sam		✓
TOTAL	6	3
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
<i>Clarence K. Nishihara</i>		
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-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2647	Committee Referral: WLA / JDL	Date: 2/11/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
SLOM, Sam				✓
TOTAL	5			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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