

STAND. COM. REP. NO. **2490**

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2079
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Water and Land and Judiciary, to which was referred S.B. No. 2079 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to protect sharks and rays for ecological purposes, their value to the ocean recreation industry, and their value to Native Hawaiian cultural practices by:

- (1) Prohibiting and imposing penalties and fines for knowingly capturing, killing, or taking a shark within state marine waters, and providing exceptions for certain special activity permits, the exercise of Native Hawaiian gathering rights and traditional cultural practices, and the protection of public safety; and
- (2) Expanding the existing prohibition on knowingly capturing or killing a manta ray to apply to all rays.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; The Humane Society of the United States; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; For the Fishes' West Hawaii Humane Society; Keiko Conservation International; Animal Rights Hawai'i; Hawaiian Civic Club of Honolulu; Center for



Hawaiian Sovereignty Studies; One Ocean Research; One Ocean Global Team Maui; Ho'omana Pono, LLC; Pony Wave; and approximately two hundred sixty individuals. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that sharks and rays are extremely important to ocean ecosystems. Sharks and rays are more vulnerable than most other fish species. They are long-lived and slow-growing, start reproducing at an advanced age, and produce relatively few offspring per year. Protection for sharks and rays ultimately means healthier, more resilient oceans and reefs that are better able to withstand pressures on the ocean ecosystem from climate change and pollution. Sharks and rays on the reefs not only play important ecological roles, but are also valued figures in Hawaiian culture and are important economically to ocean recreation industries and to tourism in Hawaii. By imposing penalties and fines to protect sharks and all rays in state marine waters, this measure recognizes the benefits of maintaining viable populations of these species.

Your Committees have amended this measure by:

- (1) Adopting the language suggested by the Department of Land and Natural Resources to add knowingly possessing, abusing, or entangling a shark or ray, whether alive or dead, to the list of prohibited types of actions upon a shark or ray;
- (2) Expanding the list of prohibited types of actions upon a ray to include knowingly taking a ray;
- (3) Removing the exemption for the exercise of Native Hawaiian gathering rights and traditional cultural practices from the prohibition on shark takings, and adding language to clarify that nothing in that offense shall be construed to restrict the exercise of Native Hawaiian gathering rights and traditional cultural practices protected pursuant to the state constitution;
- (4) Adding language to clarify that nothing in the prohibition on the taking of rays shall be construed to

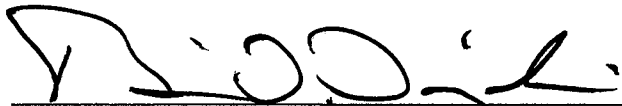


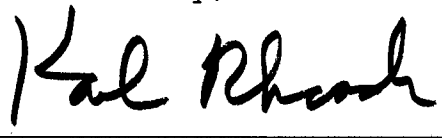
restrict the exercise of Native Hawaiian gathering rights and traditional cultural practices protected pursuant to the state constitution;

- (5) Adding the Hawaiian name manō for sharks and hihimanu for rays to the respective section titles of the two prohibitions;
- (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 and Land and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2079, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2079, S.D. 1, and be referred to your Committee on Ways and Means.

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


BRIAN T. TANIGUCHI, Chair


KARL RHOADS, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

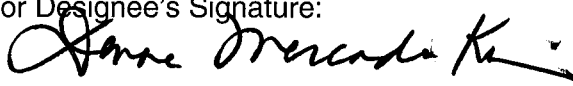
Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2079	WTL/JDC, WAM	2/8/18		
<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)	✓			
GABBARD, Mike (VC)	✓			
INOUE, Lorraine R.				✓
RIVIERE, Gil	✓			
THIELEN, Laura H.				✓
TOTAL	3	—	—	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Mike Gabbard</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

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<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 checked="" 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
TANIGUCHI, Brian T. (C)	/			
RHOADS, Karl (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.				/
TOTAL	4			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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