

Honolulu, Hawaii

March 21, 2014

RE: S.B. No. 2347
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred S.B. No. 2347, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to control the spread of invasive species.

Specifically, the measure:

- (1) Requires nursery stock that is infested with certain pests to be treated for eradication of pests before the sale or transport of the nursery stock from one island to another island within the State or intra-island;
- (2) Requires an element of gross negligence, rather than intent, for a violation of section 150A-6(3) or (4), Hawaii Revised Statutes, relating to the importation, possession, or transportation of certain animals, plants, or equipment that is harmful to agriculture, horticulture, animals, public health, or natural resources;
- (3) Eliminates the element of intent to propagate, sell, or release from the penalty for transporting, harboring, or importing prohibited animals or restricted plants,



animals, or microorganisms without a permit and from the penalty for importing, possessing, harboring, transferring, or transporting any designated pest; and

- (4) Establishes a comprehensive intra-island quarantine program to control the spread of pests within the State that:
- (A) Prohibits a person from moving any regulated article intrastate from any quarantined area;
 - (B) Specifies the regulated articles that are prohibited from intrastate movement;
 - (C) Requires the Department of Agriculture to quarantine each portion of the State that is infested and sets guidelines for the Department to designate and terminate designation of quarantined areas;
 - (D) Establishes conditions for the movement of regulated articles from quarantined areas;
 - (E) Authorizes an inspector to issue a certificate or limited permit for the intrastate movement of a regulated article approved under a compliance agreement if certain conditions are met;
 - (F) Requires the Department of Agriculture to develop and implement a comprehensive and effective interisland quarantine program, including the use of compliance agreements patterned after specific federal regulations;
 - (G) Allows any person who grows, handles, or moves regulated articles intrastate to enter into a compliance agreement with the Department of Agriculture;
 - (H) Authorizes an inspector to cancel any certificate, limited permit, or compliance agreement in the event of noncompliance by the holder of a certificate or limited permit or person who entered into a compliance agreement, and further allows for appeal of the cancellation;



- (I) Establishes requirements for the attachment and disposition of the certificates and limited permits;
- (J) Establishes, within the Department of Agriculture, a little fire ant and coqui frog detection, control, exclusion, and enforcement programs for nurseries producing containerized plants;
- (K) Authorizes the counties to establish their own requirements by ordinance to prevent the introduction of infested, regulated articles that are consistent with law and departmental rules until the Department of Agriculture implements this measure; and
- (L) Establishes a fine equal to the value of the offending shipment or \$10,000, whichever is greater, for any person who moves infested regulated articles intrastate.

The Department of Land and Natural Resources, Airlines Committee of Hawaii, and Young Brothers, Limited, submitted testimony in support of this measure. The Hawaii Floriculture and Nursery Association submitted testimony in opposition to this measure. The Department of the Attorney General, Hawaii Farm Bureau Federation, and Maui Invasive Species Committee provided comments.

Your Committee finds that many invasive species are pests that harm and threaten Hawaii's export and tourism industries, property values, residents' quality of life, and the environment. Accordingly, your Committee believes that the State must aggressively combat pest infestations and prevent their spread.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting language recommended by the Department of Agriculture that:
 - (A) Provides that the transportation of any pest or article regulated under chapter 150A, Hawaii Revised Statutes, is subject to inspection, treatment, and destruction if warranted;



- (B) Prohibits the interisland or intra-island transportation of any pest or article that is diseased, pest-infested, or likely to assist in the transmission or dissemination of any pest or that may in itself be harmful;
 - (C) Prohibits the possession, harboring, transport, rearing, breeding, distribution, or release of pests except when authorized by a permit issued by the Department of Agriculture;
 - (D) Allows the Department of Agriculture to designate quarantine areas and establish transportation restrictions, rules, and compliance agreements related to quarantine areas; and
 - (E) Establishes penalties for violating restrictions on transportation of designated pests and infested or diseased articles; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2347, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2347, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture,



JESSICA WOOLEY, Chair



