

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 1059

S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 1059, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the inspection and treatment of regulated goods moving between islands;
- (2) Prohibit transportation of infested material between islands;
- (3) Authorize the designation of quarantine areas to isolate infested areas;
- (4) Authorize the interisland or intrainisland transportation of articles from a quarantined area if the consignor and consignee of the articles are participants in the Department of Agriculture's compliance agreement program; and
- (5) Establish penalties for violations of intrastate transportation and quarantine laws and rules.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, University of Hawaii System, Hawaii Invasive Species



Council, Big Island Invasive Species Committee, The Nature Conservancy, Waiheuna Farm, and one individual. Your Committees received comments on this measure from the Hawaii Farm Bureau.

Your Committees find that the State has attempted to control certain invasive species but that control efforts are often too late to stop the spread of certain invasive species across the State. As a result, invasive species now infest hundreds of thousands of acres and affect Hawaii's export industry, tourism revenues, property values, residents' quality of life, and the environment. It is necessary to identify pathways and areas infested with priority pests and mitigate the chances that pests will enter transportation networks. Implementation of this measure will enhance biosecurity and protect the State's environment.

Your Committees encourage the Department of Agriculture, in developing its administrative rules to implement this measure, to distinguish between acts of intentional and reckless transportation of infested materials and acts of a person who is unaware that materials in transit are infested.

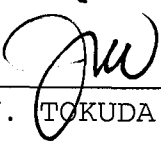
Your Committees have amended this measure by:

- (1) Adopting language suggested by the Department of Agriculture that clarifies that participants in the compliance agreement program will be allowed, rather than permitted, to provide interisland or intrainland transportation of articles from a quarantined area;
- (2) Changing the penalty from a petty misdemeanor to a class C felony;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) 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 Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1059, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1059, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair

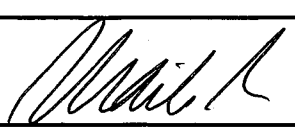


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 1059 SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">ENE/AGL/TRA, JDL/WAM</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/27/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: right; font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

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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: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
TOTAL	11	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: W. D. M.				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

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