

Honolulu, Hawaii

MAR 21 2025RE: H.B. No. 427
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Agriculture and Environment,
Transportation and Culture and the Arts, and Commerce and Consumer
Protection, to which was referred H.B. No. 427, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO BIOSECURITY,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Rename the "Department of Agriculture" to the "Department of Agriculture and Biosecurity" and the "Board of Agriculture" to the "Board of Agriculture and Biosecurity";
- (2) Establish and appropriate funds for a Deputy Director of Biosecurity;
- (3) Change references to the plant and animal declaration form to the "biosecurity form";
- (4) Authorize and specify conditions under which the Department of Agriculture and Biosecurity may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms;



- (5) Broaden the objectives and general actions of the Biosecurity Program; and
- (6) Appropriate funds for certain positions within the Department of Agriculture and Biosecurity.

Your Committees received testimony in support of this measure from Department of Agriculture; Department of Land and Natural Resources; Hawaii Invasive Species Council; Big Island Invasive Species Committee; Hawai'i Farm Bureau; Hawaii Cattlemen's Council, Inc.; Democratic Party of Hawai'i; Larry Jefts Farms, LLC; and three individuals.

Your Committees received testimony in opposition to this measure from Carol Kwan Consulting LLC.

Your Committees received comments on this measure from the Coordinating Group on Alien Pest Species and Retail Merchants of Hawaii.

Your Committees find that the introduction and spread of harmful pests continue to threaten the State's agricultural industry, environmental health, and the quality of life for its residents and visitors. Changing the name of the Department of Agriculture to the Department of Agriculture and Biosecurity (Department) and appointing a Deputy Chairperson focused on biosecurity supports the prominent issue of biosecurity in the State and the continued commitment to increasing the State's self-sufficiency and sustainability. This measure further supports the Department's Biosecurity Program, which is essential to fully executing a comprehensive strategy to address the increasing number of invasive species entering the State.

Your Committees note that Senate Bill No. 1100, S.D. 2, (Regular Session of 2025), which was previously passed by the Senate, is a substantially similar measure that is preferable because it also requires the Department to establish a Biosecurity Emergency Response Program to respond to biosecurity events; authorizes the Department to establish transitional facilities that reduce delays or stoppages at ports of entry while ensuring that all relevant goods are properly inspected before delivery to their destination; requires the Department of Commerce and



Consumer Affairs to license and train biosecurity inspectors and requires inspection for various items transported inter-island; increases penalties for illegally transporting plants, animals, and microorganisms; increases cooperation between the Department and stakeholders to promote readiness and response activities, share information, and develop pest management plans; and strengthens enforcement of the State's Plant Care Component Program, as infested plant care components are one of the largest vectors for pests and other invasive species.

While your Committees find that the language in S.B. No. 1100, S.D. 2 is preferable, your Committees further note a number of concerns, including the transfer of the Hawaii Invasive Species Council from the Department of Land and Natural Resources to the Department. Your Committees acknowledge the effectiveness of the Hawaii Invasive Species Council and recognize that its transfer may possibly impact the performance of its duties and its existing programs and initiatives. Your Committees further find that existing statutory language in section 150A-8, Hawaii Revised Statutes, which authorizes the Department to adopt administrative rules to regulate the intrastate movement of pests, is repealed in Senate Bill No. 1100, S.D. 2. Your Committees believe that the restoration of the existing language would support the enforcement of the State's administrative rules regarding the intrastate movement of pests and any host material containing pests.

Additionally, according to testimony on Senate Bill No. 1100, S.D. 2, although the response framework of the Biosecurity Emergency Response Program allows for engaging experienced personnel and authority for the Department to contract with private companies to respond rapidly, paying non-governmental employees that are selected by the Chairperson of the Board of Agriculture and Biosecurity to be part of an ongoing team may be an inefficient use of state funds and could result in the appearance of impropriety. Further, in a biosecurity event, the Department would need the authority to quarantine an area where the invasive species is detected to prevent movement of materials to or from the location. Additional amendments are therefore necessary to address these and other concerns.

Accordingly, your Committees have amended this measure by:



- (1) Deleting its contents and inserting the contents of Senate Bill No. 1100, S.D. 2, a substantially similar measure, which:
 - (A) Renames the "Department of Agriculture" to the "Department of Agriculture and Biosecurity" and the "Board of Agriculture" to the "Board of Agriculture and Biosecurity";
 - (B) Establishes the position of Deputy Chairperson for Biosecurity and two additional deputies or assistants exempt from civil service laws;
 - (C) Requires the Department to establish a Biosecurity Emergency Response Program to respond to biosecurity events;
 - (D) Authorizes the Department to establish transitional facilities;
 - (E) Requires the Department of Commerce and Consumer Affairs to license and train biosecurity inspectors;
 - (F) Requires the inspection of various items transported interisland;
 - (G) Increases penalties for illegally transporting plants, animals, and microorganisms;
 - (H) Requires the Department to establish government-industry agreements to detect and respond to unwanted organisms in the State;
 - (I) Requires the Department, Department of Land and Natural Resources, and other contracted parties to post an invasive species dashboard for treatment areas before December 1, 2025;
 - (J) Authorizes the establishment of pest management plans to address, contain, or eradicate pests;



- (K) Authorizes the Department to adopt rules to establish and enforce the Plant Care Component Program and assess administrative penalties for the enforcement of the Plant Care Component Program; and
 - (L) Appropriates funds; and
- (2) Further amending the measure by:
- (A) Clarifying the composition of the Board of Agriculture and Biosecurity to require certain members to be from the agricultural community, the agricultural support sector, the invasive species response community, or the environmental conservation community with demonstrated biosecurity expertise, with at least one member from each of these categories;
 - (B) Clarifying that the Deputy Chairperson for Biosecurity shall be appointed by the Governor without regard to chapter 76, Hawaii Revised Statutes;
 - (C) Deleting language that would have established two additional deputies or assistants, either in charge of agriculture or biosecurity or other functions within the Department as may be assigned by the Chairperson of the Board, with the approval of the Governor;
 - (D) Clarifying the Chairperson of the Board shall organize an emergency response team, giving priority to state and county employees having experience managing the containment and eradication of organisms, and make a reasonable effort to appoint at least one member from each island except Niihau;
 - (E) Clarifying that emergency response team members shall receive reimbursement for actual expenses incurred for each day of service;



- (F) Authorizing the Chairperson of the Board to quarantine any area that is known or reasonably suspected to be infested with certain invasive species, pests, or prohibited or restricted organisms, to prevent the movement of materials to or from the location;
- (G) Restoring the existing language in section 150A-8, Hawaii Revised Statutes, and clarifying that flora, fauna, and pest host material specified by rules and regulations of the Department shall not be moved from one island to another island within the State or from one locality to another on the same island except by permit issued by the Department;
- (H) Requiring a violation of a readiness and response agreement to be subject to penalties under section 150A-14, Hawaii Revised Statutes;
- (I) Clarifying that any unit of state or local government may submit to the Board a proposed pest management plan;
- (J) Deleting language that would have transferred the Hawaii Invasive Species Council from the Department of Land and Natural Resources to the Department;
- (K) Inserting a new appropriation section to appropriate an unspecified amount of general funds to the Department for each year of the fiscal biennium for construction at the Halawa Animal Quarantine Station and Halawa Animal Industry Facility; and
- (L) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees additionally note that, to help the State prevent and address issues with invasive species, the Department of Land and Natural Resources should focus on the transfer of agricultural parcels pursuant to Act 90, Session Laws of Hawaii 2003, so that the Department can continue entering into long-term leases to ranchers that have been practicing good stewardship,



addressing environmental issues, and preventing the introduction and spread of invasive species on state agricultural lands.

Your Committees further note the evolving concerns regarding the biosecurity of the State. Your Committees believe that though this measure, as amended, is a good first step in managing the significant impacts of invasive species and pests in the State, the establishment of a cabinet-level position may be necessary to effectively help address and elevate Hawaii's biosecurity needs.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Transportation and Culture and the Arts, and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 427, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 427, H.D. 2, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Environment, Transportation and Culture and the Arts, and Commerce and Consumer Protection,



CHRIS LEE, Chair



MIKE CABARD, Chair



JERRETT KEOHOKALOOLE, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* HB427 HD2	Committee Referral: AEN/TCA/CPN,WAM/JDC	Date: 9-18-2025		
<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
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
KANUHA, Dru Mamo	✓			
DECORTE, Samantha	✓			
TOTAL	5			
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				

***Only one measure per Record of Votes**

