

Honolulu, Hawaii

March, 2006

RE: H.B. No. 2765  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 2765, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to strengthen invasive species control and eradication efforts by, among other things:

- (1) Requiring the Department of Agriculture (DOA) to designate as pests, vertebrate species injurious to the environment or vegetation of value, including the coqui frog;
- (2) Clarifying that with certain exceptions, no person shall intentionally or negligently possess, propagate, sell, transport, or harbor any animal included on the list of prohibited animals maintained by the Board of Agriculture;
- (3) Prohibiting all goods determined by DOA to be at risk of transporting a pest from being offered for sale, sold, or moved inter-island or intra-island, unless the goods can be treated by DOA to eradicate the pest;



- (4) Requiring DOA in collaboration with the Department of Land and Natural Resources (DLNR), to:
  - (A) Map and define quarantine areas on each of the six major islands of the state for pests that pose the greatest or immediate danger to the environment;
  - (B) Post signs near or in a quarantine area to identify the area's boundaries; and
  - (C) Adopt civil penalties to be imposed for moving untreated materials from these quarantine areas;
- (5) Requiring each county to develop a county invasive species management plan that includes a requirement for the removal or eradication of prohibited, invasive, and non-native vegetation or animals from private property;
- (6) Appropriating funds for the development of county invasive species management plans under paragraph (5); and
- (7) Allowing each county to establish an incentive program in which the county pays for some or all of the cost of removing invasive species from private property, with the permission of the property owner.

The Nature Conservancy of Hawai'i, Maui Outdoor Circle, Kihei Akahi A.O.A.O., C & H Farms, and a concerned individual testified in support of this bill. DLNR and the Hawaii Association of REALTORS supported the intent of this measure. DOA opposed this bill in part. The Hawaii Farm Bureau Federation provided comments.

Your Committee wishes to acknowledge the concerns that were brought forth during this bill's hearing, including the possibility that some of the language may be overly broad. Specifically, as written, DOA may be mandated to control pests outside of the scope of its duties, by an interpretation that DOA is mandated to control all pests, agricultural or not. The bill may also make all goods determined by DOA to be at risk of transporting pests unavailable for sale or movement.



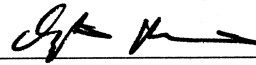
However, your Committee recognizes that the problem of invasive species control is one that will only continue to grow if left unchecked.

Accordingly, your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2020, to continue further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2765, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2765, H.D. 2.

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



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DWIGHT TAKAMINE, Chair



State of Hawaii  
House of Representatives  
The Twenty-third Legislature

*J+SCR 888*

**Record of Votes of the Committee on Finance**

|   |   |                  |             |                |
|---|---|------------------|-------------|----------------|
| <b>Bill/Resolution No.:</b><br>HB 2765 HD1  | <b>Date:</b><br><span style="font-size: 1.2em; font-family: cursive;">2-27-06</span>          |                  |             |                |
| <b>Committee Referral:</b><br>AGR/EEP, FIN  | <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. |                  |             |                |
| <b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit       |   |                  |             |                |
| <b>FIN Members</b>  | <b>Ayes</b>   | <b>Ayes (WR)</b> | <b>Nays</b> | <b>Excused</b> |
| 1. TAKAMINE, Dwight Y. (C)  | ✓   |                  |             |                |
| 2. KAWAKAMI, Bertha C. (VC)   | ✓   |                  |             |                |
| 3. CARROLL, Mele  | ✓   |                  |             |                |
| 4. CHONG, Pono  | ✓   |                  |             |                |
| 5. EVANS, Cindy   | ✓   |                  |             |                |
| 6. LEE, Marilyn B.  | ✓   |                  |             |                |
| 7. MAGAOAY, Michael Y.  | ✓   |                  |             |                |
| 8. NAKASONE, Bob  | .   |                  |             | ✓              |
| 9. NISHIMOTO, Scott Y.  | ✓   |                  |             |                |
| 10. TANAKA, Kameo   | ✓   |                  |             |                |
| 11. TSUJI, Clift  | ✓   |                  |             |                |
| 12. WAKAI, Glenn  | ✓   |                  |             |                |
| 13. YAMANE, Ryan I.   | ✓   |                  |             |                |
| 14. YAMASHITA, Kyle T.  | ✓   |                  |             |                |
| 15. MEYER, Colleen Rose   | ✓   |                  |             |                |
| 16. MOSES, Mark S.  | ✓   |                  |             |                |
| 17. PINE, Kymberly  | ✓   |                  |             |                |
| 18. STEVENS, Anne V.  | .   |                  |             | ✓              |
| <b>TOTAL</b>  | 16  |                  |             | 2              |
| <b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted<br><br>If joint referral, _____ did not support recommendation.<br>committee acronym(s)    |   |                  |             |                |
| <b>Vice Chair's or designee's signature:</b><br><div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-top: 10px;">                     Bertha C. Kawakami                 </div> |   |                  |             |                |
| <b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – HMSO    Duplicate (Pink) – Clerk's Office   |   |                  |             |                |