

STAND. COM. REP. NO. 203

Honolulu, Hawaii

Feb 12, 2009

RE: H.B. No. 1684

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Agriculture and Energy & Environmental Protection, to which was referred H.B. No. 1684 entitled:

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

beg leave to report as follows:

The purpose of this bill is to deter and prevent the intentional introduction and spread of invasive species by among other things:

- (1) In lieu of provisions set to take effect on July 1, 2009, that would have imposed only fines, establishing a petty misdemeanor offense for transportation companies that violate the provisions governing importation of designated articles into the state; and
- (2) Establishing a class C felony offense for a person or organization that is found guilty of intentionally importing, possessing, harboring, transferring, or transporting, including through interisland or intraisland movement, any prohibited or restricted plant, animal, or microorganism without a permit, and with the intent to propagate, sell, or release that plant, animal, or microorganism, unless otherwise allowed by law.

The Department of Agriculture (DOA), Office of Hawaiian Affairs, Sierra Club, Hawaii Chapter, Hawaii Farm Bureau

HB1684 HD1 HSCR AGR-EEP HMS 2009-1900



Federation, Maui County Farm Bureau, The Nature Conservancy of Hawaii, Hawaii Forest Industry Association, Hanalei Watershed Hui, and several concerned individuals supported this bill. The Department of Land and Natural Resources and a concerned individual supported this bill with amendments. The University of Hawaii Environmental Center, Maui Invasive Species Committee, and a concerned individual supported the intent of this measure. Alexander & Baldwin, Inc., Matson Navigation Company, Inc., and a concerned individual submitted comments.

Although your Committees stand in support of strengthening penalties for those who are engaged in the illegal importation and spread of invasive species, your Committees note that concerns were raised regarding the severity of the penalties imposed against offenders, particularly for those that commit the Class C felony offense. Questions were also raised regarding whether the fines associated with the Class C felony offense apply to each illegal item imported or to each offense: It is the intent of your Committees that the fines apply to each offense. In addition, concerns were raised regarding whether the public has been adequately notified and educated on the specifics of what can and cannot be legally imported into the state. Your Committees support future legislative efforts to address these concerns.

Your Committees have amended this measure by:

- (1) Broadening the scope of the petty misdemeanor offense by making it applicable to any person, including a transportation company, rather than limiting it only to a transportation company;
- (2) Reducing the maximum fines for the petty misdemeanor offense as follows:
 - (A) For the first offense, from \$10,000 to \$5,000; and
 - (B) For a second offense committed within five years of a prior offense, from \$25,000 to \$15,000;
- (3) Clarifying that the Class C felony offense applies to a pest designated by statute or rule, in lieu of a prohibited or restricted plant, animal, or microorganism;
- (4) Repealing Section 2 of Act 101, Session Laws of Hawaii 2008, set to take effect on July 1, 2009, which would



have repealed the existing criminal offense for violations of the provisions governing importation of designated articles into the state; and

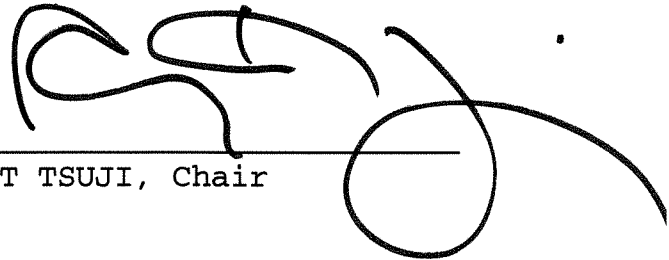
- (5) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1684, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1684, H.D. 1, and be referred to the Committee on Transportation.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Energy & Environmental Protection,



HERMINA MORITA, Chair



CLIFT TSUJI, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR203

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 1684	Committee Referral: AGR/EEP, TRN, JUD	Date: 2/6/09 2/5/09 DC		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. COFFMAN, Denny (VC)	✓			
3. CABANILLA, Rida				✓
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. HAR, Sharon E.	✓			
7. HERKES, Robert N.	✓			
8. ITO, Ken	✓			
9. LEE, Chris	✓			
10. LUKE, Sylvia	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.				✓
13. THIELEN, Cynthia	✓			
TOTAL (13)	11	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Denny Coffman</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				