

STAND. COM. REP. NO. 717

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1663  
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 Committee on Agriculture, to which was referred H.B. No. 1663 entitled:

"A BILL FOR AN ACT RELATING TO TARO SECURITY,"

begs leave to report as follows:

The purpose of this bill is to prohibit the development, testing, propagation, release, importation, planting, or growing of genetically modified taro in the State of Hawaii.

The Office of Hawaiian Affairs and numerous organizations and individuals supported this bill. The University of Hawaii, Department of Agriculture, and several organizations and individuals opposed this bill.

Section 1 of this bill describes the importance of kalo to the culture of the kanaka maoli. Your Committee recognizes and appreciates those statements and the sincerity of the testifiers who repeated similar sentiments.

Your Committee, however, also recognizes the sincerity of the testifiers who desire retaining full capability for scientific research on taro. Your Committee believes that those testifiers have legitimate concerns, particularly the Kauai taro farmers who grow much of the taro harvested in the state. They have a significant interest in maintaining options to scientifically improve the productivity, yield, quality, and drought, pest, or disease resistance of taro.

HB1663 HD1 HSCR AGR HMS 2009-2799



Consequently, your Committee has given strong consideration to limiting the scope of the bill to "Hawaiian" taro.

Proponents of this bill have also expressed concern about the possibility of cross-pollination of Hawaiian taro and genetically modified non-Hawaiian taro. Your Committee deems this concern to be a valid and serious one.

Accordingly, your Committee has amended this measure by:

- (1) Making the prohibition applicable to genetically modified Hawaiian taro and inserting a definition for "Hawaiian taro";
- (2) Adding a new provision prohibiting non-Hawaiian taro from being genetically modified:
  - (A) Outside an enclosed laboratory; or
  - (B) Inside an enclosed laboratory, unless entry into the enclosed laboratory is prohibited to the general public;
- (3) Adding a new provision prohibiting genetically modified non-Hawaiian taro from being tested, propagated, planted, or grown:
  - (A) Outside an enclosed structure; or
  - (B) Inside an enclosed structure, unless entry into the enclosed structure is prohibited to the general public;
- (4) Establishing a petty misdemeanor offense for violations of the prohibitions established in this measure;
- (5) Changing its effective date to July 1, 2050, to encourage further discussion on this matter; and
- (6) Making technical, nonsubstantive amendments for style, clarity, and consistency.

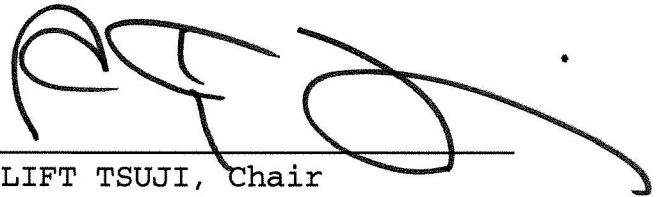
Your Committee intends that this bill move forward in tandem with House Bill No. 1226, passed out by your Committee in an amended form, H.D. 1, which prohibits state administrative



regulatory actions and county regulatory actions from banning or otherwise regulating genetically modified plant organisms, with certain exceptions. Your Committee finds that both this bill and House Bill No. 1226, H.D. 1, reflect a comprehensive approach to the regulation of genetically modified plants in Hawaii. Your Committee emphasizes that House Bill No. 1226, H.D. 1, is not intended to nullify this bill.

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 H.B. No. 1663, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1663, H.D. 1.

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



CLIFT TSUJI, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

**HSCR 217**

**Record of Votes of the Committee on Agriculture**

<b>Bill/Resolution No.:</b> HB 1663	<b>Committee Referral:</b> HAW, AGR	<b>Date:</b> 3/4/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <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)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Cliff (C)	✓			
2. WOOLEY, Jessica (VC)	✓			
3. BERG, Lyla B.				✓
4. CHOY, Isaac W.	✓			
5. EVANS, Cindy	✓			
6. MANAHAN, Joey	✓			
7. McKELVEY, Angus L.K.				✓
<del>8. TAKAI, K. Mark</del>				
9. TOKIOKA, James Kunane	✓			
10. WAKAI, Glenn				✓
11. MARUMOTO, Barbara C.	✓			
<b>TOTAL (11)</b>	7	0	0	3
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <span style="margin-left: 150px;">committee acronym(s)</span>				
<b>Vice Chair's or designee's signature:</b> _____				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				