

Honolulu, Hawaii

Feb 1, 2010

RE: H.B. No. 1928
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 1928 entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect Hawaii's natural resources from invasive species by enabling adjoining property owners to enter a neighbor's property to control and eradicate invasive species:

- (1) After reasonable notice is given to the owner of the property; and
- (2) If entry is refused, after obtaining a court order.

The Nature Conservancy, Hawaii Audubon Society, Sierra Club - Hawaii Chapter, Malama O Puna, and several individuals testified in support of this bill. The Department of Land and Natural Resources, Department of Agriculture, Good Shepherd Foundation, Animal Rights Hawaii, Humane Society of the United States, American Civil Liberties Union of Hawaii, and several individuals opposed this measure.

Invasive species are proliferating and have become an increasing problem in Hawaii. Once an invasive species becomes established, eradication becomes more and more difficult over time. Allowing owners of an adjoining property to enter another



property with reasonable notice or under a court order to control or eradicate an invasive species may help to diminish or eliminate the establishment of an invasive species.

However, your Committee recognizes that there are concerns regarding the rights of private property owners. Accordingly, your Committee has amended this bill by:

- (1) Deleting provisions that simply allow adjoining property owners to enter a neighbor's property to control and eradicate invasive species after reasonable notice is given to the owner of the property;
- (2) Inserting language allowing an adjoining property owner to apply to the district court of the circuit in which the property is situated for a warrant, directed to any police officer of the circuit, commanding that officer to take sufficient aid and to assist the adjoining property owner in gaining entry onto the premises, and executing measures to control or eradicate the invasive species;
- (3) Establishing a set of conditions that must be met before the adjoining property owner may apply for the warrant;
- (4) Inserting a definition of "adjoining property owner"; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1928, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1928, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,

Hermina Morita

HERMINA MORITA, Chair



