

**SB 738**

**nishihara5 - Randy**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 31, 2011 2:50 PM  
**To:** AGL Testimony  
**Cc:** Leslie.Campaniano@hawaii.gov  
**Subject:** Testimony for SB738 on 2/1/2011 3:00:00 PM  
**Attachments:** SB738\_AGR\_2-2-2011\_AGL-final.pdf

Testimony for AGL 2/1/2011 3:00:00 PM SB738

Conference room: 229  
Testifier position:  
Testifier will be present: Yes  
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Submitted on: 1/31/2011

Comments:

**NEIL ABERCROMBIE**  
Governor



**RUSSELL S. KOKUBUN**  
Chairperson, Board of Agriculture

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**TESTIMONY OF RUSSELL S. KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON AGRICULTURE  
TUESDAY, FEBRUARY 1, 2011  
3:00 P.M.  
Conference Room 229**

**SENATE BILL NO. 738  
RELATING TO AGRICULTURE**

Chairperson Nishihara and Members of the Committee:

Thank you for the opportunity to comment on Senate Bill No. 738. This measure proposes to amend Chapter 142 HRS by creating a new section which would require beekeepers to register with the Department of Agriculture (DOA).

The Department supports beekeeper registration but feels that amendments to the bill, as detailed below, are necessary to be more effectively support the beekeeping industry. Of primary concern is that the bill should provide funding and positions to effectively carry out these services.

Registration is one of the best preventative measures the state of Hawaii can have in terms of our ability to:

- Identify beekeepers and where they are;
- Survey beekeepers to determine if any new bee pests or diseases have been introduced into Hawaii; and
- Provide services such as pest and disease diagnostics to ensure Hawaii's beekeeping industries remain strong and vibrant.

The lack of registration extremely hindered the initial responses to varroa mite detections on Oahu in 2007 and on Hawaii Island in 2008. While beekeeping associations existed on these islands which we could work with, precise knowledge of where beekeepers located in relation to first detection would have allowed the Department to develop better strategies to respond to varroa mite incursions with careful consideration of the potential impacts on beekeepers. The same would be true for any new incursions, whether it is varroa mite, small hive beetle or new pests or diseases to Hawaii. As such, registration provides the Department of Agriculture with a more effective mechanism to support the beekeeping industry in Hawaii by allowing us to track numbers of hives, determine any trends, and assist with any issues by providing an easy mechanism by which we can contact the industry.

SB 738 is a good first step; however, the Department of Agriculture would like to offer several amendments for your consideration:

- 1) Tax Map Parcel Numbers, while beneficial, are not precise enough for our usage. Rather, it would be preferable for HDOA, upon receipt of an application for registration, obtain pertinent locality data during the course of initial inspection.
- 2) Numbers of queens produced while useful, is not necessary as the queen industry undergoes routine certification inspection for by the Department for export to foreign countries and to states requiring a health certificate.

- 3) Registration by beekeepers should be on an annual basis to allow the Department to gain a better understanding of the rapidly changing world of beekeeping in Hawaii.
- 4) The intent of registration also needs to be stated in order to obtain support by the beekeepers of Hawaii. The Department of Agriculture does not seek to regulate the industry through registration. Rather the department seeks to:
  - Create a database of beekeepers and their contact information;
  - Identify where beekeepers hives are located;
  - Survey bee colonies to develop a picture of bee pests and diseases existing in the state to develop management strategies;
  - Survey bee colonies to quickly identify new bee pests for rapid response to control new bee pests and diseases by working in collaboration with beekeepers, beekeeping associations and affected industries;
  - Improve communication between beekeepers and the Department;
  - Provide assistance in connecting beekeepers with growers; and
  - Provide guidance to participants in the program on the maintaining healthy bee colonies including the integrated pest management programs.
- 5) For these types of services, the Department anticipates it will need the following:

- Funding to cover permanent positions and program costs for an apiary program consisting of an Apiary Specialist, at least two apiary technicians, an Apiary Planner at an estimated annual cost of \$350,000.
- The ability to charge nominal fees for registration which would be used to support survey and diagnostic work of the Apiary Program.

Thank you for the opportunity to testify on this measure.



NEIL ABERCROMBIE  
GOVERNOR

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CATHY L. TAKASE  
ACTING DIRECTOR

To: Senate Committee on Agriculture  
From: Cathy L. Takase, Acting Director  
Hearing: Tuesday, February 1, 2011, 3 p.m.  
State Capitol, Room 229  
Re: Testimony on S.B. No. 738  
Relating to Agriculture

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The purposes of this bill are to require beekeepers to register with the Department of Agriculture (DOA) and to require DOA to keep the beekeeper registration information confidential. The Office of Information Practices (OIP) takes no position on the bill's registration requirement but believes that the bill's confidentiality requirement is overly broad and unnecessary.

In past opinions, OIP has concluded that persons required to register specific types of activities or holdings, such as marine vessels, with the government are similarly situated to persons holding licenses or permits and likewise subject to government oversight. The Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA) expressly requires the names and business addresses of licensees and permit holders to be public information. See HRS § 92F-12(a)(13). OIP has previously concluded that the UIPA also requires public disclosure of these items of information, such as names and business addresses, with respect to registrants, such as those registering their marine vessels. See OIP Op. Ltr. No. 99-3.

The reason for the bill's requirement that names and business addresses of beekeepers be kept confidential under this bill is not apparent and is contrary to required public disclosure of these items of information under the UIPA for other types of registrants. Furthermore, although

the bill also requires DOA to keep confidential beekeeper registration information concerning the colonies' locations, honey production, number and composition, this information would already be protected from public disclosure under the UIPA's "frustration of a legitimate government function" exception set forth in section 92F-13(3), HRS, if disclosure would likely result in commercial competitive harm or physical harm to the colonies.

Therefore, OIP recommends the deletion of subsection (b) from the new section in chapter 142, HRS, proposed in this bill. At the very least, the bill should be amended to require public disclosure of the beekeepers' names and business addresses even if the remaining registration information is to be kept confidential.

Thank you for the opportunity to testify.