

Honolulu, Hawaii

FEB 13 2014

RE: S.B. No. 2347
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Agriculture and Energy and Environment, to which was referred S.B. No. 2347 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require that nursery stock is treated for the eradication of pests prior to the sale or transport of the nursery stock within the State;
- (2) Limit the exception to possess, propagate, sell, transfer, or harbor prohibited animals to those being used for scientific research;
- (3) Require an element of gross negligence, rather than intent, for a violation of section 150A-6(3) or (4), Hawaii Revised Statutes, relating to the importation of certain animals, plants, or equipment that is harmful to agriculture, horticulture, animals, public health, or natural resources;
- (4) Eliminate the element of intent to propagate, sell, or release from the penalty for transporting, harboring, or importing prohibited animals or restricted plants, animals, or microorganisms without a permit;



- (5) Eliminate the element of intent to propagate, sell, or release from the penalty for importing, possessing, harboring, transferring, or transporting any designated pest; and
- (6) Clarify that treatment of certified and non-certified nursery stock shall be at the risk and expense of the owner or persons in charge or in possession of the nursery stock at the time of treatment, unless otherwise provided.

Your Committees received testimony in support of this measure from the Maui Invasive Species Committee and four individuals. Your Committees received comments on this measure from the Department of the Attorney General, Department of Agriculture, and one individual.

Your Committees find that pests, such as the coqui frog and little fire ant, are threatening Hawaii's delicate ecosystem and must be controlled. This measure requires that pests be eradicated before they are sold or transported in the State so that destructive pests are not able to infest the Hawaiian islands.

Your Committees have amended this measure by:

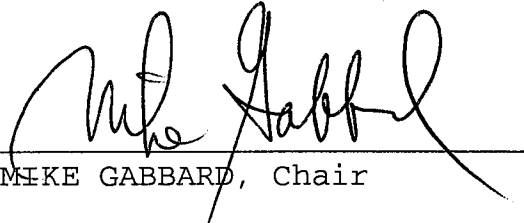
- (1) Clarifying that coqui frogs and little fire ants, in addition to any other pests designated for eradication and control by the Department of Agriculture's rules and section 141-3, Hawaii Revised Statutes, must be eradicated from nursery stock prior to sale or transport within the State;
- (2) Clarifying that only pest-infested nursery stock must be treated for the eradication of pests prior to sale or transport within the State;
- (3) Clarifying that nurseries or landscapers who fail to treat nursery stock for the eradication of pests shall be responsible at their own expense for eradicating pests from infested properties where proof of sale or placement of their nursery stock has been made and any other nursery stock on the affected properties that are infested by the transported nursery stock;

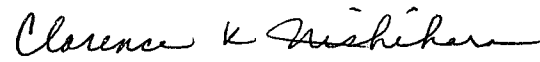


- (4) Removing language that would have limited the exception to the possession of prohibited animals to only animals used for scientific research; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Energy and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2347, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2347, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Energy and Environment,


MIKE GABBARD, Chair


CLARENCE K. NISHIHARA, Chair



