

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON JUDICIARY**

**FEBRUARY 23, 2017  
2:00 P.M.  
CONFERENCE ROOM 325**

**HOUSE BILL NO. 1301 HD1  
RELATING TO INVASIVE SPECIES**

Chairperson Nishimoto and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1301 HD1, which states that a person who knowingly or inadvertently as determined by HISC introduces an invasive species is financially liable for the eradication of the invasive species. The Department offers comments on this measure and defers to HISC.

While the Department appreciates the intent of this bill, it may be difficult, in most cases, to affix or assign any responsibility associated with the introduction of invasive pest species. In general, invasive pest species are often observed well after the pest is established in the State. Additionally, in the event that responsibility can be assigned, the cost for prosecution of the alleged guilty party may end up being costlier than it would be if the money set aside for prosecution was, in fact, dedicated to containment and/or eradication of the invasive pest species itself.

If the Legislature is intent on passing this measure, then we defer to the Department of Land and Natural Resources on any changes to language in the measure that would allow more flexibility in the enforcement of the ensuing law.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
SUZANNE D. CASE  
Chairperson

Before the House Committee on  
JUDICIARY

Thursday, February 23, 2017  
2:00 PM  
State Capitol, Conference Room 325

In consideration of  
HOUSE BILL 1301, HOUSE DRAFT 1  
RELATING TO INVASIVE SPECIES

House Bill 1301, House Draft 1 proposes to allow the Hawaii Invasive Species Council (HISC) to determine that an individual who introduces an invasive species to the State be held strictly liable for eradication expenses. **The Department of Land and Natural Resources (Department)** appreciates that this measure acknowledges the seriousness of invasive species threats and the challenges of responding to those threats and **offers the following comments.**

In some situations, the cost of responding to an invasive species can be a barrier to eradication, and the Department recognizes the value in having the ability to recuperate costs in certain situations. The Department is the administrative host of the HISC and recognizes the value in having the ability to recuperate the cost of invasive species eradications in certain situations. The Department notes that demonstrating individual responsibility for introduction of an invasive species can be challenging or often not possible and that in some circumstances the potential costs of legal actions relating to this measure could exceed the cost for control. The Department suggests amending the proposed language on line 12, page 1, to read:

"then the person or entity [~~shall~~] **may** be strictly liable for all **or part of the** expenses necessary to eradicate the introduced invasive species from the State."

Thank you for the opportunity to comment on this measure.

## TESTIMONY OF ALISON UEOKA

---

COMMITTEE ON JUDICIARY  
Representative Scott Y. Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Thursday, February 23, 2017  
2:00 p.m.

### **HB 1301, HD1**

Chair Nishimoto, Vice Chair Buenaventura, and members of the Committee on Judiciary, my name is Alison Ueoka, president of the Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

The Hawaii Insurers Council **opposes** HB 1301, HD1.

The bill imposes strict liability on any person or entity for all expenses necessary to eradicate an invasive species that did not have a physical presence in the State prior to the effective date of the law.

The cost to defend against an allegation, as well as the liability for expenses imposed by the Hawaii Invasive Species Council, would be astronomical, whether the costs and liability are borne directly by the person or entity or by an insurance company. If an insurance policy is called upon to defend the person or entity and required to pay for the liability imposed, there could be a direct and detrimental impact on the pricing and availability of insurance policies in the State.

The imposition of strict liability is especially unfair when travelers inadvertently carry a seed, insect or other tiny invasive species on their luggage or on the soles of their

shoes, for example. Under the bill, these travelers (and, potentially, their insurers) would be compelled to incur large legal expenses and ordered to pay millions of dollars of eradication expenses. This poses an unfair burden on persons and entities who had no knowledge of their role in the introduction of invasive species.

Therefore, the Hawaii Insurers Council requests that this bill be held.

Thank you for the opportunity to testify.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 22, 2017 12:27 PM  
**To:** JUDtestimony  
**Cc:** cathyg@animalrightshawaii.org  
**Subject:** Submitted testimony for HB1301 on Feb 23, 2017 14:00PM

**HB1301**

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Oppose	Yes

Comments: Since DLNR and the HISC officially list feral cats as invasive species, it would be illegal for anyone to bring a cat into Hawai'i.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 2:38 PM  
**To:** JUDtestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB1301 on Feb 23, 2017 14:00PM\*

**HB1301**

Submitted on: 2/21/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 22, 2017 3:42 AM  
**To:** JUDtestimony  
**Cc:** zulli@hawaii.edu  
**Subject:** \*Submitted testimony for HB1301 on Feb 23, 2017 14:00PM\*

**HB1301**

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christen Zulli	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 22, 2017 1:10 AM  
**To:** JUDtestimony  
**Cc:** coletteandkaipo@gmail.com  
**Subject:** \*Submitted testimony for HB1301 on Feb 23, 2017 14:00PM\*

**HB1301**

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Colette Faris	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 9:54 PM  
**To:** JUDtestimony  
**Cc:** fitzformai@gmail.com  
**Subject:** Submitted testimony for HB1301 on Feb 23, 2017 14:00PM

**HB1301**

Submitted on: 2/21/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Fitzpatrick	Individual	Support	No

Comments: Aloha honorable house members, I support this bill HB 1301 because for too long many haven't taken the necessary precautions to protect Hawaii from invasive species and the tax payer ends up footing the bill. It is time to make people who are importing materials from around the world to take the necessary precautions to protect Hawaii. This bill would place an economic incentive to take the necessary precautions that would prevent the introduction of invasive species such as the coqui frog, myconia, and the little fire ant. Thank you for supporting this bill and let us protect Hawaii.  
Mahalo, Fitz

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 9:15 PM  
**To:** JUDtestimony  
**Cc:** ariannafeinberg@gmail.com  
**Subject:** Submitted testimony for HB1301 on Feb 23, 2017 14:00PM

**HB1301**

Submitted on: 2/21/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arianna Feinberg	Individual	Support	No

Comments: Please support as we need to do all in our power to deter people from purposely or accidentally introducing invasive species to Hawaii. Economic consequences are powerful.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 9:03 PM  
**To:** JUDtestimony  
**Cc:** suyin@hawaii.edu  
**Subject:** \*Submitted testimony for HB1301 on Feb 23, 2017 14:00PM\*

**HB1301**

Submitted on: 2/21/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suyin Phillips	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)