

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

ROBERT K. MASUDA
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 Senate Committee on
WAYS AND MEANS**

**Friday, February 23, 2018
11:00 AM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 2116
RELATING TO BIOSECURITY**

Senate Bill 2116 proposes to establish a biosecurity emergency response fund under Chapter 150A, Hawaii Revised Statutes, and would appropriate monies into this fund. **The Department of Land and Natural Resources (Department) supports this measure provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request.**

The Department is a collaborator on biosecurity issues with the Hawaii Department of Agriculture, as described in the Hawaii Interagency Biosecurity Plan. There is currently no source of funds designed to support biosecurity or invasive species emergencies. Rapid response to new detections is a key component of biosecurity work, and delaying response due to lack of available funding greatly increases the overall cost of a response or eradication effort.

Establishing such a fund is one of the key goals of the Biosecurity Plan, described in border policy action item BorPol1.3. Appropriating money into this fund on a yearly (or as needed) basis is described in border funding action item BorTifs1.4. Passing this measure would directly support implementation of the Hawaii Interagency Biosecurity Plan. The full Biosecurity Plan is available for review at <http://dlnr.hawaii.gov/hisc/plans/hibp/>.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

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

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

BEFORE THE SENATE COMMITTEE ON WAYS & MEANS

**FEBRUARY 23, 2018
11:00 A.M.
CONFERENCE ROOM 211**

**SENATE BILL NO. 2116
RELATING TO BIOSECURITY**

Chairperson Dela Cruz and Members of the Committee:

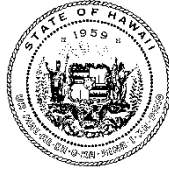
Thank you for the opportunity to present testimony on Senate Bill No. 2116. This bill provides funding for rapid response to new invasive pest species. The Department of Agriculture supports this bill provided it does not impact the department's priorities listed in the Executive Budget and offers a comment.

The passage of SB 2116 will be useful in trying to address eradication of a new invasive pest species at a time when establishment has limited range and dispersion. Some of our most serious invasive pest species, such as coqui frog and little fire ant, would be minimized by rapid response to new invasive pest species detection. A dedicated fund will ensure resources for a quick and effective response. The Department would like to note the support for SB2399, relating to the creation of the Hawaii Invasive Species Authority, which would repeal Chapter 194 and create a new authority to carry out the duties of biosecurity and invasive species. The Department would like to see this rapid response fund carry over to the Hawaii Invasive Species Authority should one of those measures pass.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE
GOVERNOR



SARAH ALLEN
ADMINISTRATOR
MARA SMITH
ASSISTANT ADMINISTRATOR

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 586-0554
email: state.procurement.office@hawaii.gov
<http://spo.hawaii.gov>
Twitter: [@hawaiispo](https://twitter.com/hawaiispo)

TESTIMONY
OF
SARAH ALLEN, ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE
ON
WAYS AND MEANS
Friday, February 23, 2018 11:00 a.m.

**SENATE BILL 2116
RELATING TO BIOSECURITY**

Chairs Dela Cruz and Vice-Chairs Keith-Agaran, and members of the committee, thank you for the opportunity to submit testimony on Senate Bill 2116. The State Procurement Office opposes the exemption language on page 3, SECTION 2, lines 1 to 5 set forth below.

(c) Upon declaration by the governor pursuant to subsection (b) that there exists a biosecurity emergency, the department may take action in response to the emergency and make expenditures from the fund without legislative approval and without regard to chapters 36, 37, 89, and 103D.

This bills request for the exemption from HRS 103D is not necessary because HRS § 127A-12 Emergency management powers, in general, (a) (1) indicate that the governor or mayor, may exercise their powers pertaining to emergency management: (1) Prepare comprehensive plans and programs for the protection of the State or county against all hazards... and section (b) (8) state that, "Chapter 103D and ... shall not apply to any emergency management functions of the governor to the extent that the governor finds... impede or tend to impede the expeditious discharge of the those functions...".

In addition, HRS 103D-307, Emergency procurements, (b) state that emergency procurement shall be made with such competition as is practicable under the circumstances and, where practicable, approval from the chief procurement officer shall be obtained prior to the procurement. The State Procurement Office's SPO-002, Emergency Procurement form in box #2 accounts for the situation in which the department has acted upon the emergency and is reporting the incident as after-the-fact to the SPO.

Exemptions from the Procurement Code is not to take lightly. The code is the single source of public procurement policy to be applied equally and uniformly, while providing fairness, open competition, a level playing field, government disclosure and transparency in the procurement and contracting process vital to good government.

Public procurement's primary objective is to provide everyone equal opportunity to compete for government contracts, to prevent favoritism, collusion, or fraud in awarding of contracts. To legislate that any one entity should be exempt from compliance with both HRS chapter 103D and 103F conveys a sense of disproportionate equality in the law's application.

Exemptions to the code mean that all procurements made with taxpayer monies and airport fees will not have the same oversight, accountability and transparency requirements mandated by those procurements processes provided in the code. It means that there is no requirement for due diligence, proper planning or consideration of protections for the state in contract terms and conditions, nor are there any set requirements to conduct cost and price analysis and market research or post-award contract management. As such, Agencies can choose whether to compete any procurement or go directly to one contractor. As a result, leveraging economies of scale and cost savings efficiencies found in the consistent application of the procurement code are lost. It also means Agencies are not required to adhere to the code's procurement integrity laws.

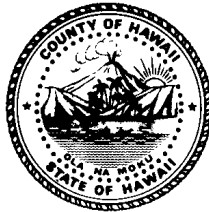
The National Association of State Procurement Officials state: "Businesses suffer when there is inconsistency in procurement laws and regulations. Complex, arcane procurement rules of numerous jurisdictions discourage competition by raising the costs to businesses to understand and comply with these different rules. Higher costs are recovered through the prices offered by a smaller pool of competitors, resulting in unnecessarily inflated costs to state and local governments."

When public bodies, are removed from the state's procurement code it results in the harm described above. As these entities create their own procurement rules, businesses are forced to track their various practices. Moreover, a public body often can no longer achieve the benefits of aggregation by using another public body's contract because different state laws and regulations may apply to the various public bodies making compliance more difficult.

Each year new procurement laws are applied to state agencies causing state agency contracts to become more complex and costly, while other public bodies, such as agencies with strong legislative influence, are exempted. Relieving some public bodies from some laws by exempting or excluding them from compliance with a common set of legal requirements creates an imbalance wherein the competitive environment becomes different among the various jurisdictions and the entire procurement process becomes less efficient and costlier for the state and vendors.

Thank you.

County of Hawai'i
Council District 9 -
North and South Kohala



Phone: (808) 961-8564
(808) 887-2069

Email: tim.richards@hawaiicounty.gov

Chair: Committee on Agriculture,
Water & Energy

Vice Chair: Committee on
Environmental Management

HERBERT M. "TIM" RICHARDS, III
HAWAI'I COUNTY COUNCIL
District 9
25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

February 22, 2018

Senate Committee on Ways and Means
Honorable Senator Donovan M. Dela Cruz, Chair Email: sendelacruz@capitol.hawaii.gov
Honorable Senator Gilbert S.C. Keith-Agaran, Vice Chair Email: senkeithagaran@capitol.hawaii.gov

RE: **Support of SB2116**
Hearing Date/Time: February 23, 2018 at 11:00 a.m.

Dear Senators:

Thank you for the opportunity to submit **testimony in STRONG SUPPORT of SB2116**, which establishes the biosecurity emergency response special fund within the Department of Agriculture and establishes procedures for emergency declarations and expenditures.

The passing of and the implementation of this bill is critical to the success of Hawai'i's agriculture industry going forward. It provides a mechanism for rapid response to terrestrial and aquatic biosecurity emergencies at or beyond our ports, and puts in place procedures that allows immediate attention to mitigate or eradicate invasive species that threaten one of our biggest economic engines of the State of Hawai'i. I therefore strongly urge the enactment of SB2116.

Please feel free to contact me should you need to discuss my position and knowledge of this matter further.

Sincerely,

TIM RICHARDS
Hawai'i County Council, District 9

SB-2116

Submitted on: 2/22/2018 8:38:02 AM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES

DEMOCRATIC PARTY OF HAWAI'I

THE COMMITTEE ON WAYS AND MEANS

THE SENATE

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Friday, February 23, 2018

11:00 AM

Hawaii State Capitol, Conference Room 211

RE: Testimony in Support of SB2116 RELATING TO BIOSECURITY

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 2116, relating to the biosecurity emergency response special fund.

The OCC Legislative Priorities Committee is in favor of Senate Bill No. 2116 and support its passage.

Senate Bill No. 2116, is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it provides for a biosecurity emergency response special fund.

Specifically, the DPH Platform states, "Agriculture in our state must be preserved and its future strengthened. Sufficient prime agricultural lands must be maintained for the health, economic well-being and sustenance of the people.

We believe in an integrated approach to agricultural innovation and sustainability. . . . This could also include development of economic, land and ocean use policies that foster sustainable crops both for local consumption and for export, policies to foster agriculture-related infrastructure at shipping points, and increased inspection to protect against invasive species and to encourage reduced holding times.

As an island state, securing affordable food for all is a priority. We support healthy, sustainable, and diversified local food production, and "Buy Local" strategies to assure greater food security and food safety.

We support adequate resources to address the various invasive species on this island beginning at the point of entry." (Platform of the DPH, P. 2, Lines 76-78, 82-86, 101-99, 112-113 (2016)).

Given that Senate Bill No. 2116 provides for a biosecurity emergency response special fund to protect against substantial risks to agriculture, commerce, economy, environment, or public health of the State or otherwise warrant immediate action against terrestrial and aquatic biosecurity emergencies, it is the position of the OCC Legislative Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

SB-2116

Submitted on: 2/21/2018 3:37:48 PM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noa Lincoln	Individual	Support	No

Comments:

SB-2116

Submitted on: 2/21/2018 3:48:48 PM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

SB-2116

Submitted on: 2/21/2018 6:15:44 PM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

SB-2116

Submitted on: 2/21/2018 7:38:44 PM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
marjorie erway	Individual	Support	No

Comments:

SB-2116

Submitted on: 2/21/2018 11:09:46 PM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lydi Morgan Bernal	Individual	Support	No

Comments:

STRONG SUPPORT

SB-2116

Submitted on: 2/22/2018 8:09:34 AM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Pro	Testifying for Farmer and artist	Support	No

Comments:

This bill is written in a very vague way, so I'm not really sure what measures would be taken to build up our weak response to bio-security. I own a coffee and macadamia nut farm in Kona and also am an artist specializing in native species.

I feel a combination of disheartened and furious when I see the lack of attention, knowledge and resources given to handling biosecurity in Hawaii. There are basic practices that can be legislated that will make a huge difference, but now lawmakers have waited to do this and we are in a state of crisis with increasing damage being done to our crops and our beloved 'Ohi'a tree by insects and microbes that never should have been able to land here.

SB-2116

Submitted on: 2/22/2018 9:01:45 AM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Support	No

Comments:

Chair Donovan M. Dela Cruz and Vice-Chair Gilbert S.C. Keith-Agaran:

I support SB2116 which establishes the biosecurity emergency response special fund within the Department of Agriculture.

When an invasive plant or animal is detected it is important act quickly to prevent its proliferation and spread. Many infestations could have been dealt with once and for all if a biosecurity emergency response special fund existed. Some of these invasions can be nipped in the bud if we are quicker to identify the threat and wipe them out before they have a chance to reproduce and spread.

Thank you for this opportunity to testify on this important measure. I strongly support SB2116 to close the gaps and improve the coordination between the various agencies handling biosecurity so Hawaii can respond more effectively to invasive species.

Sincerely,
Nathan Yuen

SB-2116

Submitted on: 2/22/2018 10:25:45 AM

Testimony for WAM on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Support