

STAND. COM. REP. NO.

2413

Honolulu, Hawaii

FEB 15 2024

RE: S.B. No. 2559

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 2559 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture to inspect certain establishments that are at risk of spreading invasive pests;
- (2) Establish an invasive species placard program with correction and quarantine procedures; and
- (3) Appropriate an unspecified amount of funds to establish the invasive species placard program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i, Coordinating Group on Alien Pest Species, O'ahu Invasive Species Committee, and sixteen individuals.

Your Committee received testimony in opposition to this measure from the Department of Agriculture.



Your Committee received comments on this measure from the Department of the Attorney General, Ka 'Ohana O Na Pua, and Hawai'i Farm Bureau.

Your Committee finds that horticultural trade is one of the primary pathways through which invasive pests are spread around the State. According to testimony received by your Committee, color-coded placards, similar to the Department of Health's placard program to ensure food safety and cleanliness in restaurants and other foods establishments, could be effective in restricting the movement of plants from a nursery, farm, or agriculture-related business that are infested with invasive pests within each island and across the State.

Additional testimony received by your Committee notes that because the language of this measure does not establish a warrant procedure to obtain access to an establishment, its information, or records when permission is not granted, or access is denied, by the establishment, the access requirement in this measure may be subject to challenge under the Fourth Amendment of the United States Constitution.

Accordingly, your Committee has amended this measure by:

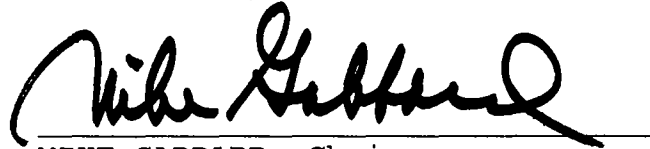
- (1) Inserting a warrant procedure similar to the procedure that the Department of Agriculture and counties follow to enter private property to control or eradicate any pests pursuant to section 141-3.6, Hawaii Revised Statutes;
- (2) Amending language regarding administrative hearings on the quarantine and treatment of products found to be potential invasive pest hazards to align with existing rules regarding administrative hearings under the Board of Agriculture;
- (3) Deleting the definition of "invasive pest" and replacing references to "invasive pest" with "pest" pursuant to section 150A-2, Hawaii Revised Statutes;
- (4) Inserting a definition for "establishment"; and



- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2559, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2559, S.D. 1, and be referred to your Committees on Ways and Means and Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,



MIKE GABBARD, Chair



