Statement for Committee on Agriculture, Energy and Ocean Resources
Public Hearing - March 23, 1987

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RELATING TO PLANT AND ANIMAL LIFE, SEEDS AND SOILS

The purpose of this bill is to clarify the language of HRS Chapter 150 relating to seeds. Our statement on this bill does not represent an institutional position of the University of Hawaii.

At the earlier hearing on this bill we called attention to a concern for the proposed addition of noxious weed seeds to the definition of Agricultural seeds. In a subsequent meeting with members of the Department of Agriculture we discussed the possible lack of a statutory basis for the "chairperson" to make determinations, such as would have been required by the original text of the bills. After further study, it appeared that the "department" was the more appropriate authority to make the necessary rules. Hence we suggested that the present change from "chairperson" to "department" be considered. We are pleased to note this amendment in both HB 1467 and SB 1710. We do call attention to the possible need for an additional paragraph in Section 4. of the bill, HRS 150-22 (page 7, line 10) that would specifically allow the department to make rules with respect to the use of noxious weed seeds as agricultural seeds. If such a need is found to be statutorily necessary to effectuate the purposes of the bill we suggest the following wording:

(7) The use of seeds of noxious weeds as agricultural seeds concurrent with provisions of HRS 152-3 and 152-5.

Tying the use of noxious weed seeds as agricultural seeds to the designated paragraphs in HRS 152-3 and 5 would assure that the existing restrictions on the distribution of noxious weed seeds would be considered by the department in any determinations of their use for agricultural seeds.

We note that there are some differences between HB 1467 and SB 1710 with regard to the use of "and" and "or" in Sections 5, 150-23 (p.7 lines 20 and Section 7, 150-25, (p.11 line 7). Based on the rationale provided in the committee report (number 671) on SB 1710, SD 1. with respect to these sections we would suggest that HB 1467 HD 1 be amended to be consistent with SB 1710, SD 1.

The suggested increase in fines for violating the provisions of this chapter are appropriate. In general we concur with the other recommendations in the committee report.