



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. **639**

May 18, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on May 18, 2006, the following bill was signed into law:

SB2486 SD2 HD1 CD1

A BILL FOR AN ACT RELATING TO INVASIVE
SPECIES.
(ACT 109)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 85, Session Laws of Hawaii 2003, is amended
2 by amending section 3 to read as follows:

3 "SECTION 3. (a) There is established [~~a temporary~~] the
4 invasive species council for the special purpose of providing
5 policy level direction, coordination, and planning among state
6 departments, federal agencies, and international and local
7 initiatives for the control and eradication of harmful invasive
8 species infestations throughout the State and for preventing the
9 introduction of other invasive species that may be potentially
10 harmful. The council shall:

11 (1) Maintain a broad overview of the invasive species
12 problem in the State;

13 (2) Advise, consult, and coordinate invasive
14 species-related efforts with and between the
15 departments of agriculture, land and natural
16 resources, health, and transportation, as well as
17 state, federal, international, and privately organized
18 programs and policies;



- 1 (3) Identify and prioritize each lead agency's
- 2 organizational and resource shortfalls with respect to
- 3 invasive species;

- 4 (4) After consulting with appropriate state agencies,
- 5 create and implement a plan that includes the
- 6 prevention, early detection, rapid response, control,
- 7 enforcement, and education of the public with respect
- 8 to invasive species, as well as fashion a mission
- 9 statement articulating the State's position against
- 10 invasive species;

- 11 (5) Coordinate and promote the State's position with
- 12 respect to federal issues, including:

- 13 (A) Quarantine preemption;
- 14 (B) International trade agreements that ignore the
- 15 problem of invasive species in Hawaii;
- 16 (C) First class mail inspection prohibition;
- 17 (D) Whether quarantine of domestic pests arriving
- 18 from the mainland should be provided by the
- 19 federal government;
- 20 (E) Coordinating efforts with federal agencies to
- 21 maximize resources and reduce or eliminate system
- 22 gaps and leaks, including deputizing the United

- 1 States Department of Agriculture's plant
2 protection and quarantine inspectors to enforce
3 Hawaii's laws;
- 4 (F) Promoting the amendment of federal laws as
5 necessary, including the Lacey Act Amendments of
6 1981, Title 16 United States Code sections
7 3371-3378; Public Law 97-79, and laws related to
8 inspection of domestic airline passengers,
9 baggage, and cargo; and
- 10 (G) Coordinating efforts and issues with the federal
11 Invasive Species Council and its National
12 Invasive Species Management Plan;
- 13 (6) Identify and record all invasive species present in
14 the State;
- 15 (7) Designate the department of agriculture, health, or
16 land and natural resources as the lead agency for each
17 function of invasive species control, including
18 prevention, rapid response, eradication, enforcement,
19 and education;
- 20 (8) Identify all state, federal, and other moneys expended
21 for the purposes of the invasive species problem in
22 the State;

- 1 (9) Identify all federal and private funds available to
2 the State to fight invasive species and advise and
3 assist state departments to acquire these funds;
- 4 (10) Advise the governor and legislature on budgetary and
5 other issues regarding invasive species;
- 6 (11) Provide annual reports on budgetary and other related
7 issues to the legislature twenty days prior to each
8 regular session;
- 9 (12) Include and coordinate with the counties in the fight
10 against invasive species to increase resources and
11 funding and to address county-sponsored activities
12 that involve invasive species;
- 13 (13) Review state agency mandates and commercial interests
14 that sometimes call for the maintenance of potentially
15 destructive alien species as resources for sport
16 hunting, aesthetic resources, or other values;
- 17 (14) Review the structure of fines and penalties to ensure
18 maximum deterrence for invasive species-related
19 crimes;
- 20 (15) Suggest appropriate legislation to improve the State's
21 administration of invasive species programs and
22 policies;



1 (16) Incorporate and expand upon the department of
2 agriculture's weed risk assessment protocol to the
3 extent appropriate for the council's invasive species
4 control and eradication efforts; and

5 (17) Perform any other function necessary to effectuate the
6 purposes of this Act.

7 (b) ~~[The council members shall be appointed by the~~
8 ~~governor not later than January 1, 2004.]~~ The council shall be
9 ~~[administratively attached to the office of the governor]~~ placed
10 within the department of land and natural resources for
11 administrative purposes only and shall be composed of:

12 (1) The president of the University of Hawaii, or the
13 president's designated representative;

14 (2) The director, or the director's designated
15 representative, of each of the following departments:

16 (A) Business, economic development, and tourism;

17 (B) Health; and

18 (C) Transportation; and

19 (3) The chairperson, or the chairperson's designated
20 representative, of each of the following departments:

21 (A) Agriculture; and

22 (B) Land and natural resources.



1 (c) Representatives of federal agencies, the legislature,
2 and members of the private sector shall be asked to participate
3 or consulted for advice and assistance. Representatives of the
4 legislature shall consist of eight members, as follows:

5 (1) Four senators, one from each county, to be selected by
6 the senate president; and

7 (2) Four representatives, one from each county, to be
8 selected by the speaker of the house of
9 representatives.

10 (d) The council shall meet no less than twice annually to
11 discuss and assess progress and recommend changes to the
12 invasive species programs based on results of current risk
13 assessments, performance standards, and other relevant data.
14 Notwithstanding any law to the contrary:

15 (1) A simple majority of voting members of the council
16 shall constitute a quorum to do business; and

17 (2) Any action taken by the council shall be by a simple
18 majority of the voting members.

19 (e) The council shall submit a report of its activities to
20 the governor and legislature annually."



1 SECTION 2. Section 12 of Act 85, Session Laws of Hawaii
2 2003, as amended by section 16 of Act 10, Session Laws of Hawaii
3 2004, is amended to read as follows:

4 "SECTION 12. This Act shall take effect upon its approval
5 ~~[and, except for sections 9 and 10, shall be repealed on~~
6 ~~July 1, 2008]."~~

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.



GOVERNOR OF THE STATE OF HAWAII


Approved this day: MAY 18 2006

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.


President of the Senate

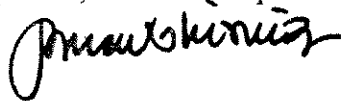

Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.


Speaker, House of Representatives


Clerk, House of Representatives