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# 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 invasive  
4 species council for the special purpose of providing policy  
5 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 species-  
14 related efforts with and between the departments of  
15 agriculture, land and natural resources, health, and  
16 transportation, as well as state, federal,  
17 international, and privately organized programs and  
18 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~~[-]~~; and

1        (4) Eight members of the legislature, to serve ex officio  
2        and in an advisory capacity, as follows:

3        (A) Four senators, one from each county, to be  
4        selected by the senate president; and

5        (B) Four representatives, one from each county, to be  
6        selected by the house speaker.

7        (c) Representatives of federal agencies and members of the  
8 private sector shall be asked to participate or consulted for  
9 advice and assistance.

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

16        SECTION 2. Section 12 of Act 85, Session Laws of Hawaii  
17 2003, as amended by section 16 of Act 10, Session Laws of Hawaii  
18 2004, is amended to read as follows:

19        "SECTION 12. This Act shall take effect upon its approval  
20 [~~and, except for sections 9 and 10, shall be repealed on July 1,~~  
21 ~~2008]."~~

1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

SB2486, SD1

**Report Title:**

Invasive Species

**Description:**

Adds 4 senators, one from each county, and 4 representatives, one from each county, to membership of the invasive species council; places council under department of land and natural resources; repeals sunset date of Act 85, SLH 2003. (SD1)

