

JAN 25 2006

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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, section 3,  
2 is amended by amending subsection (a) to read as follows:

3           "(a) There is established a temporary invasive species  
4 council for the special purpose of providing policy level  
5 direction, coordination, and planning among state departments,  
6 federal agencies, and international and local initiatives for  
7 the control and eradication of harmful invasive species  
8 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; provided that the plan shall give  
11          priority to eradicating coqui frogs that are on lands  
12          owned by the State or any county and within one mile  
13          of residential areas;
- 14          (5) Coordinate and promote the State's position with  
15          respect to federal issues, including:
- 16               (A) Quarantine preemption;
- 17               (B) International trade agreements that ignore the  
18               problem of invasive species in Hawaii;
- 19               (C) First class mail inspection prohibition;
- 20               (D) Whether quarantine of domestic pests arriving  
21               from the mainland should be provided by the  
22               federal government;



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1 (E) Coordinating efforts with federal agencies to  
2 maximize resources and reduce or eliminate system  
3 gaps and leaks, including deputizing the United  
4 States Department of Agriculture's plant  
5 protection and quarantine inspectors to enforce  
6 Hawaii's laws;

7 (F) Promoting the amendment of federal laws as  
8 necessary, including the Lacey Act Amendments of  
9 1981, Title 16 United States Code sections 3371-  
10 3378; Public Law 97-79, and laws related to  
11 inspection of domestic airline passengers,  
12 baggage, and cargo; and

13 (G) Coordinating efforts and issues with the federal  
14 Invasive Species Council and its National  
15 Invasive Species Management Plan;

16 (6) Identify and record all invasive species present in  
17 the State;

18 (7) Designate the department of agriculture, health, or  
19 land and natural resources as the lead agency for each  
20 function of invasive species control, including  
21 prevention, rapid response, eradication, enforcement,  
22 and education;



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



1 (15) Suggest appropriate legislation to improve the State's  
2 administration of invasive species programs and  
3 policies;

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

8 (17) Perform any other function necessary to effectuate the  
9 purposes of this Act."

10 SECTION 2. New statutory material is underscored.

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

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**Report Title:**  
Invasive Species

**SB. NO. 2490**

**Description:**

Requires the Invasive Species Council to give priority to eradicating coqui frogs that are on lands owned by the State or any county and within one mile of residential areas.

