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# A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

1           SECTION 1. The legislature finds that the unchecked spread  
2 of invasive species is the single greatest threat to Hawaii's  
3 economy, natural environment, and the health and lifestyle of  
4 Hawaii's people. Invasive pests can cause millions of dollars  
5 in crop losses, the extinction of native species, the  
6 destruction of native forests, the spread of disease, and the  
7 quarantine of exported agricultural crops.

8           Island ecosystems are particularly vulnerable to the  
9 destructive power of invasive pests. In Guam, the accidental  
10 introduction of the brown tree snake has resulted in widespread  
11 devastation. Without natural predators or competition for food,  
12 brown tree snake populations have grown exponentially, causing  
13 mass extinctions of endemic birds. Where there were once bird  
14 songs, the silent forests of Guam are now home to as many as  
15 15,000 snakes per square mile. Just one new pest like the brown  
16 tree snake could forever change the character of the Hawaiian  
17 islands.



1           Despite our ongoing efforts to detect and eradicate  
2   invasive species, our fragile island ecosystems are constantly  
3   at risk from insects, disease-bearing organisms, snakes, weeds,  
4   and other invasive pests. The coqui frog, salvinia molesta,  
5   miconia calvescence, ohia rust, nettle caterpillar, and red  
6   imported fire ant are all present in Hawaii, disrupting the  
7   delicate balance of our ecosystems, crowding out native species,  
8   and reducing the biodiversity of our islands. Other harmful  
9   species like the papaya mealybug, erythrina gall wasp, Asian  
10   citrus psyllid, and varroa mite have the potential to devastate  
11   our environment and agriculture if allowed to become established  
12   in Hawaii and spread unchecked by natural predators.

13           The department of agriculture has created a biosecurity  
14   program to fight invasive species on several fronts by:

- 15           (1) Administering pre-entry measures to minimize the risk  
16           of invasive pests entering the state;
- 17           (2) Conducting port-of-entry inspections to detect and  
18           quarantine or destroy pests upon arrival; and
- 19           (3) Administering post-entry measures to mitigate the  
20           establishment of pests in the state.

21           The department has also supported the growth of Hawaii's  
22   agriculture by attempting to reduce the State's dependency on



1 imported agricultural products which may contain pests. The  
2 legislature finds that sufficient support for a biosecurity  
3 program is vital to the public health and welfare of Hawaii.

4 The purpose of this Act is to establish and fund the  
5 department of agriculture's biosecurity program.

6 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is  
7 amended by adding a new part to be appropriately designated and  
8 to read as follows:

9 **"PART . BIOSECURITY PROGRAM**

10 **§150A-A Biosecurity program; establishment.** The  
11 department shall establish a biosecurity program authorized  
12 under this chapter, chapter 141, chapter 145, and any other  
13 relevant state or federal law to implement the program.

14 **§150A-B Objectives of biosecurity program.** The objectives  
15 of the biosecurity program shall be to:

- 16 (1) Establish a multi-dimensional system to prevent the  
17 entry into the state and movement from island to  
18 island of pests and other illegal organisms; and  
19 (2) Respond effectively to eradicate, control, reduce, and  
20 suppress incipient and established pests and other  
21 illegal organisms.



1           **§150A-C General actions to achieve objectives.** To achieve  
2 the objectives of the biosecurity program, the department shall  
3 plan for, and within available legislative appropriations:

4           (1) Work with government agencies and agricultural  
5 commodity exporters of other states and countries to  
6 establish pre-entry inspection programs under which  
7 cargo bound for the state is inspected at the ports of  
8 departure or other points outside the state;

9           (2) Establish, operate, or participate in operating port-  
10 of-entry facilities where multiple government agencies  
11 may conduct cargo inspections and detect, quarantine,  
12 and dispose of discovered pests and other illegal  
13 organisms to:

14           (A) Perform inspections in an efficient, effective,  
15 and expeditious manner for the government  
16 agencies involved and cargo owners, carriers, and  
17 recipients;

18           (B) Provide for the proper and safe storage and  
19 handling of cargo, especially agricultural and  
20 food commodities, awaiting inspection;



- 1           (3) Develop, implement, and coordinate post-entry measures  
2           to eradicate, control, reduce, and suppress pests and  
3           other illegal organisms that have entered the state;
- 4           (4) Collaborate with relevant government agencies,  
5           agricultural commodity importers, and other persons to  
6           examine and develop joint integrated systems to better  
7           implement the biosecurity program;
- 8           (5) Improve cargo inspection capabilities and methods,  
9           including enhancement of the content and submission  
10          requirements for cargo manifests and agricultural  
11          commodity ownership and movement certificates;
- 12          (6) Promote the production of agricultural commodities in  
13          the state that may be substituted for imported  
14          commodities to reduce cargo shipments into the state;  
15          and
- 16          (7) Provide public education on the negative effects of  
17          pests and other illegal organisms to the environment  
18          and economy of the state.

19           **§150A-D Biosecurity program; charges, costs.** (a) The  
20   department shall set and impose charges upon persons whose cargo  
21   is inspected under the program in accordance with section 141-5  
22   and this section.



1 (b) The department shall set the charges at amounts  
2 intended to generate revenues that, when combined with federal  
3 and other funds, are sufficient to pay for the operating and  
4 maintenance cost of the program and debt service on bonds issued  
5 to fund facilities constructed for the program.

6 **§150A-E Federal and other funds.** The department shall  
7 place high priority on seeking and applying for federal and  
8 other funds that may be used for the biosecurity program.

9 **§150A-F Schedule of appropriations and expenditures for**  
10 **program.** (a) By January 1, 2009, the department shall prepare  
11 a schedule of proposed annual appropriations for the ensuing six  
12 fiscal years for the biosecurity program that represents the  
13 department's realistic expectation as to the amounts necessary  
14 to effectively operate the program yet remain within the  
15 constraints of projected state revenue growth.

16 (b) By January 1 of each fiscal year thereafter, the  
17 department shall update the schedule to include the following  
18 information, as applicable, for the immediate past fiscal year,  
19 current fiscal year, and ensuing five fiscal years:

20 (1) The proposed appropriations submitted or to be  
21 submitted by the department to the governor for the  
22 biosecurity program;



1 (2) The proposed appropriations submitted or to be  
2 submitted by the governor to the legislature in the  
3 executive or supplemental budget;

4 (3) The actual appropriations by the legislature; and

5 (4) The actual expenditures.

6 (c) The department shall submit each required schedule to  
7 the legislature twenty days before the convening of every  
8 regular session.

9 (d) The department may submit with each schedule a  
10 narrative commenting on the effects of any variance between the  
11 actual expenditure for the biosecurity program during a fiscal  
12 year and proposed appropriation submitted by the department to  
13 the governor for that fiscal year.

14 **§150A-G Annual report.** The department shall submit an  
15 annual report to the legislature on the biosecurity program.  
16 The schedule required under section 150A-E shall be included in  
17 the annual report."

18 SECTION 3. Section 141-2, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§141-2 Rules.** Subject to chapter 91 the department of  
21 agriculture shall adopt, amend, and repeal rules not  
22 inconsistent with law, for and concerning:



- 1 (1) The introduction, transportation, and propagation of  
2 trees, shrubs, herbs, and other plants;
- 3 (2) The quarantine, inspection, fumigation, disinfection,  
4 destruction, or exclusion, either upon introduction  
5 into the State, or at any time or place within the  
6 State, of any nursery-stock, tree, shrub, herb, vine,  
7 cut-flower, cutting, graft, scion, bud, seed, leaf,  
8 root, or rhizome; any nut, fruit, or vegetable; any  
9 grain, cereal, or legume in the natural or raw state;  
10 any moss, hay, straw, dry-grass, or other forage; any  
11 unmanufactured log, limb, or timber; or any other  
12 plant growth or plant product unprocessed or in the  
13 raw state; any sand, soil, or earth; any live bird,  
14 reptile, insect, or other animal, in any stage of  
15 development, that is in addition to the so-called  
16 domestic animals, which are provided for in section  
17 142-2; and any box, barrel, crate, or other containers  
18 in which the articles, substances, or objects have  
19 been transported or contained, and any packing  
20 material used in connection therewith, which is or may  
21 be diseased or infested with insects or likely to  
22 assist in the transmission or dissemination of any





1 insect or plant disease injurious, harmful, or  
2 detrimental, or likely to become injurious, harmful,  
3 or detrimental to the agricultural or horticultural  
4 industries or the forests of the [~~State,~~] state, or  
5 which is or may be in itself injurious, harmful, or  
6 detrimental to the same (included therein may be rules  
7 governing the shipping of any of the articles,  
8 substances, or objects enumerated above in this  
9 section between different localities on any one of the  
10 islands within the [~~State]~~ state);

- 11 (3) The prohibition of importation into the [~~State,~~]  
12 state, from any or all foreign countries, or from  
13 other parts of the United States, or the shipment from  
14 one island within the [~~State]~~ state to another island  
15 therein, or the transportation from one part or  
16 locality of any island to another part or locality of  
17 the same island, of any specific article, substance,  
18 or object or class of articles, substances or objects,  
19 among those enumerated above in this section, which is  
20 diseased or infested with insects or likely to assist  
21 in the transmission or dissemination of any insect or  
22 plant disease injurious, harmful, or detrimental or



1           likely to be injurious, harmful, or detrimental to the  
2           agricultural or horticultural industries, or the  
3           forests of the [~~State,~~] state, or which is or may be  
4           in itself injurious, harmful, or detrimental to the  
5           same;

6           (4) The preparation by cargo carriers of manifests of  
7           cargo shipped into the state or between islands and  
8           the submission of the manifests to the department; and

9           [~~(4)~~] (5) The manner in which agricultural product  
10           promotion and research activities may be undertaken,  
11           after coordinating with the agribusiness development  
12           corporation.

13           All rules adopted under this section shall have the force  
14           and effect of law."

15           SECTION 4. Section 141-5, Hawaii Revised Statutes, is  
16           amended to read as follows:

17           "**§141-5 Charges for inspection, etc.** The department of  
18           agriculture shall, with the approval of the governor, adopt a  
19           reasonable scale of charges, which may be changed from time to  
20           time, for the inspection, disinfection, fumigation, and  
21           quarantine, authorized, required, or permitted by this chapter  
22           or chapter 142 [~~e~~], 150[-], or 150A. Certificates and permits



1 in such chapters provided for concerning articles or animals  
2 imported, or proposed to be imported, into the [~~State,~~] state,  
3 and the charges so provided for, shall be paid for in advance  
4 before any certificate or permit is delivered, or any of such  
5 articles or animals are permitted to be landed. If thereafter  
6 further expense is incurred in the inspection, treatment, or  
7 quarantine of any of such articles or animals, the charges  
8 therefor shall be paid before any of such articles or animals  
9 shall be delivered."

10 SECTION 5. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$ or so  
12 much thereof as may be necessary for fiscal year 2008-2009 for  
13 the biosecurity program of the department of agriculture.

14 The sum appropriated shall be expended by the department of  
15 agriculture for the purposes of this Act.

16 SECTION 6. In codifying the new sections added by section  
17 2 of this Act, the revisor of statutes shall substitute  
18 appropriate section numbers for the letters used in designating  
19 the new sections in this Act.

20 SECTION 7. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 8. This Act shall take effect on July 1, 2008.



**Report Title:**

Invasive Species; Biosecurity Program; Appropriation

**Description:**

Establishes statutory provisions on, and appropriates funds for, the department of agriculture's biosecurity program. (HB2501 HD1)

