
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 calvescens*, ohia rust, nettle caterpillar, and little
6 fire ant are all present in Hawaii, disrupting the delicate
7 balance of our ecosystems, crowding out native species, and
8 reducing the biodiversity of our islands. Other harmful species
9 like the papaya mealybug, *Erythrina* gall wasp, Asian citrus
10 psyllid, and *Varroa* mite have the potential to devastate our
11 environment and agriculture if allowed to become widespread in
12 Hawaii and remain 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 that 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, chapters 141, 145, and any other relevant
13 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 prohibited organisms; and
19 (2) Respond effectively to eradicate, control, reduce, and
20 suppress incipient and established pests and other
21 prohibited 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 prohibited
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 importers; and

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

21 (3) Develop, implement, and coordinate post-entry measures
22 to eradicate, control, reduce, and suppress pests and



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

17 **§150A-D Biosecurity program; charges, costs.** (a) The
18 department shall set and impose charges upon persons whose cargo
19 is inspected under the program in accordance with section 141-5
20 and this section.

21 (b) The department shall set the charges at amounts
22 intended to generate revenues that, when combined with federal



1 and other funds, are sufficient to pay for the operating and
2 maintenance cost of the program and debt service on bonds issued
3 to fund facilities constructed for the program.

4 **§150A-E Federal and other funds.** The department shall
5 place high priority on seeking and applying for federal and
6 other funds that may be used for the biosecurity program.

7 **§150A-F Schedule of appropriations and expenditures for**
8 **program.** (a) By January 1, 2009, the department shall prepare
9 a schedule of proposed annual appropriations for the biosecurity
10 program for the ensuing six fiscal years that represents the
11 department's realistic expectation as to the amounts necessary
12 to effectively operate the program yet remain within the
13 constraints of projected state revenue growth.

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

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



1 of any 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 [~~or~~], 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, 2020.



Report Title:

Invasive Species; Biosecurity Program; Appropriation

Description:

Statutorily establishes, and appropriates funds for, the department of agriculture's biosecurity program. (HB2501 HD2)

