

JAN 22 2008

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 implement the following:

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

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

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

19 (B) Providing for the proper and safe storage and
20 handling of cargo, especially agricultural and
21 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 in order to reduce cargo shipments into
15 the State; 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 the amounts necessary to
14 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 pertinent 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, or which is or
5 may be in itself injurious, harmful, or detrimental to
6 the same (included therein may be rules governing the
7 shipping of any of the articles, substances, or
8 objects enumerated above in this section between
9 different localities on any one of the islands within
10 the State);

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



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

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

8 [+4+] (5) The manner in which agricultural product
 9 promotion and research activities may be undertaken,
 10 after coordinating with the agribusiness development
 11 corporation.

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

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

16 "**§141-5 Charges for inspection, etc.** The department of
 17 agriculture shall, with the approval of the governor, adopt a
 18 reasonable scale of charges, which may be changed from time to
 19 time, for the inspection, disinfection, fumigation, and
 20 quarantine, authorized, required, or permitted by this chapter
 21 or chapter 142 [~~or~~], 150[-], or 150A. Certificates and permits
 22 in such chapters provided for concerning articles or animals



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

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

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

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

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



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

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Report Title:

Invasive Species; Biosecurity Program; Appropriation

Description:

Establishes statutory provisions on and appropriates funds for the department of agriculture's biosecurity program.

