
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 fifteen thousand snakes per square mile. Just one new pest like
16 the brown tree snake could forever change the character of the
17 Hawaiian 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's health and welfare.

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 that shall interface with other relevant
13 state law; provided that the biosecurity program is not
14 inconsistent with federal law.

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

17 (1) Establish a multi-dimensional system to prevent the
18 entry into the State and interisland movement of pests
19 and prohibited organisms or restricted organisms
20 without a permit; and

21 (2) Respond effectively to eradicate, control, reduce, and
22 suppress incipient pest populations and established



1 pests and seize and dispose of prohibited organisms or
2 restricted organisms without a permit.

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

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

12 (2) Establish, operate, or participate in operating port-
13 of-entry facilities where multiple government agencies
14 may inspect, quarantine, fumigate, disinfect, destroy,
15 or exclude as appropriate, articles that may harbor
16 pests or exclude, articles that are prohibited or
17 restricted without a permit, with the goals of:

18 (A) Performing inspections in an efficient,
19 effective, and expeditious manner for the
20 government agencies involved and for cargo
21 owners, carriers, and importers; and



- 1 (B) Providing for the proper and safe storage and
2 handling of cargo, especially agricultural and
3 food commodities, awaiting inspection;
- 4 (3) Develop, implement, and coordinate post-entry measures
5 to eradicate, control, reduce, and suppress pests and,
6 as appropriate, eradicate or seize and dispose of
7 prohibited organisms or restricted organisms without a
8 permit that have entered the State;
- 9 (4) Collaborate with relevant government agencies,
10 agricultural commodity importers, and other persons to
11 examine and develop joint integrated systems to better
12 implement the biosecurity program;
- 13 (5) Improve cargo inspection capabilities and methods,
14 including enhancement of the content and submission
15 requirements for cargo manifests and agricultural
16 commodity ownership and movement certificates;
- 17 (6) Promote the production of agricultural commodities in
18 the State in order to reduce cargo shipments of
19 imported commodities into the State; and
- 20 (7) Provide public education on the negative effects of
21 pests and prohibited organisms or restricted organisms



1 without a permit to the environment and economy of the
2 State.

3 **§150A-D Biosecurity program; charges; costs.** (a) The
4 department shall set and impose charges for the inspection,
5 quarantine, and eradication of pests in accordance with this
6 chapter and chapter 141.

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

12 **§150A-E Federal and other funds.** The department shall
13 place high priority on seeking and applying for federal and
14 other funds for the biosecurity program.

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



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

5 (1) The proposed appropriations submitted or to be
6 submitted by the department to the governor for the
7 biosecurity program;

8 (2) The proposed appropriations submitted or to be
9 submitted by the governor to the legislature in the
10 executive or supplemental budget;

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

12 (4) The actual expenditures.

13 (c) The department shall submit each required schedule to
14 the legislature twenty days before the convening of every
15 regular session.

16 (d) The department may submit with each schedule a
17 narrative commenting on the effects of any variance between the
18 actual expenditure for the biosecurity program during a fiscal
19 year and proposed appropriation submitted by the department to
20 the governor for that fiscal year.

21 **§150A-G Annual report.** The department shall submit an
22 annual report to the legislature on the biosecurity program.



1 The schedule required under section 150A-F shall be included in
2 the pertinent annual report."

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

5 **"§141-2 Rules.** Subject to chapter 91 the department of
6 agriculture shall adopt, amend, and repeal rules not
7 inconsistent with law, for and concerning:

- 8 (1) The introduction, transportation, and propagation of
9 trees, shrubs, herbs, and other plants;
- 10 (2) The quarantine, inspection, fumigation, disinfection,
11 destruction, or exclusion, either upon introduction
12 into the State, or at any time or place within the
13 State, of any nursery-stock, tree, shrub, herb, vine,
14 cut-flower, cutting, graft, scion, bud, seed, leaf,
15 root, or rhizome; any nut, fruit, or vegetable; any
16 grain, cereal, or legume in the natural or raw state;
17 any moss, hay, straw, dry-grass, or other forage; any
18 unmanufactured log, limb, or timber; or any other
19 plant growth or plant product unprocessed or in the
20 raw state; any sand, soil, or earth; any live bird,
21 reptile, insect, or other animal, in any stage of
22 development, that is in addition to the so-called



1 domestic animals, which are provided for in section
2 142-2; and any box, barrel, crate, or other containers
3 in which the articles, substances, or objects have
4 been transported or contained, and any packing
5 material used in connection therewith, [~~which~~] that is
6 or may be diseased or infested with insects or likely
7 to assist in the transmission or dissemination of any
8 insect or plant disease injurious, harmful, or
9 detrimental, or likely to become injurious, harmful,
10 or detrimental to the agricultural or horticultural
11 industries or the forests of the State, or [~~which~~]
12 that is or may be in itself injurious, harmful, or
13 detrimental to the same (included therein may be rules
14 governing the [~~shipping~~] transportation of any of the
15 articles, substances, or objects enumerated above in
16 this section between different localities on any one
17 of the islands within the State);

- 18 (3) The prohibition of importation into the State, from
19 any or all foreign countries[~~7~~] or from other parts of
20 the United States, or the shipment from one island
21 within the State to another island therein, or the
22 transportation from one part or locality of any island



1 to another part or locality of the same island, of any
2 specific article, substance, or object or class of
3 articles, substances, or objects, among those
4 enumerated above in this section, [~~which~~] that is
5 diseased or infested with insects or likely to assist
6 in the transmission or dissemination of any insect or
7 plant disease injurious, harmful, or detrimental or
8 likely to be injurious, harmful, or detrimental to the
9 agricultural or horticultural industries, or the
10 forests of the State, or [~~which~~] that is or may be in
11 itself injurious, harmful, or detrimental to the same;

12 (4) The preparation by cargo carriers of manifests of
13 cargo transported into the State or between islands of
14 the State and the submission of the manifests to the
15 department; and

16 [~~(4)~~] (5) The manner in which agricultural product
17 promotion and research activities may be undertaken,
18 after coordinating with the agribusiness development
19 corporation.

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



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

3 **"§141-5 Charges for inspection, etc.** The department of
4 agriculture [~~shall~~], with the approval of the governor, shall
5 adopt a reasonable scale of charges, which may be changed from
6 time to time, for the inspection, disinfection, fumigation, and
7 quarantine[~~-~~] that is authorized, required, or permitted by this
8 chapter or chapter 142 [~~or~~], 150[~~-~~], or 150A. Certificates and
9 permits in [~~such~~] these chapters [~~provided for~~] concerning
10 articles or animals imported, or proposed to be imported, into
11 the State, and the charges [~~so~~] provided for, shall be paid for
12 in advance before any certificate or permit is delivered, or any
13 of [~~such~~] the articles or animals are permitted to be landed.
14 If thereafter further expense is incurred in the inspection,
15 treatment, or quarantine of any of [~~such~~] the articles or
16 animals, the charges [~~therefor~~] shall be paid before any of
17 [~~such~~] the articles or animals shall be delivered."

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



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

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2008-2009 for
6 the planning of the interim joint inspection facility and
7 permanent joint inspection facility of the department of
8 agriculture's biosecurity program.

9 The sum appropriated shall be expended by the department of
10 agriculture for the purposes of this section.

11 SECTION 7. In codifying the new sections added by section
12 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 8. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 9. This Act shall take effect on July 1, 2008.



Report Title:

Invasive Species; Biosecurity Program; Appropriation

Description:

Establishes and appropriates funds for the department of agriculture's biosecurity program. Appropriates funds for planning interim and permanent joint inspection facilities.
(SB2850 SD2)

