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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. Chapter 194, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§194-     Penalty; invasive species list. (a) In addition  
5 to any other penalty prescribed by law, any person who  
6 possesses, intentionally transports, harbors, or imports with  
7 the intent to propagate, sell, or release in the State, any  
8 invasive species on the list under section 194-2(a)(6) shall be  
9 fined \$ \_\_\_\_\_.

10           (b) The department of land and natural resources shall  
11 adopt rules pursuant to chapter 91 to effectuate this section."

12           SECTION 2. Section 194-2, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14           "(a) There is established the invasive species council for  
15 the special purpose of providing policy level direction,  
16 coordination, and planning among state departments, federal  
17 agencies, and international and local initiatives for the  
18 control and eradication of harmful invasive species infestations



1 throughout the State and for preventing the introduction of  
2 other invasive species that may be potentially harmful. The  
3 council shall:

4 (1) Maintain a broad overview of the invasive species  
5 problem in the State;

6 (2) Advise, consult, and coordinate invasive species-  
7 related efforts with and between the departments of  
8 agriculture, land and natural resources, health, and  
9 transportation, as well as state, federal,  
10 international, and privately organized programs and  
11 policies;

12 (3) Identify and prioritize each lead agency's  
13 organizational and resource shortfalls with respect to  
14 invasive species;

15 (4) After consulting with appropriate state agencies,  
16 create and implement a plan that includes the  
17 prevention, early detection, rapid response, control,  
18 enforcement, and education of the public with respect  
19 to invasive species, as well as fashion a mission  
20 statement articulating the State's position against  
21 invasive species; provided that the appropriate state  
22 agencies shall collaborate with the counties and



1 communities to develop and implement a systematic  
2 approach to reduce and control coqui frog infestations  
3 on public lands that are near or adjacent to  
4 communities, and shall provide annual reports on the  
5 progress made in achieving this objective;

6 (5) Coordinate and promote the State's position with  
7 respect to federal issues, including:

8 (A) Quarantine preemption;

9 (B) International trade agreements that ignore the  
10 problem of invasive species in Hawaii;

11 (C) First class mail inspection prohibition;

12 (D) Whether quarantine of domestic pests arriving  
13 from the mainland should be provided by the  
14 federal government;

15 (E) Coordinating efforts with federal agencies to  
16 maximize resources and reduce or eliminate system  
17 gaps and leaks, including deputizing the United  
18 States Department of Agriculture's plant  
19 protection and quarantine inspectors to enforce  
20 Hawaii's laws;

21 (F) Promoting the amendment of federal laws as  
22 necessary, including the Lacey Act Amendments of



- 1                   1981, Title 16 United States Code sections 3371-  
2                   3378; Public Law 97-79, and laws related to  
3                   inspection of domestic airline passengers,  
4                   baggage, and cargo; and
- 5                   (G) Coordinating efforts and issues with the federal  
6                   Invasive Species Council and its National  
7                   Invasive Species Management Plan;
- 8                   (6) Identify, [and] record, and periodically update a list  
9                   of all invasive species present in the State;
- 10                  (7) Designate the department of agriculture, health, or  
11                  land and natural resources as the lead agency for each  
12                  function of invasive species control, including  
13                  prevention, rapid response, eradication, enforcement,  
14                  and education;
- 15                  (8) Identify all state, federal, and other moneys expended  
16                  for the purposes of the invasive species problem in  
17                  the State;
- 18                  (9) Identify all federal and private funds available to  
19                  the State to fight invasive species and advise and  
20                  assist state departments to acquire these funds;
- 21                  (10) Advise the governor and legislature on budgetary and  
22                  other issues regarding invasive species;



- 1           (11) Provide annual reports on budgetary and other related  
2           issues to the legislature twenty days prior to each  
3           regular session;
- 4           (12) Include and coordinate with the counties in the fight  
5           against invasive species to increase resources and  
6           funding and to address county-sponsored activities  
7           that involve invasive species;
- 8           (13) Review state agency mandates and commercial interests  
9           that sometimes call for the maintenance of potentially  
10          destructive alien species as resources for sport  
11          hunting, aesthetic resources, or other values;
- 12          (14) Review the structure of fines and penalties to ensure  
13          maximum deterrence for invasive species-related  
14          crimes;
- 15          (15) Suggest appropriate legislation to improve the State's  
16          administration of invasive species programs and  
17          policies;
- 18          (16) Incorporate and expand upon the department of  
19          agriculture's weed risk assessment protocol to the  
20          extent appropriate for the council's invasive species  
21          control and eradication efforts; and



1 (17) Perform any other function necessary to effectuate the  
2 purposes of this chapter."

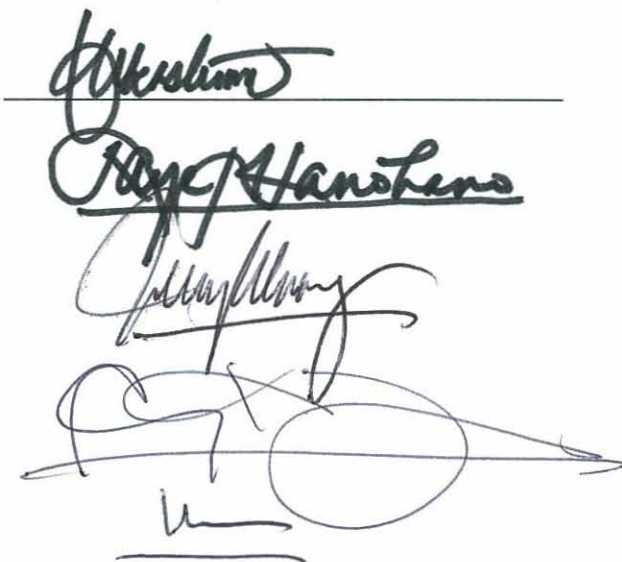
3 SECTION 3. Pursuant to section 194-7, Hawaii Revised  
4 Statutes, the invasive species council shall adopt rules to  
5 update the invasive species list specified in section  
6 194-2(a)(6), Hawaii Revised Statutes, not later than June 30,  
7 2012.

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY:

A series of handwritten signatures in black ink, stacked vertically. The top signature is the most legible, appearing to read 'H. K. ...'. Below it are several other signatures, some of which are more stylized and difficult to decipher. The signatures are written over a horizontal line.

JAN 21 2011



**Report Title:**

Invasive Species List; Invasive Species Council; Penalty

**Description:**

Requires the invasive species council to periodically update an invasive species list. Requires council to update list prior to 6/30/12. Provides an additional penalty for anyone who possesses or intentionally transports, harbors, or imports with the intent to propagate, sell, or release in the State, any invasive species on the list.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

