
A BILL FOR AN ACT

RELATING TO FERAL ANIMALS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 FERAL ANIMALS COUNCIL

6 § -1 Definitions. As used in this chapter, unless the
7 context requires otherwise:

8 "Council" means the feral animals council.

9 "Department" means any entity that is a member of the feral
10 animals council established under section -2(a).

11 "Feral animal" means any land mammal living in a wild or
12 free-ranging state not under domestication; provided that this
13 term shall not include cats.

14 § -2 Establishment of council; duties. (a) There is
15 established the feral animals council for the special purpose of
16 providing policy level direction, coordination, and planning
17 among state departments, federal agencies, and local initiatives



1 for the control of harmful feral animal populations throughout
2 the State. The council shall:

3 (1) Maintain a broad overview of the feral animal problem
4 in the State;

5 (2) Advise, consult, and recommend feral animal control
6 options and efforts with and between the departments
7 of agriculture, land and natural resources, health,
8 and transportation, as well as state, federal, and
9 privately organized programs and policies;

10 (3) Identify and prioritize each lead agency's
11 organizational and resource shortfalls with respect to
12 feral animals;

13 (4) After consulting with appropriate state agencies,
14 create and implement a plan that includes the
15 prevention, early detection, rapid response, control,
16 enforcement, and education of the public with respect
17 to feral animals;

18 (5) Identify and record all feral animal species present
19 in the State;

20 (6) Identify all state, federal, and other moneys expended
21 for the purposes of control of feral animal
22 populations in the State;



- 1 (7) Identify all federal and private funds available to
2 the State for feral animal control and advise and
3 assist state departments to acquire these funds;
- 4 (8) Advise the governor and legislature on budgetary and
5 other issues regarding feral animal control;
- 6 (9) Coordinate with the counties to increase resources and
7 funding and to address county-sponsored activities
8 that involve feral animal control;
- 9 (10) Review state agency mandates and commercial interests
10 that may support the maintenance of potentially
11 destructive feral animal species as resources for
12 hunting;
- 13 (11) Suggest appropriate legislation to improve the State's
14 administration of feral animal control programs and
15 policies; and
- 16 (12) Perform any other function necessary to effectuate the
17 purposes of this chapter.
- 18 (b) The council shall be placed within the department of
19 land and natural resources for administrative purposes only and
20 shall be composed of:
- 21 (1) The chairperson of the board of land and natural
22 resources, or the chairperson's designee;



1 (2) The chairperson of the board of agriculture, or the
2 chairperson's designee;

3 (3) The director of transportation, or the director's
4 designee;

5 (4) The director of health, or the director's designee;

6 (5) Professional animal control specialists from each
7 county; and

8 (6) Representatives of federal agencies, the legislature,
9 and members of the private sector, who shall be asked
10 to participate or consulted for advice and assistance
11 as needed.

12 (d) The council shall meet no less than twice annually to
13 discuss and assess progress and recommend changes to feral
14 animal programs based on results of current risk assessments,
15 performance standards, and other relevant data. Notwithstanding
16 any law to the contrary:

17 (1) A simple majority of voting members of the council
18 shall constitute a quorum to do business; and

19 (2) Any action taken by the council shall be by a simple
20 majority of the voting members.

21 (e) The council shall submit a report of its activities,
22 findings, and recommendations, including budgetary issues, to



1 the governor and legislature not later than twenty days prior to
2 the convening of each regular session.

3 § -3 Lead agencies; accountability. The department of
4 land and natural resources shall be the lead agency with respect
5 to feral animal control and shall:

- 6 (1) Coordinate all efforts between other departments,
7 county, and federal agencies, and private
8 organizations to control designated feral animal
9 populations; provided that all reasonable efforts
10 shall be made to minimize the destruction of feral
11 animals;
- 12 (2) Prepare a biennial multidepartmental budget proposal
13 for the legislature not later than forty days before
14 the convening of the regular session of the
15 legislature in each odd-numbered year, showing the
16 budget requirements for the lead agency and each
17 assigned agency's feral animal control programs and
18 operations, including the status of each assigned
19 function; provided that the proposed budgets shall
20 take into account any federal and private funding that
21 is anticipated for feral animal control; and



1 (3) Any other function necessary to effectuate the
2 purposes of this chapter.

3 § -4 Relation of chapter to other laws. Notwithstanding
4 any other law to the contrary, and in addition to any other
5 authority provided by law that is not inconsistent with the
6 purposes of this chapter, a department is authorized to examine,
7 control, or relocate feral animal species identified by the
8 council and found on any public or private premises in the
9 State; provided that all reasonable efforts shall be made to
10 minimize the destruction of feral animals.

11 § -5 Entry; private property. (a) Whenever any feral
12 animal species identified by the council for control is found on
13 private property, a department may enter the premises to control
14 or relocate the feral animal species after reasonable notice is
15 given to the owner of the property and, if entry is refused,
16 pursuant to the court order in subsection (d).

17 (b) If applicable, a duplicate of the notice given
18 pursuant to subsection (a) shall be left with one or more of the
19 tenants or occupants of the premises. If the premises are
20 unoccupied, notice shall be mailed to the last known place of
21 residence of the owner, if residing in the State. If the owner
22 resides out of the State or cannot be expeditiously provided



1 with notice, notice left at the house or posted on the premises
2 shall be sufficient.

3 (c) The department may instead cause notice to be given,
4 and order the owner to control or relocate the feral animal
5 species, if the species was intentionally or knowingly
6 established by the owner on the owner's property and not
7 naturally dispersed from neighboring properties, at the owner's
8 expense within such reasonable time as the department may deem
9 sufficient, pursuant to the notice requirements of this section.

10 (d) If a notified owner fails to comply with the order of
11 the department, or its agent, within the time specified by the
12 department, or if entry is refused after notice is given
13 pursuant to subsection (a) and, if applicable subsection (b),
14 the department or its agent may apply to the district court of
15 the circuit in which the property is situated for a warrant,
16 directed to any police officer of the circuit, commanding the
17 police officer to take sufficient aid and to assist the
18 department member or its agent in gaining entry onto the
19 premises, and executing measures to control or relocate the
20 feral animal species.

21 (e) The department may recover, by appropriate
22 proceedings, the expenses incurred by its order from any owner



1 who, after proper notice, has failed to comply with the
2 department's order.

3 (f) In no case shall the department or any officer or
4 agent thereof be liable for costs in any action or proceeding
5 that may be commenced pursuant to this chapter.

6 § -6 Entry; public property. (a) Whenever any feral
7 animal species identified by the council for control or
8 relocation is found on state or county property or on a public
9 highway, street, lane, alley, or other public place controlled
10 by the State or county, notice shall be given by the department
11 or its agent, as the case may be, to the person officially in
12 charge thereof, and the person shall be reasonably notified and
13 ordered by the department to control or relocate the feral
14 animal species.

15 (b) In case of a failure to comply with the order, the
16 mode of procedure shall be the same as provided in case of
17 private persons in section -5.

18 § -7 Rules. The feral animals council may adopt rules
19 pursuant to chapter 91, to implement and enforce this chapter."

20 SECTION 2. This Act shall take effect upon its approval.

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INTRODUCED BY:

Cindy Evans



Report Title:

Feral Animals Council

Description:

Establishes the feral animals council for the special purpose of providing policy level direction, coordination, and planning among state departments, federal agencies, and local initiatives for the control of harmful feral animal populations throughout the State.

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

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