
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES PROGRAM ADMINISTRATION.

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

1 SECTION 1. The legislature reaffirms that the invasion of
2 Hawaii by insects, disease-bearing organisms, snakes, weeds, and
3 other pests is the single greatest threat to Hawaii's economy
4 and natural environment and to the health and lifestyle of
5 Hawaii's people. The legislature finds that action is needed to
6 improve the State's programs to mitigate the threats and impacts
7 of invasive species.

8 In 2014 a resolution supporting the Aloha+ Challenge was
9 adopted by the legislature, the governor, the mayors of the
10 counties, and the office of Hawaiian affairs. The Aloha+
11 Challenge identifies six targets that the State has committed to
12 achieve by 2030. Invasive species directly impact the State's
13 ability to achieve several of these targets, including the
14 doubling of local food production and the reversal of natural
15 resource loss mauka to makai. Enhanced coordination of invasive
16 species programs will substantially increase the State's ability
17 to meet these commitments. Increasing the efficacy of the
18 State's invasive species programs will position Hawaii as a



1 global leader on this issue as the International Union for the
2 Conservation of Nature prepares to hold its World Conservation
3 Congress in Hawaii in September 2016.

4 A 2002 legislative reference bureau study titled, "Filling
5 the Gaps in the Fight Against Invasive Species," described the
6 invasive species problem in Hawaii as a multiagency issue that
7 does not fit within the mandates of any one department. The
8 study recommended a model for establishing interagency
9 coordination for invasive species, including a staffed
10 coordinating entity directed by an interagency board, supported
11 by a dedicated revenue source. In 2003, the legislature created
12 the Hawaii invasive species council, an interagency board
13 mandated to provide policy-level direction and coordination on
14 invasive species issues, co-chaired by the chairpersons of the
15 board of land and natural resources and the board of
16 agriculture. The authorizing legislation for the council did
17 not create staff positions or a revenue source. The council is
18 administered by staff within the department of land and natural
19 resources and has received varying special and general fund
20 appropriations over the past ten years.



1 The Hawaii invasive species council has achieved a number
2 of successes in the past decade, including position statements,
3 interagency planning efforts, and the administration of an
4 interagency grants program that supports projects that attempt
5 to fill gaps between agency mandates and provide new research on
6 invasive species issues. Despite these successes, mitigation of
7 invasive species threats and impacts often remains fragmented
8 between agencies and is insufficiently enabled by a lack of
9 support for interagency data collection and management, public
10 pest reporting, interagency response coordination, and statewide
11 public outreach. Further, the need for financial support for
12 interagency projects supported by the council's grants program
13 has exceeded the amount of funding appropriated.

14 The purpose of this Act is to restructure the Hawaii
15 invasive species council into a new entity, the Hawaii invasive
16 species authority, administratively attached to the department
17 of agriculture. The establishment of the authority will expand
18 upon the existing council model by adding additional expertise
19 to the interagency board of directors, authorizing the board to
20 hire staff as necessary, and mandating new duties relating to
21 the coordination of interagency invasive species and biosecurity



1 efforts including data collection and management, support for
2 rapid response to pests, and public resources for pest reporting
3 and outreach.

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

7 "CHAPTER

8 INVASIVE SPECIES AUTHORITY

9 § -1 Administration of chapter. Notwithstanding section
10 26-35, the Hawaii invasive species authority and the department
11 of agriculture shall administer this chapter.

12 § -2 Definitions. As used in this chapter, unless the
13 context requires otherwise:

14 "Authority" means the Hawaii invasive species authority
15 established by section -3.

16 "Biosecurity" means the policies and procedures utilized to
17 minimize threats and mitigate impacts from invasive species,
18 including prevention, early detection, rapid response, control,
19 enforcement, and outreach.

20 "Department" means any entity that is a member of the
21 authority.



1 "Invasive species" means a species that was introduced to
2 Hawaii by humans or human activity and whose introduction causes
3 or is likely to cause economic or environmental harm or harm to
4 human health.

5 § -3 Hawaii invasive species authority; established;
6 duties. (a) There is established the Hawaii invasive species
7 authority for the special purpose of providing policy level
8 direction, coordination, and planning among state departments,
9 federal agencies, and international and local initiatives for
10 the control and eradication of harmful invasive species
11 infestations throughout the State and for preventing the
12 introduction of other invasive species that may be potentially
13 harmful. The authority shall:

- 14 (1) Maintain a broad overview of the invasive species
15 problem in the State;
- 16 (2) Advise, consult, and coordinate invasive species-
17 related efforts with and between the departments of
18 agriculture, land and natural resources, health, and
19 transportation, as well as state, federal,
20 international, and privately organized programs and
21 entities;



- 1 (3) Identify and prioritize each lead agency's
2 organizational and resource shortfalls with respect to
3 invasive species;
- 4 (4) After consulting with appropriate state agencies, and
5 in coordination with the various agencies, implement
6 an interagency biosecurity plan that includes the
7 prevention, early detection, rapid response, control,
8 enforcement, and education of the public with respect
9 to invasive species, as well as fashion a mission
10 statement articulating the State's position against
11 invasive species; provided that the appropriate state
12 agencies shall collaborate with the counties and
13 communities to develop and implement a systematic
14 approach to reduce and control coqui frog infestations
15 on public lands that are near or adjacent to
16 communities and shall provide annual reports on the
17 progress made in achieving this objective;
- 18 (5) Coordinate and promote the State's position with
19 respect to federal issues, including:
- 20 (A) Quarantine preemption;



- 1 (B) International trade agreements that ignore the
- 2 problem of invasive species in Hawaii;
- 3 (C) First class mail inspection prohibition;
- 4 (D) Whether quarantine of domestic pests arriving
- 5 from the mainland should be provided by the
- 6 federal government;
- 7 (E) Coordinating efforts with federal agencies to
- 8 maximize resources and reduce or eliminate system
- 9 gaps and leaks, including deputizing the United
- 10 States Department of Agriculture's plant
- 11 protection and quarantine inspectors to enforce
- 12 Hawaii's laws;
- 13 (F) Promoting the amendment of federal laws as
- 14 necessary, including the Lacey Act Amendments of
- 15 1981, title 16 United States Code sections 3371
- 16 to 3378; Public Law 97-79, and laws related to
- 17 inspection of domestic airline passengers,
- 18 baggage, and cargo; and
- 19 (G) Coordinating efforts and issues with the federal
- 20 Invasive Species Council and its National
- 21 Invasive Species Management Plan;



- 1 (6) Identify and record all invasive species present in
2 the State and adopt a list of invasive species by rule
3 pursuant to chapter 91;
- 4 (7) Serve as a multiagency coordinating system for
5 interagency emergency responses to invasive species
6 and, for a given response, designate a department as
7 the lead agency for each function of invasive species
8 control, including prevention, rapid response,
9 eradication, enforcement, and education;
- 10 (8) Identify all state, federal, and other moneys expended
11 for the purposes of the invasive species problem in
12 the State;
- 13 (9) Identify all federal and private funds available to
14 the State to fight invasive species and advise and
15 assist state departments to acquire these funds;
- 16 (10) Advise the governor and legislature on budgetary and
17 other issues regarding invasive species;
- 18 (11) Provide annual reports on budgetary and other related
19 issues to the legislature no later than twenty days
20 prior to the convening of each regular session;



- 1 (12) Coordinate with the counties in the fight against
2 invasive species to increase resources and funding and
3 to address county-sponsored activities that involve
4 invasive species;
- 5 (13) Review state agency mandates and commercial interests
6 that may result in the maintenance of potentially
7 destructive alien species as resources for sport
8 hunting, aesthetic resources, or other values;
- 9 (14) Review the structure of fines and penalties to ensure
10 maximum deterrence for invasive species-related
11 crimes;
- 12 (15) Suggest appropriate legislation to improve the State's
13 administration of invasive species programs and
14 policies;
- 15 (16) Incorporate and expand upon the Hawaii-Pacific weed
16 risk assessment protocol to the extent appropriate for
17 the authority's invasive species control and
18 eradication efforts;
- 19 (17) Provide a central repository for the collection and
20 management of relevant summary data from invasive
21 species programs in the State;



- 1 (18) Develop and implement an online resource for public
2 reporting of invasive species and for the sharing of
3 information relating to invasive species detections
4 and responses among state departments;
- 5 (19) Implement an interagency grants program in each fiscal
6 year to support projects that address gaps between
7 agency mandates or support research related to
8 invasive species; and
- 9 (20) Perform any other function necessary to effectuate the
10 purposes of this chapter.
- 11 (b) The authority shall be placed within the department of
12 agriculture for administrative purposes only, as provided in
13 section 26-35. The authority shall be composed of nine members
14 as follows:
- 15 (1) The president of the University of Hawaii system, or
16 the president's designee;
- 17 (2) The director of business, economic development, and
18 tourism, or the director's designee;
- 19 (3) The director of health, or the director's designee;
- 20 (4) The director of transportation, or the director's
21 designee;



- 1 (5) The chairperson of the board of agriculture, or the
2 chairperson's designee;
- 3 (6) The chairperson of the board of land and natural
4 resources, or the chairperson's designee; and
- 5 (7) Three members appointed by the governor pursuant to
6 section 26-34, including:
- 7 (A) A representative of the University of Hawaii's
8 invasive species committees, from a list provided
9 by the Pacific cooperative studies unit at the
10 University of Hawaii;
- 11 (B) A representative of the agricultural or nursery
12 industry; and
- 13 (C) An individual with expertise in both conservation
14 and native Hawaiian cultural practices.
- 15 (c) The chairpersons of the board of land and natural
16 resources and the board of agriculture shall act as co-
17 chairpersons of the authority notwithstanding section 26-35.
- 18 (d) The members of the authority other than ex officio
19 members or their designees shall serve without pay but shall be
20 reimbursed upon request for their actual and necessary expenses,



1 including travel expenses, incurred in carrying out their
2 duties.

3 (e) The authority, without regard to the requirements of
4 chapter 76, may hire employees necessary to perform its duties.
5 The authority may delegate to its employees, by formal action,
6 power and authority vested in the authority by this chapter as
7 the authority deems reasonable and proper for the effective
8 administration of this chapter.

9 (f) Representatives of federal agencies, the legislature,
10 and members of the private sector shall be asked to participate
11 or be consulted for advice and assistance. Representatives of
12 the legislature shall not be deemed to be members of the board,
13 and their presence shall not contribute toward quorum.
14 Representatives of the legislature shall consist of eight
15 legislative members, as follows:

- 16 (1) Four senators, one from each county, to be selected by
17 the president of the senate; and
18 (2) Four representatives, one from each county, to be
19 selected by the speaker of the house of
20 representatives.



1 (g) The authority shall meet no less than twice annually
2 to discuss and assess progress and recommend changes to the
3 invasive species programs based on results of current risk
4 assessments, performance standards, and other relevant data.

5 (h) The authority shall submit a report of its activities
6 to the governor and legislature annually.

7 § -4 **Lead agencies; accountability.** A state department
8 that is designated as a lead agency for a particular interagency
9 response effort under section -3(a)(7), with respect to a
10 particular function of invasive species control, shall have
11 administrative responsibility and accountability for that
12 designated function of invasive species control. The lead
13 agency shall coordinate with other departments and federal and
14 private agencies to control or eradicate the designated invasive
15 species.

16 § -5 **Relation to other laws.** Notwithstanding any other
17 law to the contrary, and in addition to any other authority
18 provided by law that is not inconsistent with the purposes of
19 this chapter, a department is authorized to examine, control,
20 and eradicate all instances of invasive species identified by
21 the authority for control or eradication and found on any public



1 or private premises or in any aircraft or vessel landed or
2 docked in waters of the State.

3 § -6 Entry; private property. (a) Whenever any
4 invasive species identified by the authority for control or
5 eradication is found on private property, a department or its
6 authorized agent may enter the premises to control or eradicate
7 the invasive species after reasonable notice is given to the
8 owner of the property and, if entry is refused, pursuant to a
9 court order as provided in subsection (d).

10 (b) A duplicate of notice given pursuant to subsection (a)
11 shall be left with one or more of the tenants or occupants of
12 the premises, if applicable. If the premises are unoccupied,
13 notice shall be mailed to the last known place of residence of
14 the owner, if residing in the State. If the owner does not
15 reside in the State or cannot be expeditiously provided with
16 notice, notice left at or posted on the premises shall be
17 sufficient.

18 (c) The department may cause notice to be given, and order
19 an owner to control or eradicate the invasive species, if the
20 species was intentionally and knowingly established by the owner
21 on the owner's property and not naturally dispersed from



1 neighboring properties, at the owner's expense within such
2 reasonable time as the department may deem proper, pursuant to
3 the notice requirements of this section.

4 (d) If the owner notified pursuant to this section fails
5 to comply with the order of the department within the time
6 specified by the department, or if entry is refused after notice
7 is given pursuant to subsection (a) and, if applicable
8 subsection (b), the department may apply to the district court
9 of the circuit in which the property is located for a warrant,
10 directed to any police officer of the circuit, commanding the
11 police officer to take sufficient aid and to assist the
12 department or its agent in gaining entry onto the premises and
13 executing measures to control or eradicate the invasive species.

14 (e) The department may recover by appropriate proceedings
15 the expenses incurred from any owner who, after proper notice,
16 fails to comply with the department's order.

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

20 § -7 Entry; public property. (a) Whenever any invasive
21 species is found on state or county property or on a public



1 highway, street, lane, alley, or other public place controlled
2 by the State or county, notice shall be given by the department
3 or its agent, as the case may be, to the person officially in
4 charge thereof, and the person shall immediately control or
5 eradicate the invasive species as directed by the department.

6 (b) In case of a failure to control or eradicate the
7 invasive species to the satisfaction of the department, the
8 procedure shall be the same as provided in case of private
9 persons in section -6.

10 § -8 Rules. The authority may adopt rules pursuant to
11 chapter 91 to effectuate this chapter.

12 § -9 Invasive species list amendment. Without regard to
13 the notice and public hearing requirements of chapter 91, the
14 authority may adopt rules to make additions to or deletions from
15 the list designating invasive species present in the state
16 required to be maintained by section -3(a)(6); provided that
17 the authority shall adopt rules pursuant to chapter 91 to
18 establish methods to obtain public input and notify the public
19 of additions to or deletions from the invasive species list
20 required under -3(a)(6).



1 § -10 Invasive species authority special fund;
2 established. (a) There is created in the state treasury a
3 special fund to be designated as the invasive species authority
4 special fund to be administered by the department of
5 agriculture. Moneys deposited into the special fund shall be
6 used to fulfill the purposes of this chapter and shall include:

7 (1) Any moneys appropriated by the legislature to the
8 special fund;

9 (2) Any moneys received from grants, donations, or the
10 proceeds from contributions; and

11 (3) The interest or return on investments earned from
12 moneys in the special fund.

13 (b) The authority may use moneys in the special fund to
14 carry out the purposes of this chapter, including hiring
15 employees, specialists, and consultants necessary to complete
16 projects related to the purposes of this chapter.

17 (c) Moneys deposited into or appropriated to the special
18 fund shall remain available until they are obligated or until
19 the special fund is terminated.

20 (d) If the special fund is terminated, all funds shall be
21 transferred to the general fund; provided that all unexpended or



1 unencumbered balances shall be disbursed in accordance with any
2 requirements set by funding sources and for purposes consistent
3 with this chapter.

4 (e) The authority shall include, as part of its annual
5 report to the legislature described in section -3 (a)(11),
6 the total number and amount of grants, donations, and
7 contributions received and balances remaining on June 30 of each
8 year."

9 SECTION 3. Chapter 194, Hawaii Revised Statutes, is
10 repealed.

11 SECTION 4. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$900,000 or so much
13 thereof as may be necessary for fiscal year 2016-2017, to be
14 deposited into the invasive species authority special fund.

15 SECTION 5. There is appropriated out of the invasive
16 species authority special fund the sum of \$900,000 or so much
17 thereof as may be necessary for fiscal year 2016-2017 for
18 positions and other operating expenditures of the invasive
19 species authority.

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



1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$10,000,000 or so
3 much thereof as may be necessary for fiscal year 2016-2017, to
4 be deposited into the invasive species authority special fund.

5 SECTION 7. There is appropriated out of the invasive
6 species authority special fund the sum of \$10,000,000 or so much
7 thereof as may be necessary for fiscal year 2016-2017 for
8 interagency projects and research related to invasive species,
9 as directed by the invasive species authority.

10 The sum appropriated shall be expended by the department of
11 agriculture for the purposes of this section; provided that
12 portions of this appropriation may be transferred to other state
13 departments to implement the directions of the Hawaii invasive
14 species authority.

15 SECTION 8. This Act shall take effect on July 1, 2016.

16



Report Title:

Hawaii Invasive Species Authority; Establishment; Appropriation

Description:

Restructures the Hawaii Invasive Species Council as the Hawaii Invasive Species Authority, administratively attached to the Department of Agriculture, for the enhancement of the State's invasive species prevention, early detection, rapid response, control, enforcement, and outreach programs. Establishes the Hawaii Invasive Species Authority Special Fund and appropriates moneys to that fund to implement the Authority and relevant invasive species projects. (SD1)

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