

SB 2799

Measure Title: RELATING TO INVASIVE SPECIES PROGRAM
ADMINISTRATION.

Report Title: Invasive Species Authority; Establishment and Appropriation
(\$)

Description: Restructures the Hawaii Invasive Species Council as the Hawaii Invasive Species Authority, attached administratively 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.

Companion: HB2270

Package: Governor

Current Referral: EET/WLA, WAM

Introducer(s): KOUCHI (Introduced by request of another party)

JAN 27 2016

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

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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 department of land
15 and natural resources and the department of agriculture. The
16 authorizing legislation for the council did not create staff
17 positions or a revenue source. The council is administered by
18 staff within the department of land and natural resources and
19 has received varying special and general fund appropriations
20 over the past ten years.

21 The Hawaii invasive species council has achieved a number
22 of successes in the past decade, including position statements,

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

12 The purpose of this Act is to restructure the Hawaii
13 invasive species council into a new entity, the Hawaii invasive
14 species authority, attached administratively to the department
15 of agriculture. The establishment of the authority will expand
16 upon the existing council model by adding additional expertise
17 to the interagency board of directors, authorizing the board to
18 hire staff as necessary, and mandating new duties relating to
19 the coordination of interagency invasive species and biosecurity
20 efforts including data collection and management, support for
21 rapid response to pests, and public resources for pest reporting
22 and outreach.

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1 SECTION 2. 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 INVASIVE SPECIES AUTHORITY

6
7 § -1 Administration of chapter. Notwithstanding
8 section 26-35, Hawaii Revised Statutes, the Hawaii invasive
9 species authority and the department of agriculture shall
10 administer this chapter.

11 § -2 Definitions. As used in this chapter, unless the
12 context requires otherwise:

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

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

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

21 "Invasive species" means a species that was introduced to
22 Hawaii by humans or human activity and whose introduction causes

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1 or is likely to cause economic or environmental harm or harm to
2 human health.

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

- 12 (1) Maintain a broad overview of the invasive species
13 problem in the State;
- 14 (2) Advise, consult, and coordinate invasive species-
15 related efforts with and between the departments of
16 agriculture, land and natural resources, health, and
17 transportation, as well as state, federal,
18 international, and privately organized programs and
19 entities;
- 20 (3) Identify and prioritize each lead agency's
21 organizational and resource shortfalls with respect
22 to invasive species;

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1 (4) After consulting with appropriate state agencies,
2 create and in coordination with the various agencies
3 implement an interagency biosecurity plan that
4 includes the prevention, early detection, rapid
5 response, control, enforcement, and education of the
6 public with respect to invasive species, as well as
7 fashion a mission statement articulating the State's
8 position against invasive species; provided that the
9 appropriate state agencies shall collaborate with the
10 counties and communities to develop and implement a
11 systematic approach to reduce and control coqui frog
12 infestations on public lands that are near or adjacent
13 to communities, and shall provide annual reports on
14 the progress made in achieving this objective;

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

- 17 (A) Quarantine preemption;
18 (B) International trade agreements that ignore
19 the problem of invasive species in Hawaii;
20 (C) First class mail inspection prohibition;

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

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- 1 interagency emergency responses to invasive species
2 and, for a given response, designate a department as
3 the lead agency for each function of invasive species
4 control, including prevention, rapid response,
5 eradication, enforcement, and education;
- 6 (8) Identify all state, federal, and other moneys expended
7 for the purposes of the invasive species problem in
8 the State;
- 9 (9) Identify all federal and private funds available to
10 the State to fight invasive species and advise and
11 assist state departments to acquire these funds;
- 12 (10) Advise the governor and legislature on budgetary and
13 other issues regarding invasive species;
- 14 (11) Provide annual reports on budgetary and other related
15 issues to the legislature twenty days prior to each
16 regular session;
- 17 (12) Coordinate with the counties in the fight against
18 invasive species to increase resources and funding and
19 to address county-sponsored activities that involve
20 invasive species;
- 21 (13) Review state agency mandates and commercial interests
22 that may result in the maintenance of potentially

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- 1 destructive alien species as resources for sport
2 hunting, aesthetic resources, or other values;
- 3 (14) Review the structure of fines and penalties to ensure
4 maximum deterrence for invasive species-related
5 crimes;
- 6 (15) Suggest appropriate legislation to improve the State's
7 administration of invasive species programs and
8 policies;
- 9 (16) Incorporate and expand upon the Hawaii-Pacific weed
10 risk assessment protocol to the extent appropriate for
11 the authority's invasive species control and
12 eradication efforts;
- 13 (17) Provide a central repository for the collection and
14 management of relevant summary data from invasive
15 species programs in the State;
- 16 (18) Develop and implement an online resource for public
17 reporting of invasive species and for the sharing of
18 information relating to invasive species detections
19 and responses among state departments;
- 20 (19) Implement an interagency grants program in each
21 fiscal year to support projects that address gaps

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1 between agency mandates or support research related
2 to invasive species; and

3 (20) Perform any other function necessary to effectuate
4 the purposes of this chapter.

5 (b) The authority shall be placed within the department of
6 agriculture for administrative purposes only as provided in
7 section 26-35. The authority shall be composed of nine members
8 including:

9 (1) The president of the University of Hawaii, or the
10 president's designated representative;

11 (2) The director, or the director's designated
12 representative, of each of the following departments:

13 (A) Business, economic development, and tourism;

14 (B) Health; and

15 (C) Transportation; and

16 (3) The chairperson, or the chairperson's designated
17 representative, of the executive boards of each of the
18 following departments:

19 (A) Agriculture; and

20 (B) Land and natural resources; and

21 (4) Three members appointed by the governor pursuant to
22 section 26-34, including:

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1 (A) A representative of the University of Hawaii's
2 invasive species committees, from a list provided
3 by the Pacific cooperative studies unit at the
4 University of Hawaii;

5 (B) A representative of the agricultural or nursery
6 industry;

7 (C) An individual with expertise in both conservation
8 and native Hawaiian cultural practices.

9 (c) The chairpersons of the board of land and natural
10 resources and the board of agriculture shall act as co-
11 chairpersons of the authority notwithstanding section 26-35.

12 (d) The members of the authority other than ex officio
13 members or their designated representatives shall serve without
14 pay but shall be reimbursed upon request for their actual and
15 necessary expenses, including travel expenses, incurred in
16 carrying out their duties.

17 (e) The authority, without regard to the requirements of
18 chapter 76, may hire employees necessary to perform its duties.
19 The authority may delegate to its employees, by formal action,
20 such power and authority vested in the authority by this chapter
21 as the authority deems reasonable and proper for the effective
22 administration of this chapter.

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1 (f) Representatives of federal agencies, the legislature,
2 and members of the private sector shall be asked to participate
3 or be consulted for advice and assistance. Representatives of
4 the legislature are not members of the board and their presence
5 does not contribute toward quorum. Representatives of the
6 legislature shall consist of eight legislative members, as
7 follows:

8 (1) Four senators, one from each county, to be selected by
9 the senate president; and

10 (2) Four representatives, one from each county, to be
11 selected by the speaker of the house of
12 representatives.

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

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

20 § -4 Lead agencies; accountability. A state department
21 that is designated as a lead agency for a particular interagency
22 response effort under section -3(a)(7), with respect to a

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1 particular function of invasive species control, shall have
2 administrative responsibility and accountability for that
3 designated function of invasive species control. The lead
4 agency shall coordinate with other departments and federal and
5 private agencies to control or eradicate the designated invasive
6 species.

7 § ____-5 Relation of chapter to other laws.

8 Notwithstanding any other law to the contrary, and in addition
9 to any other authority provided by law that is not inconsistent
10 with the purposes of this chapter, a department is authorized to
11 examine, control, and eradicate all instances of invasive
12 species identified by the authority for control or eradication
13 and found on any public or private premises or in any aircraft
14 or vessel landed or docked in waters of the State.

15 § ____-6 Entry; private property. (a) Whenever any

16 invasive species identified by the authority for control or
17 eradication is found on private property, a department or its
18 authorized agent may enter such premises to control or eradicate
19 the invasive species after reasonable notice is given to the
20 owner of the property and, if entry is refused, pursuant to a
21 court order as provided in subsection (d).

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1 (b) A duplicate of the notice so given shall be left with
2 one or more of the tenants or occupants of the premises, if
3 applicable. If the premises are unoccupied, notice shall be
4 mailed to the last known place of residence of the owner, if
5 residing in the State. If the owner does not reside in this
6 State or cannot be expeditiously provided with notice, notice
7 left at or posted on the premises shall be sufficient.

8 (c) The department may instead cause notice to be given,
9 and order an owner to control or eradicate the invasive species,
10 if such species was intentionally and knowingly established by
11 the owner on the owner's property and not naturally dispersed
12 from neighboring properties, at the owner's expense within such
13 reasonable time as the department may deem proper, pursuant to
14 the notice requirements of this section.

15 (d) If the owner thus notified fails to comply with the
16 order of the department within the time specified by the
17 department, or if entry is refused after notice is given
18 pursuant to subsection (a) and, if applicable subsection (b),
19 the department may apply to the district court of the circuit in
20 which the property is situated for a warrant, directed to any
21 police officer of the circuit, commanding the police officer to
22 take sufficient aid and to assist the department member or its

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1 agent in gaining entry onto the premises, and executing measures
2 to control or eradicate the invasive species.

3 (e) The department may recover by appropriate proceedings
4 the expenses incurred from any owner who, after proper notice,
5 has failed to comply with the department's order.

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

9 § -7 Entry; public property. (a) Whenever any
10 invasive species is found on state or county property or on a
11 public highway, street, lane, alley, or other public place
12 controlled by the State or county, notice shall be given by the
13 department or its agent, as the case may be, to the person
14 officially in charge thereof, and the person shall immediately
15 control or eradicate the invasive species as directed by the
16 department.

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

21 § -8 Rules. The authority may adopt rules pursuant to
22 chapter 91, to effectuate this chapter.

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2 § -9 Invasive species list amendment. Without regard
3 to the notice and public hearing requirements of chapter 91, the
4 authority may adopt rules to make additions to or deletions from
5 the list designating invasive species required to be maintained
6 in section -3(a)(6); provided that the authority shall adopt
7 rules pursuant to chapter 91 to establish methods to obtain
8 public input and notify the public of additions to or deletions
9 from the invasive species list required under -3(a)(6).

10 § -10 Invasive species authority special fund;
11 established. (a) There is created in the state treasury a
12 special fund to be designated as the invasive species authority
13 special fund to be administered by the department of
14 agriculture. Moneys deposited into this special fund shall be
15 used to fulfill the purposes of this chapter and shall include:

- 16 (1) Any moneys appropriated by the legislature to the
17 special fund;
- 18 (2) Any moneys received from grants, donations, or the
19 proceeds from contributions; and
- 20 (3) The interest or return on investments earned from
21 moneys in the special fund.

22 (b) The authority may use moneys in the special fund to

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1 carry out the purposes of this chapter, including hiring
2 employees, specialists, and consultants necessary to complete
3 projects related to the purposes of this chapter.

4 (c) Moneys deposited into or appropriated to the special
5 fund shall remain available until they are obligated or until
6 the special fund is terminated.

7 (d) If the special fund is terminated, all funds shall be
8 transferred to the general fund; provided that all unexpended or
9 unencumbered balances shall be disbursed in accordance with any
10 requirements set by funding sources and for purposes consistent
11 with this chapter.

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

17 SECTION 3. Chapter 194, Hawaii Revised Statutes, is
18 repealed.

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

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1 positions and other operating expenditures of the invasive
2 species authority.

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

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

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

16 SECTION 6. This Act, upon its approval, shall take effect
17 on July 1, 2016.

18
19 INTRODUCED BY: *MM N-M*
20 BY REQUEST
21

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Report Title:

Invasive Species Authority; Establishment and Appropriation

Description:

Restructures the Hawaii Invasive Species Council as the Hawaii Invasive Species Authority, attached administratively 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.

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

JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO INVASIVE SPECIES PROGRAM ADMINISTRATION.

PURPOSE: Restructure the Hawaii Invasive Species Council into a new entity, the Hawaii Invasive Species Authority, attached administratively to the Department of Agriculture. The establishment of the authority will expand upon the existing council model by adding additional expertise to the interagency board of directors, authorizing the board to hire staff as necessary, and mandating new duties relating to the coordination of interagency invasive species and biosecurity efforts including data collection and management, support for rapid response to pests, and public resources for pest reporting and outreach.

MEANS: Repeal Chapter 194, Hawaii Revised Statutes, and render its contents, with modification, in a new chapter.

JUSTIFICATION: The invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pests is the single greatest threat to Hawaii's economy and natural environment and to the health and lifestyle of Hawaii's people. Action is needed to improve the State's programs to mitigate the threats and impacts of invasive species.

In 2014 a resolution supporting the Aloha+ Challenge was adopted by the Legislature, the Governor, the mayors of the counties, and the Office of Hawaiian Affairs. The Aloha+ Challenge identifies six targets that the State has committed to achieve by 2030. Invasive species directly impact the State's ability to achieve several of these targets,

including the doubling of local food production and the reversal of natural resource loss mauka to makai. Enhanced coordination of invasive species programs will substantially increase the State's ability to meet these commitments. Increasing the efficacy of the State's invasive species programs will position Hawaii as a global leader on this issue as the International Union for the Conservation of Nature prepares to hold its World Conservation Congress in Hawaii in September 2016.

A 2002 Legislative Reference Bureau Study titled "Filling the Gaps in the Fight Against Invasive Species" described the invasive species problem in Hawaii as a multiagency issue that does not fit within the mandates of any one department. The study recommended a model for establishing interagency coordination for invasive species, including a staffed coordinating entity directed by an interagency board, supported by a dedicated revenue source. In 2003 the legislature created the Hawaii Invasive Species Council, an interagency board mandated to provide policy-level direction and coordination on invasive species issues, co-chaired by the Department of Land and Natural Resources and the Department of Agriculture. The authorizing legislation for the council did not create staff positions or a revenue source. The council is administered by staff within the Department of Land and Natural Resources and has received varying special and general fund appropriations over the past ten years.

The Hawaii Invasive Species Council has achieved a number of successes in the past decade, including position statements, interagency planning efforts, and the administration of an interagency grants program that supports projects that attempt to fill gaps between agency mandates and provide new research on invasive species

issues. Despite these successes, mitigation of invasive species threats and impacts often remains fragmented between agencies and is insufficiently supported by a lack of support for interagency data collection and management, public pest reporting, interagency response coordination, and statewide public outreach. Further, the need for financial support for interagency projects supported by the council's grants program has exceeded the amount of funding appropriated.

The establishment of the authority will expand upon the existing council model by adding additional expertise to the interagency board of directors, authorizing the board to hire staff as necessary, and mandating new duties relating to the coordination of interagency invasive species and biosecurity efforts including data collection and management, support for rapid response to pests, and public resources for pest reporting and outreach.

The general fund appropriation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. Including appropriations made up to and including the regular session of 2015, the Executive Branch appropriation ceiling for fiscal year 2016-17 has already been exceeded by \$14,892,787 or 0.2 percent. Funding requested in this measure to create an invasive species authority attached to the department of agriculture will result in the appropriation ceiling for the Executive Branch to now be exceeded in fiscal year 2016-17 by an additional \$10,900,000 or 0.15 percent. This current declaration takes into account additional general fund appropriations authorized for fiscal year 2016-17 in this measure only, and does not include other general fund appropriations for fiscal year 2016-17 that may be authorized for the Executive Branch in other legislation submitted

to the Legislature during the regular session of 2016.

Impact on the public:

Increased efforts and resources to address invasive species throughout the State.

Impact on the department and other agencies:

Would remove the Hawaii Invasive Species Council from the Department of Land and Natural Resources and place it as an attached agency within the Department of Agriculture for administrative purposes. This act would repeal Chapter 194, Hawaii Revised Statutes, and render its contents, with modification, in a new chapter.

GENERAL FUND: \$10,900,000.

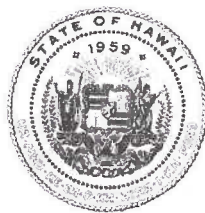
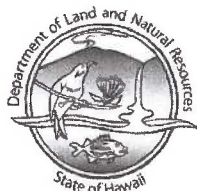
OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: Would create new ID.

OTHER AFFECTED
AGENCIES: Department of Land and Natural Resources.

EFFECTIVE DATE: July 1, 2016.

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
ECONOMIC DEVELOPMENT, ENVIRONMENT, AND TECHNOLOGY
and
WATER, LAND, AND AGRICULTURE

Friday, February 12, 2016
1:20 PM

State Capitol, Conference Room 414

In consideration of
SENATE BILL 2799
RELATING TO INVASIVE SPECIES PROGRAM ADMINISTRATION

Senate Bill 2799 proposes to restructure the Hawaii Invasive Species Council (HISC) as the Hawaii Invasive Species Authority (HISA), an agency attached administratively to the Hawaii Department of Agriculture (HDOA). **The Department of Land and Natural Resources (Department) supports this Administration measure.**

The Department has acted as the administrative host of the interagency HISC since its creation in 2003 and serves as co-chair along with HDOA. Chapter 194, Hawaii Revised Statutes (HRS), requires HISC to perform a broad spectrum of policy and coordination duties associated with invasive species. HISC also manages an annual grants program to support innovative interagency projects that fill gaps between agency mandates. Chapter 194, HRS, establishes the HISC as a board only and does not provide staff or funding for the operation of HISC. As such, the Department has provided existing staff resources to effectuate the direction of HISC. Chapter 194, HRS, also establishes the board as being comprised of ex-officio members only: the chairpersons or directors (or their designees) of six state departments that deal with various aspects of the invasive species problem.

This measure would add three non-ex-officio seats to the voting board, to be appointed by the Governor, to represent conservation, agricultural, and cultural perspectives in HISA decisions. This measure would also authorize HISA to hire staff necessary to effectuate the direction of the board, and provides an appropriation for this purpose. Rather than being administratively hosted

within an existing agency, HISA would function as a semi-autonomous entity administratively attached to an existing agency.

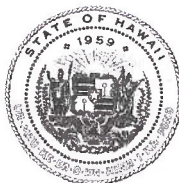
With regard to attachment to HDOA, the Department notes that HDOA has broad mandates regarding invasive species and biosecurity and would be an appropriate agency to which HISA could be attached. As proposed, both the Department and HDOA would continue to act as co-chairs on the board of directors.

This measure also appropriates funds for an interagency grants program, similar to that currently operated by HISC, and creates a special fund to allow for better administration of funds and the ability to receive funds other than legislative appropriations. The amount of funding requested for this appropriation matches the need identified by invasive species practitioners for interagency projects in Fiscal Year 17. Pre-proposals describing potential uses of appropriated funds were developed by researchers and project leads across various agencies, and can be found in detail on the HISC website: <http://dlnr.hawaii.gov/hisc/projects/fy17/>.

In preparation of an attached agency concept for invasive species coordination, HISC staff conducted a stakeholder survey to gather input on desired components of an enhanced coordinating entity. Stakeholder input was broadly supportive of HISA concept as proposed in this measure, with the suggested amendment that the descriptions of the non-ex-officio members in Sections -3(20)(b)(4)(A) and -3(20)(b)(4)(B) be broadened to describe individuals or organizational representatives representing the categories of conservation and agriculture. This amendment would allow for a larger pool of potential applicants to sit on the board of directors.

The Department appreciates the opportunity to provide these comments.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 12, 2016
1:20 PM
State Capitol, Room 414

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RELATING TO INVASIVE SPECIES PROGRAM ADMINISTRATION

Senate Committee(s) on Economic Development, Environment and Technology
& Water, Land and Agriculture

The Department of Transportation **strongly supports** this Administration bill which restructures the Hawaii Invasive Species Council as the Hawaii Invasive Species Authority, an agency attached administratively to the Hawaii Department of Agriculture.

Thank you for the opportunity to provide testimony.

Testimony by:

FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

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State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON ECONOMIC DEVELOPMENT,
ENVIRONMENT AND TECHNOLOGY
AND WATER, LAND AND AGRICULTURE**

February 12, 2016
1:20 P.M.
CONFERENCE ROOM 414

**SENATE BILL NO. 2799
RELATING TO INVASIVE SPECIES PROGRAM ADMINISTRATION**

Chairpersons Wakai and Gabbard and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2799. This bill will restructure the Hawaii Invasive Species Council (HISC) into a new entity called the Hawaii Invasive Species Authority, attached administratively to the Department of Agriculture. The Department strongly supports this Administration measure.

The HISC has been successful in enhancing the collaboration among the key state agencies addressing invasive species. It has also strengthened the collaboration of these agencies with counties and non-government entities in invasive species response, control, and outreach. The HISC is composed of six voting members representing state agencies and invited legislative representatives. This has allowed for participation from the public sector but excludes a private sector voice. This bill will allow for inclusion of representatives from the agricultural, nursery, conservation and native Hawaiian communities as voting members.



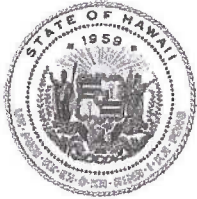
This bill will create the Hawaii Invasive Species Authority as an attached agency and will allow for the hiring of staff within the Authority to carry out the mandates of this statute. The HISC is administered by the Department of Land and Natural Resources (DLNR) and the administrative work for HISC is conducted by DLNR staff as additional duties to their other DLNR functions. Creation of the Authority will allow for dedicated staff to carry out the purposes of this bill so that their work can focus on Hawaii Invasive Species Authority mandates. The mandates of the Authority encompasses work involving multiple agencies and the private sector , and dedicated staff capacity will ensure effective fulfillment of these broad duties.

The department suggests that Section 1, §__-3(a)(6) be changed to: "Identify and record all invasive species present in the State and promulgate a list of invasive species by rule pursuant to chapter 91". The current language allows for public input into the additions and deletions to the list at §__-9 but does not address public input into the creation of the initial list. Given that this bill authorizes the entry onto private property for invasive species control and eradication, it seems that the public is entitled in the first instance to notice of which pests and species are invasive species.

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR OF HAWAII

SHAN TSUTSUI
LIEUTENANT GOVERNOR



HAWAII INVASIVE SPECIES COUNCIL
1151 PUNCHBOWL ST, #325
HONOLULU, HAWAII 96813

VOTING MEMBERS

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OFFICE OF PLANNING, DEPARTMENT OF
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TOURISM

DAVID RODRIGUEZ
DEPARTMENT OF TRANSPORTATION

TESTIMONY OF THE HAWAII INVASIVE SPECIES COUNCIL

BEFORE THE SENATE COMMITTEES ON
WATER, LAND, AND AGRICULTURE
AND
ECONOMIC DEVELOPMENT, ENVIRONMENT, AND TECHNOLOGY

1:20 PM, Friday, February 12, 2016
State Capitol, Conference Room 414

SENATE BILL 2799
RELATING TO INVASIVE SPECIES PROGRAM ADMINISTRATION

Senate Bill 2799 would restructure the Hawaii Invasive Species Council (HISC) as the Hawaii Invasive Species Authority (HISA), an agency attached administratively to the Hawaii Department of Agriculture (HDOA). **The HISC supports this Administration measure.**

The HISC was created in 2003 for the purpose of policy-level coordination and direction among state agencies. Chapter 194, HRS, establishes HISC as a voting board, and places the HISC within the Department of Land and Natural Resources for administrative purposes only. The HISC was established as a board only, with no statutory provisions for funding or staff. As such, DLNR has provided existing staff resources to effectuate the direction of the HISC. Chapter 194, HRS, establishes the board as being comprised of ex-officio members only: the chairpersons or directors (or their designees) of six state departments that deal with various aspects of the invasive species problem.

This measure would add three non-ex-officio seats to the voting board, to be appointed by the Governor, to represent conservation, agricultural, and cultural perspectives in HISA decisions. This measure would also authorize the HISA to hire staff necessary to effectuate the direction of the board, and provides an appropriation for this purpose. Rather than being administratively hosted within an existing agency, the HISA would function as a semi-autonomous entity administratively attached to an existing agency.

This measure also appropriates funds for an interagency grants program, similar to that currently operated by the HISC, and creates a special fund to allow for better administration of funds and the ability to receive funds other than legislative appropriations. The amount of funding requested for this appropriation matches the need identified by invasive species practitioners for interagency projects in FY17. Pre-proposals describing potential uses of appropriated funds were developed by researchers and project leads across various agencies, and can be found in detail on the HISC website: <http://dlnr.hawaii.gov/hisc/projects/fy17/>.

In preparation of an attached agency concept for invasive species coordination, HISC staff conducted a stakeholder survey to gather input on desired components of an enhanced coordinating entity. Stakeholder input was broadly supportive of the HISA concept as proposed in this measure, with the suggested amendment that the descriptions of the non-ex-officio members in sections -3 (20) (b) (4) (A) and -3 (20) (b) (4) (B) be broadened to describe individuals or organizational representatives representing the categories of conservation and agriculture. This amendment would allow for a larger pool of potential applicants to sit on the board of directors.



Conservation Council
for Hawai'i

Hawai'i's voice for wildlife
Kō Hawai'i / leo no nā holoholona lōhiu

Testimony Submitted to the
Senate Committee on Water, Land, and Agriculture
And Senate Committee on Economic Development, Environment, and Technology

Hearing: Friday, February 12, 2016 2 pm
Conference Room Room 414

In Support of SB 2799 Relating to Invasive Species Program Administration

Chair Wakai, Chair Gabbard, Vice Chair Slom, Vice Chair Nishihara, and Members of the
Committees.

Aloha. The Conservation Council for Hawai'i supports SB 2799, which Restructures the
Hawaii Invasive Species Council as the Hawaii Invasive Species Authority, attached
administratively 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.

Strengthening invasive species programs and policies is one of the most important
investments we can make in protecting the environment, human health, culture, and
economy.

With all due respect, the State is not doing enough to protect public trust resources from
invasive species. We urge you to appropriate a total of at least \$50,000,000 annually to
address invasive species in Hawai'i as estimated by the legislative reference bureau study
you requested entitled "Filling the Gaps in the Fight Against Invasive Species."

Please ask your colleagues to stop nickel and diming invasive species and land
management programs. And please support SB 2799.

Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler

Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Julie Leialoha | Vice President: Koalani Kaulukukui | Secretary: Wayne Tanaka

Treasurer: Ryan Belcher | Directors: Rick Barboza | Anne Huggins Walton

Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters





COORDINATING GROUP ON
ALIEN PEST SPECIES

The Senate
Committee on Economic Development, Environment, and Technology
Committee on Water, Land, and Agriculture
February 12, 2016
1:20 p.m., Conference Room 414
State Capitol

Testimony in Support of SB 2799

Aloha Chairs Wakai and Gabbard, Vice Chairs Slom and Nishihara, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) is in support of SB 2799, *Relating to Invasive Species Administration*.

With full disclosure, I have been acting as Chair pro tempore of the HISC Public Outreach Working Group since August 2015, but this testimony is on behalf of CGAPS.

With the help of the Legislature, Governor, and many, many dedicated people, the HISC has accomplished an astounding amount of work. From the start, the HISC has supported invasive species pilot projects, research, control operations, and public outreach, resulting in benefits that are difficult to quantify. They include the thousands of miconia trees that have been removed from Kaua'i, Oahu, and Maui—without HISC funding, those trees would have matured and EACH tree could have produced several million additional seeds each year. Another benefit was the formation of the Hawai'i Ant Lab. Prior to this, we had no method or pesticide that we could use to control Little Fire Ants in trees or on cliffs, and therefore, no hope of protecting high-value natural areas or public health. And HISC funding developed several other pest control treatments such as the hot water shower for agricultural commodities shipped from the Big Island. But coqui are sneaky, so when coqui slipped through, HISC funding to CGAPS and the Invasive Species Committees ensured that the public knew what they were hearing, and called to report it. HISC funding is also being used to help Big Island communities become more storm-ready by training Albizia Assassins to control albizia trees that imperil roadways, homes, power lines, and hospitals.

As good as the HISC is, we cannot say that we are winning. We see the attached agency concept as an opportunity to keep what was working with the HISC, but also to expand on these strengths and continue to try to craft a system that puts biosecurity as one of the top priorities in Hawai'i. Mahalo for your past support, and for your consideration of SB 2799.

Aloha,
Christy Martin
CGAPS



Testimony of the O'ahu Invasive Species Committee
Supporting S.B. 2799 Relating to Invasive Species Program Administration
Senate Committee on Economic Development, Environment and Technology and
the Senate Committee on Water, Land, and Agriculture
Friday February 12, 2016 1:20 PM Room 414

The O'ahu Invasive Species Committee supports S.B. 2799 which would make the current Hawai'i Invasive Species Council an attached agency to the Hawai'i Department of Agriculture. Taking HISC out of one state department and making it truly inter-agency will raise the status of invasive species prevention, control and outreach within the state, raise the status of invasive species within all state agencies outside of DLNR and HDOA, bring more stakeholders to the table, facilitate more advocacy with federal agencies, and provide mechanisms for more stable funding to on-the-ground invasive species control projects. Thank you for the opportunity to submit testimony.



7370 Kuamo'o Road • Kapa'a • Hawaii • 96746 • 808-821-1490 • www.kauaiisc.org

February 10, 2016

Testimony of Bill Lucey – Kauai Invasive Species Committee

Supporting SB2799 relating to invasive species program administration

Public Hearing: Friday, February 12, 2016, 1:20 PM

Testimony in SUPPORT

Aloha Chairs Gabbard and Wakai, Vice Chairs Nishihara and Slom and committee members. The Kauai Invasive Species Committee enthusiastically supports SB2799.

The restructuring of the Hawaii Invasive Species Council will increase the capability of the State of Hawaii to address mounting issues relating to the impacts of invasive species. The new authority will assist existing agencies by coordinating efforts, creating a comprehensive biosecurity plan and maintaining funding streams to front line projects actively managing these threats.

Such a restructuring would show full commitment from the state, acknowledging the intense economic and ecological impacts from the continuous stream of introductions both off island and intra-island. We do not want the future of Hawaii to be a swarm of cats, rats and snakes, moving through a landscape of weeds devoid of native species, farmers and tourists.

Sincerely,

Bill Lucey
Project Manager
Kauai Invasive Species Committee
University of Hawaii

Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 2799 Relating to Invasive Species Program Administration
Senate Committee on Economic Development, Environment, and Technology
Senate Committee on Water, Land, and Agriculture
Friday, February 12, 2016, 1:20PM, Room 414

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. We manage 40,000 acres in 14 preserves and work in 19 coastal communities to help protect the near-shore reefs and waters of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect Hawai'i's important watershed forests and coral reefs.

The Nature Conservancy supports S.B. 2799 to restructure the Hawai'i Invasive Species Council as the Hawaii Invasive Species Authority, attached administratively to the Department of Agriculture.

The Legislative Reference Bureau has released its update to the 2002 report *Filling the Gaps in the Fight Against Invasive Species*. The new report, *Can't See the Forest for the (Albizia) Trees: An Invasive Species Update*, can be found at: <http://lrbhawaii.org/reports/legrpts/lrb/2015/invasive.pdf>. One of the LRB's recommendations in this new report is that the Legislature consider amending the structure of the Hawai'i Invasive Species Council (HISC) to provide clearer authority to direct interagency coordination and provide resources and support for priority actions necessary in the fight against invasive species. While the HISC has had many successes, we agree that raising the status of the HISC to become the Hawai'i Invasive Species Authority, including an increased base budget for consistent staffing and programs, would be an important step forward in further addressing Hawai'i's invasive species challenges.

We also note that the LRB's report repeatedly states that a major gap in the fight against invasive species has been insufficient funding for invasive species work on the ground and for the operations and staffing of the HISC. Amongst the LRB's recommendations are a statewide biosecurity plan and for stable—even dedicated—funding to address invasive species prevention, early detection, rapid response, control, research, and outreach priorities across the state. We agree and are glad that the Department of Agriculture recently issued a request for proposals for assistance preparing the biosecurity plan.

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wakai1 - Lilinoe

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 1:58 PM
To: EET Testimony
Cc: cathyg@animalrightshawaii.org
Subject: *Submitted testimony for SB2799 on Feb 12, 2016 13:20PM*

SB2799

Submitted on: 2/9/2016

Testimony for EET/WLA on Feb 12, 2016 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Oppose	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
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To: EET Testimony
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Subject: *Submitted testimony for SB2799 on Feb 12, 2016 13:20PM*

SB2799

Submitted on: 2/10/2016

Testimony for EET/WLA on Feb 12, 2016 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Zoe Eisenpress	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
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To: EET Testimony
Cc: brandphillips@gmail.com
Subject: Submitted testimony for SB2799 on Feb 12, 2016 13:20PM

SB2799

Submitted on: 2/11/2016

Testimony for EETWLA on Feb 12, 2016 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Reese Phillips	Individual	Support	No

Comments: Esteemed Committee Members, Invasive species are an important issue for Hawaii, affecting human health, the economy, and the natural environment. The State of Hawaii has invested considerable in the effort to battle invasive species; however, the threat they pose to Hawaii is increasing. To effectively manage this threat is important to restructure the invasive species council, creating the Hawaii invasive species authority, under DOA and providing the funding necessary to accomplish the task. Therefore, I urge you to support SB2799.

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