



GOV. MSG. NO. 1336

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 9, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 9, 2024, the following bill was signed into law:

HB2619 HD1 SD1 CD1

RELATING TO AGRICULTURAL BIOSECURITY.
ACT 231

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

H.B. NO. 2619
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO AGRICULTURAL BIOSECURITY.

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

1 SECTION 1. The legislature finds that Act 163, Session
2 Laws of Hawaii 2017, known as the Clift Tsuji Act, among other
3 things, appropriated funds to the department of agriculture to
4 support the department's biosecurity program for fiscal years
5 2018 to 2019. However, the department was unable to utilize the
6 full appropriation for its programs before its lapsing at the
7 end of the appropriated period. Furthermore, the original
8 source of funds, the agricultural development and food security
9 special fund, was repealed by section 8 of Act 9, First Special
10 Session Laws of Hawaii 2021.

11 The legislature recognizes the significant impact of
12 invasive species on Hawaii's agriculture, environment, natural
13 resources, public health, and economy and supports the
14 biosecurity program under the department of agriculture.

15 The legislature further finds that the department of
16 agriculture has created the biosecurity program to fight pests



1 and prohibited or restricted organisms without a permit on
2 several fronts by:

- 3 (1) Administering pre-entry measures to minimize the risk
4 of pests and prohibited or restricted organisms
5 without a permit entering the State;
- 6 (2) Conducting port-of-entry inspections to detect and
7 quarantine or destroy pests upon arrival; and
- 8 (3) Administering post-entry measures to mitigate the
9 establishment of pests in the State.

10 The department of agriculture has also supported the growth
11 of Hawaii's agriculture industry by attempting to reduce the
12 State's dependency on imported agricultural products that may
13 contain pests.

14 Pursuant to section 150A-53, Hawaii Revised Statutes, the
15 department of agriculture is required to implement the
16 comprehensive biosecurity program to control and prevent
17 increasing threats of pests and prohibited or restricted
18 organisms without a permit from entering and spreading
19 throughout the State. While inspections are critical,
20 increasing the State's ability to prevent the entry of high-risk
21 products would enhance its ability to mitigate and manage



1 invasive pests. This is vitally important not only to protect
2 the State's fragile environment, but also to grow Hawaii's local
3 agricultural industries and to increase levels of self-
4 sufficiency and sustainability. Additionally, as the State's
5 biosecurity program continues to grow, it is critical to support
6 the department of agriculture's lead in executing the control
7 and eradication of invasive species.

8 The purpose of this Act is to:

- 9 (1) Require the department of agriculture to, among other
10 things, lead and coordinate the State's invasive pest
11 control and eradication biosecurity efforts;
- 12 (2) Appropriate funds for the biosecurity program of the
13 department of agriculture to develop and implement
14 projects to increase local agricultural production and
15 to lessen the entry of pests and prohibited or
16 restricted organisms without a permit into the State
17 on imported agricultural goods; and
- 18 (3) Appropriate funds as a grant-in-aid to each county of
19 the State to implement feral chicken control programs.

20 SECTION 2. Section 141-3.5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§141-3.5 Control or eradication programs. (a) The
2 department of agriculture shall develop and implement a detailed
3 control or eradication program for any pest designated in
4 section 141-3, using the best available technology in a manner
5 consistent with state and federal law.

6 (b) The department of agriculture shall:

- 7 (1) Lead and coordinate the State's invasive pest control
8 and eradication biosecurity efforts;
9 (2) Engage in memorandums of understanding with
10 interagency partners and private organizations;
11 (3) Approve of memorandums of understanding with submitted
12 working plans to execute control and eradication
13 programs; and
14 (4) Include in its annual report to the legislature
15 pursuant to section 150A-57 any memorandums of
16 understanding and partnerships pursuant to paragraphs
17 (2) and (3) to advance the State's invasive pest
18 control and eradication biosecurity efforts.

19 ~~(b)~~ (c) For any pest designated by emergency rule as
20 provided in section 141-3, the department of agriculture shall



1 implement an emergency program using the best available
2 technology in a manner consistent with state and federal law.

3 ~~[(e)]~~ (d) The department of agriculture:

- 4 (1) In conjunction with the ~~[Hawaii Ant Lab, may]~~
5 department of land and natural resources; department
6 of health; department of transportation; department of
7 business, economic development, and tourism;
8 university of Hawaii system; or state and privately
9 organized agencies and programs, as applicable, shall
10 identify best practices for the treatment of [little
11 fire ants; and] pests designated in section 141-3;
- 12 (2) Shall post on its website any infestation updates and
13 data, including any real-time geographic information
14 system map data, and best practices identified for the
15 treatment of [little fire ants.] pests designated in
16 section 141-3, as prioritized by the department;
- 17 (3) Shall, along with contracted parties, document past
18 responses in the department's geographic information
19 system database; provided that the information shall
20 include date, location, names of individual
21 participants, organization, activities performed, and



1 presence and absence of pests; provided further that
2 the disclosure of information shall be under the
3 jurisdiction of the department; and
4 (4) Shall, along with contracted parties, provide notice
5 to the department's pesticides branch prior to usage
6 of pesticides in the course of controlling pests.
7 Upon receipt of notification, pesticide inspectors may
8 perform random inspections to ensure compliance with
9 pesticide laws and regulations."

10 SECTION 3. Section 150A-51, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**[+]§150A-51[+]** **Biosecurity program; establishment.** The
13 department shall establish a biosecurity program authorized
14 under this chapter that shall interface with other relevant
15 state law; provided that the biosecurity program is not
16 inconsistent with federal law. The department shall act as the
17 lead agency for the State's biosecurity efforts."

18 SECTION 4. Section 150A-52, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**[+]§150A-52[+]** **Objectives of biosecurity program.** The
21 objectives of the biosecurity program shall be to:



- 1 (1) Establish a multi-dimensional system to prevent the
2 entry into the State and interisland movement of pests
3 and prohibited or restricted organisms without a
4 permit; [~~and~~]
- 5 (2) Respond effectively to eradicate, control, reduce, and
6 suppress incipient pest populations and established
7 pests and seize and dispose of prohibited or
8 restricted organisms without a permit.~~(-)~~; and
- 9 (3) Coordinate with partner agencies and organizations to
10 direct the control and eradication of invasive
11 species."

12 SECTION 5. Section 150A-57, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§150A-57 Annual report.** The department shall submit an
15 annual report on the biosecurity program to the legislature no
16 later than twenty days prior to the convening of each regular
17 session of the legislature. The report shall include:

- 18 (1) The schedule required under section 150A-56;
- 19 (2) The status of each activity required by Act 243,
20 Session Laws of Hawaii 2016, including for each
21 activity:



- 1 (A) All expenditures;
- 2 (B) Descriptions of and the purposes of any activity-
- 3 related travel;
- 4 (C) Workforce allocation; and
- 5 (D) Measure of effectiveness;
- 6 (3) Summary of interisland inspections and export
- 7 inspection activities;
- 8 (4) Projections by year of future expenditures and future
- 9 acreage to be under pest management by crop; [and]
- 10 (5) Activities yet to be completed, and, if applicable, an
- 11 explanation why they were not completed[-]; and
- 12 (6) Real-time geographic information system map data,
- 13 coordinated data collection, work plans, memorandums
- 14 of understanding, and contracts for service related to
- 15 advancing the State's invasive pest control and
- 16 eradication biosecurity efforts."

17 SECTION 6. There is appropriated out of the general
 18 revenues of the State of Hawaii the sum of ~~\$19,780,660~~ ^{\$10,000,000} or so *9/12*
 19 much thereof as may be necessary for fiscal year 2024-2025 to
 20 support the following programs and positions:



H.B. NO.

2619
H.D. 1
S.D. 1
C.D. 1

| Prog ID/Org | Position Title/Program Description | Position # | MOF | FTE (P) | FTE (T) | FY 25 \$ |
|-------------|------------------------------------|------------|-----|---------|---------|----------------------|
| AGR 122 EB | Risk Assessment | | A | | | 1,000,000 |
| AGR 122 EB | Pest Management Systems Approach | | A | | | 1,200,000 |
| AGR 122 EB | Brown Tree Snake Rapid Response | | A | | | 1,100,000 |
| AGR 122 EC | Pest Diagnostics | | A | | | 500,000 |
| AGR 122 EC | Coconut Rhinoceros Beetle Response | | A | | | 1,500,000 |
| AGR 122 EA | Green Waste | | A | | | 1,000,000 |
| AGR 122 EA | Compost Reimbursement | | A | | | 500,000 |
| AGR122 | Public Awareness Campaign | | A | | | 2,000,000 |
| AGR 122 EB | Little Fire Ants Response | | A | | | 2,500,000 |
| AGR 122 EB | Coqui Frog Response | | A | | | 100,000 |
| AGR 122 EB | Invasive Species Outreach | | A | | | 100,000 |
| AGR 122 EA | Tech Upgrades | | A | | | 2,000,000 |
| AGR 122 EB | Import Replacement Fund | | A | | | 500,000 |
| AGR 122 EA | Biosecurity Facility Planning | | A | | | 1,500,000 |
| AGR 122 EA | Rose-Ringed Parakeet | | A | | | 300,000 |
| AGR 122 EC | Two-Lined Spittlebug | | A | | | 800,000 |
| AGR 122 EB | Plant Quarantine Inspector | 95001A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95002A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95003A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95004A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95005A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95006A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95007A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95008A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95009A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95010A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95011A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95012A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95016A | A | 1.00 | | 69,096 |
| AGR 122 EB | Plant Quarantine Inspector | 95017A | A | 1.00 | | 71,016 |
| AGR 122 EB | Plant Quarantine Inspector | 95018A | A | 1.00 | | 71,016 |
| AGR 122 EB | Plant Quarantine Inspector | 95019A | A | 1.00 | | 71,016 |
| AGR 122 EB | Plant Quarantine Inspector | 95020A | A | 1.00 | | 71,016 |

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|------------|--|--------|---|------|-------------|----------------------------------|
| AGR 122 EB | Plant Quarantine Inspector | 95021A | A | 1.00 | | 71,016 |
| AGR 122 EB | Plant Quarantine Inspector | 95022A | A | 1.00 | | 71,016 |
| AGR 122 EB | Plant Quarantine Inspector | 95023A | A | 1.00 | | 76,788 |
| AGR 122 EB | Account Clerk | 95024A | A | 1.00 | | 51,864 |
| AGR 122 EB | Office Assistant | 95025A | A | 1.00 | | 37,440 |
| AGR 122 EC | Accountant | 95026A | A | 1.00 | | 60,600 |
| AGR 122 EC | Entomologist | 95027A | A | 1.00 | | 86,376 |
| AGR 122 EC | Entomologist (Plant Pest Diagnostics) | 95028A | A | 1.00 | | 101,064 |
| AGR 122 EC | Entomologist (Invasive Ant Specialist) | 95029A | A | 1.00 | | 101,064 |
| AGR 122 EC | Entomologist | 95030A | A | 1.00 | | 101,064 |
| AGR 122 EC | Entomologist | 95031A | A | 1.00 | | 101,064 |
| AGR 122 EC | Plant Pathologist | 95032A | A | 1.00 | | 86,376 |
| AGR 122 EC | Noxious Weed Specialist | 95033A | A | 1.00 | | 86,376 |
| AGR 122 ED | Planner | 95034A | A | 1.00 | | 76,788 |
| AGR 122 ED | Environmental Health Specialist | 95035A | A | 1.00 | | 86,376 |
| AGR 846 EE | Environmental Health Specialist | 95036A | A | 1.00 | | 63,096 |
| AGR 846 EE | Environmental Health Specialist | 95037A | A | 1.00 | | 63,096 |
| AGR 846 EE | Environmental Health Specialist | 95038A | A | 1.00 | | 63,096 |
| AGR 846 EE | Environmental Health Specialist | 95039A | A | 1.00 | | 63,096 |
| AGR 846 EE | Environmental Health Specialist | 95040A | A | 1.00 | | 63,096 |
| AGR 846 EE | Environmental Health Specialist | 95041A | A | 1.00 | | 63,096 |
| AGR 846 EE | Environmental Health Specialist | 95042A | A | 1.00 | | 63,096 |
| AGR 846 EE | Environmental Health Specialist | 95043A | A | 1.00 | | 63,096 |
| AGR 846 EE | Environmental Health Specialist | 95044A | A | 1.00 | | 76,788 |
| AGR 846 EE | Environmental Health Specialist | 95045A | A | 1.00 | | 86,376 |
| AGR 846 EE | Accountant | 95046A | A | 1.00 | | 68,280 |
| AGR 846 EE | Planner | 95047A | A | 1.00 | | 68,280 |
| | | | | | GRAND TOTAL | 44.00 0.00 40,780,660 |

12,966 9/2
9,279 9/2
14,877 9/2
21,594 9/2

21,594 9/2
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17,070 9/2
10,000,000 9/2

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

3 SECTION 7. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of ~~\$200,000~~ or so much
\$0 9/2

1 thereof as may be necessary for fiscal year 2024-2025 as a
2 grant-in-aid to each county as follows:

- 3 (1) ~~\$50,000~~ ^{\$0} to the city and county of Honolulu; *92*
- 4 (2) ~~\$50,000~~ ^{\$0} to the county of Hawaii; *92*
- 5 (3) ~~\$50,000~~ ^{\$0} to the county of Maui; and *92*
- 6 (4) ~~\$50,000~~ ^{\$0} to the county of Kauai, *92*

7 for the implementation of a feral chicken control program for
8 each respective county; provided that a county shall not receive
9 any funds unless matched on a dollar for dollar basis.

10 The sum appropriated shall be expended by each county for
11 the purposes of this Act.

12 SECTION 8. Persons employed in position numbers 95028A,
13 95029A, 95030A, and 95031A funded by section 6 of this Act shall
14 be exempt from chapter 76, Hawaii Revised Statutes.

15 SECTION 9. The department of agriculture shall:

- 16 (1) Submit a report on the programs and positions funded
17 by section 6 of this Act, and any proposed
18 legislation, to the legislature no later than twenty
19 days prior to the convening of the regular session of
20 2025;



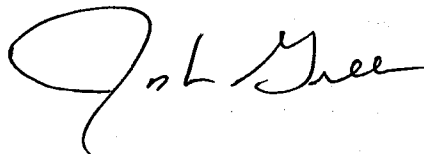
1 (2) Submit a report on all expenditures from and uses of
2 the pest inspection, quarantine, and eradication fund
3 (AGR304) to the legislature no later than twenty days
4 prior to the convening of the regular session of 2025
5 to facilitate the program's conversion to general
6 funds; and

7 (3) Document in the department's geographic information
8 system database all contracts for invasive species
9 response.

10 SECTION 10. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 11. This Act shall take effect on July 1, 2024.

APPROVED this 9th day of July , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 2619, HD 1, SD 1, CD 1


THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives

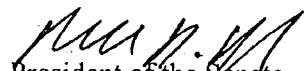


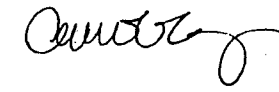
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate