

ACT 109

S.B. NO. 2486

A Bill for an Act Relating to Invasive Species.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 85, Session Laws of Hawaii 2003, is amended by amending section 3 to read as follows:

“SECTION 3. (a) There is established [~~a temporary~~] the invasive species council for the special purpose of providing policy level direction, coordination, and planning among state departments, federal agencies, and international and local initiatives for the control and eradication of harmful invasive species infestations throughout the State and for preventing the introduction of other invasive species that may be potentially harmful. The council shall:

- (1) Maintain a broad overview of the invasive species problem in the State;
- (2) Advise, consult, and coordinate invasive species-related efforts with and between the departments of agriculture, land and natural resources, health, and transportation, as well as state, federal, international, and privately organized programs and policies;
- (3) Identify and prioritize each lead agency's organizational and resource shortfalls with respect to invasive species;
- (4) After consulting with appropriate state agencies, create and implement a plan that includes the prevention, early detection, rapid response, control, enforcement, and education of the public with respect to invasive species, as well as fashion a mission statement articulating the State's position against invasive species;
- (5) Coordinate and promote the State's position with respect to federal issues, including:
 - (A) Quarantine preemption;

- (B) International trade agreements that ignore the problem of invasive species in Hawaii;
 - (C) First class mail inspection prohibition;
 - (D) Whether quarantine of domestic pests arriving from the mainland should be provided by the federal government;
 - (E) Coordinating efforts with federal agencies to maximize resources and reduce or eliminate system gaps and leaks, including deputizing the United States Department of Agriculture's plant protection and quarantine inspectors to enforce Hawaii's laws;
 - (F) Promoting the amendment of federal laws as necessary, including the Lacey Act Amendments of 1981, Title 16 United States Code sections 3371-3378; Public Law 97-79, and laws related to inspection of domestic airline passengers, baggage, and cargo; and
 - (G) Coordinating efforts and issues with the federal Invasive Species Council and its National Invasive Species Management Plan;
- (6) Identify and record all invasive species present in the State;
 - (7) Designate the department of agriculture, health, or land and natural resources as the lead agency for each function of invasive species control, including prevention, rapid response, eradication, enforcement, and education;
 - (8) Identify all state, federal, and other moneys expended for the purposes of the invasive species problem in the State;
 - (9) Identify all federal and private funds available to the State to fight invasive species and advise and assist state departments to acquire these funds;
 - (10) Advise the governor and legislature on budgetary and other issues regarding invasive species;
 - (11) Provide annual reports on budgetary and other related issues to the legislature twenty days prior to each regular session;
 - (12) Include and coordinate with the counties in the fight against invasive species to increase resources and funding and to address county-sponsored activities that involve invasive species;
 - (13) Review state agency mandates and commercial interests that sometimes call for the maintenance of potentially destructive alien species as resources for sport hunting, aesthetic resources, or other values;
 - (14) Review the structure of fines and penalties to ensure maximum deterrence for invasive species-related crimes;
 - (15) Suggest appropriate legislation to improve the State's administration of invasive species programs and policies;
 - (16) Incorporate and expand upon the department of agriculture's weed risk assessment protocol to the extent appropriate for the council's invasive species control and eradication efforts; and
 - (17) Perform any other function necessary to effectuate the purposes of this Act.

(b) ~~[The council members shall be appointed by the governor not later than January 1, 2004.]~~ The council shall be ~~[administratively attached to the office of the governor]~~ placed within the department of land and natural resources for administrative purposes only and shall be composed of:

- (1) The president of the University of Hawaii, or the president's designated representative;
- (2) The director, or the director's designated representative, of each of the following departments:
 - (A) Business, economic development, and tourism;
 - (B) Health; and

- (C) Transportation; and
- (3) The chairperson, or the chairperson’s designated representative, of each of the following departments:
 - (A) Agriculture; and
 - (B) Land and natural resources.
- (c) Representatives of federal agencies, the legislature, and members of the private sector shall be asked to participate or consulted for advice and assistance. Representatives of the legislature shall consist of eight members, as follows:
 - (1) Four senators, one from each county, to be selected by the senate president; and
 - (2) Four representatives, one from each county, to be selected by the speaker of the house of representatives.
- (d) The council shall meet no less than twice annually to discuss and assess progress and recommend changes to the invasive species programs based on results of current risk assessments, performance standards, and other relevant data. Notwithstanding any law to the contrary:
 - (1) A simple majority of voting members of the council shall constitute a quorum to do business; and
 - (2) Any action taken by the council shall be by a simple majority of the voting members.
- (e) The council shall submit a report of its activities to the governor and legislature annually.”

SECTION 2. Section 12 of Act 85, Session Laws of Hawaii 2003, as amended by section 16 of Act 10, Session Laws of Hawaii 2004, is amended to read as follows:

“SECTION 12. This Act shall take effect upon its approval [~~and, except for sections 9 and 10, shall be repealed on July 1, 2008.~~].”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 18, 2006.)