

ACT 231

H.B. NO. 2619

A Bill for an Act Relating to Agricultural Biosecurity.

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

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 Furthermore, the original source of funds, the agricultural development and food security special fund, was repealed by section 8 of Act 9, First Special Session Laws of Hawaii 2021.

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

The legislature further finds that the department of agriculture has created the biosecurity program to fight pests and prohibited or restricted organisms without a permit on several fronts by:

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

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

Pursuant to section 150A-53, Hawaii Revised Statutes, the department of agriculture is required to implement the comprehensive biosecurity program to control and prevent increasing threats of pests and prohibited or restricted organisms without a permit from entering and spreading throughout the State. While inspections are critical, increasing the State's ability to prevent the entry of high-risk products would enhance its ability to mitigate and manage invasive pests. This is vitally important not only to protect the State's fragile environment, but also to grow Hawaii's local agricultural industries and to increase levels of self-sufficiency and sustainability. Additionally, as the State's biosecurity program continues to grow, it is critical to support the department of agriculture's lead in executing the control and eradication of invasive species.

The purpose of this Act is to:

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

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

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

(b) The department of agriculture shall:

- (1) Lead and coordinate the State's invasive pest control and eradication biosecurity efforts;
- (2) Engage in memorandums of understanding with interagency partners and private organizations;
- (3) Approve of memorandums of understanding with submitted working plans to execute control and eradication programs; and

- (4) Include in its annual report to the legislature pursuant to section 150A-57 any memorandums of understanding and partnerships pursuant to paragraphs (2) and (3) to advance the State's invasive pest control and eradication biosecurity efforts.

~~[(b)]~~ (c) For any pest designated by emergency rule as provided in section 141-3, the department of agriculture shall implement an emergency program using the best available technology in a manner consistent with state and federal law.

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

- (1) In conjunction with the ~~[Hawaii Ant Lab, may]~~ department of land and natural resources; department of health; department of transportation; department of business, economic development, and tourism; university of Hawaii system; or state and privately organized agencies and programs, as applicable, shall identify best practices for the treatment of ~~[little fire ants; and]~~ pests designated in section 141-3;
- (2) Shall post on its website any infestation updates and data, including any real-time geographic information system map data, and best practices identified for the treatment of ~~[little fire ants.]~~ pests designated in section 141-3, as prioritized by the department;
- (3) Shall, along with contracted parties, document past responses in the department's geographic information system database; provided that the information shall include date, location, names of individual participants, organization, activities performed, and presence and absence of pests; provided further that the disclosure of information shall be under the jurisdiction of the department; and
- (4) Shall, along with contracted parties, provide notice to the department's pesticides branch prior to usage of pesticides in the course of controlling pests. Upon receipt of notification, pesticide inspectors may perform random inspections to ensure compliance with pesticide laws and regulations."

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

“[H]§150A-51 Biosecurity program; establishment. The department shall establish a biosecurity program authorized under this chapter that shall interface with other relevant state law; provided that the biosecurity program is not inconsistent with federal law. The department shall act as the lead agency for the State's biosecurity efforts.”

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

“[H]§150A-52 Objectives of biosecurity program. The objectives of the biosecurity program shall be to:

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

ACT 231

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

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

- (1) The schedule required under section 150A-56;
- (2) The status of each activity required by Act 243, Session Laws of Hawaii 2016, including for each activity:
 - (A) All expenditures;
 - (B) Descriptions of and the purposes of any activity-related travel;
 - (C) Workforce allocation; and
 - (D) Measure of effectiveness;
- (3) Summary of interisland inspections and export inspection activities;
- (4) Projections by year of future expenditures and future acreage to be under pest management by crop; ~~and~~
- (5) Activities yet to be completed, and, if applicable, an explanation why they were not completed[-]; and
- (6) Real-time geographic information system map data, coordinated data collection, work plans, memorandums of understanding, and contracts for service related to advancing the State’s invasive pest control and eradication biosecurity efforts.”

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of ~~\$19,780,660~~ \$10,000,000¹ or so much thereof as may be necessary for fiscal year 2024-2025 to support the following programs and positions:

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FTE (T)	FY 25 \$
AGR 122 EB	Risk Assessment		A			1,000,000 240,000 ¹
AGR 122 EB	Pest Management Systems Approach		A			1,200,000 800,000 ¹
AGR 122 EB	Brown Tree Snake Rapid Response		A			1,100,000 240,000 ¹
AGR 122 EC	Pest Diagnostics		A			500,000 240,000 ¹
AGR 122 EC	Coconut Rhinoceros Beetle Response		A			1,500,000 1,200,000 ¹
AGR 122 EA	Green Waste		A			1,000,000 800,000 ¹
AGR 122 EA	Compost Reimbursement		A			500,000 400,000 ¹
AGR 122	Public Awareness Campaign		A			2,000,000 0 ¹
AGR 122 EB	Little Fire Ants Response		A			2,500,000 1,500,000 ¹
AGR 122 EB	Coqui Frog Response		A			100,000 74,355 ¹

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FTE (T)	FY 25 \$
AGR 122 EB	Invasive Species Outreach		A			100,000 0 ¹
AGR 122 EA	Tech Upgrades		A			2,000,000 800,000 ¹
AGR 122 EB	Import Replacement Fund		A			500,000 0 ¹
AGR 122 EA	Biosecurity Facility Planning		A			1,500,000 600,000 ¹
AGR 122 EA	Rose-Ringed Parakeet		A			300,000
AGR 122 EC	Two-Lined Spittlebug		A			800,000 600,000 ¹
AGR 122 EB	Plant Quarantine Inspector	95001A	A	1.00		69,096 34,548 ¹
AGR 122 EB	Plant Quarantine Inspector	95002A	A	1.00		69,096 34,548 ¹
AGR 122 EB	Plant Quarantine Inspector	95003A	A	1.00		69,096 34,548 ¹
AGR 122 EB	Plant Quarantine Inspector	95004A	A	1.00		69,096 34,548 ¹
AGR 122 EB	Plant Quarantine Inspector	95005A	A	1.00		69,096 34,548 ¹
AGR 122 EB	Plant Quarantine Inspector	95006A	A	1.00		69,096 51,822 ¹
AGR 122 EB	Plant Quarantine Inspector	95007A	A	1.00		69,096 51,822 ¹
AGR 122 EB	Plant Quarantine Inspector	95008A	A	1.00		69,096 51,822 ¹
AGR 122 EB	Plant Quarantine Inspector	95009A	A	1.00		69,096 51,822 ¹
AGR 122 EB	Plant Quarantine Inspector	95010A	A	1.00		69,096 51,822 ¹
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

ACT 231

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FTE (T)	FY 25 \$
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
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 12,966 ¹
AGR 122 EB	Office Assistant	95025A	A	1.00		37,116 9,279 ¹
AGR 122 EC	Accountant	95026A	A	1.00		59,508 14,877 ¹
AGR 122 EC	Entomologist	95027A	A	1.00		86,376 21,594 ¹
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 21,594 ¹
AGR 122 EC	Noxious Weed Specialist	95033A	A	1.00		86,376 21,594 ¹
AGR 122 ED	Planner	95034A	A	1.00		76,788 19,197 ¹
AGR 122 ED	Environmental Health Specialist	95035A	A	1.00		86,376 21,594 ¹
AGR 846 EE	Environmental Health Specialist	95036A	A	1.00		63,096 15,774 ¹
AGR 846 EE	Environmental Health Specialist	95037A	A	1.00		63,096 15,774 ¹
AGR 846 EE	Environmental Health Specialist	95038A	A	1.00		63,096 15,774 ¹

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FTE (T)	FY 25 \$
AGR 846 EE	Environmental Health Specialist	95039A	A	1.00		63,096 15,774 ¹
AGR 846 EE	Environmental Health Specialist	95040A	A	1.00		63,096 15,774 ¹
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 17,070 ¹
		GRAND TOTAL		44.00	0.00	19,780,660 10,000,000¹

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

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000 \$0¹ or so much thereof as may be necessary for fiscal year 2024-2025 as a grant-in-aid to each county as follows:

- (1) \$50,000 \$0¹ to the city and county of Honolulu;
- (2) \$50,000 \$0¹ to the county of Hawaii;
- (3) \$50,000 \$0¹ to the county of Maui; and
- (4) \$50,000 \$0¹ to the county of Kauai,

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

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

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

SECTION 9. The department of agriculture shall:

- (1) Submit a report on the programs and positions funded by section 6 of this Act, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2025;
- (2) Submit a report on all expenditures from and uses of the pest inspection, quarantine, and eradication fund (AGR304) to the legisla-

ACT 231

ture no later than twenty days prior to the convening of the regular session of 2025 to facilitate the program's conversion to general funds; and

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

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

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

(Approved July 9, 2024.)

Note

1. Item vetoed, replaced, and initialed "JG".