
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 and to effectively implement the Hawaii
8 interagency biosecurity plan.

9 The legislature recognized invasive species as a multi-
10 agency issue following the issuance of the 2002 legislative
11 reference bureau report entitled, "Filling the Gaps in the Fight
12 Against Invasive Species," which recommended the creation of an
13 interagency coordinating body with dedicated staff and funding.
14 In 2003, the legislature created the Hawaii invasive species
15 council for coordination purposes, but did not establish
16 dedicated staff or provide funding. The council has been
17 administered by the department of land and natural resources and



1 has received appropriations with varying levels of general and
2 special funds to support interagency mitigation projects. In
3 2015, the legislative reference bureau released an additional
4 report entitled, "Can't See the Forest for the (Albizia) Trees:
5 An Invasive Species Update," which again recommended the
6 establishment of a coordinating body with adequate staff and
7 funding.

8 Improved biosecurity and invasive species management are
9 central goals of the governor's sustainable Hawaii initiative,
10 the department of agriculture's new Hawaii interagency
11 biosecurity plan, and the Aloha+ challenge adopted by the
12 legislature in 2014. Building on the model of the Hawaii
13 invasive species council by adding additional expertise, staff,
14 and funding resources would allow the State to effectively
15 implement and track outcomes of the Hawaii interagency
16 biosecurity plan, provide centralized data collection and
17 management for multi-agency invasive species programs, improve
18 emergency response coordination, and better engage industries
19 and the public in invasive species reporting and mitigation.

20 Accordingly, the purpose of this Act is to restructure the
21 Hawaii invasive species council into a new entity, the Hawaii



1 invasive species authority, administratively attached to the
2 department of agriculture. The establishment of the authority
3 will expand upon the existing council model by adding expertise
4 to the interagency board of directors, authorizing the board to
5 hire staff as necessary, and mandating new duties relating to
6 the coordination of interagency invasive species and biosecurity
7 efforts.

8 SECTION 2. The Hawaii Revised Statutes is amended by
9 adding a new chapter to be appropriately designated and to read
10 as follows:

11 "CHAPTER

12 INVASIVE SPECIES AUTHORITY

13 § -1 Administration of chapter. The Hawaii invasive
14 species authority shall administer this chapter.

15 § -2 Definitions. As used in this chapter, unless the
16 context requires otherwise:

17 "Authority" means the Hawaii invasive species authority
18 established by section -3.

19 "Biosecurity" means the set of measures taken to manage the
20 risk from invasive species to the State's economy and



1 environment and the health and lifestyle of people in the
2 State.

3 "Department" means any governmental entity whose
4 representative or designee is a member of the authority.

5 "Invasive species" means a species that is not native to
6 Hawaii and whose introduction causes or is likely to cause
7 economic or environmental harm or harm to human health.

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

- 17 (1) Maintain a broad overview of the invasive species
18 problem in the State;
19 (2) Identify invasive species present in the State;



- 1 (3) Adopt criteria for the designation of certain invasive
2 species for control or eradication by rules adopted
3 pursuant to chapter 91;
- 4 (4) Adopt a list of invasive species designated pursuant
5 to paragraph (3), by rule;
- 6 (5) Advise, consult, and coordinate invasive
7 species-related efforts with and between the
8 department of agriculture; department of land and
9 natural resources; department of health; department of
10 transportation; department of business, economic
11 development, and tourism; and University of Hawaii, as
12 well as other state, federal, international, and
13 privately organized entities and programs;
- 14 (6) Designate lead agencies pursuant to section -4 and
15 identify and prioritize each lead agency's
16 organizational and resource shortfalls with respect to
17 invasive species;
- 18 (7) Coordinate with departments and stakeholders the
19 implementation of the Hawaii interagency biosecurity
20 plan developed by the department of agriculture, and



- 1 track progress and outcomes related to implementation
2 of the plan;
- 3 (8) Serve as a multiagency coordinating system for
4 interagency emergency responses to invasive species
5 and, for a given response, designate roles and
6 responsibilities of individual departments;
- 7 (9) Advise the governor and legislature on budgetary and
8 other issues regarding invasive species;
- 9 (10) Suggest appropriate legislation to improve the State's
10 administration of invasive species programs and
11 policies;
- 12 (11) Incorporate and expand upon the Hawaii-Pacific weed
13 risk assessment protocol to the extent appropriate for
14 the authority's biosecurity efforts;
- 15 (12) Provide a central repository for the collection and
16 management of relevant summary data from invasive
17 species programs in the State;
- 18 (13) Develop and implement an online resource for public
19 reporting of invasive species and for the sharing of
20 information relating to the State's multi-agency
21 biosecurity and invasive species programs;



- 1 (14) Implement an interagency budget for projects that
2 address gaps between agency mandates or support
3 research related to invasive species;
- 4 (15) Coordinate and promote the State's position with
5 respect to federal issues, including:
- 6 (A) Quarantine preemption;
- 7 (B) International trade agreements that ignore the
8 problem of invasive species in Hawaii;
- 9 (C) First class mail inspection prohibitions;
- 10 (D) Coordinating efforts with federal agencies to
11 maximize resources and reduce or eliminate system
12 gaps and leaks, including deputizing the United
13 States Department of Agriculture's plant
14 protection and quarantine inspectors to enforce
15 Hawaii's laws;
- 16 (E) Promoting the amendment of federal laws as
17 necessary, including the Lacey Act Amendments of
18 1981, title 16 United States Code sections 3371
19 to 3378, Public Law 97-79, as amended, and laws
20 related to the inspection of domestic airline
21 passengers, baggage, and cargo; and



1 (F) Coordinating efforts and responses to issues with
2 the National Invasive Species Council and its
3 National Invasive Species Management Plan;

4 (16) Coordinate with the counties in the fight against
5 invasive species to increase resources and funding and
6 to address county-sponsored activities that involve
7 invasive species; and

8 (17) Perform any other function necessary to effectuate the
9 purposes of this chapter.

10 (b) The authority shall be placed within the department of
11 agriculture for administrative purposes only, as provided in
12 section 26-35. The authority shall be composed of nine members
13 as follows:

14 (1) The president of the University of Hawaii, or the
15 president's designee;

16 (2) The director of business, economic development, and
17 tourism, or the director's designee;

18 (3) The director of health, or the director's designee;

19 (4) The director of transportation, or the director's
20 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) An individual representing the interests of
8 natural resource conservation;

9 (B) An individual representing the interests of
10 agriculture or horticulture; and

11 (C) An individual with expertise in native Hawaiian
12 cultural practices.

13 (c) The chairpersons of the board of land and natural
14 resources and the board of agriculture shall act as
15 co-chairpersons of the authority.

16 (d) The members of the authority other than ex officio
17 members or their designees shall serve without pay, but shall be
18 reimbursed upon request for their actual and necessary expenses,
19 including travel expenses, incurred in carrying out their
20 duties.



1 (e) Representatives of the Hawaii harbor users group and
2 Airlines Committee of Hawaii, Inc., shall be asked to
3 participate as non-voting members in discussions regarding
4 harbors and airports, respectively, and federal agencies, the
5 legislature, and county agencies may be asked to participate in
6 meetings of the authority or be consulted for advice and
7 assistance.

8 (f) The authority shall meet not less than twice annually.

9 (g) No later than twenty days prior to the convening of
10 each regular legislative session, the authority shall submit a
11 report to the governor and legislature detailing its activities
12 as well as budgetary and other issues relating to invasive
13 species.

14 (h) Without regard to the requirements of chapters 76 and
15 89, the authority may hire employees necessary to perform its
16 duties, including but not limited to an executive director.
17 The executive director shall serve at the pleasure of the
18 authority, and the salary of the executive director shall be set
19 by the authority. Through its executive director, the
20 authority may appoint officers, agents, and employees, prescribe
21 their duties and qualifications, and set their salaries, without



1 regard to chapters 76 and 89. Notwithstanding section 26-35,
2 the executive director may represent the authority in
3 communications with the governor and the legislature.

4 (i) The authority may delegate to its employees, by formal
5 action, power and authority vested in the authority by this
6 chapter as the authority deems reasonable and proper for the
7 effective administration of this chapter.

8 § -4 **Lead agencies; designation; accountability.** The
9 authority may designate a state department as a lead agency for
10 a particular interagency response effort under section
11 -3(a)(6), with respect to a particular function of invasive
12 species control. A lead agency shall have administrative
13 responsibility and accountability for that designated function
14 of invasive species control. The lead agency shall coordinate
15 with other departments and federal and private agencies to
16 control or eradicate the designated invasive species.

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



1 identified by the authority for control or eradication and found
2 on any public or private premises or in any aircraft or vessel
3 landed or docked in waters of the State.

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

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

18 (c) A state department may cause notice to be given and
19 order a property owner to control or eradicate an invasive
20 species at the owner's expense within a reasonable time as the
21 department may deem proper, pursuant to the notice



1 requirements of this section, if that species was
2 intentionally and knowingly established by the owner on the
3 owner's property and not naturally dispersed from neighboring
4 properties.

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

16 (e) A state department may recover by appropriate
17 proceedings the expenses incurred from any owner who, after
18 proper notice, has failed to comply with the department's
19 order.



1 (f) In no case shall a state department or any officer or
2 agent thereof be liable for costs in any action or proceeding
3 that may be commenced pursuant to this chapter.

4 § -7 **Entry; public property.** (a) Whenever any invasive
5 species is found on state or county property or on a public
6 highway, street, lane, alley, or other public place
7 controlled by the State or a county, notice shall be given by
8 a state department or its agent, as the case may be, to the
9 person officially in charge thereof, and the person shall
10 immediately control or eradicate the invasive species as
11 directed by the department.

12 (b) In case of a failure to control or eradicate the
13 invasive species to the satisfaction of the department, the
14 procedure shall be the same as provided in section -6.

15 § -8 **Rules.** The authority may adopt rules pursuant to
16 chapter 91 to effectuate this chapter."

17 SECTION 3. Any ongoing actions or obligations of the
18 Hawaii invasive species council shall be transferred to the
19 Hawaii invasive species authority upon the effective date of
20 this Act.



1 SECTION 4. All appropriations, records, equipment,
 2 machines, files, supplies, contracts, books, papers, documents,
 3 maps, and other personal property heretofore made, used,
 4 acquired, or held by the Hawaii invasive species council
 5 relating to the functions transferred to the Hawaii invasive
 6 species authority shall be transferred with the functions to
 7 which they relate.

8 SECTION 5. Chapter 194, Hawaii Revised Statutes, is
 9 repealed.

10 SECTION 6. There is appropriated out of the general
 11 revenues of the State of Hawaii the sum of \$ or so
 12 much thereof as may be necessary for fiscal year 2017-2018 and
 13 the same sum or so much thereof as may be necessary for fiscal
 14 year 2018-2019 for the hiring of necessary staff and other
 15 expenses of the Hawaii invasive species authority.

16 The sums appropriated shall be expended by the department
 17 of agriculture for the purposes of this Act.

18 SECTION 7. There is appropriated out of the general
 19 revenues of the State of Hawaii the sum of \$ or so
 20 much thereof as may be necessary for fiscal year 2017-2018 and
 21 the same sum or so much thereof as may be necessary for fiscal



1 year 2018-2019 for interagency projects and research related to
2 invasive species, as described in section -3(a)(14), Hawaii
3 Revised Statutes, in section 2 of this Act and as directed by the
4 Hawaii invasive species authority.

5 The sums appropriated shall be expended by the department
6 of agriculture for the purposes of this Act; provided that
7 portions of this appropriation may be transferred to other
8 departments to implement the directions of the Hawaii invasive
9 species authority.

10 SECTION 8. This Act shall take effect on July 1, 2017.

11



Report Title:

Hawaii Invasive Species Authority; Established; Hawaii Invasive Species Council; Abolished; Appropriations

Description:

Restructures the Hawaii Invasive Species Council as the Hawaii Invasive Species Authority to coordinate implementation of the Hawaii Interagency Biosecurity Plan and related duties. Appropriates funds. (SD1)

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