
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 PART I

2 SECTION 1. There is appropriated out of the general
3 revenues of the State of Hawaii the sum of \$ or so much
4 thereof as may be necessary for fiscal year 2018-2019 for
5 outreach and education efforts in west Hawaii county regarding
6 the detection and treatment of little fire ants.

7 The sum appropriated shall be expended by the department of
8 agriculture for the purposes of this part.

9 SECTION 2. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so much
11 thereof as may be necessary for fiscal year 2018-2019 to the
12 Hawaii ant lab of the Pacific cooperative studies unit of the
13 University of Hawaii, to support mitigation of the little fire
14 ant, which shall be allocated as follows:

15 (1) \$ for six full-time equivalent (6.0 FTE)
16 positions to maintain on-going statewide mitigation
17 activities, vehicle and operating costs of public



1 outreach and treatment, ant baits, field equipment and
2 personal protective equipment, and computers and
3 printers; and

4 (2) \$ for one full-time equivalent (1.0 FTE)
5 position to expand mitigation and community support
6 activities in west Hawaii.

7 The sum appropriated shall be expended by the University of
8 Hawaii for the purposes of this part.

9 PART II

10 SECTION 3. The legislature reaffirms that the invasion of
11 Hawaii by insects, disease-bearing organisms, snakes, weeds, and
12 other pests is a severe threat to Hawaii's economy and natural
13 environment and to the health and lifestyle of Hawaii's people.
14 The legislature finds that action is needed to improve the
15 State's programs to mitigate the threats and impacts of invasive
16 species and to effectively implement the Hawaii interagency
17 biosecurity plan.

18 The legislature recognized invasive species as a multi-
19 agency issue following the 2002 legislative reference bureau
20 report titled, "Filling the Gaps in the Fight Against Invasive
21 Species", which recommended the creation of an interagency



1 coordinating body with dedicated staff and funding. In 2003,
2 the legislature created the Hawaii invasive species council for
3 coordination purposes, but did not establish dedicated staff or
4 funding. The council has been administered by the department of
5 land and natural resources and has been appropriated varying
6 levels of general and special funds to support interagency
7 mitigation projects. In 2015, the legislative reference bureau
8 released an additional report titled, "Can't See the Forest for
9 the (Albizia) Trees: an Invasive Species Update", again
10 recommending the establishment of a coordinating body with
11 adequate staff and funding.

12 Improved biosecurity and invasive species management are
13 central goals of the governor's sustainable Hawaii initiative,
14 the department of agriculture's new Hawaii interagency
15 biosecurity plan, and the Aloha+ Challenge adopted by the
16 legislature in 2014. Building on the model of the Hawaii
17 invasive species council by adding additional expertise to the
18 board, as well as staff and funding resources, will allow the
19 State to effectively implement and track outcomes of the Hawaii
20 interagency biosecurity plan, provide centralized data
21 collection and management for multi-agency invasive species



1 programs, better support emergency responses implemented by
2 departments, and better engage industries and the public in
3 invasive species reporting and mitigation.

4 The purpose of this part is to restructure the Hawaii
5 invasive species council into a new entity, the Hawaii invasive
6 species authority, attached administratively to the department
7 of agriculture. The establishment of the authority will expand
8 upon the existing council model by adding additional expertise
9 to the interagency board of directors, authorizing the board to
10 hire staff as necessary, and mandating new duties relating to
11 the coordination of the interagency biosecurity plan.

12 SECTION 4. The Hawaii Revised Statutes is amended by
13 adding a new chapter to be appropriately designated and to read
14 as follows:

15 **"CHAPTER**

16 **HAWAII INVASIVE SPECIES AUTHORITY**

17 **§ -1 Administration of chapter.** The Hawaii invasive
18 species authority shall administer this chapter.

19 **§ -2 Definitions.** As used in this chapter, unless the
20 context requires otherwise:



1 "Authority" means the Hawaii invasive species authority
2 established by section -3.

3 "Biosecurity" means the set of measures taken to manage the
4 risk from invasive species to the economy, environment, and
5 health and lifestyle of the people.

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

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

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

19 (1) Maintain a broad overview of the invasive species
20 problem in the State;



- 1 (2) Identify invasive species present in the State and
2 adopt a list of invasive species designated for
3 control or eradication, by rule, according to criteria
4 for the designation established by rule, pursuant to
5 chapter 91;
- 6 (3) Advise, consult, and coordinate invasive species-
7 related efforts with and among the departments of
8 agriculture; land and natural resources; health;
9 transportation; business, economic development, and
10 tourism; and the University of Hawaii, as well as
11 state, federal, international, and privately organized
12 programs and entities;
- 13 (4) Coordinate among departments and stakeholders the
14 implementation of the Hawaii interagency biosecurity
15 plan developed by the department of agriculture, and
16 track progress and outcomes related to implementation
17 of the plan;
- 18 (5) Serve as a multiagency coordinating system for
19 interagency emergency responses to invasive species
20 and, for a given response, designate roles and
21 responsibilities of individual departments;



- 1 (6) Advise the governor and legislature on budgetary and
2 other issues regarding invasive species;
- 3 (7) Suggest appropriate legislation to improve the State's
4 administration of invasive species programs and
5 policies;
- 6 (8) Incorporate and expand upon the Hawaii-Pacific weed
7 risk assessment protocol to the extent appropriate for
8 the authority's biosecurity efforts;
- 9 (9) Provide a central repository for the collection and
10 management of relevant summary data from invasive
11 species programs in the State;
- 12 (10) Develop and implement an online resource for public
13 reporting of invasive species and for the sharing of
14 information relating to the State's multi-agency
15 biosecurity and invasive species programs;
- 16 (11) Implement an interagency budget for projects that
17 address gaps between agency mandates or support
18 research related to invasive species;
- 19 (12) Coordinate and promote the State's position with
20 respect to federal issues, including:
21 (A) Quarantine preemption;



- 1 (B) International trade agreements that ignore the
2 problem of invasive species in Hawaii;
- 3 (C) First class mail inspection prohibition;
- 4 (D) Coordinating efforts with federal agencies to
5 maximize resources and reduce or eliminate system
6 gaps and leaks, including deputizing the United
7 States Department of Agriculture's plant
8 protection and quarantine inspectors to enforce
9 Hawaii's laws;
- 10 (E) Promoting the amendment of federal laws as
11 necessary, including the Lacey Act Amendments of
12 1981, Title 16 United States Code sections
13 3371-3378; Public Law 97-79, and laws related to
14 inspection of domestic airline passengers,
15 baggage, and cargo; and
- 16 (F) Coordinating efforts and issues with the National
17 Invasive Species Council and its National
18 Invasive Species Management Plan;
- 19 (13) Coordinate with the counties in the fight against
20 invasive species to increase resources and funding and



1 to address county-sponsored activities that involve
2 invasive species; and

3 (14) Perform any other function necessary to effectuate the
4 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 the following
8 nine members:

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

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

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

14 (4) The director of transportation, or the director's
15 designee;

16 (5) The chairperson of the board of agriculture, or the
17 chairperson's designee;

18 (6) The chairperson of the board of land and natural
19 resources, or the chairperson's designee; and

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



1 (A) An individual representing the interests of
2 natural resource conservation;

3 (B) An individual representing the interests of
4 agriculture or horticulture; and

5 (C) An individual with expertise in native Hawaiian
6 cultural practices.

7 (c) The chairpersons of the board of land and natural
8 resources and the board of agriculture shall act as co-
9 chairpersons of the authority.

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

15 (e) Representatives of federal agencies, the legislature,
16 and county agencies may be asked to participate in meetings of
17 the authority or be consulted for advice and assistance.

18 (f) The authority shall meet no less than twice annually.

19 (g) The authority shall submit a report to the governor
20 and legislature no later than twenty days prior to the convening
21 of each regular session of the legislature detailing its



1 activities as well as budgetary and other issues relating to
2 invasive species.

3 (h) The authority, without regard to the requirements of
4 chapters 76 and 89, may hire employees, including an executive
5 director, necessary to perform the duties of the authority. The
6 executive director shall serve at the pleasure of the authority,
7 and the salary of the executive director shall be set by the
8 authority. The authority, through its executive director, may
9 appoint officers, agents, and employees; prescribe their duties
10 and qualifications; and set their salaries, without regard to
11 chapters 76 and 89. Notwithstanding section 26-35 to the
12 contrary, the executive director may represent the authority in
13 communications with the governor and the legislature. The
14 authority may delegate to its employees, by formal action, the
15 power and authority vested in the authority by this chapter as
16 the authority deems reasonable and proper for the effective
17 administration of this chapter.

18 **§ -4 Lead agencies; accountability.** A state department
19 that is designated as a lead agency for a particular interagency
20 response effort under section -3(a)(5), with respect to a
21 particular function of invasive species control, shall have



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

6 **§ -5 Relation of chapter to other laws.** Notwithstanding
7 any other law to the contrary, and in addition to any other
8 authority provided by law that is not inconsistent with the
9 purposes of this chapter, a department is authorized to examine,
10 control, and eradicate all instances of invasive species
11 identified by the authority for control or eradication and found
12 on any public or private premises or in any aircraft or vessel
13 landed or docked in waters of the State.

14 **§ -6 Entry; private property.** (a) Whenever any
15 invasive species identified by the authority for control or
16 eradication is found on private property, a department or its
17 authorized agent may enter the premises to control or eradicate
18 the invasive species after reasonable notice is given to the
19 owner of the property and, if entry is refused, pursuant to a
20 court order as provided in subsection (d).



1 (b) A duplicate of the notice given shall be left with one
2 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 the 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 a
13 reasonable time as the department may deem proper, pursuant to
14 the notice requirements of this section.

15 (d) If the owner who is provided notice pursuant to this
16 section fails to comply with the order of the department within
17 the time specified by the department, or if entry is refused
18 after notice is given pursuant to subsection (a) and, if
19 applicable, subsection (b), the department may apply to the
20 district court of the circuit in which the property is situated
21 for a warrant, directed to any police officer of the circuit,



1 commanding the police officer to take sufficient aid and to
2 assist the department member or its agent in gaining entry onto
3 the premises, and executing measures to control or eradicate the
4 invasive species.

5 (e) The department may recover by appropriate proceedings
6 its expenses incurred due to any owner who, after proper notice,
7 fails to comply with the department's order.

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

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

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



1 **§ -8 Rules.** The authority may adopt rules pursuant to
2 chapter 91 to effectuate this chapter."

3 SECTION 5. Section 46-1.52, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§46-1.52~~ **Authority to enter private property; pests**
6 **or invasive species.** Each county of this State, through its
7 employees or authorized agents, may enter private property
8 within the respective county to control or eradicate pests and
9 invasive species pursuant to sections 141-3.6 [~~and 194-5.~~],
10 -6, and -7."

11 SECTION 6. Chapter 194, Hawaii Revised Statutes, is
12 repealed.

13 SECTION 7. All rights, powers, functions, and duties of
14 the invasive species council are transferred to the Hawaii
15 invasive species authority.

16 SECTION 8. All appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the invasive species council relating to
20 the functions transferred to the Hawaii invasive species



1 authority shall be transferred with the functions to which they
2 relate.

3 SECTION 9. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2018-2019 for
6 positions and other operating expenditures of the Hawaii
7 invasive species authority.

8 The sum appropriated shall be expended by the department of
9 agriculture for the purposes of this part.

10 SECTION 10. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2018-2019 for
13 interagency projects and research related to invasive species,
14 as described in section -3(a)(11), Hawaii Revised Statutes,
15 in section 4 of this Act, and as directed by the Hawaii invasive
16 species authority.

17 The sum appropriated shall be expended by the department of
18 land and natural resources for the purposes of this part;
19 provided that portions of this appropriation may be transferred
20 to other departments to implement the directions of the Hawaii
21 invasive species authority. In subsequent fiscal years, the sum



1 appropriated for interagency projects and research shall be
2 expended by the department of agriculture for the purposes of
3 this part.

4 PART III

5 SECTION 11. This Act shall take effect on July 1, 2050;
6 provided that sections 6, 7, and 8 shall take effect on July 1,
7 2051.



Report Title:

DOA; Little Fire Ants; UH; Hawaii Ant Lab; Invasive Species Authority; Establishment; Appropriation

Description:

Appropriates funds to the Department of Agriculture for outreach and education efforts in West Hawaii county regarding the detection and treatment of little fire ants. Restructures the Hawaii Invasive Species Council as the Hawaii Invasive Species Authority, to be administratively attached to the Department of Agriculture, to coordinate implementation of the Hawaii Interagency Biosecurity Plan and to improve coordination of the State's invasive species prevention, early detection, rapid response, control, enforcement, and outreach programs. Makes appropriations. Effective 7/1/2050; provided that sections 6, 7, and 8 are effective 7/1/2051. (SD2)

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

