
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. Section 194-2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) There is established the invasive species council for
4 the special purpose of providing policy level direction,
5 coordination, and planning among state departments, federal
6 agencies, and international and local initiatives for the
7 control and eradication of harmful invasive species infestations
8 throughout the State and for preventing the introduction of
9 other invasive species that may be potentially harmful. The
10 council shall:
11 (1) Maintain a broad overview of the invasive species
12 problem in the State;
13 (2) Advise, consult, and coordinate invasive species-
14 related efforts with and between the departments of
15 agriculture, land and natural resources, health, and
16 transportation, as well as state, federal,



1 international, and privately organized programs and
2 policies;

3 (3) Identify and prioritize each lead agency's
4 organizational and resource shortfalls with respect to
5 invasive species;

6 (4) After consulting with appropriate state agencies,
7 create and implement a plan that includes the
8 prevention, early detection, rapid response, control,
9 enforcement, and education of the public with respect
10 to invasive species, as well as fashion a mission
11 statement articulating the State's position against
12 invasive species; provided that the appropriate state
13 agencies shall collaborate with the counties and
14 communities to develop and implement a systematic
15 approach to reduce and control coqui frog infestations
16 on public lands that are near or adjacent to
17 communities, and shall provide annual reports on the
18 progress made in achieving this objective;

19 (5) 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) Whether quarantine of domestic pests arriving
5 from the mainland should be provided by the
6 federal government;
- 7 (E) Coordinating efforts with federal agencies to
8 maximize resources and reduce or eliminate system
9 gaps and leaks, including deputizing the United
10 States Department of Agriculture's plant
11 protection and quarantine inspectors to enforce
12 Hawaii's laws;
- 13 (F) Promoting the amendment of federal laws as
14 necessary, including the Lacey Act Amendments of
15 1981, Title 16 United States Code sections 3371-
16 3378; Public Law 97-79, and laws related to
17 inspection of domestic airline passengers,
18 baggage, and cargo; and
- 19 (G) Coordinating efforts and issues with the federal
20 Invasive Species Council and its National
21 Invasive Species Management Plan;



1 (6) Identify and record all invasive species present in
2 the State[+], and maintain a list of priority invasive
3 species and diseases that pose a high risk to public
4 health and safety, the environment, or agriculture;
5 provided that:

6 (A) The board of land and natural resources is
7 authorized to add a species to the list without
8 regard to chapter 91 in situations the board
9 deems as an emergency;

10 (B) The species added to the list pursuant to
11 subparagraph (A) shall remain listed for one year
12 after its inclusion, and may be renewed for one
13 additional year by request of the board of land
14 and natural resources; and

15 (C) The council shall initiate the process of
16 including the species added to the list pursuant
17 to subparagraph (A) through administrative rules
18 adopted pursuant to chapter 91;

19 (7) Designate the department of agriculture, health, or
20 land and natural resources as the lead agency for each
21 function of invasive species control, including



1 prevention, rapid response, eradication, enforcement,
2 and education;

3 (8) Identify all state, federal, and other moneys expended
4 for the purposes of the invasive species problem in
5 the State;

6 (9) Identify all federal and private funds available to
7 the State to fight invasive species and advise and
8 assist state departments to acquire these funds;

9 (10) Advise the governor and legislature on budgetary and
10 other issues regarding invasive species;

11 (11) Provide annual reports on budgetary and other related
12 issues to the legislature twenty days prior to each
13 regular session;

14 (12) Include and coordinate with the counties in the fight
15 against invasive species to increase resources and
16 funding and to address county-sponsored activities
17 that involve invasive species;

18 (13) Review state agency mandates and commercial interests
19 that sometimes call for the maintenance of potentially
20 destructive alien species as resources for sport
21 hunting, aesthetic resources, or other values;



1 (14) Review the structure of fines and penalties to ensure
2 maximum deterrence for invasive species-related
3 crimes;

4 (15) Suggest appropriate legislation to improve the State's
5 administration of invasive species programs and
6 policies;

7 (16) Incorporate and expand upon the department of
8 agriculture's weed risk assessment protocol to the
9 extent appropriate for the council's invasive species
10 control and eradication efforts; and

11 (17) Perform any other function necessary to effectuate the
12 purposes of this chapter."

13 SECTION 2. Section 194-5, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Whenever any priority invasive species identified by
16 the council for control or eradication is ~~[found]~~ listed as a
17 priority invasive species or is a new species not previously
18 known to occur in Hawaii, is declared by the chairperson of the
19 board of agriculture as a pest requiring eradication to protect
20 public health, the environment, or agriculture, and is:

21 (1) Found on private property[7]; or



1 (2) Reasonably suspected to be on private property, based
2 on the results of systematic surveys or reports or
3 proximity to known populations,
4 regardless of whether the presence of the invasive species is
5 due to natural dispersal from neighboring or nearby properties
6 or to intentional establishment by the owner, tenant, or
7 occupant of the property, a department or applicable county, or
8 its employees or authorized agents may enter the premises to
9 control or eradicate the invasive species after reasonable
10 notice is given to the owner of the property and, if entry is
11 refused, pursuant to the court order in subsection (d)."

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

14 SECTION 4. This Act shall take effect on July 1, 2035.



Report Title:

Invasive Species; Private Property; Entry; Priority List

Description:

Requires the Invasive Species Council to maintain a list of high-risk priority invasive species and diseases. Authorizes the Board of Land and Natural Resources to include species on the list without adopting rules under chapter 91 when the Board deems it a response to an emergency. Authorizes entry onto private property to control and eradicate priority invasive species and newly-appearing species based on reasonable suspicion of the presence of the species. (SB2559 HD1)

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