
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 2002 legislative reference bureau
11 report titled, "Filling the Gaps in the Fight Against Invasive
12 Species," which recommended the creation of an interagency
13 coordinating body with dedicated staff and funding. In 2003,
14 the legislature created the Hawaii invasive species council for
15 coordination purposes, but did not establish dedicated staff or
16 funding. The council has been administered by the department of
17 land and natural resources and has been appropriated varying



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

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

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



1 species authority, to be 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 HAWAII 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 economy, environment, and
21 health and lifestyle of the people.



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

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

6 § -3 Establishment of the Hawaii invasive species

7 authority; duties. (a) There is established the Hawaii
8 invasive species authority for the special purpose of providing
9 policy level direction, coordination, and planning among state
10 departments, federal agencies, and international and local
11 initiatives for the control and eradication of invasive species
12 infestations throughout the State and for preventing the
13 introduction of other invasive species. The authority shall:

14 (1) Maintain a broad overview of the invasive species
15 problem in the State;

16 (2) Identify invasive species present in the State and
17 adopt a list of invasive species designated for
18 control or eradication, by rule, according to criteria
19 for the designation established by rule, pursuant to
20 chapter 91;



- 1 (3) Advise, consult, and coordinate invasive species-
2 related efforts with and between the department of
3 agriculture; department of land and natural resources;
4 department of health; department of transportation;
5 department of business, economic development, and
6 tourism; and University of Hawaii, as well as state,
7 federal, international, and privately organized
8 programs and entities;
- 9 (4) Identify and prioritize each lead agency's
10 organizational and resource shortfalls with respect to
11 invasive species;
- 12 (5) Coordinate among departments and stakeholders the
13 implementation of the Hawaii interagency biosecurity
14 plan developed by the department of agriculture, and
15 track progress and outcomes related to implementation
16 of the plan;
- 17 (6) Serve as a multiagency coordinating system for
18 interagency emergency responses to invasive species
19 and, for a given response, designate roles and
20 responsibilities of individual departments;



- 1 (7) Advise the governor and legislature on budgetary and
2 other issues regarding invasive species;
- 3 (8) Suggest appropriate legislation to improve the State's
4 administration of invasive species programs and
5 policies;
- 6 (9) Incorporate and expand upon the Hawaii-Pacific weed
7 risk assessment protocol to the extent appropriate for
8 the authority's biosecurity efforts;
- 9 (10) Provide a central repository for the collection and
10 management of relevant summary data from invasive
11 species programs in the State;
- 12 (11) 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 (12) Implement an interagency budget for projects that
17 address gaps between agency mandates or support
18 research related to invasive species;
- 19 (13) 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 the National
- 18 Invasive Species Management Plan;
- 19 (14) 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 (15) 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 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 chairperson of the board of land and natural
8 resources and the chairperson of the board of agriculture shall
9 act as co-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



1 of each regular session detailing its activities as well as
2 budgetary and other issues relating to invasive species.

3 (h) The authority, without regard to the requirements of
4 chapters 76 and 89, may hire employees necessary to perform its
5 duties, including but not limited to an executive director. 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, the
12 executive director may represent the authority in communications
13 with the governor and the legislature. The authority may
14 delegate to its employees, by formal action, such power and
15 authority vested in the authority by this chapter as the
16 authority deems reasonable and proper for the effective
17 administration of this chapter.

18 § -4 **Lead agencies; accountability.** A department
19 designated as a lead agency for a particular interagency
20 response effort under section -3(a)(6), 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 such 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 so given shall be left with
2 one 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 such 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 such
13 reasonable time as the department may deem proper, pursuant to
14 the notice requirements of this section.

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



1 aid and to assist the department or its agent in gaining entry
2 onto the premises and executing measures to control or eradicate
3 the invasive species.

4 (e) The department may recover, by appropriate
5 proceedings, expenses incurred by the department from an owner
6 whose failure to comply with the department's order, after
7 proper notice, causes the expenses.

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 in the case 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 3. Chapter 194, Hawaii Revised Statutes, is
4 repealed.

5 SECTION 4. Any ongoing actions or obligations of the
6 Hawaii invasive species council shall be transferred to the
7 Hawaii invasive species authority upon the effective date of
8 this Act.

9 SECTION 5. All appropriations, records, equipment,
10 machines, files, supplies, contracts, books, papers, documents,
11 maps, and other personal property heretofore made, used,
12 acquired, or held by the Hawaii invasive species council
13 relating to the functions transferred to the Hawaii invasive
14 species authority shall be transferred with the functions to
15 which they relate.

16 SECTION 6. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so much
18 thereof as may be necessary for fiscal year 2017-2018 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2018-2019 for positions and other operating expenditures of the
21 Hawaii invasive species authority.



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

3 SECTION 7. 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 2017-2018 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2018-2019 for interagency projects and research related to
8 invasive species, as described in section -3(a)(12), Hawaii
9 Revised Statutes, in section 2 of this Act, and as directed by
10 the Hawaii invasive species authority.

11 The sums appropriated shall be expended by the department
12 of agriculture for the purposes of this Act; provided that
13 portions of this appropriation may be transferred to other
14 departments to implement the directions of the Hawaii invasive
15 species authority.

16 SECTION 8. This Act shall take effect on July 31, 2150.



Report Title:

Hawaii Invasive Species Authority; Establishment; Appropriation

Description:

Restructures the Hawaii Invasive Species Council as the Hawaii Invasive Species Authority, 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. Appropriates funds to implement the authority and relevant interagency invasive species projects. (SB776 HD1)

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

