



GOV. MSG. NO. 1331

EXECUTIVE CHAMBERS KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA Iulai 3, 2024

July 8, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

Pursuant to the notice requirement of Section 16 of Article III of the Constitution of the State of Hawaii, I am transmitting herewith the following bill with specific appropriation items stricken or reduced and my official statement of objections to the specific items contained in the bill:

HB2619

RELATING TO AGRICULTURAL
BIOSECURITY.

Mahalo,

Josh Green, M.D.
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2024

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2619

Honorable Members
Thirty-Second Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, House Bill No. 2619, entitled "A Bill for an Act Relating to Agricultural Biosecurity."

This bill requires the Department of Agriculture (DOA) to lead and coordinate the State's invasive pest control and eradication biosecurity efforts. It appropriates \$19,780,660 in general funds for the DOA's biosecurity program and a total of \$200,000 in general funds as grants-in-aid to counties of the State that contribute 100 percent of matching funds to implement a feral chicken control program.

I strongly support the intent of this bill and continue to work with the DOA on control, eradication, and biosecurity of invasive species threats. However, this bill is objectionable because of the high appropriation. The use of general fund moneys must be reprioritized due to the change in the Council on Revenues' general fund tax revenue projection in May 2024 that necessitates that the State's financial plan be rebalanced through line-item vetoes and reductions to spending. I have worked with the DOA to determine where cuts are feasible to ensure the funding provided in this bill has an effective impact on the biosecurity of our State. Further, this bill is objectionable because of the appropriation of general funds for county-implemented feral chicken control programs. I prefer the approach provided in Senate Bill No. 2401, entitled "A Bill for an Act Relating to Feral Chickens," which requires the DOA to work with each county to address the feral chicken issue affecting our communities, and which I approved as Act 185, Session Laws of Hawaii 2024.

Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 2619
Page 2

may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same." Because of the foregoing objections, and pursuant to my line-item veto authority, I have reduced the general fund appropriation of \$19,780,660 for fiscal year 2024-2025 in section 6 (on page 8, line 18) to \$10,000,000 by reducing the amounts appropriated for the following programs and positions (chart on pages 9 and 10):

- Risk Assessment (Prog ID/Org: AGR 122 EB) reduced from \$1,000,000 to \$240,000.
- Pest Management Systems Approach (Prog ID/Org: AGR 122 EB) reduced from \$1,200,000 to \$800,000.
- Brown Tree Snake Rapid Response (Prog ID/Org: AGR 122 EB) reduced from \$1,100,000 to \$240,000.
- Pest Diagnostics (Prog ID/Org: AGR 122 EC) reduced from \$500,000 to \$240,000.
- Coconut Rhinoceros Beetle Response (Prog ID/Org: AGR 122 EC) reduced from \$1,500,000 to \$1,200,000.
- Green Waste (Prog ID/Org: AGR 122 EA) reduced from \$1,000,000 to \$800,000.
- Compost Reimbursement (Prog ID/Org: AGR 122 EA) reduced from \$500,000 to \$400,000.
- Public Awareness Campaign (Prog ID/Org: AGR 122) reduced from \$2,000,000 to \$0.
- Little Fire Ants Response (Prog ID/Org: AGR 122 EB) reduced from \$2,500,000 to \$1,500,000.
- Coqui Frog Response (Prog ID/Org: AGR 122 EB) reduced from \$100,000 to \$74,355.
- Invasive Species Outreach (Prog ID/Org: AGR 122 EB) reduced from \$100,000 to \$0.

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HOUSE BILL NO. 2619
Page 3

- Tech Upgrades (Prog ID/Org: AGR 122 EA) reduced from \$2,000,000 to \$800,000.
- Import Replacement Fund (Prog ID/Org: AGR 122 EB) reduced from \$500,000 to \$0.
- Biosecurity Facility Planning (Prog ID/Org: AGR 122 EA) reduced from \$1,500,000 to \$600,000.
- Two-Lined Spittlebug (Prog ID/Org: AGR 122 EC) reduced from \$800,000 to \$600,000.
- Plant Quarantine Inspector (Prog ID/Org: AGR 122 EB); Position Numbers 95001A, 95002A, 95003A, 95004A, and 95005A, each reduced from \$69,096 to \$34,548.
- Plant Quarantine Inspector (Prog ID/Org: AGR 122 EB); Position Numbers 95006A, 95007A, 95008A, 95009A, and 95010A, each reduced from \$69,096 to \$51,822.
- Account Clerk (Prog ID/Org: AGR 122 EB); Position number 95024A reduced from \$51,864 to \$12,966.
- Office Assistant (Prog ID/Org: AGR 122 EB); Position number 95025A reduced from \$37,116 to \$9,279.
- Accountant (Prog ID/Org: AGR 122 EC); Position number 95026A reduced from \$59,508 to \$14,877.
- Entomologist (Prog ID/Org: AGR 122 EC); Position number 95027A reduced from \$86,376 to \$21,594.
- Plant Pathologist (Prog ID/Org: AGR 122 EC); Position number 95032A reduced from \$86,376 to \$21,594.

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HOUSE BILL NO. 2619
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- Noxious Weed Specialist (Prog ID/Org: AGR 122 EC); Position number 95033A reduced from \$86,376 to \$21,594.
- Planner (Prog ID/Org: AGR 122 ED); Position number 95034A reduced from \$76,788 to \$19,197.
- Environmental Health Specialist (Prog ID/Org: AGR 122 ED); Position number 95035A reduced from \$86,376 to \$21,594.
- Environmental Health Specialist (Prog ID/Org: AGR 122 EE); Position numbers 95036A, 95037A, 95038A, 95039A, and 95040A, each reduced from \$63,096 to \$15,774.
- Planner (Prog ID/Org: AGR 846 EE); Position number 95047A reduced from \$68,280 to \$17,070.
- Grand Total (page 10) reduced from \$19,780,660 to \$10,000,000.

Further, because of the objections provided above, and pursuant to my line-item veto authority, I have reduced the general fund appropriation of \$200,000 for fiscal year 2024-2025 in section 7 (on page 10, line 4) for the feral chicken control program to \$0. I have stricken out the grant-in-aid amounts of \$50,000 to the City and County of Honolulu (on page 11, line 3), the County of Hawai'i (on page 11, line 4), the County of Maui (on page 11, line 5), and the County of Kauai (on page 11, line 6) and changed each of those, respectively, to \$0.

For the foregoing reasons, I am returning House Bill No. 2619 with the reductions set forth above totaling \$9,980,660 in general fund appropriations for fiscal year 2024-2025.

Respectfully,



JOSH GREEN, M.D.
Governor of Hawai'i

A BILL FOR AN ACT

RELATING TO AGRICULTURAL BIOSECURITY.

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

1 SECTION 1. The legislature finds that Act 163, Session
2 Laws of Hawaii 2017, known as the Clift Tsuji Act, among other
3 things, appropriated funds to the department of agriculture to
4 support the department's biosecurity program for fiscal years
5 2018 to 2019. However, the department was unable to utilize the
6 full appropriation for its programs before its lapsing at the
7 end of the appropriated period. Furthermore, the original
8 source of funds, the agricultural development and food security
9 special fund, was repealed by section 8 of Act 9, First Special
10 Session Laws of Hawaii 2021.

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

15 The legislature further finds that the department of
16 agriculture has created the biosecurity program to fight pests



1 and prohibited or restricted organisms without a permit on
2 several fronts by:

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

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

14 Pursuant to section 150A-53, Hawaii Revised Statutes, the
15 department of agriculture is required to implement the
16 comprehensive biosecurity program to control and prevent
17 increasing threats of pests and prohibited or restricted
18 organisms without a permit from entering and spreading
19 throughout the State. While inspections are critical,
20 increasing the State's ability to prevent the entry of high-risk
21 products would enhance its ability to mitigate and manage



1 invasive pests. This is vitally important not only to protect
2 the State's fragile environment, but also to grow Hawaii's local
3 agricultural industries and to increase levels of self-
4 sufficiency and sustainability. Additionally, as the State's
5 biosecurity program continues to grow, it is critical to support
6 the department of agriculture's lead in executing the control
7 and eradication of invasive species.

8 The purpose of this Act is to:

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

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



1 "§141-3.5 Control or eradication programs. (a) The
2 department of agriculture shall develop and implement a detailed
3 control or eradication program for any pest designated in
4 section 141-3, using the best available technology in a manner
5 consistent with state and federal law.

6 (b) The department of agriculture shall:

7 (1) Lead and coordinate the State's invasive pest control
8 and eradication biosecurity efforts;

9 (2) Engage in memorandums of understanding with
10 interagency partners and private organizations;

11 (3) Approve of memorandums of understanding with submitted
12 working plans to execute control and eradication
13 programs; and

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

19 [~~(b)~~] (c) For any pest designated by emergency rule as
20 provided in section 141-3, the department of agriculture shall



1 implement an emergency program using the best available
2 technology in a manner consistent with state and federal law.

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

4 (1) In conjunction with the ~~[Hawaii Ant Lab, may]~~
5 department of land and natural resources; department
6 of health; department of transportation; department of
7 business, economic development, and tourism;
8 university of Hawaii system; or state and privately
9 organized agencies and programs, as applicable, shall
10 identify best practices for the treatment of [~~little~~
11 ~~fire ants; and] pests designated in section 141-3;~~

12 (2) Shall post on its website any infestation updates and
13 data, including any real-time geographic information
14 system map data, and best practices identified for the
15 treatment of [~~little fire ants.] pests designated in~~
16 section 141-3, as prioritized by the department;

17 (3) Shall, along with contracted parties, document past
18 responses in the department's geographic information
19 system database; provided that the information shall
20 include date, location, names of individual
21 participants, organization, activities performed, and



1 presence and absence of pests; provided further that
2 the disclosure of information shall be under the
3 jurisdiction of the department; and

4 (4) Shall, along with contracted parties, provide notice
5 to the department's pesticides branch prior to usage
6 of pesticides in the course of controlling pests.

7 Upon receipt of notification, pesticide inspectors may
8 perform random inspections to ensure compliance with
9 pesticide laws and regulations."

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

12 "**[+]§150A-51[+]** **Biosecurity program; establishment.** The
13 department shall establish a biosecurity program authorized
14 under this chapter that shall interface with other relevant
15 state law; provided that the biosecurity program is not
16 inconsistent with federal law. The department shall act as the
17 lead agency for the State's biosecurity efforts."

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

20 "**[+]§150A-52[+]** **Objectives of biosecurity program.** The
21 objectives of the biosecurity program shall be to:



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

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

14 "**§150A-57 Annual report.** The department shall submit an
15 annual report on the biosecurity program to the legislature no
16 later than twenty days prior to the convening of each regular
17 session of the legislature. The report shall include:

- 18 (1) The schedule required under section 150A-56;
- 19 (2) The status of each activity required by Act 243,
20 Session Laws of Hawaii 2016, including for each
21 activity:



- 1 (A) All expenditures;
- 2 (B) Descriptions of and the purposes of any activity-
- 3 related travel;
- 4 (C) Workforce allocation; and
- 5 (D) Measure of effectiveness;
- 6 (3) Summary of interisland inspections and export
- 7 inspection activities;
- 8 (4) Projections by year of future expenditures and future
- 9 acreage to be under pest management by crop; [and]
- 10 (5) Activities yet to be completed, and, if applicable, an
- 11 explanation why they were not completed[-]; and
- 12 (6) Real-time geographic information system map data,
- 13 coordinated data collection, work plans, memorandums
- 14 of understanding, and contracts for service related to
- 15 advancing the State's invasive pest control and
- 16 eradication biosecurity efforts."

17 SECTION 6. There is appropriated out of the general
 18 revenues of the State of Hawaii the sum of ~~\$19,780,660~~ ^{\$10,000,000} or so *9/12*
 19 much thereof as may be necessary for fiscal year 2024-2025 to
 20 support the following programs and positions:

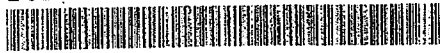


H.B. NO.

2619
H.D. 1
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C.D. 1

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FTE (T)	FY 25 \$
AGR 122 EB	Risk Assessment		A			1,000,000
AGR 122 EB	Pest Management Systems Approach		A			1,200,000
AGR 122 EB	Brown Tree Snake Rapid Response		A			1,100,000
AGR 122 EC	Pest Diagnostics		A			500,000
AGR 122 EC	Coconut Rhinoceros Beetle Response		A			1,500,000
AGR 122 EA	Green Waste		A			1,000,000
AGR 122 EA	Compost Reimbursement		A			500,000
AGR122	Public Awareness Campaign		A			2,000,000
AGR 122 EB	Little Fire Ants Response		A			2,500,000
AGR 122 EB	Coqui Frog Response		A			100,000
AGR 122 EB	Invasive Species Outreach		A			100,000
AGR 122 EA	Tech Upgrades		A			2,000,000
AGR 122 EB	Import Replacement Fund		A			500,000
AGR 122 EA	Biosecurity Facility Planning		A			1,500,000
AGR 122 EA	Rose-Ringed Parakeet		A			300,000
AGR 122 EC	Two-Lined Spittlebug		A			800,000
AGR 122 EB	Plant Quarantine Inspector	95001A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95002A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95003A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95004A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95005A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95006A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95007A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95008A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95009A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95010A	A	1.00		69,096
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
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

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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	
AGR 122 EB	Office Assistant	95025A	A	1.00		37,116	
AGR 122 EC	Accountant	95026A	A	1.00		60,600	
AGR 122 EC	Entomologist	95027A	A	1.00		86,376	
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	
AGR 122 EC	Noxious Weed Specialist	95033A	A	1.00		86,376	
AGR 122 ED	Planner	95034A	A	1.00		76,788	
AGR 122 ED	Environmental Health Specialist	95035A	A	1.00		86,376	
AGR 846 EE	Environmental Health Specialist	95036A	A	1.00		63,096	
AGR 846 EE	Environmental Health Specialist	95037A	A	1.00		63,096	
AGR 846 EE	Environmental Health Specialist	95038A	A	1.00		63,096	
AGR 846 EE	Environmental Health Specialist	95039A	A	1.00		63,096	
AGR 846 EE	Environmental Health Specialist	95040A	A	1.00		63,096	
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	
				GRAND TOTAL	44.00	0.00	40,780,668

12,966 9/2
9,279 9/2
14,877 9/2
21,594 9/2

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10,000,000 9/2

1 The sum appropriated shall be expended by the department of
2 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 ~~\$200,000~~ or so much

\$0
9/2

1 thereof as may be necessary for fiscal year 2024-2025 as a
2 grant-in-aid to each county as follows:

- 3 (1) ~~\$50,000~~ ^{\$0} to the city and county of Honolulu; *97*
- 4 (2) ~~\$50,000~~ ^{\$0} to the county of Hawaii; *97*
- 5 (3) ~~\$50,000~~ ^{\$0} to the county of Maui; and *98*
- 6 (4) ~~\$50,000~~ ^{\$0} to the county of Kauai, *97*

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

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

12 SECTION 8. Persons employed in position numbers 95028A,
13 95029A, 95030A, and 95031A funded by section 6 of this Act shall
14 be exempt from chapter 76, Hawaii Revised Statutes.

15 SECTION 9. The department of agriculture shall:

- 16 (1) Submit a report on the programs and positions funded
17 by section 6 of this Act, and any proposed
18 legislation, to the legislature no later than twenty
19 days prior to the convening of the regular session of
20 2025;

1 (2) Submit a report on all expenditures from and uses of
2 the pest inspection, quarantine, and eradication fund
3 (AGR304) to the legislature no later than twenty days
4 prior to the convening of the regular session of 2025
5 to facilitate the program's conversion to general
6 funds; and

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

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

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

APPROVED this day of , 2024

GOVERNOR OF THE STATE OF HAWAII



HB No. 2619, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives

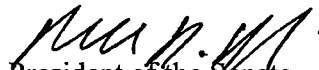


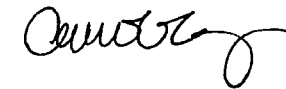
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate