
A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

1 PART I

2 SECTION 1. Section 26-16, Hawaii Revised Statutes, is
3 amended as follows:

4 1. By amending its title and subsection (a) to read:

5 "**§26-16 Department of agriculture[~~-~~] and biosecurity.** (a)

6 The department of agriculture and biosecurity shall be headed by
7 an executive board to be known as the board of agriculture[~~-~~]
8 and biosecurity. The board shall consist of ten members:

9 (1) One who shall be a resident of the county of Hawaii;

10 (2) One who shall be a resident of the county of Maui;

11 (3) One who shall be a resident of the county of Kauai;

12 (4) Four at large; and

13 (5) The chairperson of the board of land and natural

14 resources; the director of business, economic

15 development, and tourism; and the dean of the

16 [~~University~~] university of Hawaii college of tropical

17 agriculture and human resources, or their designated



1 representatives, who shall serve as ex officio[7]
2 voting members.

3 The majority of the members of the board shall be from the
4 agricultural community or the agricultural support sector. The
5 appointment, tenure, and removal of the members and the filling
6 of vacancies on the board shall be as provided in section 26-34.
7 The governor shall appoint a chairperson of the board from the
8 members."

9 2. By amending subsection (d) to read:

10 "(d) The functions and authority heretofore exercised by
11 the board of commissioners of agriculture and forestry (except
12 the management of state parks and the conservation, development,
13 and utilization of forest resources, including regulatory powers
14 over the forest reserve provided in Act 234, section 2, Session
15 Laws of Hawaii 1957, and of fish and game resources transferred
16 to the department of land and natural resources), by the farm
17 loan board as heretofore constituted, and by the [University]
18 university of Hawaii with respect to the crop and livestock
19 reporting service and market news service, are transferred to
20 the department of agriculture and biosecurity established by
21 this chapter."



1 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
2 amended by amending its title to read:

3 "CHAPTER 141

4 DEPARTMENT OF AGRICULTURE AND BIOSECURITY"

5 SECTION 3. Section 194-2, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

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

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

17 (2) Advise, consult, and coordinate invasive species-
18 related efforts with and between the departments of
19 agriculture[~~r~~] and biosecurity, land and natural
20 resources, health, and transportation, as well as



- 1 state, federal, international, and privately organized
2 programs and 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~~] First-class mail inspection
4 prohibition;
- 5 (D) Whether quarantine of domestic pests arriving
6 from the mainland should be provided by the
7 federal government;
- 8 (E) Coordinating efforts with federal agencies to
9 maximize resources and reduce or eliminate system
10 gaps and leaks, including deputizing the United
11 States Department of Agriculture's plant
12 protection and quarantine inspectors to enforce
13 Hawaii's laws;
- 14 (F) Promoting the amendment of federal laws as
15 necessary, including the Lacey Act Amendments of
16 1981, [~~Title~~] title 16 United States Code
17 sections 3371-3378[+], Public Law 97-79, and laws
18 related to inspection of domestic airline
19 passengers, baggage, and cargo; and



- 1 (G) Coordinating efforts and issues with the federal
2 Invasive Species Council and its National
3 Invasive Species Management Plan;
- 4 (6) Identify and record all invasive species present in
5 the State;
- 6 (7) Designate the department of agriculture[~~r~~] and
7 biosecurity, health, or land and natural resources as
8 the lead agency for each function of invasive species
9 control, including prevention, rapid response,
10 eradication, enforcement, and education;
- 11 (8) Identify all state, federal, and other moneys expended
12 for the purposes of the invasive species problem in
13 the State;
- 14 (9) Identify all federal and private funds available to
15 the State to fight invasive species and advise and
16 assist state departments to acquire these funds;
- 17 (10) Advise the governor and legislature on budgetary and
18 other issues regarding invasive species;
- 19 (11) Provide annual reports on budgetary and other related
20 issues to the legislature twenty days [~~prior to~~]
21 before each regular session;



- 1 (12) Include and coordinate with the counties in the fight
2 against invasive species to increase resources and
3 funding and to address county-sponsored activities
4 that involve invasive species;
- 5 (13) Review state agency mandates and commercial interests
6 that sometimes call for the maintenance of potentially
7 destructive alien species as resources for sport
8 hunting, aesthetic resources, or other values;
- 9 (14) Review the structure of fines and penalties to ensure
10 maximum deterrence for invasive species-related
11 crimes;
- 12 (15) Suggest appropriate legislation to improve the State's
13 administration of invasive species programs and
14 policies;
- 15 (16) Incorporate and expand upon the department of
16 ~~agriculture's~~ agriculture and biosecurity's weed
17 risk assessment protocol to the extent appropriate for
18 the council's invasive species control and eradication
19 efforts; and
- 20 (17) Perform any other function necessary to effectuate the
21 purposes of this chapter.



1 (b) The council shall be placed within the department of
2 land and natural resources for administrative purposes only and
3 shall be composed of:

4 (1) The president of the University of Hawaii, or the
5 president's designated representative;

6 (2) The director, or the director's designated
7 representative, of each of the following departments:

8 (A) Business, economic development, and tourism;

9 (B) Health; and

10 (C) Transportation; and

11 (3) The chairperson, or the chairperson's designated
12 representative, of each of the following departments:

13 (A) Agriculture[+] and biosecurity; and

14 (B) Land and natural resources."

15 SECTION 4. Section 205-47, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) Each county shall develop maps of potential lands to
18 be considered for designation as important agricultural lands in
19 consultation and cooperation with landowners[~~7~~]; the department
20 of agriculture[~~7~~] and biosecurity; agricultural interest groups,
21 including representatives from the Hawaii Farm Bureau Federation



1 and other agricultural organizations[~~τ~~]; the United States
2 Department of Agriculture - Natural Resources Conservation
3 Service[~~τ~~]; the office of planning and sustainable
4 development[~~τ~~]; and other groups as necessary."

5 SECTION 5. Section 219-8, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§219-8 Participation in loans by the department.**

8 (1) The department of agriculture and biosecurity may
9 provide funds for a share, not to exceed ninety per
10 cent, of the principal amount of a loan made to a
11 qualified aquaculturist by a private lender who is
12 otherwise unable [~~otherwise~~] to lend the applicant
13 sufficient funds at reasonable rates where the
14 qualified farmer is unable to obtain sufficient funds
15 for the same purpose from the United States Department
16 of Agriculture;

17 (2) Participation loans under this section shall be
18 limited by the provisions of section 219-6 and the
19 department of [~~agriculture's~~] agriculture and
20 biosecurity's share shall not exceed the maximum
21 amounts specified therefor;



- 1 (3) Interest charged on the private lender's share of the
2 loan shall not be more than the sum of two per cent
3 above the lowest rate of interest charged by all state
4 or national banks authorized to accept or hold
5 deposits in the State on secured short term loans made
6 to borrowers who have the highest credit rating with
7 those banks;
- 8 (4) The private lender's share of the loan may be insured
9 by the department up to ninety per cent of the
10 principal balance of the loan, under section 219-7;
- 11 (5) When a participation loan has been approved by the
12 department, its share shall be paid to the
13 participating private lender for disbursement to the
14 borrower. The private lender shall collect all
15 payments from the borrower and otherwise service the
16 loan;
- 17 (6) Out of interest collected, the private lender may be
18 paid a service fee to be determined by the department
19 ~~which~~ that fee shall not exceed one per cent of the
20 unpaid principal balance of the loan; provided that



1 this fee shall not be added to any amount which the
2 borrower is obligated to pay;

3 (7) The participating private lender may take over a
4 larger percentage or the full principal balance of the
5 loan at any time that it has determined, to the
6 satisfaction of the department, that the borrower is
7 able to pay any increased interest charges resulting;
8 and

9 (8) Security for participation loans shall be limited by
10 section 219-5(a) (6). All collateral documents shall
11 be held by the private lender. Division of interest
12 in collateral received shall be in proportion to
13 participation by the department and the private
14 lender."

15 SECTION 6. (a) Sections 6E-61, 23-12, 26-4, 46-67, 141-1,
16 141-2, 141-3, 141-3.5, 141-3.6, 141-4, 141-5, 141-6, 141-7, 141-
17 9, 141-12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17,
18 141-18, 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2,
19 142-3, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12, 142-13,
20 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1, 142-29, 142-
21 31, 142-41, 142-43, 142-49, 142-92, 142-93, 142-98, 142-100,



1 142-101, 142-111, 143-2.2, 144-1, 145-1, 145-3, 145-7, 145-8,
2 145-9, 145-27, 145D-5, 146-22, 147-1, 147-21, 147-31, 147-32,
3 147-51, 147-54, 147-55, 147-56, 147-58, 147-59, 147-60, 147-73,
4 147-75, 147-76, 147-78, 147-80, 147-91, 147-92, 147-94, 147-95,
5 147-96, 147-97, 147-101, 147-102, 147-111, 147-116, 147-122,
6 148-1, 148-2, 148-61, 148-62, 148-63, 148-64, 148-66, 150-21,
7 150A-2, 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4, 155-5,
8 155-5.5, 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11, 155-12,
9 155-13, 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3, 159-15,
10 161-3, 161-6, 163D-4, 166-2, 166-3, 166-11, 166E-1, 166E-2,
11 166E-3, 167-22, 167-23, 169-1, 171-2, 171-3, 171-37.5, 171-55.5,
12 171-59, 171-64.7, 171-112, 171-117, 173A-4, 173A-5, 174C-31,
13 187A-6.5, 205-6, 205-44.5, 205-45, 205-45.5, 205-48, 205-49,
14 205-50, 205A-62, 206E-34, 219-2, 219-4, 219-7, 219-9, 235-
15 110.93, 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6, 421-21.6,
16 460J-21, 460J-24.5, and 486-1, Hawaii Revised Statutes, are
17 amended by substituting the phrase "department of agriculture
18 and biosecurity", or similar term, wherever the phrase
19 "department of agriculture", or similar term, appears, as the
20 context requires.



1 (b) Sections 141-42(b), 142-18, 142-21, 147-52, 147-53,
2 147-57, 147-74, 147-93, 149A-2, 159-2, 161-2, and 460J-26,
3 Hawaii Revised Statutes, are amended by substituting the phrase
4 "department of agriculture and biosecurity", or similar term,
5 wherever the phrase "department of agriculture" appears, except
6 within the term "United States Department of Agriculture", as
7 the context requires.

8 (c) Sections 141D-1, 142-3.5, 142-23.5, and 235-110.93,
9 Hawaii Revised Statutes, are amended by substituting the phrase
10 "department of agriculture and biosecurity's", or similar term,
11 wherever the phrase "department of agriculture's", or similar
12 term, appears, as the context requires.

13 (d) Sections 10-41, 26-34, 84-17, 84-18, 128E-2, 141-6,
14 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6, 142-23.1, 142-
15 28.5, 142-29, 142-31, 144-10, 145-22, 145-27, 147-9, 147-24,
16 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2, 149A-32.5, 150A-
17 2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13, 155-14, 155-33, 157-
18 1, 157-14, 157-15, 157-18, 157-22, 157-23, 157-24, 157-25, 157-
19 26, 157-27, 157-29, 157-41, 157-42, 159-3, 161-3, 163D-3, 166-2,
20 166-3, 166-4, 166-5, 166-6, 166-11, 166E-1, 166E-2, 166E-3, 167-
21 1, 167-2, 167-3, 167-4, 167-5, 167-6, 167-7, 167-9, 167-11, 167-



1 12, 167-13, 167-14, 167-15, 167-16, 167-17, 167-18, 167-19, 167-
 2 20, 167-21, 167-22, 168-1, 168-2, 168-3, 168-4, 168-5, 168-6,
 3 168-7, 168-8, 169-3, 195-6, 205-44, 210D-5, 219-2, 219-3, 219-4,
 4 220-1, 225P-3, 225P-4, 279A-4, 330C-3, 371-19, 460J-2, and 486-
 5 1, Hawaii Revised Statutes, are amended by substituting the
 6 phrase "board of agriculture and biosecurity", or similar term,
 7 wherever the phrase "board of agriculture", or similar term,
 8 appears, as the context requires.

9 SECTION 7. Section 26-52, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 **"§26-52 Department heads and executive officers.** The
 12 salaries of the following state officers shall be as follows:

13 (1) The salary of the superintendent of education shall be
 14 set by the board of education. The superintendent
 15 shall be subject to an annual performance evaluation
 16 that is in alignment with other employee evaluations
 17 within the department of education and are based on
 18 outcomes determined by the board of education;
 19 provided that nothing shall prohibit the board of
 20 education from conditioning a portion of the salary on
 21 performance;



- 1 (2) The salary of the president of the university of
2 Hawaii shall be set by the board of regents;
- 3 (3) Effective July 1, 2004, the salaries of all department
4 heads or executive officers of the departments of
5 accounting and general services; agriculture[+] and
6 biosecurity; attorney general; budget and finance;
7 business, economic development, and tourism; commerce
8 and consumer affairs; corrections and rehabilitation;
9 Hawaiian home lands; health; human resources
10 development; human services; labor and industrial
11 relations; land and natural resources; law
12 enforcement; taxation; and transportation shall be as
13 last recommended by the executive salary commission.
14 Effective July 1, 2007, and every six years
15 thereafter, the salaries shall be as last recommended
16 by the commission on salaries pursuant to section 26-
17 56, unless rejected by the legislature; and
- 18 (4) The salary of the adjutant general shall be \$85,302 a
19 year. Effective July 1, 2007, and every six years
20 thereafter, the salary of the adjutant general shall
21 be as last recommended by the commission on salaries



1 pursuant to section 26-56, unless rejected by the
2 legislature, except that if the state salary is in
3 conflict with the pay and allowance fixed by the
4 tables of the regular Army or Air Force of the United
5 States, the latter shall prevail."

6 SECTION 8. Section 26-56, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The commission shall review and recommend an
9 appropriate salary for the governor, lieutenant governor,
10 members of the legislature, justices and judges of all state
11 courts, administrative director of the State or an equivalent
12 position, and department heads or executive officers and the
13 deputies or assistants to the department heads of the
14 departments of:

- 15 (1) Accounting and general services;
- 16 (2) Agriculture[+] and biosecurity;
- 17 (3) The attorney general;
- 18 (4) Budget and finance;
- 19 (5) Business, economic development, and tourism;
- 20 (6) Commerce and consumer affairs;
- 21 (7) Corrections and rehabilitation;



- 1 (8) Defense;
- 2 (9) Hawaiian home lands;
- 3 (10) Health;
- 4 (11) Human resources development;
- 5 (12) Human services;
- 6 (13) Labor and industrial relations;
- 7 (14) Land and natural resources;
- 8 (15) Law enforcement;
- 9 (16) Taxation; and
- 10 (17) Transportation.

11 The commission shall not review the salary of any position
12 in the department of education or the University of Hawaii.

13 The commission may recommend different salaries for
14 department heads and executive officers and different salary
15 ranges for deputies or assistants to department heads; provided
16 that the commission shall recommend the same salary range for
17 deputies or assistants to department heads within the same
18 department; provided further that the appointing official shall
19 specify the salary for a particular position within the
20 applicable range.



1 The commission shall not recommend salaries lower than
2 salary amounts recommended by prior commissions replaced by this
3 section."

4 SECTION 9. All rights, powers, functions, and duties of
5 the department of agriculture are transferred to the department
6 of agriculture and biosecurity.

7 All employees who occupy civil service positions and whose
8 functions are transferred to the department of agriculture and
9 biosecurity by this Act shall retain their civil service status,
10 whether permanent or temporary. Employees shall be transferred
11 without loss of salary, seniority (except as prescribed by
12 applicable collective bargaining agreements), retention points,
13 prior service credit, any vacation and sick leave credits
14 previously earned, and other rights, benefits, and privileges,
15 in accordance with state personnel laws and this Act; provided
16 that the employees possess the minimum qualifications and public
17 employment requirements for the class or position to which
18 transferred or appointed, as applicable; provided further that
19 subsequent changes in status may be made pursuant to applicable
20 civil service and compensation laws.



1 Any employee who, before this Act, is exempt from civil
2 service and is transferred as a consequence of this Act may
3 retain the employee's exempt status, but shall not be appointed
4 to a civil service position as a consequence of this Act. An
5 exempt employee who is transferred by this Act shall not suffer
6 any loss of prior service credit, vacation or sick leave credits
7 previously earned, or other employee benefits or privileges as a
8 consequence of this Act; provided that the employees possess
9 legal and public employment requirements for the position to
10 which transferred or appointed, as applicable; provided further
11 that subsequent changes in status may be made pursuant to
12 applicable employment and compensation laws. The chairperson of
13 the board of agriculture and biosecurity may prescribe the
14 duties and qualifications of these employees and fix their
15 salaries without regard to chapter 76, Hawaii Revised Statutes.

16 PART II

17 SECTION 10. Chapter 141, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§141- Deputy director of biosecurity. (a) The
21 governor shall appoint a deputy director of biosecurity, not



1 subject to the advice and consent of the senate, to serve as a
2 deputy to the chairperson of the board of agriculture and
3 biosecurity. The deputy director of biosecurity shall oversee
4 the biosecurity program established pursuant to this part.

5 (b) The salary of the deputy director of biosecurity shall
6 be as provided in section 26-53 for first deputies or first
7 assistants to the head of any department."

8 SECTION 11. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2025-2026 and
11 the same sum or so much thereof as may be necessary for fiscal
12 year 2026-2027 to establish full-time equivalent (FTE)
13 permanent deputy director of biosecurity in the department of
14 agriculture and biosecurity.

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

17 PART III

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

20 "**§150A-5 Conditions of importation.** The importation into
21 the State of any of the following articles, viz., nursery-stock,



1 tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud,
2 seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain,
3 cereal, or legume in the natural or raw state; moss, hay, straw,
4 dry-grass, or other forage; unmanufactured log, limb, or timber,
5 or any other plant-growth or plant-product, unprocessed or in
6 the raw state; soil; microorganisms; live bird, reptile,
7 nematode, insect, or any other animal in any stage of
8 development (that is in addition to the so-called domestic
9 animal, the quarantine of which is provided for in chapter 142);
10 box, vehicle, baggage, or any other container in which the
11 articles have been transported or any packing material used in
12 connection therewith shall be made in the manner hereinafter set
13 forth:

14 (1) Notification of arrival. Any person who receives for
15 transport or brings or causes to be brought to the
16 State as freight, air freight, baggage, or otherwise,
17 for the purpose of debarkation or entry therein, or as
18 ship's stores, any of the foregoing articles, shall,
19 immediately upon the arrival thereof, notify the
20 department, in writing, of the arrival, giving the
21 waybill number, container number, name and address of



1 the consignor, name and address of the consignee or
2 the consignee's agent in the State, marks, number of
3 packages, description of contents of each package,
4 port at which laden, and any other information that
5 may be necessary to locate or identify the same, and
6 shall hold the articles at the pier, airport, or any
7 other place where they are first received or
8 discharged, in a manner that they will not spread or
9 be likely to spread any infestation or infection of
10 insects or diseases that may be present until
11 inspection and examination can be made by the
12 inspector to determine whether [~~or not~~] any article,
13 or any portion thereof, is infested or infected with
14 or contains any pest. The department may adopt rules
15 to require identification of specific articles on
16 negotiable and non-negotiable warehouse receipts,
17 bills of lading, or other documents of title for
18 inspection of pests. In addition, the department
19 shall adopt rules to designate restricted articles
20 that shall require:



1 (A) A permit from the department in advance of
2 importation; or

3 (B) A department letter of authorization or
4 registration in advance of importation.

5 The restricted articles shall include but not be
6 limited to certain microorganisms or living insects.
7 Failure to obtain the permit, letter of authorization,
8 or registration in advance [~~is~~] shall be a violation
9 of this section;

10 (2) Individual passengers, officers, and crew.

11 (A) It shall be the responsibility of the
12 transportation company to distribute, [~~prior to~~]
13 before the debarkation of passengers and baggage,
14 the State of Hawaii [~~plant and animal~~
15 ~~declaration~~] biosecurity form in paper or
16 electronic form to each passenger, officer, and
17 crew member of any aircraft or vessel originating
18 in the continental United States or its
19 possessions or from any other area not under the
20 jurisdiction of the appropriate federal agency in
21 order that the passenger, officer, or crew member



1 can comply with the directions and requirements
2 appearing thereon. All passengers, officers, and
3 crew members, regardless of whether [~~or not~~] they
4 are bringing or causing to be brought for entry
5 into the State the articles listed on the form,
6 shall complete the [~~declaration, except~~] form;
7 provided that one adult member of a family may
8 complete the [~~declaration~~] form for other family
9 members. Any person who defaces the
10 [~~declaration~~] biosecurity form required under
11 this section, gives false information, fails to
12 declare restricted articles in the person's
13 possession or baggage, or fails to declare in
14 cargo manifests is in violation of this section;

15 (B) Completed paper forms shall be collected by the
16 transportation company and be delivered,
17 immediately upon arrival, to the inspector at the
18 first airport or seaport of arrival. Completed
19 electronic forms shall be transmitted to the
20 inspector before passengers depart the first
21 airport or seaport of arrival. Failure to



- 1 distribute or collect paper [~~declaration~~]
2 biosecurity forms, immediately deliver completed
3 paper forms, or transmit completed electronic
4 forms before passengers depart the first airport
5 or seaport of arrival [~~is~~] shall be a violation
6 of this section; and
- 7 (C) It shall be the responsibility of the officers
8 and crew of an aircraft or vessel originating in
9 the continental United States or its possessions
10 or from any other area not under the jurisdiction
11 of the appropriate federal agency to immediately
12 report all sightings of any plants and animals to
13 the plant quarantine branch. Failure to comply
14 with this requirement [~~is~~] shall be a violation
15 of this section;
- 16 (3) [~~Plant and animal declaration~~] Biosecurity form. The
17 form shall include directions for declaring domestic
18 and other animals cited in chapter 142, in addition to
19 the articles enumerated in this chapter;
- 20 (4) Labels. Each container in which any of the above-
21 mentioned articles are imported into the State shall



1 be plainly and legibly marked, in a conspicuous manner
2 and place, with the name and address of the shipper or
3 owner forwarding or shipping the same, the name or
4 mark of the person to whom the same is forwarded or
5 shipped or the person's agent, the name of the
6 country, state, or territory and locality therein
7 where the product was grown or produced, and a
8 statement of the contents of the container. Upon
9 failure to comply with this paragraph, the importer or
10 carrier [~~is~~] shall be in violation of this section;

11 (5) Authority to inspect. Whenever the inspector has good
12 cause to believe that the provisions of this chapter
13 are being violated, the inspector may:

14 (A) Enter and inspect any aircraft, vessel, or other
15 carrier at any time after its arrival within the
16 boundaries of the State, whether offshore, at the
17 pier, or at the airport, for the purpose of
18 determining whether any of the articles or pests
19 enumerated in this chapter or rules adopted
20 thereto, is present;



1 (B) Enter into or upon any pier, warehouse, airport,
2 or any other place in the State where any of the
3 above-mentioned articles are moved or stored, for
4 the purpose of ascertaining, by inspection and
5 examination, whether [~~or not~~] any of the articles
6 is infested or infected with any pest or disease
7 or contaminated with soil or contains prohibited
8 plants or animals; and

9 (C) Inspect any baggage or personal effects of
10 disembarking passengers, officers, and crew
11 members on aircraft or vessels arriving in the
12 State to ascertain if they contain any of the
13 articles or pests enumerated in this chapter. No
14 baggage or other personal effects of the
15 passengers or crew members shall be released
16 until the baggage or effects have been passed.

17 Baggage or cargo inspection shall be made at the
18 discretion of the inspector, on the pier, vessel, or
19 aircraft or in any quarantine or inspection area.

20 Whenever the inspector has good cause to believe
21 that the provisions of this chapter are being



1 violated, the inspector may require that any box,
2 package, suitcase, or any other container carried as
3 ship's stores, cargo, or otherwise by any vessel or
4 aircraft moving between the continental United States
5 and Hawaii or between the Hawaiian Islands, be opened
6 for inspection to determine whether any article or
7 pest prohibited by this chapter or by rules adopted
8 pursuant thereto is present. It [~~is~~] shall be a
9 violation of this section if any prohibited article or
10 any pest or any plant, fruit, or vegetable infested
11 with plant pests is found;

12 (6) Request for importation and inspection. In addition
13 to requirements of the United States customs
14 authorities concerning invoices or other formalities
15 incident to importations into the State, the importer
16 shall be required to file a written statement with the
17 department, signed by the importer or the importer's
18 agent, setting forth the importer's desire to import
19 certain of the above-mentioned articles into the State
20 and:

21 (A) Giving the following additional information:



- 1 (i) The kind (scientific name), quantity, and
- 2 description;
- 3 (ii) The locality where same were grown or
- 4 produced;
- 5 (iii) Certification that all animals to be
- 6 imported are the progeny of captive
- 7 populations or have been held in captivity
- 8 for a period of one year immediately before
- 9 importation or have been specifically
- 10 approved for importation by the board;
- 11 (iv) The port from which the same were last
- 12 shipped;
- 13 (v) The name of the shipper; and
- 14 (vi) The name of the consignee; and
- 15 (B) Containing:
- 16 (i) A request that the department, by its duly
- 17 authorized agent, examine the articles
- 18 described;
- 19 (ii) An agreement by the importer to be
- 20 responsible for all costs, charges, or
- 21 expenses; and



1 (iii) A waiver of all claims for damages incident
2 to the inspection or the fumigation,
3 disinfection, quarantine, or destruction of
4 the articles, or any of them, as hereinafter
5 provided, if any treatment is deemed
6 necessary.

7 Failure or refusal to file a statement, including
8 the agreement and waiver, [~~is~~] shall be a violation of
9 this section and may, in the discretion of the
10 department, be sufficient cause for refusing to permit
11 the entry of the articles into the State;

12 (7) Place of inspection. If, in the judgment of the
13 inspector, it is deemed necessary or advisable to move
14 any of the above-mentioned articles, or any portion
15 thereof, to a place more suitable for inspection than
16 the pier, airport, or any other place where they are
17 first received or discharged, the inspector [~~is~~] shall
18 be authorized to do so. All costs and expenses
19 incident to the movement and transportation of the
20 articles to any other place shall be borne by the
21 importer or the importer's agent. If the importer,



1 importer's agent, or transportation company requests
2 inspection of sealed containers of the above-mentioned
3 articles at locations other than where the articles
4 are first received or discharged and the department
5 determines that inspection at the other place is
6 appropriate, the department may require payment of
7 costs necessitated by these inspections, including
8 overtime costs;

9 (8) Disinfection or quarantine. If, upon inspection, any
10 article received or brought into the State for the
11 purpose of debarkation or entry therein is found to be
12 infested or infected or there is reasonable cause to
13 presume that it is infested or infected and the
14 infestation or infection can, in the judgment of the
15 inspector, be eradicated, a treatment shall be given
16 [~~such~~] to the article. The treatment shall be at the
17 expense of the owner or the owner's agent, and the
18 treatment shall be as prescribed by the department.
19 The article shall be held in quarantine at the expense
20 of the owner or the owner's agent at a satisfactory
21 place approved by the department for a sufficient



1 length of time to determine that eradication has been
2 accomplished. If the infestation or infection is of
3 the nature or extent that it cannot be effectively and
4 completely eradicated, or if it is a potentially
5 destructive pest or it is not widespread in the State,
6 or after treatment it is determined that the
7 infestation or infection is not completely eradicated,
8 or if the owner or the owner's agent refuses to allow
9 the article to be treated or to be responsible for the
10 cost of treatment and quarantine, the article, or any
11 portion thereof, together with all packing and
12 containers, may, at the discretion of the inspector,
13 be destroyed or sent out of the State at the expense
14 of the owner or the owner's agent. The destruction or
15 exclusion shall not be made the basis of a claim
16 against the department or the inspector for damage or
17 loss incurred;

- 18 (9) Disposition. Upon completion of inspection, either at
19 the time of arrival or at any time thereafter should
20 any article be held for inspection, treatment, or
21 quarantine, the inspector shall affix to the article



1 or the container or to the delivery order in a
 2 conspicuous place thereon, a tag, label, or stamp to
 3 indicate that the article has been inspected and
 4 passed. This action shall constitute a permit to
 5 bring the article into the State; and

6 (10) Ports of entry. None of the articles mentioned in
 7 this section shall be allowed entry into the State
 8 except through the airports and seaports in the State
 9 designated and approved by the board."

PART IV

11 SECTION 13. Chapter 150A, Hawaii Revised Statutes, is
 12 amended by adding a new section to part VI to be appropriately
 13 designated and to read as follows:

14 "§150A- Biosecurity emergency. (a) The department,
 15 with the approval of the governor, may declare a biosecurity
 16 emergency if:

- 17 (1) There has been in the State an outbreak or occurrence
 18 of a pest or prohibited or restricted organism that
 19 has the potential to cause significant economic or
 20 environmental loss if the pest or organism becomes
 21 established in the State;



- 1 (2) There is established in one area of the State a pest
2 or prohibited or restricted organism that has the
3 potential to cause significant economic or
4 environmental loss if the pest or organism expands to
5 other areas within a county or becomes established in
6 another area of the State; or
- 7 (3) A pest or prohibited or restricted organism is, or
8 threatens to be, beyond the State's ability to
9 control.
- 10 (b) A biosecurity emergency shall automatically terminate
11 one hundred calendar days after its declaration, unless the
12 declaration is extended by the department with the approval of
13 the governor.
- 14 (c) For the duration of a declared biosecurity emergency:
- 15 (1) The department shall be exempt from chapter 103D;
16 (2) The Hawaii invasive species council shall work with
17 the chairperson; and
- 18 (3) The governor may transfer moneys to the department
19 from any account within the governor's control.
- 20 (d) The governor may requisition and take control of any
21 goods, real property, or watercraft required for the purposes of



1 this section, or requisition and take control of the temporary
2 use thereof; provided that:

3 (1) This subsection shall not apply to any vessel that:

4 (A) Has anti-fouling hull coating; and

5 (B) Does not discharge ballast water, uses freshwater
6 for ballasting, or is equipped with ultraviolet
7 filtration systems for ballast water;

8 (2) The requisition shall be made by serving notice upon

9 any person found in occupation of the premises or

10 having the property in the person's custody,

11 possession, or control, and a like notice shall also

12 be served upon any person who has filed with the

13 governor, or with a person the governor designates for

14 the purpose, a request for notice with respect to the

15 property; provided further that if any person entitled

16 to compensation for the property is unable to be

17 served, the governor shall publish a notice of the

18 requisition at the earliest practicable date; and

19 (3) A requisition shall terminate automatically one

20 hundred calendar days after the declaration of a



1 biosecurity emergency, or by a separate proclamation
2 of the governor, whichever occurs first.

3 (e) If the governor requisitions and takes control of any
4 property or the temporary use thereof, the owner, or other
5 person entitled thereto, shall be paid a sum, determined by the
6 governor to be fair and just compensation for the property or
7 use, within twenty days after the property has been
8 requisitioned and taken, or in monthly or lesser installments if
9 the property is taken for temporary use.

10 If any person is unwilling to accept the sum determined by
11 the governor as full and complete compensation for the property
12 or use, the person shall be paid seventy-five per cent of that
13 sum and may sue the State for an additional sum that, when added
14 to the sum already received by the person, the person may
15 consider fair and just compensation for the property or use, in
16 the manner provided by chapter 661 for actions against the
17 State; provided that:

18 (1) Any suit under this section shall be instituted within
19 two years after the requisition in the case of the
20 taking of real property in fee simple, or within one
21 year after the requisition in all other cases, subject



1 to sections 657-13 to 657-15, which are hereby made
2 applicable to the suit;

3 (2) No more than six months shall be allowed for the
4 bringing of a suit after the appointment of a
5 conservator of a person under disability, or the
6 removal of the disability, or after the appointment of
7 personal representatives; and

8 (3) Recovery shall be confined to the fair market value of
9 the property or its fair rental value, as the case may
10 be, without any allowance for prospective profits, or
11 punitive or other damages.

12 If the owner of property, or other person entitled to
13 compensation for the requisitioning of property or use thereof,
14 is under a disability, or has died, and no conservator or
15 personal representative has been appointed, the State, acting
16 through the attorney general, may apply for the appointment of a
17 conservator or for the appointment of a personal representative.

18 (f) The governor shall appoint a board of three
19 disinterested certified appraisers with whom may be filed any
20 claim for damages arising out of any failure to return private
21 property, the temporary use of which was requisitioned, or which



1 was leased, or any claim for damages arising out of the
2 condition in which the private property is returned. No claim
3 may be filed for deterioration of property resulting from
4 ordinary wear and tear and not for any deterioration or damage,
5 except any that is shown to have resulted from the taking or use
6 of the property; provided that any claim shall be filed within
7 thirty days after the return of the property or after the
8 governor proclaims that all private property has been returned
9 to the owners, whichever is earlier. The decision of the
10 appraisers shall be final and binding upon the governor and the
11 claimant. Either party may file a petition in the circuit court
12 within sixty days after the rendering of a decision of the board
13 of appraisers, praying for the decision of the court upon the
14 claim. The petition, if filed by the State, shall be entitled
15 in the name of the State by the attorney general and shall be
16 heard and decided by the circuit court without the intervention
17 of a jury. If filed by any other party, the petition shall be
18 filed, heard, and decided in the manner provided for suits
19 against the State. Appellate review may be had, subject to
20 chapter 602, in the manner provided for civil appeals from the
21 circuit courts. The court may order the joinder of other



1 parties or may allow other parties to intervene. Any award that
2 has become final shall be paid out of any funds available under
3 this chapter and, if not sufficient, out of the general revenues
4 of the State as appropriated."

5 SECTION 14. Section 150A-52, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§150A-52 Objectives of biosecurity program.** The
8 objectives of the biosecurity program shall be to:

- 9 (1) Establish a multi-dimensional system to survey for and
10 prevent the entry into the State and interisland
11 movement of pests and prohibited or restricted
12 organisms without a permit;
- 13 (2) Respond effectively to eradicate, control, reduce, and
14 suppress incipient pest populations and established
15 pests and seize and dispose of prohibited or
16 restricted organisms without a permit; and
- 17 (3) Coordinate with partner agencies and organizations to
18 direct the control and eradication of [~~invasive~~
19 ~~species.~~] pests."

20 SECTION 15. Section 150A-53, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§150A-53 **General actions to achieve objectives.** (a) To
2 achieve the objectives of the biosecurity program, the
3 department shall plan for and, within available legislative
4 appropriations or through funding from other sources, implement
5 the following:

6 (1) Work with government agencies and agricultural
7 commodity exporters of other states and countries to
8 establish pre-entry inspection programs under which
9 inbound cargo into the State is inspected at the ports
10 of departure or other points outside the State;

11 (2) Establish, operate, or participate in operating port-
12 of-entry facilities where multiple government agencies
13 may inspect, quarantine, fumigate, disinfect, destroy,
14 or exclude as appropriate, articles that may harbor
15 pests or prohibited or restricted organisms or exclude
16 articles that are prohibited or restricted without a
17 permit, with the goals of:

18 (A) Performing inspections in an efficient,
19 effective, and expeditious manner for the
20 government agencies involved and for cargo
21 owners, carriers, and importers; and



- 1 (B) Providing for the proper and safe storage and
2 handling of cargo, especially agricultural and
3 food commodities, awaiting inspection;
- 4 (3) Develop, implement, and coordinate post-entry measures
5 to eradicate, control, reduce, and suppress pests and,
6 as appropriate, eradicate or seize and dispose of
7 prohibited or restricted organisms without a permit
8 that have entered the State;
- 9 (4) Collaborate with relevant government agencies,
10 agricultural commodity importers, and other persons to
11 examine and develop joint integrated systems to better
12 implement the biosecurity program;
- 13 (5) Improve cargo inspection capabilities and methods,
14 including enhancement of the content and submission
15 requirements for cargo manifests and agricultural
16 commodity ownership and movement certificates;
- 17 (6) Promote the production of agricultural commodities in
18 the State to reduce cargo shipments of imported
19 commodities into the State; and
- 20 (7) Provide public education on [the]:



1 preserve the quality and ensure the safety of the commodities
2 arriving at the State's airports and harbors."

3 PART V

4 SECTION 16. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2025-2026 and
7 the same sum or so much thereof as may be necessary for fiscal
8 year 2026-2027 for full-time equivalent (FTE)
9 positions within the department of agriculture and biosecurity;
10 provided that the funds shall be allocated as follows:

11 (1) \$ for full-time equivalent (FTE)
12 positions under plant pest and disease control
13 (AGR122); and

14 (2) \$ for full-time equivalent (FTE)
15 positions under pesticides (AGR846).

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

18 PART VI

19 SECTION 17. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 18. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 19. This Act shall take effect on July 1, 3000.



Report Title:

Department of Agriculture and Biosecurity; Deputy Director of Biosecurity; Biosecurity Form; Pests; Biosecurity Emergency; Appropriation

Description:

Part I: Renames the Department of Agriculture to the "Department of Agriculture and Biosecurity". Renames the Board of Agriculture to the "Board of Agriculture and Biosecurity". Part II: Establishes and appropriates funds for a Deputy Director of Biosecurity. Part III: Changes references to the plant and animal declaration form to the "biosecurity form". Part IV: Authorizes and specifies conditions under which the Department of Agriculture and Biosecurity may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms. Broadens the objectives and general actions of the Biosecurity Program. Part V: Appropriates funds for positions for the Department of Agriculture and Biosecurity. Effective 7/1/3000. (HD2)

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