

A Bill for an Act Relating to Invasive Species.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 194-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established the invasive species council for the special purpose of providing policy level direction, coordination, and planning among state departments, federal agencies, and international and local initiatives for the control and eradication of harmful invasive species infestations throughout the [State] state and for preventing the introduction of other invasive species that may be potentially harmful. The council shall:

- (1) Maintain a broad overview of the invasive species problem in the [State;] state;
- (2) Advise, consult, and coordinate invasive species-related efforts with and between the departments of agriculture, land and natural resources, health, and transportation, as well as state, federal, international, and privately organized programs and policies;
- (3) Identify and prioritize each lead agency’s organizational and resource shortfalls with respect to invasive species;
- (4) After consulting with appropriate state agencies, create and implement a plan that includes the prevention, early detection, rapid response, control, enforcement, and education of the public with respect to invasive species, as well as fashion a mission statement articulating the State’s position against invasive species; provided that the appropriate state agencies shall collaborate with the counties and communities to develop and implement a systematic approach to reduce and control coqui frog infestations on public lands that are near or adjacent to communities, and shall provide annual reports on the progress made in achieving this objective;
- (5) Coordinate and promote the State’s position with respect to federal issues, including:
 - (A) Quarantine preemption;
 - (B) International trade agreements that ignore the problem of invasive species in Hawaii;
 - (C) First class mail inspection prohibition;
 - (D) Whether quarantine of domestic pests arriving from the mainland should be provided by the federal government;
 - (E) Coordinating efforts with federal agencies to maximize resources and reduce or eliminate system gaps and leaks, including deputizing the United States Department of Agriculture’s plant protection and quarantine inspectors to enforce Hawaii’s laws;
 - (F) Promoting the amendment of federal laws as necessary, including the Lacey Act Amendments of 1981, Title 16 United States Code [sections] Sections 3371-3378; Public Law 97-79, and laws related to inspection of domestic airline passengers, baggage, and cargo; and
 - (G) Coordinating efforts and issues with the federal Invasive Species Council and its National Invasive Species Management Plan;
- (6) Identify and record all invasive species present in the [State;] state;
- (7) Designate the department of agriculture, health, or land and natural resources as the lead agency for each function of invasive species control,

- including prevention, rapid response, eradication, enforcement, and education;
- (8) Identify all state, federal, and other moneys expended for the purposes of the invasive species problem in the ~~[State] state~~;
 - (9) Identify all federal and private funds available to the State to fight invasive species and advise and assist state departments to acquire these funds;
 - (10) Advise the governor and legislature on budgetary and other issues regarding invasive species;
 - (11) Provide annual reports on budgetary and other related issues to the legislature twenty days prior to each regular session;
 - (12) Include and coordinate with the counties in the fight against invasive species to increase resources and funding and to address county-sponsored activities that involve invasive species;
 - (13) Review state agency mandates and commercial interests that sometimes call for the maintenance of potentially destructive alien species as resources for sport hunting, aesthetic resources, or other values;
 - (14) Review the structure of fines and penalties to ensure maximum deterrence for invasive species-related crimes;
 - (15) Suggest appropriate legislation to improve the State's administration of invasive species programs and policies;
 - (16) Incorporate and expand upon the department of agriculture's weed risk assessment protocol to the extent appropriate for the council's invasive species control and eradication efforts; and
 - (17) Perform any other function necessary to effectuate the purposes of this ~~[F]chapter[]~~."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 10, 2008.)