



COORDINATING GROUP ON  
ALIEN PEST SPECIES

The Senate  
Committee on Ways and Means  
Thursday, February 21, 2008  
9:30 a.m., Conference Room 211  
State Capitol

### Testimony in Support of SB 2850, SD1

Aloha Chair Baker, Vice Chair Tsutsui, and Members of the Committee,  
The Coordinating Group on Alien Pest Species (CGAPS) **supports SB 2850, SD1**, *Relating to Biosecurity.*

Two reports\* published in the early 1990s listed the need for a biosecurity program to protect Hawai'i from invasive species. One of the key findings listed in the report by the U.S. Congress—Office of Technology Assessment (OTA) states, *"Hawaii's geographic isolation makes it the state most in need of a comprehensive policy to address NIS (non-indigenous species, now referred to as invasive species)—virtually a separate "national" policy with its own programs and resources. The greatest challenge is to coordinate this need with Federal priorities, which can differ."*

SB 2850, SD1 would provide the Hawai'i Department of Agriculture (HDOA) with the tools necessary to implement an effective biosecurity program by ensuring that they have the ability to conduct inspections on more than just incoming agricultural products; by ensuring that HDOA can accurately identify cargo that should be inspected; and by providing funds for the planning and building of a new joint Federal-State inspection and quarantine facility at the Honolulu International Airport.

Even before OTA's 1993 report, experts knew that differing State and Federal inspection priorities would put Hawai'i at an elevated risk for invasive species. CGAPS believes that empowering HDOA to provide effective biosecurity and promoting interagency communication and cooperation via a joint inspection facility should be a top priority in the battle against invasive species.

CGAPS asks for your support of SB 2850, SD1. Mahalo.

CGAPS--Coordinating Group on Alien Pest Species  
Ph: (808) 722-0995

- \*1. *"The Alien Pest Species Invasion in Hawaii: Background Study and Recommendations for Interagency Planning"* (The Nature Conservancy of Hawaii and Natural Resources Defense Council July 1992)
2. *"Harmful Non-Indigenous Species in the United States"* (U.S. Congress, Office of Technology Assessment 1993)

**Testimony of The Nature Conservancy of Hawai'i  
Supporting S.B. 2850 SD 1 Relating to Biosecurity  
Senate Committee on Ways & Means  
Thursday, February 21, 2008, 9:30AM, Rm. 211**

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawai'i's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.*

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The Nature Conservancy of Hawai'i supports S.B. 2850 SD 1 Relating to Biosecurity.

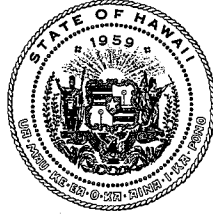
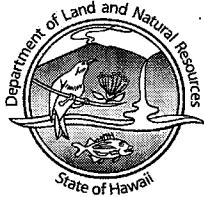
The Hawai'i Department of Agriculture is doing an admirable job to protect the State from new pest species. With additional financial and personnel support from the Legislature, the Department's implementation of a multi-faceted Biosecurity Plan will enhance this effort with more inspectors, more efficient and effective inspection services, joint state-federal inspection facilities, and agreements with importers for improved sanitary protocols before items are shipped to Hawai'i.

This bill takes the important step of codifying the Biosecurity Plan in statute, and providing the Department of Agriculture with the necessary authority to fund their important efforts.

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**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**on Senate Bill 2850 Senate Draft 1-- RELATING TO BIOSECURITY**

**BEFORE THE SENATE COMMITTEE ON  
WAYS AND MEANS**

**February 21, 2008**

Senate Bill 2850 Senate Draft 1 consolidates existing quarantine authorities and stated goals for the Department of Agriculture (DOA) by recognizing the biosecurity program, provides authorities to require cargo manifests of cargo, provides funding and appropriates funds for the purpose of the joint inspection facility. The Department of Land and Natural Resources (Department) supports the intent of this measure, but has concerns as it would adversely impact priorities in the Executive Supplemental Budget request

Preventing new invasive species from establishing in Hawaii provides the greatest long term protection for Hawaii and the Department supports strong import quarantine measures. The increase in interisland transportation without adequate inspection and quarantine has resulted in the spread of invasive species across the state once they become established on a single island. Some of the most recent and costly examples of this are the introduction of several coqui frogs each year to the islands of Maui, Molokai, Oahu and Kauai and the spread of stinging nettle caterpillar from the Big Island to Maui and Oahu. The lack of including invasive species quarantine in all airport and harbor facilities planning both hampers inspection efforts by the Department of Agriculture but increases the cost and time that shippers and businesses must expend to take their agricultural cargo to remote locations. Central, well planned facilities allow for efficient cargo movement and better quarantine inspections that protect Hawaii's economy and environment from invasive species. The Department supports including provisions for well planned facilities along with a more complete biosecurity program.

Honolulu International Airport currently does not have adequate federal or state quarantine inspection facilities. The only well equipped and recently built or renovated inspection facilities are located at Kahului Airport and are expected to greatly improve the capability of the Department of Agriculture to unload containers in a secure environment for inspections as well as provide on site treatment of infested goods and produce. Combining facilities with the United States Department of Agriculture and other federal agencies that carry out inspections will reduce operating costs over the long term as well as improve efficiency for businesses that are required to comply with both federal and state regulations.

Planning and coordination with federal agencies for joint facilities is timely as improvements to the Honolulu International Airport are currently under way and plans for facilities improvements at harbors are also being developed.

In Hawaii, over 432,000 - 20' equivalent containers are imported annually according to 2005 numbers recorded by the Department of Transportation. A similar number of containers are transported interisland each year. Allowing DOA to review detailed descriptions of the contents of the containers and prioritize them for inspection will allow the highest risk goods to be inspected for invasive species as the current DOA capacity allows while allowing the rest to move on to their destinations. Requiring detailed manifests will improve the State's response to future risk posed by new commodities such as the increased importation of building materials that may harbor invasive plants, insects or even larger animals such as snakes. Including inspection and quarantine treatment in the State's transportation network and providing DOA with the resources and authority to improve interisland and import quarantine for Hawaii, protects the State's agricultural sector, tourism economy and environment.

DOA has developed and implemented key initiatives in their Biosecurity Strategy designed to reduce the import and spread of invasive species such as coqui and nettle caterpillar. The recent increase in permanent inspector positions and the establishment of the user fee under Act 9, Session Laws of Hawaii 2007, has been an important incremental step in the process of supporting a modernized and functional quarantine system to protect Hawaii from invasive species that threaten agriculture, the economy, our environment and way of life.

The development of sustained, scalable funding for Hawaii's quarantine system was one of the priorities recognized by the 2002 Legislative Reference Bureau Report "Filling the Gaps in the Fight Against Invasive Species". In a poll carried out in Feb 2007 by Qmark, a division of Star Segal, done on behalf of the Coordinating Group on Alien Pest Species (CGAPS), nearly 75% of those polled supported a service fee to protect Hawaii from invasive species.

Establishment of adequate interisland quarantine inspections and improvements in inspections of imports will require additional resources and authorities as identified in this measure. The Department supports the intent of this measure, however has concerns with the budgetary implications this bill will have on the Executive Supplemental Budget request, and defers to DOA on the specific mechanisms for developing these tools.

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# Conservation Council for Hawai'i

Testimony Submitted to the Senate Ways and Means Committee

Hearing: Thursday, February 21, 2008  
9:30 am  
Room 211

## Support for SB 2850 SD 1 Relating to Biosecurity

**Aloha.** The Conservation Council for Hawai'i supports SB 2850 SD 1, which establishes statutory provisions and appropriates funds for the Department of Agriculture's biosecurity program.

We also recommend that, as part of the Hawai'i Department of Agriculture's post-entry measures within the biosecurity program, permanent adequate funding be established for the Invasive Species Committee's for Kaua'i, O'ahu, Moloka'i, Maui, and Hawai'i. The Invasive Species Committees are doing a good job with limited resources. They are working with private landowners in a cooperative manner to control invasive species already here. Please identify the appropriate vehicle to establish permanent adequate funding for the Invasive Species Committees.

Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler



**Working Today for the Nature of Tomorrow!**

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**Hawai'i Affillate of the National Wildlife Federation**

President: *Julie Leialoha* • Vice-President: *Nelson Ho* • Secretary/Treasurer: *Kim Ramos* • Directors: *Fred Kraus, Ph.D.* • *Douglas Lamerson*,  
*George Robertson* • *Claire Shimabukuro* • *Helene Takemoto* • *Mashuri Walte* • Executive Director: *Marjorie Ziegler*

**Hawaii  
Crop  
Improvement  
Association**

Sarah Styan, President  
P.O. Box 609  
Waimea, Hawaii 96796  
Phone: 808- 338-8300 ext 113

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Testimony by: Sarah Styan  
SB2850sd1, Biosecurity  
Senate WAM Committee  
Thursday, Feb. 21, 2008  
Room 211: 9:30 am

Position: Support

Chair Baker and Members of the Senate WAM Committee:

My name is Sarah Styan. I am a Kauai resident, President of HCIA and research scientist of Pioneer Hi-Bred International, Waimea Research Station. The HCIA represents seed production and research facilities operating in Hawaii for nearly 40 years. The HCIA is comprised of five member companies that farm an estimated 8,000 acres on four islands, valued at \$97.6 million in operating budget (2006/2007 HASS). We are proud members of Hawaii's diversified agriculture and life sciences industries.

As testified in previous years, HCIA believes that financing the prevention of importation of invasive species is more prudent than later financing of eradication or containment programs. Examples of such latter efforts include the battle against the coqui frogs, miconia, gorse weed, fireweed and others.

Policy and funding support for the Department of Agriculture's proposed Biosecurity program is critical, not only to the agricultural industry, but to Hawaii's environment. The proposed program seeks to establish pre-entry inspection programs and quarantine as needed of exporters from other states and countries, and safe handling and storage of food and agricultural cargo. This is a welcomed and necessary program to protect Hawaii's farmers and environment. Hawaii's exporters have been subject to such stringent pre-entry inspection programs for many years.

Please support this measure. Thank you for the opportunity to present testimony.

**HAWAII FARM BUREAU FEDERATION  
2343 ROSE STREET  
HONOLULU, HI 96819**

FEBRUARY 21, 2008

HEARING BEFORE THE  
HOUSE COMMITTEE ON WAYS & MEANS

TESTIMONY ON SB 2850  
RELATING TO BIOSECURITY

Chair Baker and Members of the Committee:

My name is Alan Takemoto, Executive Director, of the Hawaii Farm Bureau Federation, which is the largest non-profit general agriculture organization representing approximately 1,600 farm and ranch family members statewide.

The Hawaii Farm Bureau Federation supports SB 2850, which establishes statutory provisions and appropriates funds for the DOA's biosecurity program.

Invasive species have become one of the most devastating problems impacting Hawaii's agricultural industry. Invasive species have negatively impacted both Hawaii's environment and economy. The demise of the native wili wili tress, the recent infestation of imported Christmas trees, coqui frog, and others pests and diseases chronically devastate our agricultural crops. DOA's biosecurity program is a comprehensive plan to address our food security and invasive species control in Hawaii.

Thank you for allowing us to testify on this measure.

**LINDA LINGLE**  
Governor



**SANDRA LEE KUNIMOTO**  
Chairperson, Board of Agriculture

**DUANE K. OKAMOTO**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512

**TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS  
THURSDAY, FEBRUARY 21, 2008  
9:30 A.M.**

**SENATE BILL NO. 2850, S.D. 1  
RELATING TO BIOSECURITY**

Chairperson Baker and Members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill No. 2850, S.D. 1. The purpose of this bill is to establish and fund the department of agriculture's biosecurity program. The department supports the intent of this bill; however, we have concerns about the possible adverse budgetary impact that this bill may have on the Executive Supplemental budget request. The department offers technical, nonsubstantive amendments for style, clarity, and consistency which are attached in the proposed S.D. 2.

The department of agriculture has formulated and has begun to implement a new biosecurity program for the state consisting of preclearance programs, port-of-entry inspections, post-entry control and eradication programs, and initiatives to spur the growth of agriculture in Hawaii to reduce the state's dependency on imported agricultural products.

Several major projects key to the implementation of the biosecurity program are underway at this time. Specifically, we have initiated the planning and installation of joint-use inspection facilities at the airports and harbors to mitigate environmental concerns for the improvements to the transportation infrastructure at ports statewide; and are currently developing coordinated federal-state programs targeting risk assessments, diagnostics, detection, control and suppression, and emergency management programs.



CIP proposals have been submitted and are under review in the department. Consultants are involved in scoping the project and identifying the needs of state and federal agencies, the airlines, freight carriers and growers in Hawaii.

A separate but related initiative is under way to identify the inspection infrastructure needed at Honolulu Harbor of the inspection of sea containers arriving in Hawaii containing high pest risk cargo.

In addition to the above, the department has committed to expand efforts to control invasive species in Hawaii through biological control, the introduction of beneficial insects and pathogens for the control of pest species. The department has an excellent track record in this area.

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# A BILL FOR AN ACT

*RELATING TO BIOSECURITY.*

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

SECTION 1. The legislature finds that the unchecked spread of invasive species is the single greatest threat to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people. Invasive pests can cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, the spread of disease, and the quarantine of exported agricultural crops.

Island ecosystems are particularly vulnerable to the destructive power of invasive pests. In Guam, the accidental introduction of the brown tree snake has resulted in widespread devastation. Without natural predators or competition for food, brown tree snake populations have grown exponentially, causing mass extinctions of endemic birds. Where there were once bird

songs, the silent forests of Guam are now home to as many as 15,000 snakes per square mile. Just one new pest like the brown tree snake could forever change the character of the Hawaiian Islands.

Despite our ongoing efforts to detect and eradicate invasive species, our fragile island ecosystems are constantly at risk from insects, disease-bearing organisms, snakes, weeds, and other invasive pests. The coqui frog, *Salvinia molesta*, [~~miconia calvescens~~] *Miconia calvescens*, ohia rust, nettle caterpillar, and [~~red imported~~] little fire ant are all present in Hawaii, disrupting the delicate balance of our ecosystems, crowding out native species, and reducing the biodiversity of our islands. Other harmful species like the papaya mealybug, erythrina gall wasp, Asian citrus psyllid, and varroa mite have the potential to devastate our environment and agriculture if allowed to become [~~established~~] widespread in Hawaii and [~~spread~~] remain unchecked by natural predators.

The department of agriculture has created a biosecurity program to fight invasive species on several fronts by:

- (1) Administering pre-entry measures to minimize the risk of invasive pests entering the State;

- (2) Conducting port-of-entry inspections to detect and quarantine or destroy pests upon arrival; and
- (3) Administering post-entry measures to mitigate the establishment of pests in the State.

The department has also supported the growth of Hawaii's agriculture by attempting to reduce the State's dependency on imported agricultural products which may contain pests. The legislature finds that sufficient support for a biosecurity program is vital to the public health and welfare of Hawaii.

The purpose of this Act is to establish and fund the department of agriculture's biosecurity program.

SECTION 2. Chapter 150A, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**"PART . BIOSECURITY PROGRAM**

**§150A-A Biosecurity program; establishment.** The department shall establish a biosecurity program authorized under this chapter [~~chapter 141, chapter 145, and any other relevant state or federal law to implement the program.~~] that will interface with any other relevant state laws pertaining to agriculture or relevant federal law to implement the program.

**§150A-B Objectives of biosecurity program.** The objectives of the biosecurity program shall be to:

- (1) Establish a multi-dimensional system to prevent the entry into the State and interisland movement [~~from island to island~~] of pests and [~~other illegal organisms~~] prohibited organisms or restricted organisms without a permit; and
- (2) Respond effectively to eradicate, control, reduce, and suppress incipient pest populations and established pests and [~~other illegal organisms-~~] seize and dispose of prohibited organisms or restricted organisms without a permit.

**§150A-C General actions to achieve objectives.** To achieve the objectives of the biosecurity program, the department shall plan for[7] and, within available legislative appropriations, implement the following:

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

(2) Establish, operate, or participate in operating port-of-entry facilities where multiple government agencies may [~~conduct cargo inspections and detect, quarantine, and destroy or dispose of discovered pests and other illegal organisms,~~] inspect, quarantine, fumigate, disinfect, destroy, or exclude, as appropriate, articles that may harbor pests or exclude articles that are prohibited or restricted without a permit, with the goals of:

(A) Performing inspections in an efficient, effective, and expeditious manner for the government agencies involved and for cargo owners, carriers, and [~~recipients~~] importers; and

(B) Providing for the proper and safe storage and handling of cargo, especially agricultural and food commodities, awaiting inspection;

(3) Develop, implement, and coordinate post-entry measures to eradicate, control, reduce, and suppress pests and [~~other illegal organisms~~], as appropriate, eradicate or seize and dispose of prohibited organisms or restricted organisms without a permit that have entered the State;

- (4) Collaborate with relevant government agencies, agricultural commodity importers, and other persons to examine and develop joint integrated systems to better implement the biosecurity program;
- (5) Improve cargo inspection capabilities and methods, including enhancement of the content and submission requirements for cargo manifests and agricultural commodity ownership and movement certificates;
- (6) Promote the production of agricultural commodities in the State [~~that may be substituted for imported commodities~~] in order to reduce cargo shipments of imported commodities into the State; and
- (7) Provide public education on the negative effects of pests and [~~other illegal organisms~~] prohibited organisms or restricted organisms without a permit to the environment and economy of the State.

**§150A-D Biosecurity program; charges, costs. (a)**

The department shall set and impose charges [~~upon persons whose cargo is inspected under the program in accordance with section 141-5 and this section.~~] for the inspection,

quarantine, and eradication of pests in accordance with this chapter and chapter 141.

(b) The department shall set the charges at amounts intended to generate revenues that, when combined with federal and other funds, are sufficient to pay for the operating and maintenance cost of the program and debt service on bonds issued to fund facilities constructed for the program.

**§150A-E Federal and other funds.** The department shall place high priority on seeking and applying for federal and other funds [~~that may be used~~] for the biosecurity program.

**§150A-F Schedule of appropriations and expenditures for program.** (a) By January 1, 2009, the department shall prepare a schedule of proposed annual appropriations for the biosecurity program for the ensuing six fiscal years [~~for the biosecurity program~~] that represents the department's realistic expectation as the amounts necessary to effectively operate the program, yet remain within the constraints of projected state revenue growth.

(b) By January 1 of each fiscal year thereafter, the department shall update the schedule to include the following information, as applicable, for the immediate



past fiscal year, current fiscal year, and ensuing five fiscal years:

- (1) The proposed appropriations submitted or to be submitted by the department to the governor for the biosecurity program;
- (2) The proposed appropriations submitted or to be submitted by the governor to the legislature in the executive or supplemental budget;
- (3) The actual appropriations by the legislature; and
- (4) The actual expenditures.

(c) The department shall submit each required schedule to the legislature twenty days before the convening of every regular session.

(d) The department may submit with each schedule a narrative commenting on the effects of any variance between the actual expenditure for the biosecurity program during a fiscal year and proposed appropriation submitted by the department to the governor for that fiscal year.

**§150A-G Annual report.** The department shall submit an annual report to the legislature on the biosecurity program. The schedule required under section 150A-E shall be included in the pertinent annual report."

SECTION 3. Section 141-2, Hawaii Revised Statutes, is amended to read as follows:

"§141-2 Rules. Subject to chapter 91 the department of agriculture shall adopt, amend, and repeal rules not inconsistent with law, for and concerning:

- (1) The introduction, transportation, and propagation of trees, shrubs, herbs, and other plants;
- (2) The quarantine, inspection, fumigation, disinfection, destruction, or exclusion, either upon introduction into the State, or at any time or place within the State, of any nursery-stock, tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud, seed, leaf, root, or rhizome; any nut, fruit, or vegetable; any grain, cereal, or legume in the natural or raw state; any moss, hay, straw, dry-grass, or other forage; any unmanufactured log, limb, or timber; or any other plant growth or plant product unprocessed or in the raw state; any sand, soil, or earth; any live bird, reptile, insect, or other animal, in any stage of development, that is in addition to the so-called domestic animals, which are provided for in section 142-2; and any box, barrel, crate, or other containers in which the articles, substances, or objects have been transported or contained, and any packing material used in

connection therewith, which is or may be diseased or infested with insects or likely to assist in the transmission or dissemination of any insect or plant disease injurious, harmful, or detrimental, or likely to become injurious, harmful, or detrimental to the agricultural or horticultural industries or the forests of the State, or which is or may be in itself injurious, harmful, or detrimental to the same (included therein may be rules governing the ~~shipping~~ transportation of any of the articles, substances, or objects enumerated above in this section between different localities on any one of the islands within the State);

- (3) The prohibition of importation into the State, from any or all foreign countries, or from other parts of the United States, or the shipment from one island within the State to another island therein, or the transportation from one part or locality of any island to another part or locality of the same island, of any specific article, substance, or object or class of articles, substances or objects, among those enumerated above in this section, which is

diseased or infested with insects or likely to assist in the transmission or dissemination of any insect or plant disease injurious, harmful, or detrimental or likely to be injurious, harmful, or detrimental to the agricultural or horticultural industries, or the forests of the State, or which is or may be in itself injurious, harmful, or detrimental to the same;

(4) The preparation by cargo carriers of manifests of cargo [shipped] transported into the State or between islands of the State and the submission of the manifests to the department; and

~~[(4)]~~ (5) The manner in which agricultural product promotion and research activities may be undertaken, after coordinating with the agribusiness development corporation.

All rules adopted under this section shall have the force and effect of law."

SECTION 4. Section 141-5, Hawaii Revised Statutes, is amended to read as follows:

"§141-5 Charges for inspection, etc. The department of agriculture shall, with the approval of the governor, adopt a reasonable scale of charges, which may be changed from time to time, for the inspection, disinfection,

fumigation, and quarantine, authorized, required, or permitted by this chapter or chapter 142 [~~0~~], 150 [~~-~~], or 150A. Certificates and permits in such chapters provided for concerning articles or animals imported, or proposed to be imported, into the State, and the charges so provided for, shall be paid for in advance before any certificate or permit is delivered, or any of such articles or animals are permitted to be landed. If thereafter further expense is incurred in the inspection, treatment, or quarantine of any of such articles or animals, the charges therefor shall be paid before any of such articles or animals shall be delivered."

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2008-2009 for the biosecurity program of the department of agriculture.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2008-2009 for the planning of the interim joint inspection

facility and permanent joint inspection facility of the department of agriculture's biosecurity program.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Section.

SECTION 7. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2008.

**Report Title:**

*Invasive Species; Biosecurity Program; Appropriation*

**Description:**

*Establishes statutory provisions on and appropriates funds for the department of agriculture's biosecurity program.*

*(SD1)*