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# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1           SECTION 1. Section 150A-4.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) There is established in the state treasury the pest  
4 inspection, quarantine, and eradication fund, into which shall  
5 be deposited:

6           (1) Legislative appropriations for inspection, quarantine,  
7 and eradication services;

8           (2) Service fees, charges, and penalties collected under  
9 section 150A-5.3[+] and section 150A-23;

10           (3) Federal funds received for pest inspection,  
11 quarantine, and eradication programs;

12           (4) Grants and gifts;

13           (5) All interest earned or accrued on moneys deposited in  
14 the fund; and

15           (6) Any other moneys made available to the fund."

16           SECTION 2. Section 150A-23, Hawaii Revised Statutes, is  
17 amended to read as follows:

H.B. NO. 2504

1 " [†] §150A-23 [†] Nursery stock certificate. The department  
2 may issue and authorize the use of nursery stock certificates by  
3 any shipper complying with its regulation for nursery  
4 inspection. Shipments accompanied by these certificates may  
5 move to other localities within the county or to other counties  
6 without inspection at destination. Nursery stock certificates  
7 may be issued for interstate shipments. Fees may be charged for  
8 nursery certification[-] and shall be deposited into the pest  
9 inspection, quarantine, and eradication fund. Nursery stock  
10 certificates shall not be altered or misused.

11 The department may revoke or suspend the right to use any  
12 nursery stock certificate which is issued to any person who  
13 fails to comply with requirements for their use."

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

Calvin K. Y. Ray

BY REQUEST

JAN 25 2010

**Report Title:**

Plant Quarantine; Nursery Fees

**Description:**

Allows for Nursery Certification fees to be deposited into the Pest Inspection, Quarantine, and Eradication Fund.

JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO INVASIVE SPECIES.

PURPOSE: Requires nursery certification fees to be deposited into the pest inspection, quarantine, and eradication fund.

MEANS: Amend sections 150A-4.5(a) and 150A-23, Hawaii Revised Statutes.

JUSTIFICATION: Industry leaders have indicated that a higher certification fee is warranted in order to support funding for plant quarantine inspectors. This bill will allow nursery certification fees deposited into the pest inspection, quarantine, and eradication fund to be used for personnel and other costs incurred to provide the nursery certification services. The bill is submitted in anticipation of an industry initiative to raise fees. Timing of the initiative is unknown.

Impact on the public: None.

Impact on the department and other agencies: Increased flexibility to respond in the event of further cuts to general funds.

GENERAL FUND: Potential reduction of general funded plant quarantine branch positions through future shift to special fund; reduction of funds returned to the general fund from the nursery certification fees (approximately \$15,000 annually is currently collected).

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: AGR-122EB.

OTHER AFFECTED  
AGENCIES:

None.

EFFECTIVE DATE:

July 1, 2010.