

JAN 27 2010

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that the safe
2 introduction of plants, non-domestic animals (such as fish,
3 birds, amphibians, and insects), microorganisms, (such as algae,
4 bacteria, fungi, protozoa, and viruses), and soil is managed
5 through permits, letters of authorization, and registrations
6 issued by the department of agriculture.

7 The framework for permit and other approvals was developed
8 with the concept that plants and domestic animals (e.g., cats,
9 dogs, horses, sheep, and cattle) are generally considered
10 desirable and that non-domestic animals (e.g., snakes, tigers,
11 mosquitoes, and piranha) and microorganisms (pathogens) are
12 generally considered undesirable. While mindful of the
13 potential harm that can result from these introductions, some
14 introductions benefit the State for purposes such as scientific
15 research, businesses, commerce, and other important state
16 interests.

17 To determine whether a plant, animal, or microorganism is
18 safe or harmful, the department of agriculture evaluates



1 applications based upon available information, the intended use,
2 and the availability of adequate safeguards and protocols with
3 respect to the plant animal or organism. The department also
4 evaluates the reliability of the responsible individual and the
5 risks and benefits associated with the particular introduction.
6 The evaluation also requires a science-based risk assessment of
7 scientific data with respect to the plant, animal, or organism
8 in a thorough, consistent, and logical manner.

9 The purpose of this Act is to establish fees for the
10 processing of permits and other requests for the importation or
11 possession of incoming plants, animals, and microorganisms into
12 the State.

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

16 "§150A- User fees; permits; letters of authorization;
17 registration; importation and possession. (a) There is imposed
18 a fee for the processing of requests for the importation or
19 possession of plants or animals requiring a permit, letter, or
20 registration under this chapter. The fee shall be paid in full
21 at the time of the submission of the request.



1 (b) The fees collected under this section shall be
2 deposited into the pest inspection, quarantine, and eradication
3 fund.

4 (c) The fee to process requests for importation and
5 possession shall be as follows:

6 (1) \$ for a permit for a single shipment of
7 restricted plants;

8 (2) \$ for a permit for unlimited shipments within one
9 year of the date of issuance, of restricted plants;

10 (3) \$ for a permit for a single shipment of
11 conditionally approved animals;

12 (4) \$ for a permit for unlimited shipments, occurring
13 within one year of the date of issuance, of
14 conditionally approved animals;

15 (5) \$ for a permit for a single shipment of
16 restricted animals that require permits for both
17 importation and possession;

18 (6) \$ for a permit for unlimited shipments occurring
19 within one year of the date of issuance, of restricted
20 animals that require permits for both importation and
21 possession;



- 1 (7) \$ _____ for a special permit for an unlisted animal in
2 an emergency or disaster situation or for conducting
3 medical or scientific research;
- 4 (8) \$ _____ for a short-term special permit for an unlisted
5 animal for a film production, performance, or
6 exhibition;
- 7 (9) \$ _____ for a permit for a plants, animals, or
8 microorganisms that require a rule change to change
9 the listing of the organism to allow for importation
10 or possession;
- 11 (10) \$ _____ for a permit for a single shipment of listed or
12 unlisted microorganisms that require permits for both
13 importation and possession;
- 14 (11) \$ _____ for a permit for unlimited shipments within one
15 year of the date of issuance or within a specified
16 calendar year, of listed or unlisted microorganisms
17 that require permits for both importation and
18 possession;
- 19 (12) \$ _____ for a letter of authorization for listed or
20 unlisted microorganisms;
- 21 (13) \$ _____ for an emergency permit of an unlisted
22 microorganism specie or a microorganism specie on the



1 list of restricted microorganisms in an emergency or
2 disaster situation;

3 (14) \$ for registration of a microbial product; and

4 (15) \$ for registration of a laboratory described in
5 section 150A-6.3(f)(2)."

6 SECTION 3. Section 150A-4.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§150A-4.5 Pest inspection, quarantine, and eradication
9 fund. (a) There is established in the state treasury the pest
10 inspection, quarantine, and eradication fund, into which shall
11 be deposited:

12 (1) Legislative appropriations for inspection, quarantine,
13 and eradication services;

14 (2) Service fees, charges, and penalties collected under
15 section 150A-5.3;

16 (3) Federal funds received for pest inspection,
17 quarantine, and eradication programs;

18 (4) Grants and gifts;

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

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



1 (b) The moneys in the pest inspection, quarantine, and
2 eradication fund shall be expended by the department for the
3 operation of pest inspection, quarantine, eradication,
4 biosecurity, and monitoring programs, related facilities, and
5 the execution of emergency remedial measures when pests are
6 detected in the course of inspection and quarantine activities
7 by the department. The department shall also expend moneys in
8 the fund to:

- 9 (1) Facilitate the processing and issuance of permits;
- 10 (2) Amend lists of creatures prohibited or allowed for
11 import;
- 12 (3) Comply with monitoring activities;
- 13 (4) Train personnel and provide educational workshops,
14 materials, and equipment; and
- 15 (5) Accomplish any other purpose deemed necessary to carry
16 out the purposes of this part."

17 SECTION 4. Section 150A-6.7, Hawaii Revised Statutes, is
18 repealed.

19 [~~§150A-6.7 Permit revolving fund. (a) There is~~
20 ~~established in the state treasury a revolving fund to be known~~
21 ~~as the permit revolving fund to be administered by the~~
22 ~~department. The permit revolving fund shall consist of:~~



- 1 ~~(1) Legislative appropriations;~~
- 2 ~~(2) User fees as authorized by rule;~~
- 3 ~~(3) All interest earned on or accrued to moneys deposited~~
- 4 ~~in the permit revolving fund;~~
- 5 ~~(4) Grants and gifts; and~~
- 6 ~~(5) Any other moneys made available to the permit~~
- 7 ~~revolving fund from other sources.~~
- 8 ~~(b) The department shall expend moneys in the permit~~
- 9 ~~revolving fund to:~~
- 10 ~~(1) Facilitate the processing and issuance of permits;~~
- 11 ~~(2) Amend lists of creatures prohibited or allowed for~~
- 12 ~~import;~~
- 13 ~~(3) Comply with monitoring activities;~~
- 14 ~~(4) Train personnel, and provide educational workshops,~~
- 15 ~~materials, and equipment; and~~
- 16 ~~(5) For any other purpose deemed necessary to carry out~~
- 17 ~~the purposes of this part."]~~

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

20 SECTION 6. This Act shall take effect on July 1, 2010.

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Report Title:

Department of Agriculture; Plants; Animals; Microorganisms; Fee

Description:

Establishes fees for permits, letters, and the registration of plants, animals, and microorganisms allowed entry into the State.

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