



GOV. MSG. NO. 632

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 23, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 23, 2010, the following bill was signed into law:

HB2775 HD2 SD2 CD1

A BILL FOR AN ACT
RELATING TO AGRICULTURE.
ACT 172 (10)

Sincerely,



LINDA LINGLE

Approved by the Governor
on JUN 23 2010

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

ACT 172
H.B. NO. 2775
H.D. 2
S.D. 2
C.D. 1

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), microorganisms (pathogens), and soil
12 are generally considered undesirable. While mindful of the
13 potential harm that can result from these undesirable
14 introductions, some introductions benefit the State for purposes
15 such as scientific research, commerce, and other important state
16 interests.

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

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

9 The department of agriculture has one permit specialist in
10 each of the fields of plants, insects, land vertebrates, aquatic
11 biota, and microorganisms. Due to the current general fund
12 budget conditions in the state, the department has incurred
13 drastic reductions in its inspection and permitting sections.
14 The reinstatement of twenty-two of the plant inspection
15 positions has temporarily postponed the termination of a portion
16 of the permit section. However, the department's inspection
17 capacity has dropped to such a low level that the permit
18 specialists must now perform inspection duties in addition to
19 their permitting duties.

20 The purpose of this Act is to establish fees for the review
21 and processing of permits and other requests for the importation
22 or possession of plants, animals, microorganisms, or soil into



1 or transferred within the state, to provide stable funding for
2 the department's permit specialists and additional resources to
3 allow appropriate review of import requests and more timely
4 processing of permits and related authorizations under chapter
5 150A, Hawaii Revised Statutes.

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

9 "§150A- Processing fees for importation and possession
10 requests. (a) There is imposed a fee for the processing of
11 requests for the importation or possession of plants, animals,
12 or soil that require a permit, or for the importation or
13 possession of microorganisms that require a permit, letter of
14 authorization, or registration under this chapter. The fee
15 shall be paid in full at the time the request is submitted.

16 (b) The fees collected under this section shall be
17 deposited into the pest inspection, quarantine, and eradication
18 fund established under section 150A-4.5.

19 (c) The fees to process requests for importation and
20 possession shall be as follows:

21 (1) \$20 for a permit for a single shipment of restricted
22 plants;



- 1 (2) \$100 for a permit for unlimited number of shipments of
2 restricted plants, as provided by permit, occurring
3 within one year of the date of issuance;
- 4 (3) \$20 for a permit for a single shipment of
5 conditionally approved animals;
- 6 (4) \$100 for a permit for up to an unlimited number of
7 shipments of conditionally approved animals, as
8 provided by permit, occurring within one year of the
9 date of issuance;
- 10 (5) \$50 for a permit for a single shipment of restricted
11 animals that require permits for both importation and
12 possession;
- 13 (6) \$200 for a permit for up to an unlimited number of
14 shipments of restricted animals that require permits
15 for importation and possession, as provided by permit,
16 occurring within one year of the date of issuance;
- 17 (7) \$100 for a special permit for an unlisted animal in an
18 emergency or disaster situation or for conducting
19 medical or scientific research;
- 20 (8) \$500 for a short-term special permit for an unlisted
21 animal for a film production, performance, or
22 exhibition;



- 1 (9) \$2500 for a permit for plants, animals, or
2 microorganisms that require a rule amendment to change
3 a listing maintained by the board pursuant to section
4 150A-6.1, 150A-6.2, or 150A-6.3, to allow importation
5 or possession of the organism or to otherwise
6 accommodate the request for import or possession;
- 7 (10) \$150 for a permit for a single shipment of listed or
8 unlisted microorganisms that require permits for
9 importation and possession;
- 10 (11) \$500 for a permit for up to an unlimited number of
11 shipments of listed or unlisted microorganisms that
12 require a permit for importation or possession, as
13 provided by permit, occurring within one year of the
14 date of issuance or within a specified calendar year;
- 15 (12) \$50 for a letter of authorization for import of
16 unlisted microorganisms;
- 17 (13) \$100 for an emergency permit of an unlisted
18 microorganism or a microorganism on the list of
19 restricted microorganisms in an emergency or disaster
20 situation;
- 21 (14) \$150 for registration to import a microbial product;
22 and



1 (15) \$150 for registration of a laboratory described in
2 section 150A-6.3(f)(2).

3 (d) In addition to any fee under subsection (c), a fee of
4 \$250 shall be charged for the expedited processing of a permit,
5 letter of authorization, or registration application. Expedited
6 processing shall take no more than thirty days and shall not be
7 available for a permit for importation or possession of plants,
8 animals, or microorganisms that require:

- 9 (1) An amendment to rules to change the listing of the
10 organism;
- 11 (2) Board approval; or
- 12 (3) Review as to the requirements of chapter 343."

13 SECTION 3. There is appropriated out of the pest
14 inspection, quarantine, and eradication fund the sum of \$860,000
15 or so much thereof as necessary for fiscal year 2010-2011 for
16 the review and processing of permits and other requests for the
17 importation or possession of plants, animals, microorganisms, or
18 soil into or transferred within the state.

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2010.



H.B. NO. 2775
H.D. 2
S.D. 2
C.D. 1

APPROVED this 23 day of JUN , 2010



GOVERNOR OF THE STATE OF HAWAII