
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 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 the inspection and permitting sections.
14 The reinstatement of twenty-two of the plant inspection
15 positions has postponed the termination of a portion of the
16 permit section temporarily. However, the inspection capacity
17 has dropped to such a low level that the permit specialists must
18 now assume inspections in addition to their permitting duties.

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



1 the state to provide stable funding for permit specialists and
2 additional resources to allow more timely processing of permits.

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

6 "§150A- User fees for processing requests for
7 importation and possession; permits, letters of authorization,
8 and registration. (a) There is imposed a fee for the
9 processing of requests for the importation or possession of
10 plants or animals that require a permit or for the importation
11 or possession of microorganisms requiring a permit, letter of
12 authorization, or registration under this chapter. The fee
13 shall be paid in full at the time of the submission of the
14 request.

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

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

20 (1) \$10 for a permit for a single shipment of restricted
21 plants;



- 1 (2) \$200 for a permit for unlimited shipments occurring
2 within one year of the date of issuance, of restricted
3 plants;
- 4 (3) \$10 for a permit for a single shipment of
5 conditionally approved animals;
- 6 (4) \$125 for a permit for unlimited shipments occurring
7 within one year of the date of issuance, of
8 conditionally approved animals;
- 9 (5) \$150 for a permit for a single shipment of restricted
10 animals that require permits for both importation and
11 possession;
- 12 (6) \$200 for a permit for unlimited shipments occurring
13 within one year of the date of issuance, of restricted
14 animals that require permits for both importation and
15 possession;
- 16 (7) \$700 for a special permit for an unlisted animal in an
17 emergency or disaster situation or for conducting
18 medical or scientific research;
- 19 (8) \$750 for a short-term special permit for an unlisted
20 animal for a film production, performance, or
21 exhibition;



- 1 (9) \$500 for a permit for plants, animals, or
2 microorganisms that require a rule change to change
3 the listing of the organism to allow for importation
4 or possession;
- 5 (10) \$300 for a permit for a single shipment of listed or
6 unlisted microorganisms that require permits for both
7 importation and possession;
- 8 (11) \$500 for a permit for unlimited shipments occurring
9 within one year of the date of issuance or within a
10 specified calendar year, of listed or unlisted
11 microorganisms that require permits for both
12 importation and possession;
- 13 (12) \$150 for a letter of authorization for import of
14 unlisted microorganisms;
- 15 (13) \$150 for an emergency permit of an unlisted
16 microorganism or a microorganism on the list of
17 restricted microorganisms in an emergency or disaster
18 situation;
- 19 (14) \$150 for registration of a microbial product; and
20 (15) \$150 for registration of a laboratory described in
21 section 150A-6.3(f)(2)."



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

3 "**§150A-4.5 Pest inspection, quarantine, and eradication**
4 **fund.** (a) There is established in the state treasury the pest
5 inspection, quarantine, and eradication fund, into which shall
6 be deposited:

- 7 (1) Legislative appropriations for inspection, quarantine,
8 and eradication services;
- 9 (2) [~~Service fees,~~] Fees, charges, and penalties collected
10 under [~~section~~] sections 150A-5.3 and 150A- ;
- 11 (3) Federal funds received for pest inspection,
12 quarantine, and eradication programs;
- 13 (4) Grants and gifts;
- 14 (5) All interest earned or accrued on moneys deposited in
15 the fund; and
- 16 (6) Any other moneys made available to the fund.
- 17 (b) The moneys in the pest inspection, quarantine, and
18 eradication fund shall be expended by the department for the
19 operation of pest inspection, quarantine, eradication,
20 biosecurity, and monitoring programs, related facilities, and
21 the execution of emergency remedial measures when pests are
22 detected in the course of inspection and quarantine activities



1 by the department. The department shall also expend moneys in
2 the fund to:

- 3 (1) Facilitate the processing and issuance of permits;
- 4 (2) Amend lists of plants, animals, and other organisms
5 prohibited or allowed for import;
- 6 (3) Comply with monitoring activities;
- 7 (4) Train personnel and provide educational workshops,
8 materials, and equipment; and
- 9 (5) Accomplish any other purpose deemed necessary to carry
10 out the purposes of part II of this chapter."

11 SECTION 4. Section 150A-6.7, Hawaii Revised Statutes, is
12 repealed.

13 [~~§150A-6.7 Permit revolving fund. (a) There is~~
14 ~~established in the state treasury a revolving fund to be known~~
15 ~~as the permit revolving fund to be administered by the~~
16 ~~department. The permit revolving fund shall consist of:~~

- 17 (1) ~~Legislative appropriations;~~
- 18 (2) ~~User fees as authorized by rule;~~
- 19 (3) ~~All interest earned on or accrued to moneys deposited~~
20 ~~in the permit revolving fund;~~
- 21 (4) ~~Grants and gifts; and~~



- 1 ~~(5) Any other moneys made available to the permit~~
- 2 ~~revolving fund from other sources.~~
- 3 ~~(b) The department shall expend moneys in the permit~~
- 4 ~~revolving fund to:~~
- 5 ~~(1) Facilitate the processing and issuance of permits;~~
- 6 ~~(2) Amend lists of creatures prohibited or allowed for~~
- 7 ~~import;~~
- 8 ~~(3) Comply with monitoring activities;~~
- 9 ~~(4) Train personnel, and provide educational workshops,~~
- 10 ~~materials, and equipment; and~~
- 11 ~~(5) For any other purpose deemed necessary to carry out~~
- 12 ~~the purposes of this part."]~~

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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



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. (HB2775 HD1)

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