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# A BILL FOR AN ACT

RELATING TO AGRICULTURAL EMERGENCIES.

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

1           SECTION 1. Chapter 141, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4           "§141-A Agricultural emergencies. (a) If the board of  
5 agriculture determines that an adverse effect on Hawaii's  
6 agricultural industry resulting from world conflict, terrorist  
7 threat, natural disaster, or outbreak of disease, regardless of  
8 when or where occurring, may result in substantial interruption  
9 of commerce and crop production to the State and adversely  
10 affect the welfare of the people of the State, the board of  
11 agriculture shall submit a request to the governor to declare  
12 that an agricultural emergency, as defined under section 125-1,  
13 exists.

14           (b) Upon declaration by the governor that an agricultural  
15 emergency exists pursuant to subsection (a) and consistent with  
16 chapter 127A, the department of agriculture shall develop and  
17 implement measures to respond to the agricultural emergency.



1        §141-B Agricultural emergency trust fund. (a) There is  
2 established outside the state treasury, a trust fund to be known  
3 as the agricultural emergency trust fund to be administered by  
4 the board of agriculture as trustee of the trust fund and into  
5 which shall be deposited:

6        (1) Any moneys appropriated by the legislature;

7        (2) Any moneys received from gifts, grants, or other  
8 contributions of money; and

9        (3) All interest earned or accrued on moneys in the trust  
10 fund.

11 Any balance in the trust fund at the end of a fiscal year shall  
12 be carried forward to the next fiscal year.

13        (b) Moneys in the trust fund shall be used exclusively to  
14 provide for the implementation of emergency measures to respond  
15 to any adverse effects on the agricultural industry resulting  
16 from world conflict, terrorist threat, natural disaster, or the  
17 outbreak of disease that may result in substantial interruption  
18 of commerce and crop production to the State and adversely  
19 affect the welfare of the people of the State pursuant to  
20 section 141-A.



1        (c) Use of the trust fund under this section shall be  
2 provided for in articles, bylaws, resolutions, or other  
3 instruments executed by the board of agriculture as trustee of  
4 the trust fund.

5        (d) The board of agriculture shall submit a report to the  
6 legislature no later than twenty days prior to the convening of  
7 each regular session to provide an accounting of the receipts  
8 and expenditures of the trust fund."

9        SECTION 2. Section 141-1, Hawaii Revised Statutes, is  
10 amended to read as follows:

11        "**§141-1 Duties in general.** The department of agriculture  
12 shall:

13        (1) Gather, compile, and tabulate, from time to time,  
14 information and statistics concerning:

15        (A) Entomology and plant pathology: Insects, scales,  
16 blights, and diseases injurious or liable to  
17 become injurious to trees, plants, or other  
18 vegetation, and the ways and means of  
19 exterminating pests and diseases already in the  
20 State and preventing the introduction of pests  
21 and diseases not yet here; and



- 1           (B) General agriculture: Fruits, fibres, and useful  
2                   or ornamental plants and their introduction,  
3                   development, care, and manufacture or  
4                   exportation, with a view to introducing,  
5                   establishing, and fostering new and valuable  
6                   plants and industries;
- 7           (2) Encourage and cooperate with the agricultural  
8                   extension service and agricultural experiment station  
9                   of the University of Hawaii and all private persons  
10                  and organizations doing work of an experimental or  
11                  educational character coming within the scope of the  
12                  subject matter of chapters 141, 142, and 144 to 150A,  
13                  and avoid, as far as practicable, duplicating the work  
14                  of those persons and organizations;
- 15           (3) Enter into contracts, cooperative agreements, or other  
16                  transactions with any person, agency, or organization,  
17                  public or private, as may be necessary in the conduct  
18                  of the department's business and on such terms as the  
19                  department may deem appropriate; provided that the  
20                  department shall not obligate any funds of the State,  
21                  except the funds that have been appropriated to the



1 department. Pursuant to cooperative agreement with  
2 any authorized federal agency, employees of the  
3 cooperative agency may be designated to carry out, on  
4 behalf of the State the same as department personnel,  
5 specific duties and responsibilities under chapters  
6 141, 142, 150A, and rules adopted pursuant to those  
7 chapters, for the effective prosecution of pest  
8 control and animal disease control and the regulation  
9 of import into the State and intrastate movement of  
10 regulated articles;

11 (4) Secure copies of the laws of other states,  
12 territories, and countries, and other publications  
13 germane to the subject matters of chapters 141, 142,  
14 and 144 to 150A, and make laws and publications  
15 available for public information and consultation;

16 (5) Provide buildings, grounds, apparatus, and  
17 appurtenances necessary for the examination,  
18 quarantine, inspection, and fumigation provided for by  
19 chapters 141, 142, and 144 to 150A; for the obtaining,  
20 propagation, study, and distribution of beneficial  
21 insects, growths, and antidotes for the eradication of



1 insects, blights, scales, or diseases injurious to  
2 vegetation of value and for the destruction of  
3 injurious vegetation; and for carrying out any other  
4 purposes of chapters 141, 142, and 144 to 150A;

5 (6) Develop and implement emergency measures to respond to  
6 any adverse effects on Hawaii's agricultural industry  
7 pursuant to section 141-A and consistent with chapter  
8 127A;

9 ~~[(6)]~~ (7) Formulate and recommend to the governor and  
10 legislature additional legislation necessary or  
11 desirable for carrying out the purposes of chapters  
12 141, 142, and 144 to 150A;

13 ~~[(7)]~~ (8) Publish at the end of each year a report of the  
14 expenditures and proceedings of the department and of  
15 the results achieved by the department, together with  
16 other matters germane to chapters 141, 142, and 144 to  
17 150A and that the department may deem proper;

18 ~~[(8)]~~ (9) Administer a program of agricultural planning and  
19 development, including the formulation and  
20 implementation of general and special plans, including  
21 but not limited to the functional plan for



1 agriculture; administer the planning, development, and  
2 management of the agricultural park program; plan,  
3 construct, operate, and maintain the state irrigation  
4 water systems; review, interpret, and make  
5 recommendations with respect to public policies and  
6 actions relating to agricultural land and water use;  
7 assist in research, evaluation, development,  
8 enhancement, and expansion of local agricultural  
9 industries; and serve as liaison with other public  
10 agencies and private organizations for the above  
11 purposes. In the foregoing, the department shall act  
12 to conserve and protect agricultural lands and  
13 irrigation water systems, promote diversified  
14 agriculture, increase agricultural self-sufficiency,  
15 and ensure the availability of agriculturally suitable  
16 lands; and  
17 ~~[(9)]~~ (10) Manage, administer, and exercise control over any  
18 public lands, as defined under section 171-2, that are  
19 designated important agricultural lands pursuant to  
20 section 205-44.5, including but not limited to



1           establishing priorities for the leasing of these  
2           public lands within the department's jurisdiction."

3           SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$           or so much  
5 thereof as may be necessary for fiscal year 2019-2020 and the  
6 sum of \$           or so much thereof as may be necessary for  
7 fiscal year 2020-2021 to be deposited into the agricultural  
8 emergency trust fund established by this Act.

9           SECTION 4. There is appropriated out of the agricultural  
10 emergency trust fund the sum of \$           or so much thereof as  
11 may be necessary for fiscal year 2019-2020 and the same sum or  
12 so much as may be necessary for fiscal year 2020-2021 to carry  
13 out the purposes of the agricultural emergency trust fund  
14 established by this Act.

15           The sums appropriated shall be expended by the board of  
16 agriculture for the purposes of this Act.

17           SECTION 5. In codifying the new sections added by section  
18 1 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.





1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval,  
4 except that sections 3 and 4 shall take effect on July 1, 2019.

5

INTRODUCED BY:

*[Signature]*

*[Signature]*

*Lyn De Cite*

*[Signature]*

*Tim Wilkerson*

JAN 18 2019



# H.B. NO. 450

**Report Title:**

Agricultural Emergencies; Agricultural Emergency Trust Fund

**Description:**

Specifies the conditions in which the Board of Agriculture can submit a request to the Governor to declare an agricultural emergency, consistent with chapter 127A, HRS. Requires the Department of Agriculture to develop and implement measures to respond to the agricultural emergency. Establishes the Agricultural Emergency Trust Fund. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

