H.B. NO. 3120

A BILL FOR AN ACT

RELATING TO ANIMAL QUARANTINE FACILITIES.

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

SECTION 1. Section 142-3.5, Hawaii Revised Statutes, is amended to read as follows:

"[~~[~~]**§142-3.5**[~~]~~] **Authority to contract or rent facilities.** The board of agriculture is authorized to contract with third parties for the use or rental of animal quarantine property or facilities; provided that:

(1) The board determines the property or facilities are not required for use by the animal quarantine program during the term of use by the third party;

[~~(2) The property or facilities shall be leased or rented at fair market value;~~] and

[~~(3)~~](2) The property or facilities shall be used only by the third party.

Revenues generated by the use or rental of the animal quarantine property or facilities shall be used to defray the operational costs of the animal quarantine program and to minimize animal quarantine fees."

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

JAN 22 2008

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Report Title:
Animal Quarantine

Description:
Allows the Department of Agriculture to negotiate the lease rent for use of the Animal Quarantine Station located in Halawa Valley on Oahu.

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JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES.

PURPOSE: To eliminate the requirement that the Board of Agriculture lease or rent its animal quarantine property or facilities at fair market value.

MEANS: Amend section 142-3.5, Hawaii Revised Statutes.

JUSTIFICATION: The State's animal quarantine program was established to reduce the likelihood that the rabies virus would be introduced and established in Hawaii, and prevent the introduction of diseases and alien species. However, recent animal quarantine program modifications significantly reduced the need for dogs and cats entering into the State to undergo confinement in quarantine. The reduced number of animals quarantined has also resulted in a reduction of the area utilized for the kenneling of animals at the animal quarantine station. The legislature authorized the board of agriculture to allow use of animal quarantine facilities by third parties. The fees were to be deposited into an animal quarantine special fund and be used to defray costs from the animal quarantine program.

The legislature required that the property or facilities be leased or rented at fair market value. Fair market value appraisals ranged from $330,000 to $600,000 per year. This fair market value requirement has made it difficult, if not impossible, for nonprofit organizations to seriously consider leasing the facilities.

There are many nonprofit organizations that can provide animal shelter and other animal

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related services. Hawaii lacks sufficient companion animal shelters, particularly for use during emergencies and natural disasters. The animal quarantine facility in Halawa is ideal for an animal shelter because of its central Oahu location.

Moreover, because no lease has been negotiated, much of the quarantine facility housed on the property remain unused and is steadily falling into further disrepair.

Removing the fair market value requirement will encourage nonprofit organizations to lease the Halawa facility and return it to a productive state while retaining the original animal-related purpose of the site.

Impact on the public: There should be a positive impact on the public if a nonprofit organization is able to lease the central Oahu facility and provide a much needed public service of providing shelter and other services.

Impact on the department and other agencies: This Act will help clear the way for the Department of Agriculture to have its Halawa facilities renovated and used productively, in line with its original animal-related purpose, and otherwise benefit from the lease of its property.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Should the facilities be leased to an organization able to provide an adequate animal shelter during times of disaster or emergency, additional state agencies, including but not limited to, Department of Land and Natural Resources, Department of Defense, civil defense, health, and human services, will all benefit.

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EFFECTIVE DATE: Upon approval.