



GOV. MSG. NO. 1226

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

June 15, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

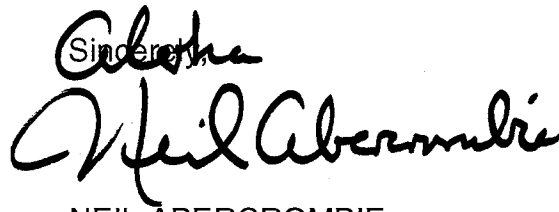
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 15, 2012, the following bill was signed into law:

HB2244 HD1 SD2 CD1

RELATING TO AGRICULTURE INSPECTORS.  
**Act 124 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

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# A BILL FOR AN ACT

RELATING TO AGRICULTURE INSPECTORS.

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

1 SECTION 1. The legislature finds that support for the  
2 biosecurity program under the department of agriculture is  
3 important because of the impact of invasive species to Hawaii's  
4 agriculture, environment, natural resources, public health, and  
5 economy. The legislature also finds that the United States  
6 Department of Agriculture and other states' departments of  
7 agriculture also face shortages in agriculture inspectors.  
8 Therefore, to improve the effectiveness of the biosecurity  
9 program, the legislature finds that providing the state  
10 department of agriculture with the authority to establish,  
11 maintain, and enforce compliance agreements with federal or  
12 other state departments of agriculture will allow the federal  
13 and other state departments of agriculture and their respective  
14 inspectors to work cooperatively with Hawaii's agriculture  
15 inspectors on import and export programs.

16 The importation of christmas trees is considered a high  
17 risk for introduction of invasive species into the State. This  
18 measure would allow the Hawaii department of agriculture to



1 enter into compliance agreements with the Oregon and Washington  
2 departments of agriculture to monitor the growing and packing of  
3 christmas trees to reduce the amount of invasive species that  
4 may hitchhike with shipments to Hawaii.

5 For export, Hawaii's fruits industry, valued at  
6 \$30,000,000; vegetable industry, valued at \$75,000,000; and  
7 floral and nursery industry, valued at \$100,000,000, are at risk  
8 of losing export markets due to quarantine measures imposed by  
9 the federal government and other states. To assist the  
10 agricultural industry, the legislature recommends that the  
11 Hawaii department of agriculture enter into compliance  
12 agreements with receiving states to establish origin-inspection  
13 programs to ease quarantine restrictions placed on Hawaii's  
14 growers.

15 The purpose of this Act is to authorize the department of  
16 agriculture to establish, maintain, and enforce compliance  
17 agreements with federal or state departments of agriculture as  
18 to the import and export of plant commodities, and to assess  
19 fees for conducting inspections required under compliance  
20 agreements.

21 SECTION 2. Section 141-2, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           "**§141-2 Rules.** Subject to chapter 91, the department of  
2 agriculture shall adopt, amend, and repeal rules not  
3 inconsistent with law, for and concerning:

4           (1) The introduction, transportation, and propagation of  
5 trees, shrubs, herbs, and other plants;

6           (2) The quarantine, inspection, fumigation, disinfection,  
7 destruction, or exclusion, either upon introduction  
8 into the State, or at any time or place within the  
9 State, of any nursery-stock, tree, shrub, herb, vine,  
10 cut-flower, cutting, graft, scion, bud, seed, leaf,  
11 root, or rhizome; any nut, fruit, or vegetable; any  
12 grain, cereal, or legume in the natural or raw state;  
13 any moss, hay, straw, dry-grass, or other forage; any  
14 unmanufactured log, limb, or timber; or any other  
15 plant growth or plant product unprocessed or in the  
16 raw state; any sand, soil, or earth; any live bird,  
17 reptile, insect, or other animal, in any stage of  
18 development, that is in addition to the so-called  
19 domestic animals, which are provided for in section  
20 142-2; and any box, barrel, crate, or other containers  
21 in which the articles, substances, or objects have  
22 been transported or contained, and any packing

1 material used in connection therewith, that is or may  
2 be diseased or infested with insects or likely to  
3 assist in the transmission or dissemination of any  
4 insect or plant disease injurious, harmful, or  
5 detrimental, or likely to become injurious, harmful,  
6 or detrimental to the agricultural or horticultural  
7 industries or the forests of the State, or that is or  
8 may be in itself injurious, harmful, or detrimental to  
9 the same [+]; provided that included therein may be  
10 rules governing the transportation of any of the  
11 articles, substances, or objects enumerated above in  
12 this section between different localities on any one  
13 of the islands within the State[+];

- 14 (3) The prohibition of importation into the State, from  
15 any or all foreign countries or from other parts of  
16 the United States, or the shipment from one island  
17 within the State to another island therein, or the  
18 transportation from one part or locality of any island  
19 to another part or locality of the same island, of any  
20 specific article, substance, or object or class of  
21 articles, substances, or objects, among those  
22 enumerated above in this section, that is diseased or



1 infested with insects or likely to assist in the  
2 transmission or dissemination of any insect or plant  
3 disease injurious, harmful, or detrimental or likely  
4 to be injurious, harmful, or detrimental to the  
5 agricultural or horticultural industries, or the  
6 forests of the State, or that is or may be in itself  
7 injurious, harmful, or detrimental to the same;

8 (4) The preparation by cargo carriers of manifests of  
9 cargo transported into the State or between islands of  
10 the State and the submission of the manifests to the  
11 department; ~~and~~

12 (5) The establishment, maintenance, and enforcement of  
13 compliance agreements with federal or state  
14 departments of agriculture authorizing agriculture  
15 inspectors from the state of origin in the case of  
16 imports to the State, or State agricultural inspectors  
17 in the case of State exports, to monitor the growing  
18 and packing of plant commodities and any treatment  
19 procedures to ensure compliance with quarantine laws,  
20 and further authorizing the assessment of fees for  
21 conducting inspections required under the compliance  
22 agreement; and



