
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



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 the state, or transfer within the State, in order to provide
2 stable funding for the department's permit specialists and
3 additional resources to allow appropriate review of import
4 requests and more timely processing of permits and related
5 authorizations under chapter 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) \$ for a permit for a single shipment of
22 restricted plants;



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



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



1 restricted microorganisms in an emergency or disaster
2 situation;

3 (14) \$ for registration to import a microbial
4 product; and

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

7 (d) In addition to any fee under subsection (c), a fee of
8 \$ shall be charged for the expedited processing of a
9 permit, letter of authorization, or registration application.

10 Expedited processing shall take no more than thirty days and
11 shall not be available for a permit for importation or
12 possession of plants, animals, or microorganisms that require:

13 (1) An amendment to rules to change the listing of the
14 organism;

15 (2) Board approval; or

16 (3) Review as to the requirements of chapter 343."

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

19 "§150A-4.5 **Pest inspection, quarantine, and eradication**

20 **fund.** (a) There is established in the state treasury the pest
21 inspection, quarantine, and eradication fund, into which shall
22 be deposited:



- 1 (1) Legislative appropriations for inspection, quarantine,
2 and eradication services;
- 3 (2) [~~Service fees,~~ Fees, charges, and penalties collected
4 under [~~section~~] sections 150A-5.3[+] and 150A- ;
- 5 (3) Federal funds received for pest inspection,
6 quarantine, and eradication programs;
- 7 (4) Grants and gifts;
- 8 (5) All interest earned or accrued on moneys deposited in
9 the fund; and
- 10 (6) Any other moneys made available to the fund.

11 (b) The moneys in the pest inspection, quarantine, and
12 eradication fund shall be expended by the department for the
13 operation of pest inspection, quarantine, eradication,
14 biosecurity, and monitoring programs, related facilities, and
15 the execution of emergency remedial measures when pests are
16 detected in the course of inspection and quarantine activities
17 by the department. The department shall also expend moneys in
18 the fund to:

- 19 (1) Facilitate the processing and issuance of permits;
- 20 (2) Amend lists of plants, animals, and other organisms
21 prohibited or allowed for import;
- 22 (3) Comply with monitoring activities;



- 1 (4) Train personnel and provide educational workshops,
- 2 materials, and equipment for the purposes of this
- 3 section; and
- 4 (5) Accomplish any other purpose deemed necessary to carry
- 5 out the purposes of this chapter."

6 SECTION 4. Section 150A-6.7, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§150A-6.7 Permit revolving fund. (a) There is~~
9 ~~established in the state treasury a revolving fund to be known~~
10 ~~as the permit revolving fund to be administered by the~~
11 ~~department. The permit revolving fund shall consist of:~~

- 12 ~~(1) Legislative appropriations;~~
- 13 ~~(2) User fees as authorized by rule;~~
- 14 ~~(3) All interest earned on or accrued to moneys deposited~~
- 15 ~~in the permit revolving fund;~~
- 16 ~~(4) Grants and gifts; and~~
- 17 ~~(5) Any other moneys made available to the permit~~
- 18 ~~revolving fund from other sources.~~

19 ~~(b) The department shall expend moneys in the permit~~
20 ~~revolving fund to:~~

- 21 ~~(1) Facilitate the processing and issuance of permits;~~



- 1 ~~(2) Amend lists of creatures prohibited or allowed for~~
2 ~~import,~~
- 3 ~~(3) Comply with monitoring activities,~~
- 4 ~~(4) Train personnel, and provide educational workshops,~~
5 ~~materials, and equipment; and~~
- 6 ~~(5) For any other purpose deemed necessary to carry out~~
7 ~~the purposes of this part."]~~

8 SECTION 5. (a) The repeal of section 150A-6.7, Hawaii
9 Revised Statutes, shall not rescind any fees authorized or
10 imposed under that section that would have been deposited into
11 the permit revolving fund. From July 1, 2010, the fees under
12 that section shall be deposited into the pest inspection,
13 quarantine, and eradication fund.

14 (b) On the effective date of this Act:

- 15 (1) All the moneys in the permit revolving fund on
16 June 30, 2010, shall be transferred to the pest
17 inspection, quarantine, and eradication fund;
- 18 (2) All unpaid obligations of the permit revolving fund on
19 June 30, 2010, shall become payable from the pest
20 inspection, quarantine, and eradication fund; and
- 21 (3) The permit revolving fund shall cease to exist.



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 on July 1, 2020.

4



Report Title:

Department of Agriculture; Plants; Animals; Microorganisms; Fee

Description:

Establishes fees for processing of permits, letters, and the registration of plants, animals, and microorganisms allowed entry into the state. Effective July 1, 2020. (SD1)

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