

A Bill for an Act Relating to Agriculture.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the safe introduction of plants, non-domestic animals (such as fish, birds, amphibians, and insects), microorganisms, (such as algae, bacteria, fungi, protozoa, and viruses), and soil is managed through permits, letters of authorization, and registrations issued by the department of agriculture.

The framework for permit and other approvals was developed with the concept that plants and domestic animals (e.g., cats, dogs, horses, sheep, and cattle) are generally considered desirable and that non-domestic animals (e.g., snakes, tigers, mosquitoes, and piranha), microorganisms (pathogens), and soil are generally considered undesirable. While mindful of the potential harm that can result from these undesirable introductions, some introductions benefit the State for purposes such as scientific research, commerce, and other important state interests.

To determine whether a plant, animal, microorganism, or soil is safe or harmful, the department of agriculture evaluates applications based upon available information, the intended use, and the availability of adequate safeguards and protocols. The department also evaluates the reliability of the individual responsible and the risks and benefits associated with the particular introduction. The evaluation also requires a science-based risk analysis of scientific data with respect to the plant, animal, microorganism, or soil in a thorough, consistent, and logical manner.

The department of agriculture has one permit specialist in each of the fields of plants, insects, land vertebrates, aquatic biota, and microorganisms. Due to the current general fund budget conditions in the state, the department has incurred drastic reductions in its inspection and permitting sections. The reinstatement of twenty-two of the plant inspection positions has temporarily postponed the termination of a portion of the permit section. However, the department's inspection capacity has dropped to such a low level that the permit specialists must now perform inspection duties in addition to their permitting duties.

The purpose of this Act is to establish fees for the review and processing of permits and other requests for the importation or possession of plants, animals, microorganisms, or soil into or transferred within the state, to provide stable funding for the department's permit specialists and additional resources to allow appropriate review of import requests and more timely processing of permits and related authorizations under chapter 150A, Hawaii Revised Statutes.

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

**“§150A- Processing fees for importation and possession requests.** (a) There is imposed a fee for the processing of requests for the importation or possession of plants, animals, or soil that require a permit, or for the importation

or possession of microorganisms that require a permit, letter of authorization, or registration under this chapter. The fee shall be paid in full at the time the request is submitted.

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

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

- (1) \$20 for a permit for a single shipment of restricted plants;
- (2) \$100 for a permit for unlimited number of shipments of restricted plants, as provided by permit, occurring within one year of the date of issuance;
- (3) \$20 for a permit for a single shipment of conditionally approved animals;
- (4) \$100 for a permit for up to an unlimited number of shipments of conditionally approved animals, as provided by permit, occurring within one year of the date of issuance;
- (5) \$50 for a permit for a single shipment of restricted animals that require permits for both importation and possession;
- (6) \$200 for a permit for up to an unlimited number of shipments of restricted animals that require permits for importation and possession, as provided by permit, occurring within one year of the date of issuance;
- (7) \$100 for a special permit for an unlisted animal in an emergency or disaster situation or for conducting medical or scientific research;
- (8) \$500 for a short-term special permit for an unlisted animal for a film production, performance, or exhibition;
- (9) \$2500 for a permit for plants, animals, or microorganisms that require a rule amendment to change a listing maintained by the board pursuant to section 150A-6.1, 150A-6.2, or 150A-6.3, to allow importation or possession of the organism or to otherwise accommodate the request for import or possession;
- (10) \$150 for a permit for a single shipment of listed or unlisted microorganisms that require permits for importation and possession;
- (11) \$500 for a permit for up to an unlimited number of shipments of listed or unlisted microorganisms that require a permit for importation or possession, as provided by permit, occurring within one year of the date of issuance or within a specified calendar year;
- (12) \$50 for a letter of authorization for import of unlisted microorganisms;
- (13) \$100 for an emergency permit of an unlisted microorganism or a microorganism on the list of restricted microorganisms in an emergency or disaster situation;
- (14) \$150 for registration to import a microbial product; and
- (15) \$150 for registration of a laboratory described in section 150A-6.3(f)(2).

(d) In addition to any fee under subsection (c), a fee of \$250 shall be charged for the expedited processing of a permit, letter of authorization, or registration application. Expedited processing shall take no more than thirty days and shall not be available for a permit for importation or possession of plants, animals, or microorganisms that require:

- (1) An amendment to rules to change the listing of the organism;
- (2) Board approval; or
- (3) Review as to the requirements of chapter 343.”

## **ACT 172**

**SECTION 3.** There is appropriated out of the pest inspection, quarantine, and eradication fund the sum of \$860,000 or so much thereof as necessary for fiscal year 2010-2011 for the review and processing of permits and other requests for the importation or possession of plants, animals, microorganisms, or soil into or transferred within the state.

**SECTION 4.** New statutory material is underscored.<sup>1</sup>

**SECTION 5.** This Act shall take effect on July 1, 2010.

(Approved June 23, 2010.)

### **Note**

1. Edited pursuant to HRS §23G-16.5.