

ACT 124

H.B. NO. 2244

A Bill for an Act Relating to Agriculture Inspectors.

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

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

The importation of christmas trees is considered a high risk for introduction of invasive species into the State. This measure would allow the Hawaii department of agriculture to enter into compliance agreements with the Oregon and Washington departments of agriculture to monitor the growing and packing of christmas trees to reduce the amount of invasive species that may hitchhike with shipments to Hawaii.

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

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

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

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

- (1) The introduction, transportation, and propagation of trees, shrubs, herbs, and other plants;
- (2) The quarantine, inspection, fumigation, disinfection, destruction, or exclusion, either upon introduction into the State, or at any time or place within the State, of any nursery-stock, tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud, seed, leaf, root, or rhizome; any nut, fruit, or vegetable; any grain, cereal, or legume in the natural or raw state; any moss, hay, straw, dry-grass, or other forage; any unmanufactured log, limb, or timber; or any other plant growth or plant product unprocessed or in the raw state; any sand, soil, or earth; any live bird, reptile, insect, or other animal, in any stage of development, that is in addition to the so-called domestic animals, which are provided for in section 142-2; and any box, barrel, crate, or other containers in which the articles, substances, or objects have been transported or contained, and any packing material used in connection therewith, that is or may be diseased or infested with insects or likely to assist in the transmission or dissemination of any insect or plant disease injurious, harmful, or detrimental, or likely to become injurious, harmful, or detrimental to the agricultural or horticultural industries or the forests of the State, or that is or may be in itself injurious, harmful, or detrimental to the same [~~(c)~~; provided that included therein may be rules governing the transportation of any of the articles, substances, or objects enumerated above in this section between different localities on any one of the islands within the State];
- (3) The prohibition of importation into the State, from any or all foreign countries or from other parts of the United States, or the shipment from one island within the State to another island therein, or the transportation from one part or locality of any island to another part or locality of the same island, of any specific article, substance, or object or class of articles, substances, or objects, among those enumerated above in this section, that is diseased or infested with insects or likely to assist in the transmission or dissemination of any insect or plant disease injurious, harmful, or detrimental or likely to be injurious, harmful, or detrimental to the agricultural or horti-

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cultural industries, or the forests of the State, or that is or may be in itself injurious, harmful, or detrimental to the same;

- (4) The preparation by cargo carriers of manifests of cargo transported into the State or between islands of the State and the submission of the manifests to the department; ~~and~~
- (5) The establishment, maintenance, and enforcement of compliance agreements with federal or state departments of agriculture authorizing agriculture inspectors from the state of origin in the case of imports to the State, or State agricultural inspectors in the case of State exports, to monitor the growing and packing of plant commodities and any treatment procedures to ensure compliance with quarantine laws, and further authorizing the assessment of fees for conducting inspections required under the compliance agreement; and
- ~~(5)~~ (6) The manner in which agricultural product promotion and research activities may be undertaken, after coordinating with the agribusiness development corporation.

All rules adopted under this section shall have the force and effect of law.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 15, 2012.)