
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that the unchecked spread
2 of invasive species is the single greatest threat to Hawaii's
3 economy, natural environment, and the health and lifestyle of
4 Hawaii's people. Invasive pests can cause millions of dollars
5 in crop losses, the extinction of native species, the
6 destruction of native forests, the spread of diseases, and the
7 quarantine of exported agricultural crops.

8 Island ecosystems are particularly vulnerable to the
9 destructive power of invasive pests. In Guam, the accidental
10 introduction of the brown tree snake has resulted in widespread
11 devastation. Without natural predators or competition for food,
12 brown tree snake populations have grown exponentially, causing
13 mass extinctions of endemic birds. Where there were once bird
14 songs, the silent forests of Guam are now home to as many as
15 15,000 snakes per square mile. Just one new pest like the brown
16 tree snake could forever change the character of the Hawaiian
17 islands.



1 Despite our ongoing efforts to detect and eradicate
2 invasive species, our fragile island ecosystems are constantly
3 at risk from insects, disease-bearing organisms, snakes, weeds,
4 and other invasive pests. The coqui frog, *Salvinia molesta*,
5 *Miconia calvescens*, ohia rust, nettle caterpillar, and little
6 fire ant are all present in Hawaii, disrupting the delicate
7 balance of our ecosystems, crowding out native species, and
8 reducing the biodiversity of our islands. Other harmful species
9 like the papaya mealybug, *Erythrina* gall wasp, Asian citrus
10 psyllid, and *Varroa* mite have the potential to devastate our
11 environment and agriculture if allowed to become widespread in
12 Hawaii and spread unchecked by natural predators. The
13 legislature finds that inspection of freight brought into the
14 state is necessary for the protection of the state's ecosystem.

15 The purpose of this Act is to increase the scope of the
16 existing inspection, quarantine, and eradication service fee to
17 provide funding for the department of agriculture to conduct
18 inspections of imported freight to prevent the introduction of
19 invasive species, and for the facilities necessary to conduct
20 such inspections. This fee applies only to nonpassenger
21 freight. Accordingly, this fee is not a duty of tonnage for
22 entering Hawaiian waters (United States Constitution Article I,



1 Section 10, Clause 3), nor does this fee violate the prohibition
2 on anti-head taxes on airline passengers (Title 49 United States
3 Code Section 40116).

4 The legislature also finds that the impacts of this fee on
5 interstate commerce and the importation of goods are
6 insignificant and that this Act is consistent with the commerce
7 clause (United States Constitution Article I, Section 8, Clause
8 3), the export-import clause (United States Constitution Article
9 I, Section 10, Clause 2), and the International Convention for
10 Safe Containers, 1972, as amended.

11 SECTION 2. Section 150A-2, Hawaii Revised Statutes, is
12 amended by adding two new definitions to be appropriately
13 inserted and to read as follows:

14 "Freight" means nonpassenger goods, cargo, or lading,
15 transported for pay.

16 "Net weight" means gross weight minus the container weight
17 if any."

18 SECTION 3. Section 150A-5.3, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§150A-5.3[+] **Inspection, quarantine, and eradication**
21 **service fee and charge.** There is imposed a fee for the
22 inspection, quarantine, and eradication of invasive species



1 contained in any freight, including but not limited to marine
2 commercial container shipment, air freight, or any other means
3 of transporting freight, foreign or domestic, that is brought
4 into the [State.] state to be paid by the person importing the
5 freight. It shall be the responsibility of the transportation
6 company to collect the fee and forward the payment to the
7 department at the port of disembarkation. The department shall
8 deposit the fee into the pest inspection, quarantine, and
9 eradication fund under section 150A-4.5.

10 ~~[The fee shall be computed on the basis of \$1 for each~~
11 ~~twenty-foot equivalent unit per container. The department shall~~
12 ~~collect the fee at the port of disembarkation and deposit the~~
13 ~~fee into the pest [inspection], quarantine, and eradication fund~~
14 ~~under section 150A-4.5.] The fee shall be assessed on the net~~

15 weight of the imported freight computed on the basis of 50 cents
16 for every one thousand pounds of freight brought into the state,
17 or part thereof."

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Invasive Species; Fees; Freight

Description:

Expands the items subject to the inspection, quarantine, and eradication service fee (inspection fee) to include any freight brought into the state. Requires the inspection fee to be assessed based on net weight of imported freight. (HB2843 HD2)

