

STAND. COM. REP. NO.

596

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 772

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 772 entitled:

"A BILL FOR AN ACT RELATING TO INVASIVE SPECIES,"

begs leave to report as follows:

The purpose of this bill is to protect Hawaii's fragile environment from invasive species by:

- (1) Requiring the Department of Agriculture (DOA) to prescribe a schedule of service fees and charges to be collected from persons who import objects that may harbor invasive species or personal property used for the movement of other personal property that may harbor invasive species;
- (2) Establishing the Invasive Species Inspection, Quarantine, and Eradication Fund (Eradication Fund) into which the service fees and charges collected, in addition to legislative appropriations, fees for permits and inspections, certain fines and penalties for violations, and federal funds, are to be deposited; and
- (3) Requiring funds in the Eradication Fund to be used for the operation of inspection and monitoring programs and facilities at ports of entry, and for emergency remedial measures when invasive species are detected.



The Department of Transportation, Department of the Attorney General, the Mayor of Maui County, the Council Chair of the Maui County Council, a member of the Maui County Council, Conservation Council for Hawaii, The Nature Conservancy, Hawaii Forest Industry Association, Sierra Club-Hawaii Chapter, and Hawaii Audubon Society testified in support of this bill. The Department of Land and Natural Resources, DOA, and Airlines Committee of Hawaii supported the intent of this measure. The Chamber of Commerce of Hawaii, Alexander and Baldwin, Inc., Matson Navigation Company, Inc., and Horizon Lines testified in opposition to this bill.

Invasive species have become a major problem for Hawaii's fragile ecosystem. Introduction of these pests not only affects Hawaii's natural flora and fauna but can also have a tremendous impact upon Hawaii's economy. Protecting Hawaii from the establishment of these pests should be a priority for the State.

However, your Committee understands the concerns raised by Hawaii's shipping industry, as well as the concerns raised by the Attorney General and DOA regarding the proposed funding mechanism conflicting with current statutory provisions. Accordingly, your Committee has amended this measure by:

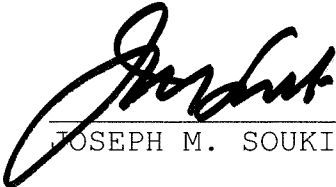
- (1) Stipulating that the schedule of service fees and charges and the collection of appropriate service fees and charges established by DOA shall be for "pest", rather than "invasive species", inspection, quarantine, and eradication services;
- (2) Clarifying that service fees and charges shall be collected from persons importing any article, container or packing material;
- (3) Deleting the requirement that service fees or charges be paid to DOA before the article or means of conveyance is moved from the port of entry in the State;
- (4) Renaming the "Invasive Species Inspection, Quarantine, and Eradication Fund" to the "Pest Inspection, Quarantine, and Eradication Fund (Pest Fund)";
- (5) Requiring that penalties collected by DOA also be deposited into the Pest Fund;



- (6) Deleting the requirement that fees for permits and inspections and certain fines and penalties for violations be deposited into the Pest Fund;
- (7) Specifying that DOA shall use the funds from the Pest Fund for the operation of inspection and monitoring programs, related facilities, and the execution of remedial measures when pests are detected in the course of inspection and quarantine activities by DOA; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 772, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 772, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



