

STAND. COM. REP. NO. 2520

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2404  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred S.B. No. 2404 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require that fifty per cent of the inspection, quarantine, and eradication service fees and charges collected be allocated to the Department of Land and Natural Resources for the Invasive Species Council;
- (2) Include air commercial container shipment inspections for invasive species; and
- (3) Raise the fee for inspection, quarantine, and eradication of invasive species contained in any marine or air commercial container shipment from \$1 to \$10 per twenty-foot equivalent unit per container or other appropriate unit per container.

Testimony in support of this measure was submitted by the University of Hawaii, Environmental Center; Hawaii Audubon Society; Conservation Council for Hawaii; Malama O Puna; and eleven private citizens. Testimony in opposition to this measure was submitted by The Chamber of Commerce of Hawaii and Horizon Lines, LLC. Comments were submitted by the Chairperson, Board of Agriculture; Chairperson of the Board of Land and Natural

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Resources; Department of Transportation; Alexander & Baldwin, Inc. and Matson Navigation Company, Inc.; and The Nature Conservancy.

Your Committee finds that this measure will greatly facilitate efforts by the State agencies involved in the control and eradication of invasive species and reduce the need for special funding for specific control efforts.

The Nature Conservancy has suggested to your Committee that this measure may conflict with federal law, as fees collected by the states at ports of entry must generally be used to support the facilities or services provided by the State at or related to the port of entry.

Alexander & Baldwin, Inc. has suggested to your Committee that, as the measure imposes fees only on marine containerized cargo, the fees should also be imposed on other modes of shipment and transportation.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the Invasive Species Council to use the fees to support facilities or services provided by the State at or related to the applicable port of entry;
- (2) Broadening the scope of the invasive species fee to include non-containerized maritime and air cargo; and
- (3) Changing its effective date to July 1, 2050, to ensure further discussion and consideration.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2404, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2404, S.D. 1, and be referred to the Committee on Ways and Means.



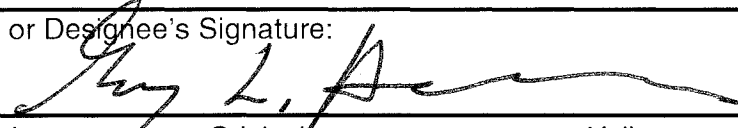
Respectfully submitted on  
behalf of the members of the  
Committee on Energy and  
Environment,

  
\_\_\_\_\_  
RON MENOR, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

Bill / Resolution No.:* <b>SB 2404</b>	Committee Referral: <b>ENE, WAM</b>	Date: <b>2/14/08</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MENOR, Ron (C)	✓			
HOOSER, Gary L. (VC)	✓			
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.				✓
TRIMBLE, Gordon			✓	
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original             Yellow             Pink File with Committee Report             Clerk's Office             Drafting Agency				

\*Only one measure per Record of Votes