
A BILL FOR AN ACT

RELATING TO AGRICULTURAL INSPECTIONS.

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

1 SECTION 1. The legislature finds that fees for the
2 inspection of certain bulk freight from foreign origins for
3 invasive species may be inconsistent with federal law, and may
4 be an inappropriate expenditure of state funds and personnel.

5 Imports of bulk freight from foreign origins are inspected
6 by the United States Department of Agriculture and the United
7 States Department of Homeland Security, Customs and Border
8 Protection. The Agriculture Risk Protection Act of 2000
9 expressly preempts states from regulating goods for invasive
10 species when in foreign commerce.

11 Pre-inspected and pre-processed bulk freight from foreign
12 origins, specifically coal, cement, and fine or course aggregate
13 rarely act as a transporter for invasive species, and to date no
14 invasive species has been found in dry bulk freight.

15 The purpose of this Act is to prevent the department of
16 agriculture from imposing fees for inspection of bulk freight of
17 foreign origins.

1 SECTION 2. Section 150A-2, Hawaii Revised Statutes, is
2 amended by adding four new definitions to be appropriately
3 inserted and to read as follows:

4 "Aggregate bulk freight" means unpackaged, pre-processed
5 homogenous particulate material used in construction, without
6 mark or count, that is usually free-flowing, and bought and sold
7 by weight or volume, such as clean sand, gravel, crushed stone,
8 slag, recycled concrete, and geosynthetic aggregates.

9 "Cement bulk freight" means unpackaged, homogenous cement,
10 without mark or count, that is usually free-flowing, and bought
11 and sold by weight or volume.

12 "Coal bulk freight" means unpackaged, homogenous coal,
13 without mark or count, that is usually free-flowing, bought and
14 sold by weight or volume, and used as a fuel.

15 "Liquid bulk freight" means unpackaged, homogenous liquid
16 goods, without mark or count, that are usually free-flowing, and
17 bought and sold by weight or volume, such as oil, or other
18 complex mixtures of petroleum hydrocarbons, bituminous liquids
19 such as asphalt, gasoline, and fuel oils."

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

1 "**§150A-5.3 Inspection, quarantine, and eradication service**
2 **fee and charge.** (a) There is imposed a fee for the inspection,
3 quarantine, and eradication of invasive species contained in any
4 freight, including but not limited to marine commercial
5 container shipment, air freight, or any other means of
6 transporting freight, foreign or domestic, that is brought into
7 the State[~~-~~], except for liquid bulk freight, cement bulk
8 freight, coal bulk freight, and aggregate bulk freight, as
9 provided in subsection (c). The fee shall be paid by the person
10 responsible for paying the freight charges to the transportation
11 company, who shall collect the fee and forward the payment to
12 the department at the port of disembarkation; provided that the
13 transportation company shall not be liable for any fee that is
14 not paid by the person responsible for paying the freight
15 charges to the transportation company. The department shall
16 deposit the fee into the pest inspection, quarantine, and
17 eradication fund under section 150A-4.5.

18 (b) The fee shall be assessed on the net weight of the
19 imported freight computed on the basis of 50 cents for every one
20 thousand pounds of freight brought into the State, or part
21 thereof.

1 (c) No fee shall be imposed for the inspection,
2 quarantine, and eradication of invasive species, as authorized
3 in subsection (a), for the import of liquid bulk freight, cement
4 bulk freight, coal bulk freight, and aggregate bulk freight, as
5 defined in section 150A-2."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2050.

9

Report Title:

Bulk Freight; Invasive Species Service Fee; Exemption

Description:

Exempts bulk freight of foreign origin from the inspection, quarantine, and eradication service fee and charge; effective 7/1/50. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.