
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 be
4 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 Agricultural 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 coarse
13 aggregate, rarely act as a transporter for invasive species, and
14 to date, no 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, including clean sand, gravel, crushed
8 stone, 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, including 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[-]; provided that no fee shall be imposed for liquid
8 bulk freight, cement bulk freight, coal bulk freight, and
9 aggregate bulk freight, as those terms are defined in section
10 150A-2. The fee shall be paid by the person responsible for
11 paying the freight charges to the transportation company, who
12 shall collect the fee and forward the payment to the department
13 at the port of disembarkation; provided that the transportation
14 company shall not be liable for any fee that is not paid by the
15 person responsible for paying the freight charges to the
16 transportation company. The department shall deposit the fee
17 into the pest inspection, quarantine, and eradication fund under
18 section 150A-4.5.

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



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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



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. (SD2)

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