

JAN 22 2010

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 dry bulk freight from foreign origins for
3 invasive species are unnecessary because the federal government
4 performs these inspections. Additionally, any inspection by the
5 State department of agriculture may be inconsistent with federal
6 law, and is an inappropriate expenditure of state funds and
7 personnel.

8 Imports of goods from foreign origins are inspected by the
9 United States Department of Agriculture and the United States
10 Department of Homeland Security, Customs and Border Protection.
11 The Agriculture Risk Protection Act of 2000 expressly preempts
12 states from controlling inspections of goods for invasive
13 species from foreign origins.

14 The State's plant and non-domestic animal quarantine and
15 microorganism import laws, codified as chapter 150A, Hawaii
16 Revised Statutes, were created to protect the State from: the
17 brown tree snake, *Miconia calvescens*, the coqui frog, *Salvinia*
18 *molesta*, and other types of invasive species that travel in the



1 incoming freight. Pre-inspected and pre-processed dry bulk
2 freight from foreign origins, specifically coal, cement, and
3 fine or course aggregate rarely act as a transporter for
4 invasive species, and to date no invasive species has been found
5 in dry bulk freight.

6 The purpose of this Act is to prevent the department of
7 agriculture from imposing fees for duplicative inspections of
8 dry bulk freight of foreign origins.

9 SECTION 2. Section 150A-5.3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§150A-5.3 Inspection, quarantine, and eradication service**
12 **fee and charge.** (a) There is imposed a fee for the inspection,
13 quarantine, and eradication of invasive species contained in any
14 freight, including but not limited to marine commercial
15 container shipment, air freight, or any other means of
16 transporting freight, foreign or domestic, that is brought into
17 the State. The fee shall be paid by the person responsible for
18 paying the freight charges to the transportation company, who
19 shall collect the fee and forward the payment to the department
20 at the port of disembarkation; provided that the transportation
21 company shall not be liable for any fee that is not paid by the
22 person responsible for paying the freight charges to the



1 transportation company. The department shall deposit the fee
2 into the pest inspection, quarantine, and eradication fund under
3 section 150A-4.5.

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

8 (c) No fee shall be imposed for the inspection,
9 quarantine, and eradication of invasive species, as authorized
10 in subsection (a), for the import of dry bulk freight.

11 For the purposes of this section, "dry bulk freight" means
12 any freight of unpackaged, pre-processed, and pre-inspected
13 homogenous cement, coal, and quarry products including
14 aggregate, gravel, and sand, without mark or count and usually
15 free-flowing, bought and sold by weight or volume, from any
16 foreign origin that is subject to inspection under federal law."

17 SECTION 3. New statutory material is underscored.

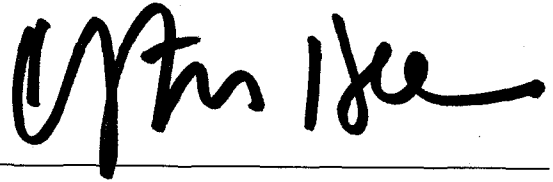
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1 SECTION 4. This Act, upon approval, shall take effect
2 retroactive to July 1, 2007.

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INTRODUCED BY:







Report Title:

Dry Bulk Freight; Invasive Species Service Fee; Exemption

Description:

Exempts dry bulk freight of foreign origin from the inspection, quarantine, and eradication service fee and charge; retroactive to 7/1/2007.

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