

STAND. COM. REP. NO. 348

Honolulu, Hawaii
Feb 18, 2009

RE: H.B. No. 1433
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Agriculture and Transportation, to which was referred H.B. No. 1433 entitled:

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

beg leave to report as follows:

The purpose of this bill is to encourage compliance with the the inspection, quarantine, and eradication service fee (inspection fee) by assessing fines on persons who fail to pay the inspection fee and on transportation companies that fail to remit the inspection fees collected to the Department of Agriculture (DOA).

In addition, this bill:

- (1) Prohibits a transportation company from releasing freight to the person responsible for paying the inspection fee until all fees and fines are paid;
- (2) Establishes fines for violations of this prohibition; and
- (2) Exempts cement and liquid bulk freight from the inspection fee assessment.

The Hawaii Farm Bureau Federation, Maui County Farm Bureau, Hawaii Audubon Society, Coordinating Group on Alien Pest Species, and Nature Conservancy of Hawaii supported this bill. DOA

HB1433 HD1 HSCR AGR-TRN HMS 2009-1901



supported the intent of this bill. The Department of Land and Natural Resources, Hawaii Food Industry Association, Horizon Lines, LLC, Alexander & Baldwin, Inc., and Matson Navigation Company submitted comments.

Your Committees note that the Hawaii Food Industry Association requested that frozen and processed sealed foods be exempt from the inspection fee assessment, claiming that invasive species cannot live in freezing temperatures or inside pre-sealed processed food packages. However, concerns were raised regarding the potential for invasive species transmission via the containers that house these types of foods during shipping. Your Committees support continued discussion on this matter.

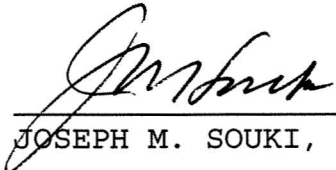
Upon further consideration and in light of discussions during the public hearing, your Committee has amended this measure by:

- (1) Deleting the provisions that:
 - (A) Prohibit a transportation company from releasing freight to the person responsible for paying the inspection fee until all fees and fines are paid; and
 - (B) Establish fines for violations of this prohibition;
 - (2) In lieu of the fines for transportation companies that fail to remit the inspection fees collected to DOA, specifying that fines shall be assessed on a transportation company that does not:
 - (A) Bill the inspection fee to the person responsible for paying the freight charges to the transportation company within fifteen days of the delivery of the freight; or
 - (B) Remit the inspection fee to DOA within forty-five days of collecting the fee from the person responsible for paying the freight charges to the transportation company;
- and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.




As affirmed by the records of votes of the members of your Committees on Agriculture and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1433, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1433, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Transportation,



JOSEPH M. SOUKI, Chair



CLIFT TSUJI, Chair

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 1433	Committee Referral: AGR/TRN, FIN	Date: February 6, 2009
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	✓			
2. AWANA, Karen Leinani (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HANOHANO, Faye P.	✓			
5. KEITH-AGARAN, Gilbert S.C.	✓			
6. LEE, Marilyn B.	✓			
7. NAKASHIMA, Mark M.	✓			
8. RHOADS, Karl				✓
9. SAIKI, Scott K.				✓
10. TAKUMI, Roy M.				✓
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos	✓			
TOTAL (12)	9	0	0	3

The recommendation is: Adopted Not Adopted
If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: *Karen Awana*

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