

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO AIR FREIGHT.

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

1           SECTION 1. Chapter 261, Hawaii Revised Statutes, is  
2 amended by adding three new sections to be appropriately  
3 designated and to read as follows:

4           "§261-A Air freight pest inspection, quarantine, and  
5 eradication fund. (a) There is established in the state  
6 treasury the air freight pest inspection, quarantine, and  
7 eradication fund, into which shall be deposited:

- 8           (1) Legislative appropriations for biosecurity and  
9           inspection, quarantine, and eradication services;
- 10           (2) Service fees, charges, and penalties collected under  
11           sections 261-B and 261-C;
- 12           (3) Federal funds received for biosecurity, pest  
13           inspection, control, management, quarantine, and  
14           eradication programs;
- 15           (4) Grants and gifts;
- 16           (5) All interest earned or accrued on moneys deposited in  
17           the fund; and



1       (6) Any other moneys made available to the fund.

2       (b) The moneys in the air freight pest inspection,  
3 quarantine, and eradication fund shall be expended by the  
4 department for the operation of airport security, biosecurity  
5 and pest inspection, quarantine, eradication, and monitoring  
6 programs; the electronic importer manifest program; related  
7 facilities; the execution of emergency remedial measures when  
8 pests are detected in the course of inspection and quarantine  
9 activities by the department; training of inspectors; education  
10 of the agricultural industry, permit and certificate holders,  
11 and the general public as to import requirements; and for any  
12 other purposes deemed necessary. In addition, the moneys shall  
13 be expended to facilitate the processing and issuance of permits  
14 and microorganism import documents and for the operations,  
15 activities, and monitoring of permitted and certified plants,  
16 animals, and microorganisms.

17       §261-B Air freight inspection, quarantine, and eradication  
18 service fee and charge. (a) There is imposed a fee for airport  
19 security, biosecurity and inspection, quarantine, and  
20 eradication of invasive species contained in air freight,  
21 foreign or domestic, but not including aggregate bulk freight,



1 cement bulk freight, coal bulk freight, or liquid bulk freight,  
2 that is brought into the State. The air carrier shall bill the  
3 fee to the person responsible for paying the freight charges to  
4 the air carrier within fifteen days of the delivery of the  
5 freight. The fee shall be paid by the person responsible for  
6 paying the freight charges to the air carrier within forty-five  
7 days of receipt of the bill. The air carrier shall collect the  
8 fee from the person responsible and forward the payment to the  
9 department at the port of disembarkation within forty-five days  
10 of receipt of the fee; provided that the air carrier shall not  
11 be liable for any fee that is not paid by the person responsible  
12 for paying the freight charges to the air carrier. The  
13 department shall administer the air freight inspection,  
14 quarantine, and eradication fee in accordance with applicable  
15 federal laws and regulations.

16 The department shall deposit the fee into the air freight  
17 pest inspection, quarantine, and eradication fund under  
18 section 261-A.

19 (b) The fee shall be assessed and collected on the net  
20 weight of the imported air freight computed on the basis of 75



1 cents for every one thousand pounds of air freight, or part  
2 thereof, brought into the State.

3 §261-C Failure to pay or remit the air freight inspection,  
4 quarantine, and eradication service fee; fines. (a) The  
5 following fines shall be imposed for failure to pay, bill, or  
6 remit the air freight inspection, quarantine, and eradication  
7 service fee as provided for in section 261-B:

8 (1) A person responsible for paying the air freight  
9 charges to the air carrier who fails to pay the fee;  
10 or

11 (2) An air carrier that fails to:

12 (A) Bill the fee, within fifteen days of the delivery  
13 of the freight, to the person responsible for  
14 paying the freight charges to the air carrier; or

15 (B) Remit the fee to the department within forty-five  
16 days of collecting the fee from the person  
17 responsible for paying the freight charges to the  
18 air carrier,

19 shall pay a fine of two times the amount of the air freight  
20 inspection, quarantine, and eradication service fee or \$50,  
21 whichever is higher.



1        (b) All fines shall be paid to the department and  
 2 deposited into the air freight pest inspection, quarantine, and  
 3 eradication fund under section 261-A."

4        SECTION 2. Section 261-4.5, Hawaii Revised Statutes, is  
 5 amended to read as follows:

6        "[~~§~~261-4.5~~]~~ **Biosecurity, inspection, and cargo support**  
 7 **facilities.** The department shall [~~co~~ordinate] in consultation  
 8 with the department of agriculture [~~to~~] facilitate the  
 9 inspection, consolidation, deconsolidation, and treatment of  
 10 imported and exported agriculture and other inspected  
 11 commodities to meet the needs of each island and to facilitate  
 12 the safe movement of enplaned and deplaned air cargo through the  
 13 airports."

14        SECTION 3. Section 261-12, Hawaii Revised Statutes, is  
 15 amended by amending subsection (a) to read as follows:

16        "(a) Powers to adopt. The director of transportation may  
 17 perform such acts, issue and amend such orders, adopt such  
 18 reasonable general or special rules and procedures, and  
 19 establish such minimum standards, consistent with this chapter,  
 20 as the director deems necessary to carry out this chapter and to  
 21 perform the duties assigned thereunder, all commensurate with



1 and for the purpose of protecting and insuring the general  
2 public interest and safety, the safety of persons operating,  
3 using, or traveling in aircraft, and the safety of persons and  
4 property on land or water, and developing and promoting  
5 aeronautics in the State.

6 In furtherance of the duties assigned under this chapter,  
7 the director may adopt rules relating to:

- 8 (1) Safety measures, requirements and practices in or  
9 about the airport premises;
- 10 (2) The licensing and regulation of persons engaged in  
11 commercial activities in or about the airport  
12 premises;
- 13 (3) The regulation of equipment and motor vehicles  
14 operated in or about the airport operational area;
- 15 (4) Airport security measures or requirements, including  
16 biosecurity and pest inspection, and designation of  
17 sterile passenger holding areas and operational areas;
- 18 (5) The regulation of motor vehicles and traffic;
- 19 (6) Any other matter relating to the health, safety and  
20 welfare of the general public and persons operating,  
21 using, or traveling in aircraft."



1 SECTION 4. All employees of the plant quarantine branch of  
2 the department of agriculture who are stationed at airports are  
3 transferred to the department of transportation.

4 All employees who occupy civil service positions and whose  
5 functions are transferred to the department of transportation by  
6 this Act shall retain their civil service status, whether  
7 permanent or temporary. Employees shall be transferred without  
8 loss of salary, seniority (except as prescribed by applicable  
9 collective bargaining agreements), retention points, prior  
10 service credit, any vacation and sick leave credits previously  
11 earned, and other rights, benefits, and privileges, in  
12 accordance with state personnel laws and this Act; provided that  
13 the employees possess the minimum qualifications and public  
14 employment requirements for the class or position to which  
15 transferred or appointed, as applicable; provided further that  
16 subsequent changes in status may be made pursuant to applicable  
17 civil service and compensation laws.

18 Any employee who, prior to this Act, is exempt from civil  
19 service and is transferred as a consequence of this Act may  
20 retain the employee's exempt status, but shall not be appointed  
21 to a civil service position as a consequence of this Act. An



1 exempt employee who is transferred by this Act shall not suffer  
 2 any loss of prior service credit, vacation or sick leave credits  
 3 previously earned, or other employee benefits or privileges as a  
 4 consequence of this Act; provided that the employees possess  
 5 legal and public employment requirements for the position to  
 6 which transferred or appointed, as applicable; provided further  
 7 that subsequent changes in status may be made pursuant to  
 8 applicable employment and compensation laws. The director of  
 9 transportation may prescribe the duties and qualifications of  
 10 these employees and fix their salaries without regard to  
 11 chapter 76, Hawaii Revised Statutes.

12 SECTION 5. In codifying the new sections added by  
 13 section 1 of this Act, the revisor of statutes shall substitute  
 14 appropriate section numbers for the letters used in designating  
 15 the new sections in this Act.

16 SECTION 6. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

19

INTRODUCED BY:

The image shows three handwritten signatures in black ink, written over a horizontal line. The top signature is the largest and most stylized, followed by a smaller signature in the middle, and a third, even smaller signature at the bottom.





S.B. NO. 3133

*Nike Libba*

*Samuel*

*Francis R. Jones*



# S.B. NO. 3133

**Report Title:**

Air Freight Inspection, Quarantine, and Eradication Service Fee and Charge; Air Freight Inspection, Quarantine, and Eradication Fund; Biosecurity

**Description:**

Establishes the air freight inspection, quarantine, and eradication service fee and charge and corresponding fund to finance inspection, quarantine, and eradication activities relating to air freight that arrives at the State's airports. Transfers plant quarantine branch employees stationed at airports from the department of agriculture to the department of transportation.

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

