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## A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1           SECTION 1. The legislature finds that the unchecked spread  
2 of invasive species is the single greatest threat to Hawaii's  
3 economy, natural environment, and the health and lifestyle of  
4 Hawaii's people. Invasive species can cause millions of dollars  
5 in crop losses, the extinction of native species, the  
6 destruction of native forests, the spread of diseases, and the  
7 quarantine of exported agricultural crops.

8           Island ecosystems are particularly vulnerable to the  
9 destructive power of invasive species. In Guam, the accidental  
10 introduction of the brown tree snake has resulted in widespread  
11 devastation. Without natural predators or competition for food,  
12 brown tree snake populations have grown exponentially, causing  
13 mass extinctions of endemic birds. Where there were once bird  
14 songs, the silent forests of Guam are now home to as many as  
15 fifteen thousand snakes per square mile. Just one new pest like  
16 the brown tree snake could forever change the character of the  
17 Hawaiian islands. Despite our ongoing efforts to detect and



1 eradicate invasive species, our fragile island ecosystems are  
2 constantly at risk from insects, disease-bearing organisms,  
3 snakes, weeds, and other invasive species. The legislature  
4 finds that inspection of freight brought into the State is  
5 necessary for the protection of the State's ecosystem.

6 The purpose of this Act is to clarify the implementation of  
7 the inspection, quarantine, and eradication service fee by  
8 establishing a separate fee and charge specific to air freight.  
9 This separate fee will provide funding for the department of  
10 agriculture to conduct inspections of imported air freight,  
11 prevent the introduction of invasive species, and for the  
12 airport facilities necessary to conduct such inspections. This  
13 fee applies only to nonpassenger freight.

14 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is  
15 amended by adding two new sections to be appropriately  
16 designated and to read as follows:

17 **"§150A-A Air freight inspection, quarantine, and**  
18 **eradication service fee and charge.** (a) There is imposed a fee  
19 for the inspection, quarantine, and eradication of invasive  
20 species contained in air freight, foreign or domestic, but not  
21 including aggregate bulk freight, cement bulk freight, coal bulk



1 freight, or liquid bulk freight, that is brought into the State.  
2 The transportation company shall bill the fee to the person  
3 responsible for paying the freight charges to the transportation  
4 company within fifteen days of the delivery of the freight. The  
5 fee shall be paid by the person responsible for paying the  
6 freight charges to the transportation company within forty-five  
7 days of receipt of the bill. The transportation company shall  
8 collect the fee from the person responsible and forward the  
9 payment to the department at the port of disembarkation within  
10 forty-five days of receipt of the fee; provided that the  
11 transportation company shall not be liable for any fee that is  
12 not paid by the person responsible for paying the freight  
13 charges to the transportation company.

14 The department shall deposit the fee into the air freight  
15 pest inspection, quarantine, and eradication fund under section  
16 150A-B.

17 (b) The fee shall be assessed and collected on the net  
18 weight of the imported freight computed on the basis of \$1.25  
19 for every one thousand pounds of freight, or part thereof,  
20 brought into the State.



1       §150A-B Air freight pest inspection, quarantine, and  
2 eradication fund. (a) There is established in the state  
3 treasury the air freight pest inspection, quarantine, and  
4 eradication fund, into which shall be deposited:

5       (1) Legislative appropriations for biosecurity and  
6       inspection, quarantine, and eradication services;

7       (2) Service fees, charges, and penalties collected under  
8       section 150A-A;

9       (3) Fees imposed for services pursuant to this chapter or  
10       rules adopted under this chapter;

11       (4) Grants and gifts;

12       (5) All interest earned or accrued on moneys deposited in  
13       the fund; and

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

15       (b) The moneys in the air freight pest inspection,  
16 quarantine, and eradication fund shall be expended by the  
17 department for:

18       (1) The operation of biosecurity and pest inspection,  
19       quarantine, eradication, and monitoring programs at  
20       the airports;

21       (2) The electronic importer manifest program;



- 1        (3) Related facilities;
- 2        (4) The execution of emergency remedial measures when
- 3                pests are detected in the course of inspection and
- 4                quarantine activities by the department;
- 5        (5) Training of inspectors;
- 6        (6) Education of the agricultural industry, permit and
- 7                certificate holders, and the general public as to
- 8                import requirements; and
- 9        (7) For any other purposes deemed necessary to carry out
- 10                the purposes of this chapter;

11 provided that it relates to the air freight inspection,  
12 quarantine, and eradication program at the airports. In  
13 addition, the moneys shall be expended to facilitate the  
14 processing and issuance of permits and microorganism import  
15 documents and for the operations, activities, and monitoring of  
16 permitted and certified plants, animals, and microorganisms."

17        SECTION 3. Section 150A-5.3, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19        "(a) There is imposed a fee for the inspection,  
20 quarantine, and eradication of invasive species contained in any  
21 freight, including marine commercial container shipment, [~~air~~



1 ~~freight,~~] or any other means of transporting freight, foreign or  
2 domestic, but not including aggregate bulk freight, cement bulk  
3 freight, coal bulk freight, or liquid bulk freight, that is  
4 brought into the State. The transportation company shall bill  
5 the fee to the person responsible for paying the freight charges  
6 to the transportation company within fifteen days of the  
7 delivery of the freight. The fee shall be paid by the person  
8 responsible for paying the freight charges to the transportation  
9 company within forty-five days of receipt of the bill. The  
10 transportation company shall collect the fee from the person  
11 responsible and forward the payment to the department at the  
12 port of disembarkation within forty-five days of receipt of the  
13 fee; provided that the transportation company shall not be  
14 liable for any fee that is not paid by the person responsible  
15 for paying the freight charges to the transportation company.

16 The department shall deposit the fee into the pest  
17 inspection, quarantine, and eradication fund under section 150A-  
18 4.5."

19 SECTION 4. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so  
21 much thereof as may be necessary for fiscal year 2022-2023 to be



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1 deposited into the air freight pest inspection, quarantine, and  
2 eradication fund established in section 150A-B.

3 The sum appropriated shall be expended by the department of  
4 agriculture for the purposes of this Act.

5 SECTION 5. There is appropriated out of air freight pest  
6 inspection, quarantine, and eradication fund the sum of  
7 \$ or so much thereof as may be necessary for fiscal  
8 year 2022-2023 to be used for the air freight pest inspection,  
9 quarantine, and eradication program.

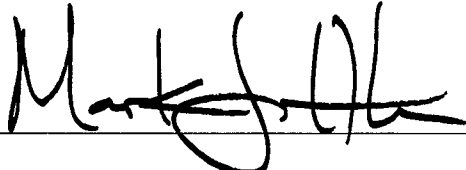
10 The sum appropriated shall be expended by the department of  
11 agriculture for the purposes of this Act.

12 SECTION 6. In codifying the new sections added by section  
13 2 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 7. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect on July 1, 2022.

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INTRODUCED BY: 

JAN 25 2022



# H.B. NO. 2306

**Report Title:**

DOA; Air Freight; Air Freight Pest Inspection, Quarantine, and Eradication; Appropriation

**Description:**

Establishes a separate fee and charge for the inspection, quarantine, and eradication of invasive species contained in air freight brought into the State, to be used for the program at the airports. Establishes a fund for the revenues to be deposited into. Appropriates funds.

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