



GOV. MSG. NO. 1045

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 10, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB1066 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB1066 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO INVASIVE SPECIES.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1066, entitled "A Bill for an Act Relating to Invasive Species," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1066 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1066 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 25th  
day of June, 2007.



---

LINDA LINGLE  
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1066

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1066, entitled "A Bill for an Act Relating to Invasive Species."

The purposes of this bill are to establish a special fund for invasive species inspection, quarantine, eradication, and monitoring programs and to impose a fee for the inspection, quarantine, and eradication of invasive species contained in any marine commercial container shipment, foreign or domestic, that is brought into the State, computed on a basis of \$1 for each twenty-foot equivalent unit per container.

The goal to enhance inspections for invasive species is laudable. However the bill is objectionable because it creates a context in which out-of-state fees could be imposed on Hawaii shippers.

Currently the State of California is considering placing a surcharge fee on all containers leaving its ports. The proposed fee would be substantial -- \$30 per container, per movement into and out of California. The majority of Hawaii's goods are shipped out of Oakland and Long Beach ports and return to California. This would result in an estimated \$45.2 million more per year to Hawaii consumers to ship basic essentials into our State. Passage of this bill would make it difficult to defend against efforts by other jurisdictions to impose their state-mandated fees on the containers coming into Hawaii.

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 1066  
Page 2

This measure would undermine our efforts to persuade the California State Assembly and members of the United States Congress that state-imposed fees should not be imposed on containers moving in interstate commerce.

The Department of Agriculture presently conducts inspections of goods shipped into Hawaii for invasive species. The amount of \$7,600,000 in general funds has been budgeted for fiscal year 2007-2008, and a similar amount for fiscal year 2008-2009, for the Plant, Pest, and Disease Control program to carry out program activities, including inspection for invasive species.

For the foregoing reasons, I am returning Senate Bill No. 1066 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

---

---

## A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1           SECTION 1. Chapter 150A, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4           "§150A-A Inspection, quarantine, and eradication service  
5 fee and charge. (a) There is imposed a fee for the inspection,  
6 quarantine, and eradication of invasive species contained in any  
7 marine commercial container shipment, foreign or domestic, that  
8 is brought into the State. The fee shall be computed on the  
9 basis of \$1 for each twenty-foot equivalent unit per container.  
10 The department shall collect the fee at the port of  
11 disembarkation and deposit the fee into the pest control,  
12 quarantine, and eradication fund under section 150A-B.

13           §150A-B Pest inspection, quarantine, and eradication fund.  
14 (a) There is established in the state treasury the pest  
15 inspection, quarantine, and eradication fund, into which shall  
16 be deposited:



- 1        (1) Legislative appropriations for inspection, quarantine,
- 2            and eradication services;
- 3        (2) Service fees, charges, and penalties collected under
- 4            section 150A-A;
- 5        (3) Federal funds received for pest inspection,
- 6            quarantine, and eradication programs;
- 7        (4) Grants and gifts;
- 8        (5) All interest earned or accrued on moneys deposited in
- 9            the fund; and
- 10       (6) Any other moneys made available to the fund.
- 11       (b) The moneys in the pest inspection, quarantine, and
- 12 eradication fund shall be expended by the department for the
- 13 operation of pest inspection, quarantine, eradication, and
- 14 monitoring programs, related facilities, and the execution of
- 15 emergency remedial measures when pests are detected in the
- 16 course of inspection and quarantine activities by the
- 17 department."

18        SECTION 2. In codifying the new sections added by section  
 19 1 of this Act, the revisor of statutes shall substitute  
 20 appropriate section numbers for the letters used in designating  
 21 the new sections in this Act.

1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on July 1, 2007.



