HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

H.R. NO. 221

HOUSE RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK CLARIFICATION
FROM THE UNITED STATES SECRETARY OF TRANSPORTATION
REGARDING THE USE OF AIRPORT REVENUES TO PAY FOR THE
OPERATIONAL COSTS OF STATE AGRICULTURAL INSPECTIONS OF
INCOMING AIR CARGO AT STATE AIRPORTS.

WHEREAS, the State of Hawaii is recognized as a unique
place that creates an experience like no other; and

WHEREAS, Hawaii tourism depends on Hawaii's unique
environment; and

WHEREAS, introduced or non-native species have, and will
continue to have, devastating impacts on Hawaii's agriculture,
natural environment, economy, public health, and quality-of-
life; and

WHEREAS, air transportation is a proven pathway by which
invasive species are transported to and become established in
new environments; and

WHEREAS, various illegal plants and animals, high
quantities of non-native pests, and a great variety of invasive
pests are also transported by air transportation; and

WHEREAS, in a letter dated July 31, 1998, Barry L. Molar,
then Manager of the Airport Compliance Division of the Federal
Aviation Administration in Washington D.C., stated that
"[i]nfrastucture and support needed to adequately inspect
arriving aircraft, cargo and passengers can be 100% payable with
airport revenue provided these facilities are used exclusively
by airport inspectors for airport facilities"; and

WHEREAS, Mr. Molar further stated that "[n]on-federal
inspectors who work exclusively at the airport can be supported
with airport revenue"; and
WHEREAS, airport revenues are currently used at Kahului Airport to pay for inspectors, operations, environmental studies, and inspection facilities; and

WHEREAS, the Manager of the Airports District Office for the Federal Aviation Administration's Western-Pacific Region stated in a letter dated February 14, 2007, that "the use of airport revenue to fund inspectors would represent a prohibited use of airport revenue under Title 49 U.S.C. Sections 47107(b) and 47133"; and

WHEREAS, these conflicting interpretations have led to a situation where the Alien Species Action Plan for Kahului Airport recommends that there should be fourteen agriculture inspectors at Kahului airport, as compared to seven agriculture inspectors scheduled daily for Honolulu International Airport; and

WHEREAS, the volume of air cargo imported annually into the State of Hawaii through Honolulu International Airport is approximately four hundred thousand tons, as compared to thirty-five thousand tons at Kahului Airport; and

WHEREAS, on September 30, 2009, the Federal Aviation Administration issued Order 5190.6B, advising that permitted uses of airport revenue include expenses to promote public and industry awareness of the airport's facilities and services "such as a Super Bowl hospitality tent for corporate aircraft at a sponsor-owned general aircraft terminal"; and

WHEREAS, Order 5190.6B also states that permitted uses of airport revenue may include community activities; provided that the activities are directly and substantially related to the operation of the airport, "[f]or example, it may purchase tickets for an annual community luncheon at which the airport director delivers a speech reviewing the state of the airport. The airport may also contribute to a golf tournament sponsored by a 'friends of the airport' committee"; and

WHEREAS, Order 5190.6B further states that "[a]n airport may use its revenue to support a community's use of airport property if the expenditures are directly and substantially related to the operation of the airport"; and
WHEREAS, finally, Order 5190.6B states that "a sponsor may pay for a portion of the general costs of government, including executive offices and the legislative branches, provided the sponsor allocates such costs to the airport in accordance with an acceptable cost allocation plan"; and

WHEREAS, the State strongly feels that the inspection of incoming commodities is substantially related to the operation of state airports, especially with regard to the movement of air passengers and cargo; and

WHEREAS, airlines have vocally objected to the reduction of inspection hours by the state Department of Agriculture; and

WHEREAS, adequate staffing and facilities will enhance the safe and efficient movement of passengers and cargo through the airports, while a lack of adequate staffing and facilities will create a backlog of cargo at the airports; and

WHEREAS, insufficient inspection personnel and facilities will prevent imported commodities from being inspected and released, and thus will result in these commodities rotting and decaying at the airport; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that Hawaii's congressional delegation is urged to seek clarification from the United States Secretary of Transportation regarding the use of airport revenues to pay for the operational costs of state agricultural inspections of incoming air cargo at state airports; and

BE IT FURTHER RESOLVED that the clarification include the use of airport revenues to pay for agriculture inspection and facilities for inspections conducted solely at the airport for air cargo; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor and each member of Hawaii's congressional delegation.

OFFERED BY:

[Signatures]