
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. Section 141-2, Hawaii Revised Statutes, is
2 amended by amending subsections (2) and (3) to read as follows:
3 "(2) The quarantine, inspection, fumigation, disinfection,
4 destruction, or exclusion, either upon introduction
5 into the State, or at any time or place within the
6 State, of any nursery-stock, tree, shrub, herb, vine,
7 cut-flower, cutting, graft, scion, bud, seed, leaf,
8 root, or rhizome; any nut, fruit, or vegetable; any
9 grain, cereal, or legume in the natural or raw state;
10 any moss, hay, straw, dry-grass, or other forage; any
11 unmanufactured log, limb, or timber; or any other
12 plant growth or plant product unprocessed or in the
13 raw state; any sand, soil, or earth; any live bird,
14 reptile, insect, or other animal, in any stage of
15 development, that is in addition to the so-called
16 domestic animals, which are provided for in section
17 142-2; and any box, barrel, crate, or other containers
18 in which the articles, substances, or objects have

1 been transported or contained, and any packing
2 material used in connection therewith, which is or may
3 be diseased or infested with insects or likely to
4 assist in the transmission or dissemination of any
5 insect or plant disease injurious, harmful, or
6 detrimental, or likely to become injurious, harmful,
7 or detrimental to the agricultural or horticultural
8 industries, [~~or~~] the forests of the State, or the
9 environment, or which is or may be in itself
10 injurious, harmful, or detrimental to the same
11 (included therein may be rules governing the shipping
12 of any of the articles, substances, or objects
13 enumerated above in this section between different
14 localities on any one of the islands within the
15 State);

- 16 (3) The prohibition of importation into the State, from
17 any or all foreign countries, or from other parts of
18 the United States, or the shipment from one island
19 within the State to another island therein, or the
20 transportation from one part or locality of any island
21 to another part or locality of the same island, of any
22 specific article, substance, or object or class of

1 articles, substances or objects, among those
2 enumerated above in this section, which is diseased or
3 infested with insects or likely to assist in the
4 transmission or dissemination of any insect or plant
5 disease injurious, harmful, or detrimental or likely
6 to be injurious, harmful, or detrimental to the
7 agricultural or horticultural industries, [~~or~~] the
8 forests of the State, or the environment, or which is
9 or may be in itself injurious, harmful, or detrimental
10 to the same;"

11 SECTION 2. Section 141-3, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§141-3 Designation of pests; control or eradication of**
14 **pests; emergency power.** (a) The department of agriculture
15 shall establish by rule, the criteria and procedures for the
16 designation of pests for control or eradication[~~-~~]; provided
17 that vertebrate species that are injurious to the environment or
18 vegetation of value, including but not limited to coqui frogs
19 (*Eleutherodactylus coqui*), shall be designated as pests.

20 (b) The department of agriculture shall, so far as
21 reasonably practicable, assist, free of cost to individuals, in
22 the control or eradication of insects, mites, diseases, noxious



1 weeds, or other pests injurious to the environment or vegetation
2 of value; and in the investigation, suppression, and eradication
3 of contagious, infectious, and communicable diseases among
4 domestic animals; and shall in like manner distribute to points
5 where needed, beneficial insects, or pathogens and other
6 antidotes for the control of insects, mites [~~and~~], diseases, or
7 other pests injurious to the environment or vegetation of value,
8 and for the control or eradication of vegetation of a noxious
9 character.

10 (c) Notwithstanding subsection (a), if the department
11 finds the incipient infestation of a pest that has an adverse
12 effect on the environment, or that is injurious or deleterious
13 or that is likely to become injurious or deleterious to the
14 agricultural, horticultural, aquacultural, or livestock
15 industries of the [State] state without immediate action, it may
16 proceed without prior notice or upon a minimum of forty-eight
17 hours notice and hearing to adopt an emergency rule for the
18 eradication of the pest to be effective for a period of not
19 longer than one hundred eighty days without renewal."

20 SECTION 3. Section 150A-6.5, Hawaii Revised Statutes, is
21 amended to read as follows:

1 "§150A-6.5 Animals; prohibition against possession, etc.;

2 exception. No person shall intentionally or negligently

3 possess, propagate, sell, transfer, transport, or harbor any

4 animal included on the list of prohibited animals maintained by

5 the board, except upon a determination that the species:

- 6 (1) Was initially permitted entry and later prohibited
- 7 entry into the [~~State~~] state; or
- 8 (2) Was continually prohibited but unlawfully introduced
- 9 and is currently established in the [~~State~~] state; and
- 10 (3) Is not significantly harmful to agriculture,
- 11 horticulture, or animal or public health, and the
- 12 environment.

13 Under the circumstances described in this [+]~~section~~[+], the

14 board may permit possession of the individual animal through its

15 registration with the department while still prohibiting the

16 same species of animal from importation, propagation, transfer,

17 transport, and sale."

18 SECTION 4. Section 150A-8, Hawaii Revised Statutes, is

19 amended to read as follows:

20 "§150A-8 Transporting in [~~State~~] state. (a) Flora and

21 fauna specified by rules and regulations of the department shall

22 not be moved from one island to another island within the State

1 or from one locality to another on the same island except by a
2 permit issued by the department.

3 (b) All goods determined by the department to be at risk
4 of transporting a pest shall not be offered for sale, sold, or
5 moved from one island to another island within the state or from
6 one locality to another on the same island unless the pest can
7 be eradicated by treatment of the goods and the department so
8 treats the goods."

9 SECTION 5. The department of agriculture in collaboration
10 with the department of land and natural resources shall:

- 11 (1) Map and define quarantine areas on each of the six
12 major islands of the state for pests that pose the
13 greatest or most immediate danger to the environment;
- 14 (2) Post signs near or in the area to identify the area
15 and its boundaries; and
- 16 (3) Adopt civil penalties to be imposed on persons
17 violating the quarantine by moving untreated materials
18 from these areas.

19 SECTION 6. Each county shall develop a county invasive
20 species management plan to address the control and management of
21 invasive plant and animal species that pose the greatest or most
22 immediate danger to the environment. The plan shall include but



1 not be limited to requiring the removal or eradication of
2 prohibited invasive, non-native vegetation or animals so
3 designated by the Hawaii invasive species council:

4 (1) Before a certificate of occupancy is issued for any
5 privately owned property sold or transferred after the
6 effective date of this Act; and

7 (2) Within three years of the effective date of this Act,
8 for all other privately owned properties.

9 SECTION 7. Each county may establish an incentive program
10 in which the county or its designated agent will pay for some or
11 all of the cost of removing an invasive species from property on
12 which the invasive species is found, with the permission of the
13 property owner. The incentive programs may include but not be
14 limited to cost-share measures.

15 SECTION 8. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2006-2007 for the
18 development of county invasive species management plans in each
19 county.

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



H.B. NO. 2765

1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect on July 1, 2006.
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INTRODUCED BY:

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JAN 25 2006



HB 2765

Report Title:

Invasive Species Control

Description:

Controls invasive species, such as coqui frogs, through various measures.

HB HMS 2006-1120

