
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 to read as follows:

3 **"§141-2 Rules.** Subject to chapter 91 the department of
4 agriculture shall adopt, amend, and repeal rules not
5 inconsistent with law, for and concerning:

6 (1) The introduction, transportation, and propagation of
7 trees, shrubs, herbs, and other plants;

8 (2) The quarantine, inspection, fumigation, disinfection,
9 destruction, or exclusion, either upon introduction
10 into the State, or at any time or place within the
11 State, of any nursery-stock, tree, shrub, herb, vine,
12 cut-flower, cutting, graft, scion, bud, seed, leaf,
13 root, or rhizome; any nut, fruit, or vegetable; any
14 grain, cereal, or legume in the natural or raw state;
15 any moss, hay, straw, dry-grass, or other forage; any
16 unmanufactured log, limb, or timber; or any other
17 plant growth or plant product unprocessed or in the
18 raw state; any sand, soil, or earth; any live bird,



1 reptile, insect, or other animal, in any stage of
2 development, that is in addition to the so-called
3 domestic animals, which are provided for in section
4 142-2; and any box, barrel, crate, or other containers
5 in which the articles, substances, or objects have
6 been transported or contained, and any packing
7 material used in connection therewith, which is or may
8 be diseased or infested with insects or likely to
9 assist in the transmission or dissemination of any
10 insect or plant disease injurious, harmful, or
11 detrimental, or likely to become injurious, harmful,
12 or detrimental to the agricultural or horticultural
13 industries, ~~[or]~~ the forests of the State, or the
14 environment, or which is or may be in itself
15 injurious, harmful, or detrimental to the same
16 (included therein may be rules governing the shipping
17 of any of the articles, substances, or objects
18 enumerated above in this section between different
19 localities on any one of the islands within the
20 State);

- 21 (3) The prohibition of importation into the State, from
22 any or all foreign countries, or from other parts of



1 the United States, or the shipment from one island
2 within the State to another island therein, or the
3 transportation from one part or locality of any island
4 to another part or locality of the same island, of any
5 specific article, substance, or object or class of
6 articles, substances or objects, among those
7 enumerated above in this section, which is diseased or
8 infested with insects or likely to assist in the
9 transmission or dissemination of any insect or plant
10 disease injurious, harmful, or detrimental or likely
11 to be injurious, harmful, or detrimental to the
12 agricultural or horticultural industries, [~~or~~] the
13 forests of the State, or the environment, or which is
14 or may be in itself injurious, harmful, or detrimental
15 to the same; and

- 16 (4) The manner in which agricultural product promotion and
17 research activities may be undertaken, after
18 coordinating with the agribusiness development
19 corporation.

20 All rules adopted under this section shall have the force
21 and effect of law."



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

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

10 (b) The department of agriculture shall, so far as
11 reasonably practicable, assist, free of cost to individuals, in
12 the control or eradication of insects, mites, diseases, noxious
13 weeds, or other pests injurious to the environment or vegetation
14 of value; and in the investigation, suppression, and eradication
15 of contagious, infectious, and communicable diseases among
16 domestic animals; and shall in like manner distribute to points
17 where needed, beneficial insects, or pathogens and other
18 antidotes for the control of insects, mites ~~[and]~~, diseases, or
19 other pests injurious to the environment or vegetation of value,
20 and for the control or eradication of vegetation of a noxious
21 character.



1 (c) Notwithstanding subsection (a), if the department
2 finds the incipient infestation of a pest that has an adverse
3 effect on the environment, or that is injurious or deleterious
4 or that is likely to become injurious or deleterious to the
5 agricultural, horticultural, aquacultural, or livestock
6 industries of the [~~State~~] state without immediate action, it may
7 proceed without prior notice or upon a minimum of forty-eight
8 hours notice and hearing to adopt an emergency rule for the
9 eradication of the pest to be effective for a period of not
10 longer than [~~one hundred eighty days~~] one year without renewal."

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

13 **"§150A-6.5 Animals; prohibition against possession, etc.;**
14 **exception.** No person shall intentionally or negligently
15 possess, propagate, sell, transfer, transport, or harbor any
16 animal included on the list of prohibited animals maintained by
17 the board, except upon a determination that the species:

- 18 (1) Was initially permitted entry and later prohibited
19 entry into the [~~State~~] state; or
20 (2) Was continually prohibited but unlawfully introduced
21 and is currently established in the [~~State,~~] state;
22 and



1 (3) Is not significantly harmful to agriculture,
2 horticulture, or animal or public health, and the
3 environment.

4 Under the circumstances described in this [+]section[+], the
5 board may permit possession of the individual animal through its
6 registration with the department while still prohibiting the
7 same species of animal from importation, propagation, transfer,
8 transport, and sale."

9 SECTION 4. Section 150A-8, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§150A-8 Transporting in [~~State.~~ state.** (a) Flora and
12 fauna specified by rules and regulations of the department shall
13 not be moved from one island to another island within the
14 [~~State~~] state or from one locality to another on the same island
15 except by a permit issued by the department.

16 (b) All goods determined by the department to be at risk
17 of transporting a pest shall not be offered for sale, sold, or
18 moved from one island to another island within the state or from
19 one locality to another on the same island unless the pest can
20 be eradicated by treatment of the goods and the department so
21 treats the goods."



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

- 3 (1) Map and define quarantine areas on each of the six
4 major islands of the state for pests that pose the
5 greatest or most immediate danger to the environment;
- 6 (2) Post signs near or in the area to identify the area
7 and its boundaries; and
- 8 (3) Adopt civil penalties to be imposed on persons
9 violating the quarantine by moving untreated materials
10 from these areas.

11 SECTION 6. Each county shall develop a county invasive
12 species management plan to address the control and management of
13 invasive plant and animal species that pose the greatest or most
14 immediate danger to the environment. The plan shall include but
15 not be limited to requiring the removal or eradication of
16 prohibited, invasive, and non-native vegetation or animals so
17 designated by the Hawaii invasive species council:

- 18 (1) Before a certificate of occupancy is issued for any
19 privately owned property sold or transferred after the
20 effective date of this Act; and
- 21 (2) Within three years of the effective date of this Act,
22 for all other privately owned properties.



1 SECTION 7. Each county may establish an incentive program
2 in which the county or its designated agent will pay for some or
3 all of the cost of removing an invasive species from property on
4 which the invasive species is found, with the permission of the
5 property owner. The incentive programs may include but not be
6 limited to cost-sharing measures.

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

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

14 SECTION 9. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on July 1, 2006.



HB 2765 HD1

Report Title:

Invasive Species Control

Description:

Controls invasive species, such as coqui frogs, through various measures. (HB2765 HD1)

HB2765 HD1 HMS 2006-1738

