
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. Section 194-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]~~ §194-5 Entry; private property ~~[+]~~. (a) Whenever any
4 invasive species identified by the council for control or
5 eradication is found on private property, a department may enter
6 such premises to control or eradicate the invasive species after
7 reasonable notice is given to the owner of the property and, if
8 entry is refused, pursuant to the court order in subsection (d).

9 (b) If applicable, a duplicate of the notice so given
10 shall be left with one or more of the tenants or occupants of
11 the premises. If the premises are unoccupied, notice shall be
12 mailed to the last known place of residence of the owner, if
13 residing in the ~~[State-]~~ state. If the owner resides out of the
14 ~~[State]~~ state or cannot be expeditiously provided with notice,
15 notice left at the house or posted on the premises shall be
16 sufficient.

17 (c) The department may instead cause notice to be given,
18 and order the owner to control or eradicate the invasive



1 species, if such species was intentionally and knowingly
2 established by the owner on the owner's property and not
3 naturally disbursed from neighboring properties, at the owner's
4 expense within such reasonable time as the department may deem
5 proper, pursuant to the notice requirements of this section.

6 (d) If the owner thus notified fails to comply with the
7 order of the department, or its agent, within the time specified
8 by the department, or if entry is refused after notice is given
9 pursuant to subsection (a) and, if applicable subsection (b),
10 the department or its agent may apply to the district court of
11 the circuit in which the property is situated for a warrant,
12 directed to any police officer of the circuit, commanding the
13 police officer to take sufficient aid and to assist the
14 department member or its agent in gaining entry onto the
15 premises, and executing measures to control or eradicate the
16 invasive species.

17 (e) An adjoining property owner may apply to the district
18 court of the circuit in which the property is situated for a
19 warrant, directed to any police officer of the circuit,
20 commanding the police officer to take sufficient aid and to
21 assist the adjoining property owner in gaining entry onto the



1 premises, and executing measures to control or eradicate the
2 invasive species; provided that:

3 (1) The adjoining property owner has notified the
4 department designated by the council as the lead
5 agency under section 194-2(a)(7) for the function of
6 rapid response;

7 (2) The department, or other department as appropriate
8 under section 194-2(a)(7), has verified that the
9 species complained of is an invasive species as
10 defined in section 520A-2;

11 (3) The department or departments, as the case may be, are
12 unable to execute the control and eradication efforts
13 authorized under subsection (a) due to insufficient
14 resources; and

15 (4) The appropriate department has given reasonable notice
16 to the owner of the property containing the invasive
17 species that the adjoining property owner may apply
18 for a court order under section 194-5(e), Hawaii
19 Revised Statutes, to enter upon the property and
20 control or eradicate the invasive species.

21 [~~e~~] (f) The department may recover by appropriate
22 proceedings the expenses incurred by its order from any owner



1 who, after proper notice, has failed to comply with the
2 departments order.

3 ~~[-f-]~~ (g) In no case shall the department or any officer or
4 agent thereof be liable for costs in any action or proceeding
5 that may be commenced pursuant to this [-f]chapter[+].

6 (h) For the purposes of this section, "adjoining property
7 owner" means the owner of a property that shares a common
8 boundary with the property containing the invasive species."

9 SECTION 2. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Invasive Species; Removal

Description:

Authorizes owners of adjoining property to enter private property to remove invasive species. (HB1928 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

