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# A BILL FOR AN ACT

RELATING TO NOXIOUS WEEDS.

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

1           SECTION 1. Section 152-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Board" means the board of agriculture."

5           SECTION 2. Section 152-4, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "§152-4 Designation of noxious weed. (a) The department  
8 may designate certain plant species as noxious weeds following  
9 the criteria and procedures established under section 152-2(1).

10           (b) The board may designate certain plant species as  
11 noxious weeds following the criteria and procedures established  
12 under sections 152-A.

13           (c) The department and the board shall publish and [make  
14 available-a-list] provide their respective lists of noxious  
15 weeds to interested persons."

16           SECTION 3. Chapter 152, Hawaii Revised Statutes, is  
17 amended by adding 7 new sections to be appropriately designated  
18 and to read as follows:



1           "§152-A       Criteria and procedure for the designation of  
2 noxious weed by the board for eradication or control projects by  
3 the department.   The board may designate any plant species as a  
4 noxious weed to be eradicated or controlled by the department,  
5 pursuant to all of the criteria in section 152-B through 152-F,  
6 and the procedure in section 152-G.

7           §152-B       Criteria based on plant reproduction.  
8 Reproductive characteristics of noxious weeds are plant species  
9 that:

- 10           (1) Reproduce by seeds capable of being dispersed over a  
11           wide area;
- 12           (2) Reproduce by seeds capable of remaining dormant for  
13           more than one year; or
- 14           (3) Reproduce by roots or other natural vegetative means.

15           §152-C       Criteria based on growth characteristics.  
16 Growth characteristics of noxious weeds are plant species that:  
17           (1) Are capable of competing with cultivated crops for  
18           nutrients, water or sunlight; or  
19           (2) Form dense stands in pasture lands, forests, lawns,  
20           landscape gardens, and recreational areas and  
21           conservation districts and is capable of shading and



1 crowding out forage plants, native plants, and other  
2 desirable plants.

3 §152-D Criteria based on detrimental effects.

4 Detrimental effects of noxious weeds are plant species that:

5 (1) Cause or have the potential to cause severe production  
6 losses or control costs to any industry;

7 (2) Endanger or have the potential to endanger native  
8 flora and fauna by encroachment;

9 (3) Hamper or have the potential to hamper the full  
10 utilization of recreational areas; or

11 (4) Are poisonous, injurious, or otherwise harmful to  
12 humans, animals, or other plant life.

13 §152-E Criteria based on control. Control criteria of

14 noxious weeds include plant species that are:

15 (1) Not effectively controlled by present day technology  
16 or by available herbicides currently registered for  
17 use pursuant to chapter 149A;

18 (2) Effectively controlled only by extraordinary efforts  
19 such as repeated herbicidal applications at high  
20 dosage rates; or

21 (3) Effectively controlled only by additional effort over  
22 and beyond the normal weed maintenance effort required



1           for the production or management of certain crops and  
2           pasture lands, recreational areas, forest lands, or  
3           conservation areas.

4           §152-F       Criteria based on distribution and spread.

5           Distribution and spread criteria of noxious weeds are plant  
6           species that are:

7           (1) Not known to occur in one or more islands of the  
8           State;

9           (2) Known to occur only in incipient stages on less than  
10           five acres on one or more islands of the State; or

11           (3) Known to occur on more than five acres but only in  
12           isolated or limited areas on one or more islands of  
13           the State.

14           §152-G       Procedure for the designation of noxious weed by

15           the board. (a) A study and evaluation of potential noxious  
16           weed species may be initiated by any board member or upon  
17           request by other governmental agencies or private organizations.

18           (b) Any board member may recommend the designation of a  
19           plant species as a noxious weed when sufficient data has been  
20           accumulated on a plant species to meet the criteria provided in  
21           sections 152-B through 152-F.



1        (c) The board shall issue an order designating a plant  
2 species as a noxious weed for an eradication or control project  
3 by the department or for a control project by lessees as  
4 provided in state pasture lease agreements upon the  
5 recommendation of a board member and a two-thirds majority vote  
6 of the board members present and voting at a meeting at which  
7 there is a quorum.

8        (d) Any board member may submit to the board a request to  
9 rescind an official designation of a plant species under section  
10 152-A as a noxious weed. The request shall include a report  
11 explaining why the plant species no longer meets the criteria of  
12 a noxious weed.

13        (e) The board shall issue an order rescinding an official  
14 designation of a plant species as a noxious weed upon a two-  
15 thirds majority vote of the board members present and voting at  
16 a meeting at which there is a quorum."

17        SECTION 4. In codifying the new sections added by section  
18 3 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.

21        SECTION 5. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Cindy Evans  
JAN 21 2011



**Report Title:**

Noxious Weed Control; Noxious Weed List; Board of Agriculture

**Description:**

Authorizes the Board of Agriculture to designate plants as noxious weeds by order, subject to certain requirements.

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

