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## 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~~ the premises to control or eradicate the invasive species  
7 after reasonable notice is given to the owner of the property  
8 and, if entry is refused, pursuant to the court order in  
9 subsection (d).

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



1 (c) The department may instead cause notice to be given,  
2 and order the owner to control or eradicate the invasive  
3 species, if [~~such~~]:

4 (1) The species was intentionally and knowingly  
5 established by the owner on the owner's property and  
6 not naturally dispersed from neighboring  
7 properties~~[-]~~; or

8 (2) The owner, occupant, or tenant has refused to allow  
9 the department to enter the premises.

10 The order shall require the owner to control or eradicate the  
11 invasive species at the owner's expense within [~~such~~] a  
12 reasonable time as the department may deem proper, pursuant to  
13 the notice requirements of this section. Any person who  
14 violates any order given under this subsection shall be fined  
15 not more than \$5,000 for each separate offense. Each day shall  
16 constitute a separate offense.

17 (d) If the owner thus notified fails to comply with the  
18 order of the department, or its agent, within the time specified  
19 by the department, or if entry is refused after notice is given  
20 pursuant to subsection (a) and, if applicable, subsection (b),  
21 the department or its agent may apply to the district court of



1 the circuit in which the property is situated for a warrant,  
2 directed to any [~~police~~] state or county law enforcement officer  
3 of the circuit, commanding the [~~police~~] law enforcement officer  
4 to take sufficient aid and to assist the department member or  
5 its agent in gaining entry onto the premises[7] and executing  
6 measures to control or eradicate the invasive species.

7 (e) [~~The~~] By appropriate proceedings, the department may  
8 recover [~~by appropriate proceedings~~] the expenses incurred [~~by~~]  
9 or fines imposed as a result of its order from any owner who,  
10 after proper notice, has failed to comply with the department's  
11 order.

12 (f) In no case shall the department or any officer or  
13 agent thereof be liable for costs in any action or proceeding  
14 that may be commenced pursuant to this [~~+~~]chapter[~~+~~]."

15 SECTION 2. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

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**Report Title:**

Invasive Species; Private Property Entry

**Description:**

Authorizes departments that are members of the invasive species council to require landowners with land that contains invasive species to control or eradicate the invasive species if the landowner does not permit the department to enter the land. Imposes fines for noncompliance.

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

