

A Bill for an Act Amending Chapter 150, Hawaii Revised Statutes, Relating to Plant Life, Seeds and Soils.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The title of Chapter 150, Hawaii Revised Statutes, is hereby amended to read as follows:

“PLANT AND ANIMAL LIFE, SEEDS AND SOILS.”

SECTION 2. Section 150-1, Hawaii Revised Statutes, is hereby amended in the following particulars:

a. By amending the first paragraph thereof to read:

“The importation of any of the following articles, viz., nursery-stock, tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud, seed, leaf, root or rhizome; nut, fruit or vegetable; grain, cereal, or legume in the natural or raw state; moss, hay, straw, dry-grass or other forage; unmanufactured log, limb or timber, or any other plant-growth or plant-product unprocessed or in the raw state; sand, soil or earth; live bird, reptile, bacteria, fungi, nematodes, viruses, insect or other organism or animal in any stage of development (that is in addition to the so-called domestic animals, the quarantine of which is provided for in other sections); box, barrel or crate or other container in which such articles have been transported or contained or any packing material used in connection therewith, into the State, shall be made and conducted in the manner and subject to the conditions hereinafter set forth.

“(1) Notification of arrival; rules and regulations. The Board of Agriculture shall, by rules and regulations, prescribe the means by which carriers, passengers on carriers, or other persons shall notify the chief inspector of plant quarantine of the arrival of the articles above enumerated and the retention of said articles at the dock, pier, wharf, airport or other place where they are first received or discharged, in such a manner that they will not spread or be likely to spread any infestation or infection of insects or diseases that may be present until inspection and examination can be made by the chief plant inspector or his assistant, to determine whether or not any such article, or any portion thereof, is infested or infected with any insect or plant disease in any state of development that might be injurious, harmful or detrimental to the agricultural or horticultural industries or natural resources of the State.”

b. By inserting between the words “the contents” in the ninth line of subsection (2) thereof the words “scientific names or”.

c. By amending subsection (3) thereof to read:

“(3) Authority to inspect. The chief inspector, or his assistant, may:

A) enter upon any aircraft, ship, vessel or other carrier, at any time after its arrival within the boundaries of the State, whether off port, in the stream, or at the airport, dock, pier, or wharf;

B) enter into or upon any airport, dock, pier, or wharf, warehouse or

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depot, or any other place in the State, where any of the above-mentioned articles are taken or stored, for the purpose of ascertaining, by inspection and examination, whether or not any such article, which it is desired to import, or any portion thereof, is infested or infected with insects or disease in any state of development that might be injurious or detrimental to the agricultural or horticultural industries or natural resources of the State."

d. By deleting the word "forests" and substituting the words "natural resources" therefor in the penultimate line of subsection (4) thereof.

e. By amending the first sentence of subsection (5) thereof to read:

"Place of inspection. If, in the judgment of the chief plant inspector or his assistant, it is deemed necessary or advisable to remove any of the articles above enumerated or any portion thereof, to a place more suitable for inspection and examination than the airport, dock, pier, wharf or other place where they are first received or discharged, to safeguard the agricultural and horticultural industries or natural resources of the State from any infestation or infection of insects or diseases in any stage of development that is or may be present, authority therefor is granted, and all costs and expense incident to the removal and transportation of such articles or any portion of them to such place shall be borne by the person or his responsible agent owning or having charge thereof."

f. By deleting the word "forests" and substituting the words "natural resources" therefor in the eighth line of subsection (6) and the seventh line of subsection (7) thereof.

g. By amending subsection (10) thereof to read:

"(10) Ports of entry. None of the articles enumerated above in this section (except field seeds, including flower, vegetable and forage crop seeds, nuts, fruits, vegetables, grains, cereals, or legumes in the natural or raw state for immediate consumption, moss, hay, straw, dry-grass, unmanufactured log, limb or timber) shall be allowed entry into the State except through the air and sea ports in the State designated and approved by the department of agriculture."

h. By deleting the sum of "\$100" and substituting the sum of "\$500" therefor in the second line of subsection (11) thereof.

i. By adding a new subsection thereto to read:

"(12) Penalty for defacing declaration form and falsification of information. Any person who defaces the declaration form or forms required under this section, gives false information, or fails to declare restricted materials in his possession or luggage, shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both."

SECTION 3. Section 150-2, Hawaii Revised Statutes, is hereby amended in the following particulars:

a. By amending section 150-2 through subsection (1) thereof to read:

"**Section 150-2. Sand, soil, earth, deteriorated peat, snakes, injurious insects, etc.; importation prohibited.** All persons are prohibited from receiving for transportation, bringing, or causing to be brought to the State, for the purpose of debarkation or entry thereinto, any of the following named articles:

(1) Sand, soil, earth or deteriorated peat; provided, that limited quantities

of sand, soil or earth may be imported into the State for experimental or other scientific purposes, under permit with conditions prescribed by the department of agriculture;”

b. By amending subsection (3) thereof to read:

“(3) Plants with deteriorated peat, sand, soil or earth around the roots;”

c. By amending subsection (4) thereof to read:

“(4) Plant products with deteriorated peat, sand, soil or earth around or adhering thereto, except for experimental scientific purposes under the auspices of the department and except when the same are brought to the State from the mainland of the United States under conditions prescribed by rule or regulation of the department.”

d. By deleting the word “forests” and substituting the words “natural resources” therefor in the last line of subsection (5) thereof.

SECTION 4. Section 150-3, Hawaii Revised Statutes, is amended by inserting after the comma following the word “sand” and before the word “soil” in the first line, the words “deteriorated peat”.

SECTION 5. Section 150-4, Hawaii Revised Statutes, is amended by adding the phrase “unless approved by the chief plant inspector” at the end of the section just prior to the period and following the word “thereof”.

SECTION 6. This Act shall take effect on July 1, 1969.

(Approved July 14, 1969.)