
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that conservation
2 organizations in the State are fighting to slow the invasion of
3 alien plants that are spreading from home and commercial
4 landscapes into native forests. The introduction of new plants
5 into Hawaii adds to the growing number of existing invasive
6 species that crowd out native plants and cover open fields.

7 Under section 150A-6.1, Hawaii Revised Statutes, the
8 department of agriculture is responsible for maintaining a list
9 of restricted plants. The department is currently in the
10 process of developing its restricted plant list pursuant to this
11 section. Under section 152-4, Hawaii Revised Statutes, the
12 department of agriculture is responsible for designating certain
13 plant species as noxious weeds, and is required to publish and
14 provide a list of designated noxious weeds to interested
15 persons. The noxious weed list that is currently available was
16 last revised in 1992. Since then, many new plant species with
17 the potential for causing an infestation have been introduced



1 into Hawaii. Many plant wholesalers and retail outlets located
2 statewide sell these plants to customers for home and commercial
3 landscapes, thus potentially adding to the number of invasive
4 species in the State. The legislature further finds that an
5 increased effort is needed to control or eradicate the expanding
6 number of alien plant species and protect the State's native
7 plant population and agricultural economy.

8 The purpose of this Act is to:

- 9 (1) Prohibit the sale of plants designated as noxious
10 weeds in Hawaii;
- 11 (2) Require the department of agriculture to annually
12 review and, as necessary, update its list of noxious
13 weeds; and
- 14 (3) Appropriate funds to allow the department of
15 agriculture to review and update, on a regular
16 periodic basis, its lists of noxious weeds and
17 restricted plants, and its rules relating to
18 restricted plants, noxious weeds, and the enforcement
19 thereof.

20 SECTION 2. Section 150A-6.1, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§150A-6.1 Plant import.** (a) The board shall maintain a
2 list of restricted plants that require a permit for entry into
3 the State~~[-]~~, and shall annually review and update the list as
4 necessary. Restricted plants shall not be imported into the
5 State without a permit issued pursuant to rules.

6 (b) The department shall designate, by rule, as restricted
7 plants, specific plants that spread or may be likely to spread
8 an infestation or infection of an insect, pest, or disease that
9 is detrimental or potentially harmful to agriculture,
10 horticulture, the environment, or animal or public health. In
11 addition, plant species designated by rule as noxious weeds are
12 designated as restricted plants.

13 (c) No person shall import, offer for sale, or sell within
14 the State any of the following plant species, or any portions
15 thereof:

16 (1) Salvinia molesta [e~~r~~];

17 (2) Salvinia minima [and]; and

18 (3) Pistia stratiotes [plants or portion thereof within
19 the State]."

20 SECTION 3. Section 152-2, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§152-2 Rules.** Subject to chapter 91, the department [~~may~~
2 ~~make~~] shall adopt rules to effectuate this chapter, including
3 but not limited to the following:

4 (1) Establishment of criteria and procedures for the
5 designation of plant species as noxious weeds for the
6 purposes of this chapter;

7 (2) Establishment of procedures and conditions for the
8 initiation of cooperative agreements with landowners
9 and land occupiers for the purpose of eradicating or
10 controlling noxious weed infestations; and

11 (3) Control or eradication of noxious weeds when deemed
12 economically feasible."

13 SECTION 4. Section 152-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§152-3 Prohibited acts.** No person shall sell within the
16 State any noxious weed or any portions thereof. It shall be
17 unlawful to introduce or to transport specific noxious weeds or
18 their seeds or vegetative reproductive parts into any area
19 designated pursuant to section 152-5 as free or reasonably free
20 of those noxious weeds; provided that the introduction or
21 transportation of those noxious weeds may be permitted for



1 educational or research purposes when authorized by a permit
2 issued by the department."

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

5 "**§152-4 Designation of noxious weed.** The department [~~may~~]
6 shall designate certain plant species as noxious weeds following
7 the criteria and procedures established under section 152-2(1).
8 The department shall publish and [~~make available~~] provide a list
9 of noxious weeds to interested persons[~~-~~] and shall annually
10 review and update this list as necessary."

11 SECTION 6. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$, or so
13 much thereof as may be necessary for fiscal year 2007-2008, and
14 the same sum, or so much thereof as may be necessary for fiscal
15 year 2008-2009, for the department of agriculture to annually
16 review and update its lists of noxious weeds and restricted
17 plants as necessary, and amend its rules relating to restricted
18 plants imported into Hawaii, noxious weeds, and the enforcement
19 theory.

20 The sums appropriated shall be expended by the department
21 of agriculture for the purposes of this Act.



1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect upon its approval;
4 provided that section 6 shall take effect on July 1, 2007.

5



REPORT Title:

Invasive Species; Noxious Weeds

Description:

Prohibits the sale of plants designated as noxious weeds.
Requires the department of agriculture to review the noxious
weed list annually and update the list, as necessary.
Appropriates funds for the revision and review of the list of
noxious weeds. (SD2)

