

ACT 234

S.B. NO. 1963-74

A Bill for an Act Relating to Entry of Private Property for Gorse Control.

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

SECTION 1. Section 152-1, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 152-1 Definitions. For the purpose of this chapter, unless otherwise required by context:

- (1) ‘Department’ means the department of agriculture.
- (2) ‘Noxious weed’ means gorse and any other plant species which is injurious, harmful or deleterious or which may be likely to become so to the agricultural, horticultural, and livestock industries of the State, as determined and so designated by the department from time to time, by rules and regulations.
- (3) ‘Landowner’ means the possessor of a fee simple absolute title in land or real estate and shall include the State as well as its political subdivisions in their capacities as owners of public lands.
- (4) ‘Person’ means any individual, firm, corporation, association, or partnership.”

SECTION 2. Chapter 152, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 152- Entry of private property for gorse control. Whenever any member of the department or any member of a county agency duly authorized to maintain a gorse control program determines that there is an infestation of gorse on private property and that such infestation poses a threat to the agricultural, horticultural, or livestock industry of the county in which the property is situated, the department or county agency may enter such property for the purpose of abating, destroying, removing, or controlling such infestation; provided that the county agency or department shall give written notice of such finding to the owner or occupant of such property at least five days prior to entry. If such entry is refused, the member may make a complaint to the district court in the circuit in which such land is located. The district court may thereupon issue a warrant, directed to any police officer of the circuit, commanding him to take sufficient aid, and, being accompanied by a member of the department or county agency, as the case may be, between the hours of sunrise and sunset to examine, abate, destroy, remove, or control, under the directions of the member, the infestation of gorse.”

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

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

(Approved June 14, 1974.)

*Edited accordingly.