

ACT 62

H.B. NO. 1579

A Bill for an Act Relating to Agriculture.

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

SECTION 1. Section 141-3.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department of agriculture shall give at least five days notice to the landowner and the occupier of any private property of its intention to enter the property for the control or eradication of a pest. Written notice sent to the landowner’s last known address by certified mail, postage prepaid, return receipt requested, shall be deemed sufficient notice. In the event that certified mail is impractical because the department, despite diligent efforts, cannot determine land ownership or because of urgent need to initiate control or eradication measures, notice given once in a daily or weekly publication of general circulation, in the county where any action or proposed action will be taken, or notice made as otherwise provided by law, shall be deemed sufficient notice. The notice shall set forth all pertinent information on the pest control program and the procedures and methods to be used for control or eradication.’”

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SECTION 2. Section 142-29, Hawaii Revised Statutes, is amended to read as follows:

“§142-29 Enforcement; citation and summons. Violations of the provisions of this chapter or of any rule adopted pursuant thereto may be enforced by citation and summons issued by:

- (1) Any state or county law enforcement officer; or
- (2) Any officer or employee of the department of agriculture, authorized and designated by the board of agriculture to investigate and enforce the provisions of this chapter and all rules adopted by the department pursuant thereto [and to investigate violations of this chapter and rules adopted thereunder, may issue a citation and summons to any person for violation of any provision of this chapter or of any rule adopted pursuant thereto].”

SECTION 3. Section 142-30, Hawaii Revised Statutes, is amended to read as follows:

“§142-30 Form of citation and summons. [There shall be printed a form of citation and summons for use in citing violators of this chapter and rules adopted pursuant thereto warning] (a) In issuing citations and summons for violations of this chapter, law enforcement officers other than those described in section 142-29(2) shall use the summons and complaint citation books issued by the judiciary for violations of the traffic code.

(b) Citations issued by officers and employees as described in section 142-29(2) shall use citation and summons forms that shall warn the person to appear and answer the charge against the person at a place and at a time within [seven] thirty days after the citation. The citation and summons shall be so designed to include all necessary information to make it valid and legal [within] under the laws and rules of the State. [The form and contents of the citation and summons shall be as adopted or prescribed by the district courts.

In every case when a citation and summons is issued, the original shall be given to the accused; provided that the] The citation and summons shall be in a form that allows a carbon copy to be provided to the accused. The district courts may [prescribe the issuance to the accused of a carbon copy of the citation and summons and] provide for the disposition of the original and any other copies. Every citation and summons shall be consecutively numbered and each carbon copy shall bear the number of its respective original.”

SECTION 4. Section 142-31, Hawaii Revised Statutes, is amended to read as follows:

“§142-31 Administration of oath. When a complaint is made by officers and employees as described in section 142-29(2) to any prosecuting officer of the violation of the provisions of this chapter and all rules adopted pursuant thereto, the officer or employee who issued the citation and summons shall subscribe to it under oath administered by another official of the department of agriculture whose name has been submitted to the prosecuting officer and who has been designated by the chairman¹ of the board of agriculture to administer oaths.”

SECTION 5. Section 142-49, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§142-49]]~~ **Livestock ownership and movement certification.** Every owner, upon sale or transportation of livestock, including cattle, horses, sheep, goats, pigs, bison, or llamas, shall complete a certificate describing the animal or animals including sex, breed, age, and brand and indicating the seller or owner, buyer or consignee, and origin and destination. [A copy] Two copies of the certificate shall accompany the shipment, one copy shall be given to the department of agriculture, and a copy shall be retained by the owner. One of the copies of the certificate shall be presented upon request to a law enforcement officer or other officer or employee as described in section 142-29.”

SECTION 6. Section 152-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Upon determining that control or eradication of an infestation is practicable and feasible, the department shall immediately serve notice, either oral or written, on both the landowner of the property and the occupant of the property on which the infestations exist. Written notice sent to the landowner’s address last known to the department by certified mail, postage prepaid, return receipt requested, shall be deemed sufficient notice. In the event that certified mail is impractical because the department, despite diligent efforts, cannot determine land ownership or because of urgent need to initiate control or eradication measures, notice given once in a daily or weekly publication of general circulation, in the county where any action or proposed action will be taken, or notice made as otherwise provided by law, shall be deemed sufficient notice. The notice shall set forth all pertinent information with respect to the infestation and notify the landowner and the land occupant of the procedure and methods of control or eradication.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved April 23, 1997.)

Note

1. Prior to amendment “chairperson” appeared here.