

JAN 19 2007

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 152-4, Hawaii Revised Statutes, the
8 department of agriculture is responsible for designating certain
9 plant species as noxious weeds, and is required to publish and
10 make available to interested persons a list of designated
11 noxious weeds. The list that is currently available was last
12 revised in 1992. Since then, many new plant species with the
13 potential for causing an infestation have been introduced into
14 Hawaii. Many plant wholesalers and retail outlets located
15 statewide sell these plants to customers for home and commercial
16 landscapes, thus potentially adding to the number of invasive
17 species in the State. The legislature further finds that more



1 effort is needed to control or eradicate the expanding number of
2 alien plant species and protect the State's native plant
3 population and agricultural economy.

4 The purposes of this Act are to:

- 5 (1) Prohibit the sale of plants designated as noxious
6 weeds in Hawaii;
- 7 (2) Prohibit the sale of new plant species in Hawaii until
8 the department of agriculture has evaluated and
9 approved the introduction of the new plant species;
- 10 (3) Require the department of agriculture to update its
11 list of noxious weeds every two years; and
- 12 (4) Appropriate funds to allow the department of
13 agriculture to review and update on a regular periodic
14 basis its lists of noxious weeds and restricted
15 plants, and its rules relating to restricted plants,
16 noxious weeds, and enforcement.

17 SECTION 2. Section 150A-6.1; Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§150A-6.1 Plant import.** (a) The board shall maintain a
20 list of restricted plants that require a permit for entry into
21 the State. Restricted plants shall not be imported into the
22 State without a permit issued pursuant to rules.



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

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

- 11 (1) Salvinia molesta [œ];
12 (2) Salvinia minima [and];
13 (3) Pistia stratiotes [~~plants or portion thereof within~~
14 ~~the State]; or~~
15 (4) Plant species designated by rule as noxious weeds.

16 (d) No person shall import, offer for sale, or sell within
17 the State any new plant species unless the plant species is
18 evaluated and approved by the department. The department shall
19 determine whether the new plant species will be designated as a
20 restricted plant."

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



1 "**§152-4 Designation of noxious weed.** The department may
2 designate certain plant species as noxious weeds following the
3 criteria and procedures established under section 152-2(1). The
4 department shall publish and make available a list of noxious
5 weeds to interested persons[-] and shall update this list every
6 two years."

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$, or so
9 much thereof as may be necessary for fiscal year 2007-2008, and
10 the same sum, or so much thereof as may be necessary for fiscal
11 year 2008-2009, for the department of agriculture to review and
12 update its lists of noxious weeds and restricted plants, and
13 amend its rules relating to restricted plants imported into
14 Hawaii, noxious weeds, and enforcement.

15 The sum appropriated shall be expended by the department of
16 agriculture for the purposes of this Act.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

Ray L. Down

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Report Title:

Invasive Species; Noxious Weeds

Description:

Prohibits the importation and sale of noxious weeds and any new plant species without department of agriculture inspection and approval. Requires the department to update the noxious weed list every two years. Appropriates funds for the revision and review of the list of noxious weeds.

