
A BILL FOR AN ACT

RELATING TO EMERGENCY RULES FOR THREATS TO NATURAL RESOURCES OR
THE HEALTH OF THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that the unique
2 environment and natural resources of Hawaii are threatened by
3 invasive species, changing climates, increased resource demands,
4 and other sources. In some cases, these threats constitute
5 imminent peril to natural resources requiring rapid response.
6 The legislature has provided a means to adopt emergency rules in
7 instances of imminent peril to public health, safety, or morals,
8 or to livestock and poultry health, but not to natural
9 resources.

10 The purpose of this Act is to provide a means for agencies
11 to adopt emergency rules related to imminent peril to natural
12 resources. This will allow agencies to respond rapidly to
13 threats to natural resources.

14 SECTION 2. Section 91-3, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) Notwithstanding the foregoing, if an agency finds
17 that an imminent peril to the public health, safety, or morals,



1 [øæ] to livestock and poultry health, or to natural resources
 2 requires adoption, amendment, or repeal of a rule upon less than
 3 thirty days' notice of hearing, and states in writing its
 4 reasons for such finding, it may proceed without prior notice or
 5 hearing or upon such abbreviated notice and hearing, including
 6 posting the abbreviated notice and hearing on the Internet as
 7 provided in section 91-2.6, as it finds practicable to adopt an
 8 emergency rule to be effective for a period of not longer than
 9 one hundred twenty days without renewal."

10 SECTION 3. Section 91-4, Hawaii Revised Statutes, is
 11 amended by amending subsection (b) to read as follows:

12 "(b) Each rule hereafter adopted, amended, or repealed
 13 shall become effective ten days after filing with the lieutenant
 14 governor in the case of the State, or with the respective county
 15 clerks in the case of the counties[-]; provided that:

16 (1) If a later effective date is required by statute or
 17 specified in the rule, the later date shall be the
 18 effective date; provided further that no rule shall
 19 specify an effective date in excess of thirty days
 20 after the filing of the rule as provided herein[-];
 21 and



1 (2) An emergency rule shall become effective upon filing
2 with the lieutenant governor in the case of the State,
3 or with the respective county clerks in the case of
4 the counties, for a period of not longer than one
5 hundred twenty days without renewal unless extended in
6 compliance with [~~the provisions of subdivisions (1)~~
7 ~~and (2) of section 91-3(a),~~] section 91-3(b) if the
8 agency finds that immediate adoption of the rule is
9 necessary because of imminent peril to the public
10 health, safety, or morals[~~—~~], or to natural resources.
11 The agency's finding and brief statement of the
12 reasons therefor shall be incorporated in the rule as
13 filed. The agency shall make an emergency rule known
14 to persons who will be affected by it by publication
15 at least once in a newspaper of general circulation in
16 the State for state agencies and in the county for
17 county agencies within five days from the date of
18 filing of the rule."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2012.



Report Title:

Administrative Procedure; Emergency Rules

Description:

Broadens the conditions under which emergency administrative rules may be adopted to include instances of imminent peril to natural resources. Effective July 1, 2012. (HB2593 CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

