#### HOUSE OF REPRESENTATIVES TWENTY-EIGHTH LEGISLATURE, 2015 STATE OF HAWAII

H.B. NO. 629

### A BILL FOR AN ACT

RELATING TO THE PAPAHANAUMOKUAKEA MARINE NATIONAL MONUMENT.

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

1	SECTION 1. The Hawaii Revised Statutes is amended by
. 2	adding a new chapter to be appropriately designated and to read
3	as follows:
4	"CHAPTER
5	PAPAHANAUMOKUAKEA MARINE NATIONAL MONUMENT PROGRAM
6	<b>§ -1 Purpose.</b> The purpose of this chapter is to
7	establish the Papahanaumokuakea Marine National Monument program
8	to coordinate and fulfill the State's role and responsibilities
9	in co-managing the Papahanaumokuakea Marine National Monument.
10	<b>§ -2 Definitions.</b> As used in this chapter:
11	"Board" means the board of land and natural resources.
12	"Department" means the department of land and natural
13	resources.
14	"Monument" means the Papahanaumokuakea Marine National
15	Monument as established by Presidential Proclamation 8031 on
16	June 15, 2006 (71 Fed. Reg. 36443), under the authority of the
17	U.S. Antiquities Act (16 U.S.C. §431).



"Program" means the Papahanaumokuakea Marine National
 Monument program.

3 S -3 Lead agency. The department is designated as the 4 lead agency of the State to co-manage the monument in accordance 5 with Presidential Proclamation 8031 on June 15, 2006 (71 Fed. 6 Reg. 36443) and the December 8, 2006, memorandum of agreement 7 between the department, United States Department of the 8 Interior, United States Fish and Wildlife Service, and National 9 Oceanic and Atmospheric Administration of the United States 10 Department of Commerce. In this role, the department exercises 11 stewardship responsibility for managing, administering, and 12 exercising control over lands, waters, and natural resources within the State's jurisdiction. As the lead agency for the 13 14 State, the department will also collaborate with the office of 15 Hawaiian affairs in the perpetuation of Hawaiian cultural 16 resources within the monument, including the customary and 17 traditional rights and practices of native Hawaiians exercised 18 for subsistence, cultural, and religious purposes under section 19 7 of article XII of the Hawaii State Constitution.

20 § -4 Papahanaumokuakea Marine National Monument program.
21 There is established the Papahanaumokuakea Marine National



1 Monument program to be placed within the office of the 2 chairperson of the board to coordinate and fulfill the State's 3 management responsibilities of the monument. The program may: 4 (1)Issue permits as part of the co-trustee monument 5 permit process consistent with applicable state laws, 6 the Presidential Proclamation 8031 on June 15, 2006 7 (71 Fed. Reg. 36443), and 50 C.F.R. part 404; Provide advice and recommendations to the governor, 8 (2)9 the department, and other state departments and 10 agencies on any matter relating to the management of 11 the monument; 12 Adopt rules pursuant to chapter 91 to effectuate this (3) 13 chapter; and 14 (4)Solicit and accept grants, donations, and contributions to support the purposes of this chapter. 15 16 Fees. The department may charge fees that are S -5 17 proportional to the nature and complexity of the projects or services performed by the program, such as the issuance of 18 19 permits, provided that: 20 Fees shall be charged in accordance with a schedule (1)21 approved by the board;



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1	(2)	The proposed fee schedule shall be posted on the
2		department's website at least forty-five days prior to
3		the board meeting at which adoption will be
4		considered;
5	(3)	The board shall consider and adopt the fee schedule at
6		a regular meeting after taking public testimony; and
7	(4)	The setting of fees shall not be subject to chapter
8		91.
9	§ .	-6 Penalties. (a) Any person violating any provision
10	of any ru	le adopted hereunder, including any term or condition
11	of any pe	rmit issued under this chapter, shall be guilty of a
12	petty mis	demeanor and, in addition to any other penalties, shall
13	be fined a	not less than:
14	(1)	\$250 for a first offense;
15	(2)	\$500 for a second offense; and
16	(3)	\$1,000 for a third or subsequent offense.
17	(b)	The fines specified in this section shall not be
18	suspended	or waived.
19	(c)	Any criminal or administrative action taken under this
20	chapter sl	hall not preclude the State from pursuing any other



criminal action or forfeiture proceeding otherwise provided by
 law.

3 (d) Except as otherwise provided by law, the board or its
4 duly authorized representative by delegation may impose general
5 administrative penalties as provided by section 187A-12.5."

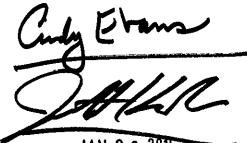
6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:





JAN 2 3 2015



#### Report Title:

Papahanaumokuakea Marine National Monument

#### Description:

Establishes the Papahanaumokuakea Marine National Monument Program in HRS. Establishes criminal and administrative penalties. Allows DLNR to establish a fee schedule for services provided by the Monument Program. Provides for advice to the Governor and other state agencies regarding the Monument. Allows the Monument Program to solicit and accept grants and donations.

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

