

JAN 27 2021

A BILL FOR AN ACT

RELATING TO MARINE LIFE.

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

1 SECTION 1. Chapter 189, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§189- Black coral; commercial purposes; permit. (a)
5 The department shall issue a permit for any term not exceeding
6 years for black coral taken within the jurisdiction
7 of the State for commercial purposes.

8 (b) The permit shall be subject to reasonable conditions
9 as the director may prescribe and in a form prescribed by the
10 department."

11 SECTION 2. Section 189-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§189-2 Commercial marine license.** (a) No person shall
14 take marine life for commercial purposes whether the marine life
15 is caught or taken within or outside of the State, without first
16 obtaining a commercial marine license as provided in this
17 section.



1 (b) Additionally, any person providing vessel charter
2 services in the State for the taking of marine life in or
3 outside of the State shall obtain a commercial marine license.

4 (c) Every applicant for a commercial marine license shall
5 appear in person before the department.

6 [~~e~~](d) The department may adopt rules pursuant to
7 chapter 91 necessary for the purpose of this section and to set
8 fees for commercial marine licensing.

9 [~~d~~](e) The fees for commercial marine licenses and
10 duplicate commercial marine licenses shall be established by the
11 department by rules adopted in accordance with chapter 91.

12 (f) The department shall not issue or renew a commercial
13 marine license to an alien crew member who has not been granted
14 permission to land temporarily pursuant to federal law.

15 [~~e~~](g) The department shall suspend, shall refuse to
16 renew, reinstate, or restore, or shall deny any license issued
17 under this section if the department has received certification
18 from the child support enforcement agency pursuant to section
19 576D-13 that the licensee or applicant is not in compliance with
20 an order of support or has failed to comply with a subpoena or
21 warrant relating to a paternity or child support proceeding.



1 The department shall issue, renew, reinstate, or restore an
2 affected license only upon receipt of authorization from the
3 child support enforcement agency, the office of child support
4 hearings, or the family court."

5 SECTION 3. Section 189-10, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§189-10 Commercial marine dealers.** (a) The department
8 may require a license of any commercial marine dealer to sell or
9 offer for sale, to purchase or attempt to purchase, to exchange,
10 or to act as an agent in the transfer of, any marine life taken
11 within the jurisdiction of the State for commercial purposes.
12 It is unlawful for any commercial marine dealer to sell or offer
13 for sale, to purchase or attempt to purchase, to exchange, or to
14 act as an agent in the transfer of, any marine life taken within
15 the jurisdiction of the State for commercial purpose, that is
16 obtained from any person whom the department has required to
17 have, but does not have, a valid commercial marine license,
18 commercial marine dealer license, or other license or permit
19 authorizing such sale, purchase, exchange, or transfer for
20 commercial purpose.



1 (b) The department may require a license of any person to
2 export any marine life taken within the jurisdiction of the
3 State for commercial purpose.

4 (c) Upon the written demand of the department, a
5 commercial marine dealer shall render to the department a true
6 and correct statement showing the name of the commercial marine
7 dealer; year; month; day; weight; number; value of each of the
8 species of marine life purchased, transferred, exchanged, or
9 sold during the previous month; name and current license number
10 of the commercial marine licensee from whom the marine life was
11 obtained; and such other information as the department may
12 require.

13 (d) The department may require any term or condition of
14 the licenses issued pursuant to this section, including, but not
15 limited to, reports, fees and exemptions. The department may
16 adopt rules pursuant to chapter 91 for the purposes of this
17 section.

18 (e) In addition to the requirements of this section, a
19 permit shall also be obtained from the department pursuant to
20 section 189- , for any black coral taken within the
21 jurisdiction of the State for commercial purposes."



S.B. NO. 1259

Report Title:

Commercial Marine License; DLNR; Black Coral; Permit

Description:

Requires persons applying for a commercial marine license to appear in person before DLNR. Prohibits DLNR from issuing or renewing a commercial marine license to an alien crew member who has not been granted permission to land temporarily by federal law. Requires a DLNR permit for black coral taken within the jurisdiction of the State for commercial purposes.

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

