
A BILL FOR AN ACT

RELATING TO WILDLIFE.

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

1 SECTION 1. Section 183D-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§183D-3 Rules.** (a) Subject to chapter 91, the
4 department shall adopt, amend, and repeal rules[+] that may
5 include but are not limited to rules:

6 (1) Concerning the preservation, protection, regulation,
7 extension, and utilization of, and conditions for
8 entry into, wildlife sanctuaries, game management
9 areas, and public hunting areas designated by the
10 department;

11 (2) Protecting, conserving, monitoring, propagating, and
12 harvesting wildlife;

13 (3) Concerning size limits, bag limits, open and closed
14 seasons, and specifications of hunting gear [~~which~~]
15 that may be used or possessed; [~~and~~]

16 (4) Setting fees for activities permitted under this
17 chapter, unless otherwise provided for by law[~~-~~]; and



1 (5) Imposing any other restriction or requirement as
 2 deemed necessary by the department to implement the
 3 purposes of this section.

4 The rules may vary from county to county or in any part of
 5 the county and may specify certain days of the week or certain
 6 hours of the day in designating open and closed hunting
 7 seasons [~~except~~]; provided that any fees established by rule
 8 shall be the same for each county. All rules shall have the
 9 force and effect of law.

10 (b) Notwithstanding any law to the contrary, the board may
 11 adopt, amend, or repeal any rule pertaining to bag limits, size
 12 limits, open or closed hunting seasons, or gear restrictions by
 13 formal board action at a publicly noticed meeting; provided
 14 that:

15 (1) The board finds that the timely adoption, amendment,
 16 or repeal of the rule is necessary to implement
 17 effective and adaptive management measures [~~is~~]:

18 (A) In response to rapidly changing resource
 19 conditions;

20 (B) In response to impacted natural resources;

21 (C) In light of newly available technology; or



- 1 (D) In light of newly available data;
- 2 (2) Notice of the rulemaking shall:
 - 3 (A) Be given at least once statewide at least thirty
 - 4 days in advance of the public meeting;
 - 5 (B) Include a statement of the topic of the proposed
 - 6 rule to be adopted, amended, or repealed or a
 - 7 general description of the subjects involved;
 - 8 (C) Include a statement that a copy of the proposed
 - 9 rule to be adopted, the proposed rule amendment,
 - 10 or the rule proposed to be repealed will be
 - 11 mailed to any interested person who requests a
 - 12 copy and pays the required fees for the copy and
 - 13 the postage, if any, together with a description
 - 14 of where and how the requests may be made;
 - 15 (D) Include a statement of when, where, and during
 - 16 what times the proposed rule to be adopted, the
 - 17 proposed rule amendment, or the rule proposed to
 - 18 be repealed may be reviewed;
 - 19 (E) Include the date, time, and place where the
 - 20 public meeting will be held and where interested



1 persons may be heard on the proposed rule
2 adoption, amendment, or repeal; and
3 (F) Be mailed to all persons who have made a timely
4 written request of the board for advance notice
5 of its [~~rule-making~~] rulemaking proceedings; and
6 (3) The adoption, amendment, or repeal of the rule shall
7 be effective for an initial period of no longer than
8 two years, subject to legislative approval and renewal
9 by the board; provided that renewal by the board shall
10 extend for up to one year at a time.

11 Each rule hereafter adopted, amended, or repealed under
12 this subsection shall become effective ten days after formal
13 action by the board; provided that if a later effective date is
14 specified in the rule, the later date shall be the effective
15 date. The department shall post the final adopted, amended, or
16 repealed rule on its website for the duration of time that the
17 rule is in effect.

18 Any [~~such~~] rule established by [~~such~~] action of the board
19 pursuant to this subsection shall have the force and effect of
20 law. Any person who violates any rule established by [~~such~~] the



1 action of the board pursuant to this subsection shall be subject
2 to administrative penalties as provided by section 183D-12."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

Wildlife; DLNR; Rulemaking Authority; Flexibility; Adaptive Management

Description:

Expands the department of land and natural resources' rulemaking authority to include any rule deemed necessary to protect certain wildlife. Expands the board of land and natural resources' authority to timely adopt, amend, or repeal certain rules if the board finds that the action is necessary to implement effective and adaptive management measures in response to impacted natural resources or in light of newly available technology or data. Effective 7/1/3000. (HD2)

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