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# A BILL FOR AN ACT

RELATING TO OCEAN USER SAFETY.

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

1           SECTION 1. The legislature finds that one of the  
2 responsibilities of the department of land and natural  
3 resources, division of boating and ocean recreation is to  
4 oversee ocean recreation management in ocean waters of the  
5 State.

6           To ensure public safety and the effective management of  
7 marine natural resources, the division of boating and ocean  
8 recreation needs the flexibility to quickly and efficiently  
9 implement adaptive management measures that can address rapidly  
10 changing ocean technologies. In recognizing the benefit of  
11 adaptive management to address conservation and natural resource  
12 issues, the legislature has already granted adaptive management  
13 authority to the department of land and natural resources'  
14 divisions of aquatic resources, forestry and wildlife, and state  
15 parks.

16           The purpose of this Act is to authorize the board of land  
17 and natural resources to adopt, amend, or repeal emergency rules



1 relating to commercial and recreational use of water sports  
2 equipment that may be in effect for a period of up to three  
3 hundred sixty-five days.

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

6 "(b) Notwithstanding the requirements of subsection (a),  
7 if an agency finds that an imminent peril to the public health,  
8 safety, or morals, including ocean user safety; to livestock and  
9 poultry health[~~7~~]; or to natural resources requires adoption,  
10 amendment, or repeal of a rule upon less than thirty days'  
11 notice of hearing, and states in writing its reasons for such  
12 finding, it may proceed without prior notice or hearing or upon  
13 such abbreviated notice and hearing, including posting the  
14 abbreviated notice and hearing on the Internet as provided in  
15 section 91-2.6, as it finds practicable to adopt an emergency  
16 rule to be effective for a period of not longer than one hundred  
17 twenty days without renewal[~~7~~]; provided that the board of land  
18 and natural resources may adopt, amend, or repeal an emergency  
19 rule under this subsection to be effective for a period no  
20 longer than three hundred sixty-five days without renewal for



1 the regulation of commercial and recreational use of water  
2 sports equipment to promote ocean user safety.

3 For the purposes of this subsection, "water sports  
4 equipment" means any equipment, contrivance, frame, or other  
5 device that one or more persons may wear, or lie, sit, or stand  
6 upon or in, that is primarily for use in or on the water for  
7 pleasure, recreation, or sports, and that shall not be used  
8 primarily for transportation."

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

BLNR; Water Sports Equipment; Emergency Rules

**Description:**

Authorizes the Board of Land and Natural Resources to issue emergency rules which may be in effect for up to 365 days for the regulation of commercial and recreational use of water sports equipment to promote ocean user safety. Effective 7/1/3000. (HD1)

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

