

ACT 32

H.B. NO. 2498

A Bill for an Act Relating to Interim Rules of the Department of Land and Natural Resources.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Hawaii's unique natural resources demand the highest level of protection from extinction. The purpose of this Act is to authorize the department of land and natural resources to adopt, implement, and enforce interim rules in order to prevent the extinction of Hawaii's native species.

SECTION 2. Chapter 195D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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“§195D- Interim rulemaking. (a) The department, subject to the provisions of this section, may declare any indigenous species as endangered and establish, implement, and enforce interim rules governing the exportation from the State or the taking, possession, sale, offer for sale, delivery, or transport within the State, by any means whatsoever, of any such endangered species. These rules shall not be subject to chapter 91.

(b) An interim rule may be adopted in the event that the exportation, taking, possession, sale, offer for sale, delivery, or transport of any indigenous species, in the absence of effective rules, creates a significant risk of a local extirpation or species extinction, which is so imminent in nature as to constitute an emergency. No interim rule may be adopted without such finding by the department.

(c) Interim rules adopted pursuant to this section shall be effective as stated by the rules; provided that:

- (1) Any interim rule shall be published statewide at least once as provided in section 1-28.5(a)(1) within five days after issuance; and
- (2) No interim rule shall be effective for more than one hundred eighty days.’’

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved April 29, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.