

ACT 113

H.B. NO. 3175

A Bill for an Act Relating to Commercial Marine Fishing Reports.

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

SECTION 1. The federal government currently relies upon the State's fisheries reporting system and the resultant data for the management of fisheries in state and federal marine waters. Because of a declared decline in the bottomfish fishery due to overfishing, the federal government recently voiced the need for the State to better monitor bottomfish catches. In an effort to address these issues, the federal government proposes to reduce overall take to a specified annual total catch and then to monitor fishing more closely by requiring reporting by trips, rather than reports solely based on monthly catch.

The department of land and natural resources (department) has agreed to assist and cooperate because it involves a fishery with shared jurisdiction and agrees with the reporting requirement.

The purpose of this Act is to create a new section within chapter 189, Hawaii Revised Statutes, providing that where there is shared state and federal jurisdiction over a fishery, except the Papahānaumokuākea Marine National Monument, that the department shall adopt rules to effectuate the federal requirements.

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

“§189- Catch report; shared jurisdiction of fisheries. (a) Where there is a shared jurisdiction between the state and federal government over a fishery, the department shall adopt rules necessary to effectuate the federal requirements.

(b) Any information submitted to the department by any person in compliance with any requirement under this section shall be confidential and shall not be disclosed, except when required under court order or pursuant to subpoena issued by the department of the attorney general, or with the prior written consent of the person who submitted the information, or under cooperative agreements with government agencies of the United States for exchange and use of the information specifically to manage marine life. The department, by rule, may establish procedures necessary to preserve the confidentiality, except that the department may release or make public any information in the aggregate or summary form which does not directly or indirectly disclose the identity of any person who submits information.

(c) This section shall not apply to the Papahānaumokuākea Marine National Monument.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2008.

(Approved May 27, 2008.)

Note

1. Edited pursuant to HRS §23G-16.5.