

ACT 149

H.B. NO. 2593

A Bill for an Act Relating to Emergency Rules for Threats to Natural Resources or the Health of the Environment.

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

SECTION 1. The legislature finds that the unique environment and natural resources of Hawaii are threatened by invasive species, changing climates, increased resource demands, and other sources. In some cases, these threats constitute imminent peril to natural resources requiring rapid response. The legislature has provided a means to adopt emergency rules in instances of imminent peril to public health, safety, or morals, or to livestock and poultry health, but not to natural resources.

The purpose of this Act is to provide a means for agencies to adopt emergency rules related to imminent peril to natural resources. This will allow agencies to respond rapidly to threats to natural resources.

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

“(b) Notwithstanding the foregoing, if an agency finds that an imminent peril to the public health, safety, or morals, [ø] to livestock and poultry health, or to natural resources requires adoption, amendment, or repeal of a rule upon less than thirty days’ notice of hearing, and states in writing its reasons for such finding, it may proceed without prior notice or hearing or upon such abbreviated notice and hearing, including posting the abbreviated notice and hearing on the Internet as provided in section 91-2.6, as it finds practicable to adopt an emergency rule to be effective for a period of not longer than one hundred twenty days without renewal.”

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

“(b) Each rule hereafter adopted, amended, or repealed shall become effective ten days after filing with the lieutenant governor in the case of the State, or with the respective county clerks in the case of the counties[-]; provided that:

- (1) If a later effective date is required by statute or specified in the rule, the later date shall be the effective date; provided further that no rule

- shall specify an effective date in excess of thirty days after the filing of the rule as provided herein~~[-]; and~~
- (2) An emergency rule shall become effective upon filing with the lieutenant governor in the case of the State, or with the respective county clerks in the case of the counties, for a period of not longer than one hundred twenty days without renewal unless extended in compliance with ~~[the provisions of subdivisions (1) and (2) of section 91-3(a);]~~ section 91-3(b) if the agency finds that immediate adoption of the rule is necessary because of imminent peril to the public health, safety, or morals[-], or to natural resources. The agency's finding and brief statement of the reasons therefor shall be incorporated in the rule as filed. The agency shall make an emergency rule known to persons who will be affected by it by publication at least once in a newspaper of general circulation in the State for state agencies and in the county for county agencies within five days from the date of filing of the rule."

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

SECTION 5. This Act shall take effect on July 1, 2012.

(Approved June 21, 2012.)