



GOV. MSG. NO. 1251

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 21, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

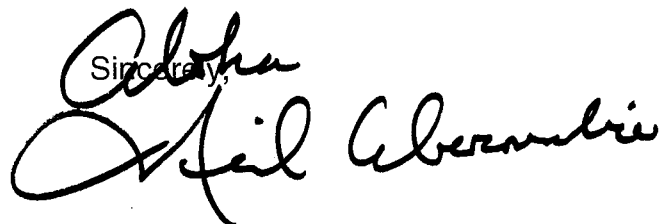
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 21, 2012, the following bill was signed into law:

HB2593 HD2 SD1 CD1

RELATING TO EMERGENCY RULES FOR
THREATS TO NATURAL RESOURCES OR THE
HEALTH OF THE ENVIRONMENT.

Act 149 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

ORIGINAL

on JUN 21 2012

ACT 149

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 2593
H.D. 2
S.D. 1
C.D. 1

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:

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

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

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

16 "(b) Notwithstanding the foregoing, if an agency finds
17 that an imminent peril to the public health, safety, or morals,



1 [œ] to livestock and poultry health, or to natural resources
2 requires adoption, amendment, or repeal of a rule upon less than
3 thirty days' notice of hearing, and states in writing its
4 reasons for such finding, it may proceed without prior notice or
5 hearing or upon such abbreviated notice and hearing, including
6 posting the abbreviated notice and hearing on the Internet as
7 provided in section 91-2.6, as it finds practicable to adopt an
8 emergency rule to be effective for a period of not longer than
9 one hundred twenty days without renewal."

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

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

16 (1) If a later effective date is required by statute or
17 specified in the rule, the later date shall be the
18 effective date; provided further that no rule shall
19 specify an effective date in excess of thirty days
20 after the filing of the rule as provided herein[-];
21 and



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

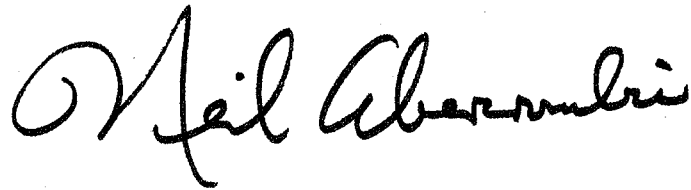
19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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



H.B. NO. 2593
H.D. 2
S.D. 1
C.D. 1

APPROVED this 21 day of JUN , 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII