
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 or to the health of the
6 environment, requiring rapid response. The legislature has
7 provided a means to adopt emergency rules in instances of
8 imminent peril to public health, safety, or morals, or to
9 livestock and poultry health, but not to natural resources or
10 the environment.

11 The purpose of this Act is to provide a means for agencies
12 to adopt emergency rules related to imminent peril to natural
13 resources or the health of the environment. This will allow
14 departments to respond rapidly to environmental threats.

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



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

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

15 "(b) Each rule hereafter adopted, amended, or repealed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

19 (1) If a later effective date is required by statute or
20 specified in the rule, the later date shall be the
21 effective date; provided that no rule shall specify an



1 effective date in excess of thirty days after the
2 filing of the rule as provided herein.

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



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

3 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Administrative Procedure; Emergency Rules

Description:

Broadens the conditions under which emergency rules may be adopted to include instances of imminent peril to natural resources or the health of the environment. (HB2593 HD1)

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

