
A BILL FOR AN ACT

RELATING TO AQUATIC LIFE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. Chapter 190, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 **"§190-A Conservation districts; reporting requirements.**

6 Upon the effective date of Act _____, Session Laws of Hawaii 2012,
7 the department of land and natural resources shall conduct a
8 review of the effectiveness of the two existing marine life
9 conservation districts on Maui. Subsequent to that review, the
10 department of land and natural resources shall conduct a similar
11 review every five years. The department of land and natural
12 resources shall hold public informational meetings and hearings
13 pursuant to chapter 91 to ensure community participation and
14 involvement in the reviews. The department shall submit a
15 report of its findings and recommendations based on its review
16 to the legislature no later than twenty days prior to the
17 convening of the regular session following the review, beginning
18 with the regular session of 2013. The department shall also



1 submit the dates establishing the existing management areas,
2 provide copies of previous reports and recommendations based
3 upon previous reviews for effectiveness, and submit a schedule
4 of the next scheduled management area reviews."

5 SECTION 2. For purposes of section 190-A, Hawaii Revised
6 Statutes, the review and report shall be a product of community
7 involvement including collaboration among the department of land
8 and natural resources, University of Hawaii, The Humane Society
9 of the United States, Maui Tomorrow, Hui Ho'omalulu i ka 'Aina,
10 Pacific Whale Foundation, and other affected or interested
11 parties as determined by the department of land and natural
12 resources.

13 PART II

14 SECTION 3. The purpose of this part is to statutorily
15 establish the division of aquatic resources within the
16 department of land and natural resources.

17 SECTION 4. Section 26-38, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§26-38 Powers and duties of heads of departments.** Except
20 as otherwise provided by this chapter, every power and duty
21 conferred by law and required to be performed by any officer,
22 board, department, bureau, commission, administrative agency, or



1 instrumentality of the State existing immediately prior to
2 November 25, 1959, shall hereafter be exercised and performed by
3 the head of the respective department established by this
4 chapter, whether the head of the department be a single
5 executive, board, or commission.

6 Except as otherwise provided by this chapter, the head of a
7 department may assign any function vested in [~~his~~] the
8 department to any subordinate officer or employee as [~~he~~] the
9 head of the department deems desirable.

10 With the approval of the governor, the head of a department
11 may establish or abolish within [~~his~~] the department any
12 division or other administrative unit to achieve economy and
13 efficiency and in accord with sound administrative principles
14 and practices and procedures[-]; provided that the chairperson
15 of the board of land and natural resources shall not use this
16 authority to abolish or consolidate the division of aquatic
17 resources established under section 187A-4.

18 The head of each department may prescribe regulations for
19 the administration of [~~his~~] the department, for the conduct of
20 its employees, for the performance of its business, and for the
21 custody, use, and preservation of records, equipment, and other
22 property pertaining thereto; provided that the regulations shall



1 not be inconsistent with the requirements of chapters 76, 91,
2 and 92, or rules promulgated by the governor, or other laws of
3 the State."

4 SECTION 5. Section 187A-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§187A-4 ~~[Administrator.]~~ Division of aquatic resources;

7 administrator. ~~[The board shall appoint an administrator]~~ (a)

8 There is established a division of aquatic resources ~~[whe]~~

9 within the department. The division shall have charge,

10 direction, and control of all matters relating to aquatic

11 resources management, conservation, and development ~~[activities]~~

12 under this title, and such other matters relating to aquatic

13 resources as the board may direct~~[-The]~~; except that:

14 (1) The enforcement of laws and rules regulating aquatic

15 resources shall be the responsibility of the

16 conservation and resources enforcement program

17 established pursuant to chapter 199 instead of the

18 division, unless otherwise directed by the board; and

19 (2) For the purpose of achieving efficiency, the board may

20 provide administrative services for the division of

21 aquatic resources through another division or unit of

22 the department.



Report Title:

Maui Marine Life Conservation Districts; Division of Aquatic Resources

Description:

Requires monitoring and reporting on the two existing marine life conservation districts on Maui. Establishes statutorily the division of aquatic resources under the department of land and natural resources. Effective July 1, 2050. (SB580 HD1)

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

