

JAN 17 2013

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# A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

1           SECTION 1. The purpose of this Act is to require  
2 applicants for aquarium fish permits to specify in their  
3 application the species to be collected and the collection areas  
4 and, in the case of indigenous species, to prohibit the issuance  
5 or renewal of aquarium fish permits unless a population survey  
6 has been conducted and the population of the indigenous species  
7 to be collected has been determined to be sustainable in the  
8 collection areas specified in the application.

9           SECTION 2. Section 188-31, Hawaii Revised Statutes, is  
10 amended as follows:

11           1. By amending subsection (a) to read:

12           "(a) Except as prohibited by law, the department, upon  
13 receipt of a written application, may issue an aquarium fish  
14 permit, not longer than one year in duration, to use fine meshed  
15 traps, or fine meshed nets other than throw nets, for the taking  
16 of marine or freshwater nongame fish and other aquatic life for  
17 aquarium purposes [-]; provided that:



1        (1) The application shall specify all species to be  
2                    collected under the aquarium fish permit and the areas  
3                    where the collection will take place; and

4        (2) For indigenous species, the department shall not issue  
5                    or renew aquarium fish permits unless:

6                    (A) The department or a credible third-party has  
7                    conducted a population survey of the indigenous  
8                    species in the collection areas specified in the  
9                    application; and

10                    (B) The department has determined that the indigenous  
11                    species has the continued ability to sustain  
12                    itself successfully in the collection areas  
13                    specified in the application."

14        2. By amending subsection (d) to read:

15        "(d) For the purposes of this section:

16        (1) "Aquarium purposes" means to hold salt water fish,  
17                    freshwater nongame fish, or other aquatic life alive  
18                    in a state of captivity as pets, for scientific study,  
19                    or for public exhibition or display, or for sale for  
20                    these purposes; [and]

21        (2) "Aquarium fish permit" means a permit issued by the  
22                    board for the use of fine mesh nets and traps to take



1 salt water fish, freshwater nongame fish, or other  
2 aquatic life for aquarium purposes[-]; and  
3 (3) "Indigenous species" has the same meaning as in  
4 section 195D-2."

5 SECTION 3. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

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

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

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INTRODUCED BY:

Mike Hubbard  
Frank P. [Signature]  
Sharonne Chun Aallael



# S.B. NO. 26

**Report Title:**

Conservation; Aquarium Fish Permits; Indigenous Species

**Description:**

Requires applicants for aquarium fish permits to specify in their application the species to be collected and the collection areas. In the case of indigenous species, the issuance or renewal of aquarium fish permits is prohibited unless a population survey has been conducted and the department has determined that the population of the indigenous species to be collected is sustainable in the collection areas specified in the application.

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

