

JAN 24 2013

S.B. NO. 931

---

---

# A BILL FOR AN ACT

RELATING TO AQUARIUM FISH.

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

1           SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§46- Coastal waters aquarium fish; regulatory  
5 jurisdiction. Beginning January 1, 2014, each county shall  
6 regulate aquarium fish found in each respective county's coastal  
7 waters, including prohibiting any taking, establishing limits on  
8 taking, and otherwise managing aquarium fish populations found  
9 in its respective coastal waters.

10           For purposes of this section, "coastal waters" means all  
11 waters surrounding the coast of an island in this State to a  
12 point three miles seaward from the coast."

13           SECTION 2. Section 187A-1, Hawaii Revised Statutes, is  
14 amended by amending the definition of "aquatic life" to read as  
15 follows:

16           "Aquatic life" means any type or species of mammal,  
17 fish[7] other than aquarium fish found in coastal waters as  
18 defined in section 46- , amphibian, reptile, mollusk,



1 crustacean, arthropod, invertebrate, coral, or other animal that  
2 inhabits the freshwater or marine environment and includes any  
3 part, product, egg, or offspring thereof; or freshwater or  
4 marine plants, including seeds, roots, products, and other parts  
5 thereof."

6 SECTION 3. Section 188-22.9, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) In addition to the provisions of this chapter, the  
9 following uses or activities shall be regulated in the Ha'ena  
10 community-based subsistence fishing area:

11 (1) Any activities with a commercial purpose, as defined  
12 in section 187A-1;

13 (2) The issuance of any commercial marine license, as  
14 defined in section 187A-1;

15 (3) The issuance of any aquarium fish permits, pursuant to  
16 section 188-31[+] other than for aquarium fish found  
17 in coastal waters as defined in section 46- ;

18 (4) Fishing with the use of gill nets;

19 (5) Fishing with self-contained underwater breathing  
20 apparatus and spears; and

21 (6) Any other use or activity that the department of land  
22 and natural resources, in consultation with the



1           inhabitants of the ahupua'a of Ha'ena and other  
2           interested parties, deems appropriate."

3           SECTION 4. Section 188-31, Hawaii Revised Statutes, is  
4 amended as follows:

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

6           "(a) Except as prohibited by law, the department, upon  
7 receipt of a written application, may issue, other than for  
8 aquarium fish found in coastal waters as defined in section  
9 46-\_\_\_, an aquarium fish permit, not longer than one year in  
10 duration, to use fine meshed traps, or fine meshed nets other  
11 than throw nets, for the taking of marine or freshwater nongame  
12 fish and other aquatic life for aquarium purposes."

13           2. By amending subsections (c) and (d) to read:

14           "(c) [~~It~~] Notwithstanding aquarium fish found in coastal  
15 waters as defined in section 46-\_\_\_, it shall be illegal to sell  
16 or offer for sale any fish and other aquatic life taken under an  
17 aquarium fish permit unless those fish and other aquatic life  
18 are sold alive for aquarium purposes.

19           The department may adopt rules pursuant to chapter 91 for  
20 the purpose of this section.

21           (d) For the purposes of this section:



- 1 (1) "Aquarium purposes" means to hold salt water fish,  
2 freshwater nongame fish, or other aquatic life alive  
3 in a state of captivity as pets, for scientific study,  
4 or for public exhibition or display, or for sale for  
5 these purposes; and
- 6 (2) "Aquarium fish permit" means a permit issued by the  
7 board for the use of fine mesh nets and traps to take  
8 salt water fish, other than aquarium fish found in  
9 coastal waters as defined in section 46- ,  
10 freshwater nongame fish, or other aquatic life for  
11 aquarium purposes."

12 SECTION 5. Section 188-31.5, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[+]§188-31.5[+] **Aquarium fish for export; monthly count.**

15 The department of land and natural resources shall adopt rules  
16 in accordance with chapter 91 to monitor the aquarium fish catch  
17 report and fish dealer's report for export of aquarium fish  
18 taken from the waters of the State for aquarium purposes  
19 pursuant to section 188-31. A monthly count of the quantities  
20 taken of each individual species of aquarium fish exported shall  
21 be reported to the board.

1        This section shall not apply to aquarium fish found in the  
2 coastal waters of each county as provided in section 46- ."

3        SECTION 6. Section 188F-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5        "[~~+~~]§188F-4[~~+~~] **West Hawaii regional fishery management**  
6 **area plan.** The department shall develop a West Hawaii regional  
7 fishery management area plan that identifies and designates  
8 appropriate areas of the management area as follows:

9        [~~(1)~~] ~~Designates a minimum of thirty per cent of coastal~~  
10 ~~waters in the West Hawaii regional fishery management~~  
11 ~~area as fish replenishment areas in which aquarium~~  
12 ~~fish collection is prohibited;~~

13        ~~(2)~~ (1) Establishes a day-use mooring buoy system along  
14 the coastline of the West Hawaii regional fishery  
15 management area and designates some high-use areas  
16 where no anchoring is allowed;

17        [~~(3)~~] (2) Establishes a portion of the fish replenishment  
18 areas as fish reserves where no fishing of reef-  
19 dwelling fish is allowed; and

20        [~~(4)~~] (3) Designates areas where the use of gill nets as  
21 set nets shall be prohibited."



1 SECTION 7. Section 189-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§189-11 Receipts in duplicate. Every commercial marine  
4 dealer shall issue receipts to the person from whom marine life  
5 is obtained and shall provide the following information in the  
6 receipt:

- 7 (1) The date of the issuance;
- 8 (2) The name of the person to whom the receipt is issued;
- 9 (3) The following information with respect to each of the  
10 varieties of marine life as the department shall

11 require including:

- 12 (A) The weight in pounds of each of the varieties  
13 received;
- 14 (B) The numbers of marine life when they average a  
15 pound or more; and
- 16 (C) The price per pound paid; and
- 17 (D) With regard to aquarium fish, regardless of  
18 weight, the number and species of the fishes[+] other than for aquarium fish found in coastal  
19 waters as defined in section 46- ; and

21 (4) The signature of the dealer who issues the receipt.



1 Any dealer taking the dealer's own marine life or handling any  
2 marine life taken by commercial marine licensees working for or  
3 with the dealer, shall make out the same receipt, giving market  
4 price for the marine life as prevails on the date of receipt. A  
5 duplicate copy of this receipt shall be kept on file at the  
6 premise where the marine life was sold by the dealer issuing the  
7 same for a period of twelve months from the date of issuance,  
8 and the duplicate copy shall be available for inspection upon  
9 the demand of any conservation officer authorized to enforce the  
10 laws of the State."

11 SECTION 8. Section 195D-2, Hawaii Revised Statutes, is  
12 amended by amending the definition of "aquatic life" to read as  
13 follows:

14 "Aquatic life" means any type of species of mammal,  
15 fish[7] other than aquarium fish found in coastal waters as  
16 defined in section 46-, amphibian, reptile, mollusk,  
17 crustacean, arthropod, invertebrate, coral, or other animals  
18 that inhabit the freshwater or marine environment, and includes  
19 any part, product, egg, or offspring thereof, or freshwater or  
20 marine plants, including seeds, roots, and other parts thereof."



1 SECTION 9. Section 197-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "aquatic life" to read as  
3 follows:

4 "Aquatic life" means any type or species of mammal,  
5 fish[7] other than aquarium fish found in coastal waters as  
6 defined in section 46- , amphibian, reptile, mollusk,  
7 crustacean, arthropod, invertebrate, coral or other animal that  
8 inhabits the freshwater and marine environment and includes any  
9 part, product, egg or offspring thereof; or freshwater and  
10 marine plants, including seeds, roots, and other parts thereof."

11 SECTION 10. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 11. This Act shall take effect on July 1, 2014.

14

INTRODUCED BY: Seiver Klock

*Malama*  
*Donna*  
*[Signature]*



# S.B. NO. 931

**Report Title:**

Coastal Water Aquarium Fish; County Regulation

**Description:**

Delegates regulation of aquarium fish found in waters within a three-mile limit of each island in the State to the respective county.

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

