

JAN 18 2024

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# A BILL FOR AN ACT

RELATING TO PERMITS.

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

1           SECTION 1. Section 187A-3.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Notwithstanding the provisions in subtitle 5 of title  
4 12, or administrative rules adopted thereunder, the department  
5 may issue to any qualified aquaculturist a license to fish,  
6 possess, rear, and sell any aquatic life whose fishing,  
7 possession or sale is prohibited by closed season, minimum size,  
8 or bag limit; provided that [~~the~~]:

9           (1) The qualified aquaculturist rears or reared the  
10           aquatic life in an aquaculture facility[-]; and

11           (2) The department shall approve or deny an application  
12           for the permit within ninety days from the date that  
13           the application was submitted."

14           SECTION 2. Section 187A-6, Hawaii Revised Statutes, is  
15 amended by amending subsection (b) to read as follows:

16           "(b) Notwithstanding the provisions of any other law, the  
17 department may issue permits, not longer than one year in



1 duration, to any person to take aquatic life[-]; possess or use  
2 fishing gear[-]; or engage in any feeding, watching, or other  
3 [~~such~~] non-consumptive activity related to aquatic resources,  
4 otherwise prohibited by law, in any part of the State, for  
5 scientific, educational, management, or propagation purposes,  
6 subject to chapter 195D and subject to those restrictions the  
7 department deems desirable[-]; provided that the department  
8 shall approve or deny an application for the permit within  
9 ninety days from the date that the application was submitted.

10 The department may revoke any permit for any infraction of the  
11 terms and conditions of the permit. Any person whose permit has  
12 been revoked shall not be eligible to apply for another permit  
13 until the expiration of one year from the date of revocation."

14 SECTION 3. In accordance with section 9 of article VII of  
15 the Hawaii State Constitution and sections 37-91 and 37-93,  
16 Hawaii Revised Statutes, the legislature has determined that the  
17 appropriations contained in Act 164, Regular Session of 2023,  
18 and this Act will cause the state general fund expenditure  
19 ceiling for fiscal year 2024-2025 to be exceeded by

20 \$            or            per cent. This current declaration takes  
21 into account general fund appropriations authorized for fiscal



1 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
2 only. The reasons for exceeding the general fund expenditure  
3 ceiling are that:

4 (1) The appropriation made in this Act is necessary to  
5 serve the public interest; and

6 (2) The appropriation made in this Act meets the needs  
7 addressed by this Act.

8 SECTION 4. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so  
10 much thereof as may be necessary for fiscal year 2024-2025 for  
11 the establishment of two full-time equivalent (2.0 FTE)  
12 positions within the division of aquatic resources of the  
13 department of land and natural resources to support the review  
14 process of all aquaculture related licenses.

15 The sum appropriated shall be expended by the department of  
16 land and natural resources for the purposes of this Act.

17 SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: *Maurice Hironaka*



# S.B. NO. 2149

**Report Title:**

DLNR; Aquaculture Permit; Commercial License; Aquatic Research; DAR; Expenditure Ceiling; Appropriation

**Description:**

Requires the Department of Land and Natural Resources to approve or deny an application related to aquaculture within 90 days from the date that it was submitted. Establishes two full-time equivalent (2.0 FTE) positions within the Division of Aquatic Resources to support the permit review process. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.

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

