

JAN 24 2024

A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

1 SECTION 1. Chapter 187A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§187A- Subsistence fishing; gear restrictions. (a)
5 No law, ordinance, or rule shall prohibit the type of fishing
6 gear used for subsistence fishing by residents of the State;
7 provided that any prohibitions on the time, place, and manner of
8 the use of fishing gear shall continue to apply.

9 (b) For purposes of this section:

10 "Resident" means a person living in the State for a period
11 of one year.

12 "Subsistence fishing" means the use of renewable ocean
13 resources for direct or personal family consumption or sharing."

14 SECTION 2. Section 187A-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§187A-5 Rules. (a) Subject to chapter 91, the
17 department shall adopt, amend, and repeal rules for and



1 concerning the protection and propagation of introduced and
2 transplanted aquatic life or the conservation and allocation of
3 the natural supply of aquatic life in any area. The rules may
4 include the following:

- 5 (1) Size limits;
- 6 (2) Bag limits;
- 7 (3) Open and closed fishing seasons;
- 8 (4) Permits for the use and possession of lay nets,
9 including reasonable permit fees and provisions for
10 revocation, suspension, and withholding of permits for
11 noncompliance with lay net rules;
- 12 (5) ~~[Specifications]~~ Except as provided in section
13 187A- , specifications and numbers of fishing or
14 taking gear that may be used or possessed; and
- 15 (6) Prescriptions and limits on the kind and amount of
16 bait that may be used in taking aquatic life and the
17 conditions for entry into areas for taking aquatic
18 life.

19 The rules may vary from county to county or in any part of a
20 county and may specify certain days of the week or certain hours
21 of the day in designating open and closed fishing seasons. All



1 rules shall have the force and effect of law. Except as
2 provided by subsection (b), any person who violates any of the
3 rules adopted pursuant to this section shall be guilty of a
4 petty misdemeanor and upon conviction thereof shall be punished
5 as provided by section 188-70.

6 (b) Notwithstanding any law to the contrary, the board may
7 adopt, amend, or repeal any rule pertaining to bag limits, size
8 limits, open or closed fishing seasons, or, except as provided
9 in section 187A- , gear restrictions by formal board action at
10 a publicly noticed meeting; provided that:

11 (1) The board finds that the timely adoption, amendment,
12 or repeal of the rule is necessary to implement
13 effective and adaptive management measures in response
14 to rapidly changing resource conditions;

15 (2) Notice of the rulemaking shall:

16 (A) Be given at least once statewide at least thirty
17 days in advance of the public meeting;

18 (B) Include a statement of the topic of the proposed
19 rule to be adopted, amended, or repealed or a
20 general description of the subjects involved;



- 1 (C) Include a statement that a copy of the proposed
2 rule to be adopted, the proposed rule amendment,
3 or the rule proposed to be repealed will be
4 mailed to any interested person who requests a
5 copy and pays the required fees for the copy and
6 the postage, if any, together with a description
7 of where and how the requests may be made;
- 8 (D) Include a statement of when, where, and during
9 what times the proposed rule to be adopted, the
10 proposed rule amendment, or the rule proposed to
11 be repealed may be reviewed;
- 12 (E) Include the date, time, and place where the
13 public meeting will be held and where interested
14 persons may be heard on the proposed rule
15 adoption, amendment, or repeal; and
- 16 (F) Be mailed to all persons who have made a timely
17 written request of the board for advance notice
18 of its rule-making proceedings; and
- 19 (3) The adoption, amendment, or repeal of the rule shall
20 be effective for an initial period of no longer than
21 two years, subject to legislative approval and renewal



1 by the board; provided that renewal by the board shall
2 extend for up to one year at a time.

3 Each rule hereafter adopted, amended, or repealed under
4 this subsection shall become effective ten days after formal
5 action by the board; provided that if a later effective date is
6 specified in the rule, the later date shall be the effective
7 date. The department shall post the final adopted, amended, or
8 repealed rule on its website for the duration of time the rule
9 is in effect.

10 Any [~~such~~] rule established by [~~such~~] action of the board
11 pursuant to this subsection shall have the force and effect of
12 law. Any person who violates any rule established by [~~such~~]
13 action of the board shall be subject to administrative penalties
14 as provided by section 187A-12.5."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY: *M. M.*



S.B. NO. 326B

Report Title:

Subsistence Fishing; Gear Restrictions

Description:

Prohibits any law, ordinance, or rule from establishing restrictions on the type of gear used for subsistence fishing.

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

