

ACT 223

H.B. NO. 1922

A Bill for an Act Relating to Wildlife.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 183D-3, Hawaii Revised Statutes, is amended to read as follows:

“§183D-3 Rules. (a) Subject to chapter 91, the department shall adopt, amend, and repeal rules[;] that may include but are not limited to rules:

- (1) Concerning the preservation, protection, regulation, extension, and utilization of, and conditions for entry into, wildlife sanctuaries, game management areas, and public hunting areas designated by the department;
- (2) Protecting, conserving, monitoring, propagating, and harvesting wildlife;
- (3) Concerning size limits, bag limits, open and closed seasons, and specifications of hunting gear [~~which~~] that may be used or possessed; [~~and~~]
- (4) Setting fees for activities permitted under this chapter, unless otherwise provided for by law[.]; and
- (5) Imposing any other restriction or requirement as deemed necessary by the department to implement the purposes of this section.

The rules may vary from county to county or in any part of the county and may specify certain days of the week or certain hours of the day in designating open and closed hunting seasons[~~, except~~]; provided that any fees established by rule shall be the same for each county. All rules shall have the force and effect of law.

(b) Notwithstanding any law to the contrary, the board may adopt, amend, or repeal any rule pertaining to bag limits, size limits, open or closed hunting seasons, or gear restrictions by formal board action at a publicly noticed meeting; provided that:

- (1) The board finds that the timely adoption, amendment, or repeal of the rule is necessary to implement effective and adaptive management measures [~~it~~]:
 - (A) In response to rapidly changing resource conditions;
 - (B) In response to impacted natural resources;
 - (C) In light of newly available technology; or
 - (D) In light of newly available data;
- (2) Notice of the rulemaking shall:
 - (A) Be given at least once statewide at least thirty days in advance of the public meeting;
 - (B) Include a statement of the topic of the proposed rule to be adopted, amended, or repealed or a general description of the subjects involved;

- (C) Include a statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be mailed to any interested person who requests a copy and pays the required fees for the copy and the postage, if any, together with a description of where and how the requests may be made;
 - (D) Include a statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be reviewed;
 - (E) Include the date, time, and place where the public meeting will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal; and
 - (F) Be mailed to all persons who have made a timely written request of the board for advance notice of its ~~[rule-making]~~ rule-making proceedings; and
- (3) The adoption, amendment, or repeal of the rule shall be effective for an initial period of no longer than two years, subject to legislative approval and renewal by the board; provided that renewal by the board shall extend for up to one year at a time.

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

Any ~~[such]~~ rule established by ~~[such]~~ action of the board pursuant to this subsection shall have the force and effect of law. Any person who violates any rule established by ~~[such]~~ the action of the board pursuant to this subsection shall be subject to administrative penalties as provided by section 183D-12.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 8, 2024.)