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# A BILL FOR AN ACT

RELATING TO AQUATIC LIFE.

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

1           SECTION 1. The legislature finds that aquatic life is  
2 declining in areas that are not designated as fish replenishment  
3 areas. In 2016, Conservation International Hawaii and the  
4 Western Pacific Regional Fishery Management Council convened a  
5 study group to investigate well-informed management of Hawaii's  
6 fisheries. According to the study group's report entitled  
7 "Feasibility of a Non-Commercial Marine Fishing Registry,  
8 Permit, or License System in Hawai'i," a non-commercial marine  
9 fishing license program can provide additional and more robust  
10 data to support fisheries management, create a dialogue between  
11 fishers and managers, and create a source of funding for  
12 effective fisheries management that the existing structure does  
13 not provide.

14           SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
15 amended by adding two new sections to be appropriately  
16 designated and to read as follows:



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1       "§188-A Non-commercial marine fishing license;  
2 application; fees; restrictions. (a) It shall be unlawful for  
3 any person, except children below nine years of age, to fish,  
4 take, or catch any aquatic life for non-commercial or  
5 recreational use without first obtaining a license. The  
6 department of land and natural resources shall adopt rules  
7 pursuant to chapter 91 necessary for the purposes of this  
8 section.

9       (b) Non-commercial marine fishing licenses may be issued  
10 by agents of the department upon written application in such  
11 form as may be prescribed by the department together with  
12 payment of a fee. The fee for a non-commercial marine fishing  
13 license shall be a fixed flat rate fee of \$           for state  
14 residents and \$           for non-state residents.

15       (c) Any non-commercial marine fishing license issued  
16 pursuant to this section shall be valid for a period of one year  
17 from the date of its issuance.

18       (d) No person to whom a license has been issued under this  
19 section shall permit any other person to carry, display, or use  
20 the license for any purpose. Every person to whom a license has  
21 been issued under this section shall show the license upon



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1 demand of any officer authorized to enforce the fishing laws of  
2 the State.

3 (e) It shall be illegal to sell or offer for sale any  
4 aquatic life taken under a non-commercial marine fishing  
5 license.

6 (f) The department may revoke any non-commercial marine  
7 fishing license for any violation of the terms and conditions of  
8 the non-commercial marine fishing license. Any person whose  
9 non-commercial marine fishing license has been revoked shall not  
10 be eligible to apply for another non-commercial marine fishing  
11 license until expiration of one year from the date of  
12 revocation.

13 (g) This section shall not prohibit the exercise of native  
14 Hawaiian gathering rights or traditional cultural practices as  
15 authorized by law or as protected pursuant to article XII,  
16 section 7 of the Hawaii State Constitution.

17 (h) For the purposes of this section, "aquatic life" has  
18 the same meaning as defined in section 187A-1.

19 **§188-B Non-commercial marine fishing license special fund.**

20 (a) There is established the non-commercial marine fishing  
21 license special fund into which shall be deposited:



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- 1        (1) Legislative appropriations to the special fund;
- 2        (2) Fees received as fees for all non-commercial marine
- 3        fishing licenses issued in the State; and
- 4        (3) Any interest or other revenue derived from the special
- 5        fund.
- 6        (b) Revenues deposited into the special fund shall be
- 7        expended by the department of land and natural resources for all
- 8        costs and expenses associated with the administration of the
- 9        non-commercial marine fishing licensing program. Additional
- 10       revenues not expended for the licensing program shall be
- 11       expended to fund marine resource management and protection, as
- 12       determined by the department by rules adopted pursuant to
- 13       chapter 91."

14       SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*



# H.B. NO. 1752

**Report Title:**

Non-commercial Marine Fishing License; Aquatic Life; Department of Land and Natural Resources; Special Fund

**Description:**

Establishes a non-commercial marine fishing license requirement. Allocates any revenue generated to administration of the licensing program or marine resource management and protection. Authorizes the Department of Land and Natural Resources to adopt rules. Creates special fund.

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

