

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

LAURA H.E. KAAKUA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
WATER & LAND

Thursday, March 16, 2023  
10:00 AM

State Capitol, VIA VIDEOCONFERENCE, Conference Room 430

In consideration of  
SENATE BILL 89, SENATE DRAFT 1  
RELATING TO MARINE MANAGEMENT AREAS

Senate Bill 89, Senate Draft 1 proposes to require the Department of Land and Natural Resources (Department) to comply with Chapter 91, Hawaii Revised Statutes (HRS), when designating marine management areas (MMAs). **The Department respectfully opposes this measure because it is unnecessary.**

Section 190-3, HRS, expressly requires the Department to comply with the Chapter 91, HRS, administrative rulemaking process when adopting rules to designate MMAs. Furthermore, Chapter 91, HRS, itself requires compliance with the Chapter 91, HRS, process when designating MMAs (“prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall [comply with the notice and hearing requirements set forth in Chapter 91, HRS.]”) Section 91-3(a), HRS.

The Department recognizes that Chapter 91, HRS, is a valuable procedural requirement that ensures that agencies provide adequate notice and opportunity for public hearing in the development of rules. The Department will continue to comply with the Chapter 91, HRS, rulemaking process when designating marine management areas, as required by existing law. Therefore, this bill is unnecessary.

Mahalo for the opportunity to provide testimony in opposition to this measure.

TESTIMONY OF THE PET ADVOCACY NETWORK  
FOR CONSIDERATION OF THE SENATE COMMITTEE ON  
WATER AND LAND IN QUALIFIED OPPOSITION TO SB 89  
To be considered March 16<sup>th</sup>, 2023

March 14th, 2023

**Position: AMENDMENT REQUESTED**

The intent of SB 89 is a common-sense bill to protect Hawaii's marine life and habitats. We are concerned, however, that the current law, as written, empowers an administrative agency to overrule state law. Specifically, we are concerned with the sentence "The rules shall upon taking effect supersede any state laws inconsistent therewith;". We ask that, in amending the state law with Senate Bill 89, the committee remove this sentence.

The Pet Advocacy Network appreciates the opportunity to offer our views regarding SB 89. As the country's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, We count among our members national associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, the Pet Advocacy Network represents the interests of fishers, pet stores, suppliers, distributors, pet supply manufacturers, breeders, retailers and pet owners throughout the state of Hawaii and across the country.

Let me start by saying that nobody cares more about healthy and safe pets than the Pet Advocacy Network and its members. We have for many years provided a well-respected animal care certification program that is widely utilized by not only persons in the commercial pet trade but shelters, humane societies and institutes of higher education as well. Our association has long been recognized as the voice for a responsible pet trade, and we routinely advocate legislative and regulatory proposals establishing governmental mandates where appropriate to advance the public interest and welfare of pets and the environment. We work closely with US Department of Agriculture and Department of the Interior to ensure effective enforcement of the federal Animal Welfare Act, management of threatened or endangered species and control of invasive species, and have since its inception. We regularly work with federal and state agencies as well as local governments to advance animal welfare and environmental interests.

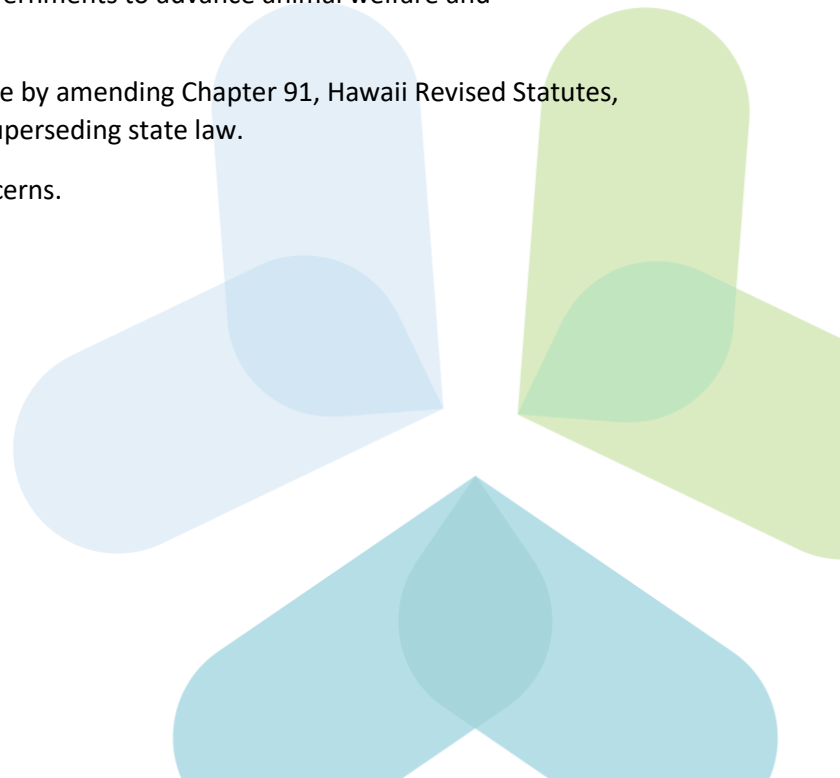
We ask that you limit the potential for future abuse by amending Chapter 91, Hawaii Revised Statutes, to remove any reference to administrative rules superseding state law.

Thank you for considering our comments and concerns.

Thank you,

Robert Likins  
Executive Vice President  
Pet Advocacy Network  
bob@petadvocacy.org

1615 Duke Street, Suite 100  
Alexandria, VA 22314  
202.452.1525 | [info@petadvocacy.org](mailto:info@petadvocacy.org)  
[Petadvocacy.org](http://Petadvocacy.org)



**SB-89-SD-1**

Submitted on: 3/16/2023 10:01:43 AM

Testimony for WAL on 3/16/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
james pirtle	Individual	Oppose	Written Testimony Only

Comments:

I opose this bill. The legislature is not lawfully elected thus does not have the authority to enact laws and bills. All actions are treason against the United States of America.