



GOV. MSG. NO. 1340

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 6, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2023, the following bill was signed into law:

HB1200 HD1 SD2 CD1

RELATING TO THE CONSERVATION AND
RESOURCES ENFORCEMENT PROGRAM.
ACT 237

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 6 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 1200
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM.

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

1 SECTION 1. The legislature finds that the division of
2 conservation and resources enforcement of the department of land
3 and natural resources has vast responsibility for enforcing
4 state laws related to natural and cultural resources on over one
5 million acres of state land and three million acres of state
6 ocean waters. Many of the lands and waters under the
7 responsibility of the division are in remote, off-road, or
8 inaccessible areas, creating obstacles to timely and effective
9 investigation, evidence gathering, and prosecution for natural
10 and cultural resource violations. Violators often are highly
11 aware of, and exploit, the access limitations of the division
12 and focus their illegal activities in areas or at times when the
13 division cannot observe or investigate alleged violations in a
14 timely manner.

15 The legislature further finds that unmanned aircraft
16 systems, commonly known as drones, provide a unique and powerful
17 tool for monitoring potentially illegal activity on public lands



1 and can aid effective enforcement. The legislature recognizes
2 that this kind of modern enforcement tool can provide an
3 efficient, cost-effective, and valuable method of obtaining
4 admissible evidence for enforcement proceedings, as well as
5 deter illegal conduct on public lands. A number of other
6 states, such as California and Texas, have developed programs
7 that authorize unmanned aircraft systems for natural resources
8 monitoring, enforcement, and investigation. In Hawaii, the
9 Honolulu police department has a policy that authorizes
10 deployment of unmanned aircraft systems for specific operations
11 and sets forth procedures regarding the use of the recordings as
12 evidence. The Honolulu police department policy recognizes that
13 unmanned aircraft systems provide efficient enforcement tools
14 that enhance police effectiveness and public safety.

15 The legislature also finds that providing the department of
16 land and natural resources specific authority to establish and
17 operate an unmanned aircraft systems program under the division
18 of conservation and resources enforcement is essential to
19 enhancing compliance with state natural and cultural resource
20 laws.

21 The purpose of this Act is to:



- 1 (1) Require and appropriate funds for the department of
2 land and natural resources to establish an unmanned
3 aircraft systems program that is compliant with
4 federal and state laws;
- 5 (2) Authorize the use of unmanned aircraft systems to
6 monitor, investigate, and obtain admissible evidence
7 of natural and cultural resource violations; and
- 8 (3) Beginning January 1, 2026, require an annual report to
9 the legislature on the unmanned aircraft systems
10 program.

11 SECTION 2. Chapter 199, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§199- Unmanned aircraft systems program. (a) No
15 later than June 30, 2025, the department of land and natural
16 resources shall establish an unmanned aircraft systems program,
17 which shall be compliant with all applicable federal and state
18 laws, to assist the conservation and resources enforcement
19 program in carrying out its duties under this chapter.

20 (b) Conservation and resources enforcement officers may
21 use unmanned aircraft systems to monitor, investigate, and



1 obtain evidence of natural and cultural resource violations to
2 carry out the purposes of this chapter.

3 (c) The department of land and natural resources shall
4 maintain detailed records of the use of unmanned aircraft
5 systems and the effectiveness of the unmanned aircraft systems
6 program.

7 (d) The department of land and natural resources shall
8 submit an annual report to the legislature no later than
9 January 1, 2026, and every year thereafter, on the unmanned
10 aircraft systems program for the preceding annual period. The
11 report shall be available to the public on the department's
12 website and include:

13 (1) A log of each use of an unmanned aircraft system,
14 including the date, time, location, and types of
15 incidents and justification for use;

16 (2) A log of the civil or criminal investigations aided by
17 the use of an unmanned aircraft system;

18 (3) A log of any other uses of an unmanned aircraft
19 system; and

20 (4) A description of the program costs for the reporting
21 period.



1 (e) The department of land and natural resources may adopt
2 rules pursuant to chapter 91 to carry out the purposes of this
3 section.

4 (f) The department of land and natural resources shall not
5 purchase, operate, or otherwise acquire or use unmanned aircraft
6 systems manufactured or assembled by a covered foreign entity;
7 provided that the chairperson of the board of land and natural
8 resources may waive this prohibition on a case-by-case basis to
9 the extent necessary for counter-unmanned aircraft systems
10 activities, criminal investigative purposes, or exigent
11 circumstances; provided further that the chairperson notifies
12 the governor within fifteen calendar days after the chairperson
13 grants each waiver. Unless waived, no state funds, including
14 funds awarded through a contract, grant, or cooperative
15 agreement or otherwise made available, shall be used by the
16 department of land and natural resources in connection with
17 unmanned aircraft systems manufactured or assembled by a covered
18 foreign entity.

19 For the purposes of this section, "covered foreign entity"
20 means:



- 1 (1) An entity included on the Consolidated Screening List
- 2 or Entity List as designated by the United States
- 3 Secretary of Commerce;
- 4 (2) An entity domiciled in the People's Republic of China
- 5 or the Russian Federation;
- 6 (3) An entity subject to influence or control by the
- 7 government of the People's Republic of China or by the
- 8 Russian Federation;
- 9 (4) Da-Jiang Innovations; or
- 10 (5) A subsidiary or affiliate of an entity enumerated in
- 11 paragraphs (1) through (4)."

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$125,000 or so much
14 thereof as may be necessary for fiscal year 2023-2024 for the
15 unmanned aircraft systems program established pursuant to
16 section 199- , Hawaii Revised Statutes.

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

19 SECTION 4. In accordance with section 9 of article VII of
20 the Hawaii State Constitution and sections 37-91 and 37-93,
21 Hawaii Revised Statutes, the legislature has determined that the



1 appropriations contained in H.B. No. 300, H.D. 1, S.D. 1,
2 C.D. 1, will cause the state general fund expenditure ceiling
3 for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or
4 10 per cent. In addition, the appropriations contained in this
5 Act will cause the general fund expenditure ceiling for fiscal
6 year 2023-2024 to be further exceeded by \$125,000 or 1 per cent.
7 The combined total amount of general fund appropriations
8 contained in only these two Acts will cause the state general
9 fund expenditure ceiling for fiscal year 2023-2024 to be
10 exceeded by \$1,063,892,367 or 11 per cent. The reasons for
11 exceeding the general fund expenditure ceiling are that:

- 12 (1) The appropriation made in this Act is necessary to
13 serve the public interest; and
14 (2) The appropriation made in this Act meets the needs
15 addressed by this Act.

16 SECTION 5. New statutory material is underscored.

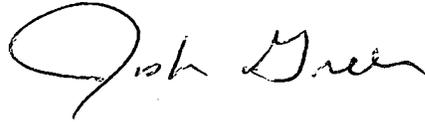
17 SECTION 6. This Act shall take effect on July 1, 2023.



H.B. NO.

1200
H.D. 1
S.D. 2
C.D. 1

APPROVED this **6th** day of **July**, 2023

A handwritten signature in black ink, appearing to read "Josh Green". The signature is written in a cursive style with a large initial "J".

GOVERNOR OF THE STATE OF HAWAII

HB No. 1200, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: **MAY 04 2023**
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

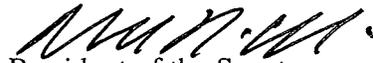


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: MAY 04 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate