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## A BILL FOR AN ACT

RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT.

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

1           SECTION 1. The legislature finds that Hawaii's natural  
2 resources are not sufficiently protected. As described in  
3 detail in a recent report by the office of the auditor, there is  
4 constant and devastating abuse of natural and cultural resources  
5 in the State, caused mainly by a lack of enforcement of  
6 violations. The legislature further finds that noncompliance  
7 with laws and rules contributes to the deterioration of  
8 resources and puts public safety at risk. The legislature  
9 believes that more efficient methods for performing enforcement  
10 operations are necessary to maintain Hawaii's limited natural  
11 and cultural resources.

12           The legislature recognizes that the division of  
13 conservation and resources enforcement is ill-equipped and  
14 underfunded and currently not capable of enforcing and  
15 prosecuting the manifold violations occurring constantly. The  
16 legislature further recognizes that pursuant to section 199-  
17 3(b), Hawaii Revised Statutes, law enforcement personnel of the  
18 department of public safety and other law enforcement agencies



1 are authorized to assist the department of land and natural  
2 resources with enforcement of the laws under the jurisdiction of  
3 the department of land and natural resources.

4 As an interim stop gap measure, the legislature believes it  
5 is necessary that the department of land and natural resources  
6 and the department of public safety enter into a memorandum of  
7 agreement, in which the departments clarify how the department  
8 of public safety can most efficiently and effectively assist the  
9 division of conservation and resources enforcement in carrying  
10 out its duties.

11 SECTION 2. Section 353C-2, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§353C-2 Director of public safety; powers and duties.**

14 (a) The director of public safety shall administer the public  
15 safety programs of the department of public safety and shall be  
16 responsible for the formulation and implementation of state  
17 goals and objectives for correctional and law enforcement  
18 programs, including ensuring that correctional facilities and  
19 correctional services meet the present and future needs of  
20 persons committed to the correctional facilities. In the  
21 administration of these programs, the director may:



- 1           (1) Preserve the public peace, prevent crime, detect and  
2           arrest offenders against the law, protect the rights  
3           of persons and property, and enforce and prevent  
4           violation of all laws and administrative rules of the  
5           State as the director deems to be necessary or  
6           desirable or upon request, to assist other state  
7           officers or agencies that have primary administrative  
8           responsibility over specific subject matters or  
9           programs;
- 10          (2) Train, equip, maintain, and supervise the force of  
11          public safety officers, including law enforcement and  
12          correctional personnel, and other employees of the  
13          department;
- 14          (3) Serve process both in civil and criminal proceedings;
- 15          (4) Perform other duties as may be required by law;
- 16          (5) Adopt, pursuant to chapter 91, rules that are  
17          necessary or desirable for the administration of  
18          public safety programs; and
- 19          (6) Enter into contracts in behalf of the department and  
20          take all actions deemed necessary and appropriate for  
21          the proper and efficient administration of the  
22          department.



1           (b) If requested by the department of land and natural  
2 resources to assist with enforcement of laws under the  
3 jurisdiction of that department, the director of public safety  
4 shall provide assistance within the limits of available  
5 resources, and department of public safety personnel may provide  
6 law enforcement assistance on all state lands, including public  
7 lands, state parks, forest reserves, forests, aquatic life and  
8 wildlife areas, the Kaho`olawe island reserve, and any other  
9 lands and waters within the State."

10           SECTION 3. The department of land and natural resources  
11 and the department of public safety shall enter into a  
12 memorandum of agreement for law enforcement personnel of the  
13 department of public safety to assist the division of  
14 conservation and resources and enforcement of the department of  
15 land and natural resources in enforcing the laws and rules  
16 listed in section 199-3(b), Hawaii Revised Statutes.

17           The department of land and natural resources shall report  
18 to the legislature twenty days prior to the convening of the  
19 regular sessions of 2008, 2009, and 2010 on progress made  
20 pursuant to the memorandum of agreement and recommendations to  
21 improve operations thereunder.



1 SECTION 4. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$ , or so much  
 3 thereof as may be necessary for fiscal year 2007-2008, and the  
 4 same sum, or so much thereof as may be necessary for fiscal year  
 5 2008-2009, to provide the division of conservation and resources  
 6 enforcement with funds to implement the recommendations made in  
 7 the office of the auditor's report 06-01.

8 The sums appropriated shall be expended by the department  
 9 of land and natural resources for the purposes of this Act.

10 SECTION 5. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 2007.  
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INTRODUCED BY:

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JAN 24 2007



**Report Title:**

Division of Conservation and Resources Enforcement

**Description:**

Requires the department of land and natural resources and the department of public safety to enter into a memorandum of agreement for the department of public safety to provide assistance in enforcing laws over which the department of land and natural resources has jurisdiction. Appropriates funds to the department of land and natural resources to implement the recommendations made by the office of the auditor relating to enforcement.

