
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 law enforcement. The
6 legislature further finds that noncompliance with laws and rules
7 contributes to the deterioration of resources and puts public
8 safety at risk. The legislature believes that more efficient
9 methods for performing enforcement operations are necessary to
10 maintain Hawaii's limited natural and cultural resources.

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



1 resources with enforcement of the laws under the jurisdiction of
2 the department of land and natural resources.

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

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

12 **"§353C-2 Director of public safety; powers and duties.**

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

21 (1) Preserve the public peace, prevent crime, detect and
22 arrest offenders against the law, protect the rights



1 of persons and property, and enforce and prevent
2 violation of all laws and administrative rules of the
3 State as the director deems to be necessary or
4 desirable or upon request, to assist other state
5 officers or agencies that have primary administrative
6 responsibility over specific subject matters or
7 programs;

8 (2) Train, equip, maintain, and supervise the force of
9 public safety officers, including law enforcement and
10 correctional personnel, and other employees of the
11 department;

12 (3) Serve process both in civil and criminal proceedings;

13 (4) Perform other duties as may be required by law;

14 (5) Adopt, pursuant to chapter 91, rules that are
15 necessary or desirable for the administration of
16 public safety programs; and

17 (6) Enter into contracts in behalf of the department and
18 take all actions deemed necessary and appropriate for
19 the proper and efficient administration of the
20 department.

21 (b) If requested by the department of land and natural
22 resources to assist with enforcement of laws under the



1 jurisdiction of that department, the director of public safety
2 shall provide assistance within the limits of available
3 resources, and department of public safety personnel may provide
4 law enforcement assistance on all state lands, including public
5 lands, state parks, forest reserves, forests, aquatic life and
6 wildlife areas, the Kaho`olawe island reserve, and any other
7 lands and waters within the state."

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

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

20 SECTION 4. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much
22 thereof as may be necessary for fiscal year 2007-2008 and the



1 same sum or so much thereof as may be necessary for fiscal year
2 2008-2009 for the division of conservation and resources
3 enforcement to implement the recommendations made in the office
4 of the auditor's report 06-01.

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

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2050.



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.

