

ACT 67

S.B. NO. 2295

A Bill for an Act Relating to Wildlife.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 183D, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§183D- Wildlife revolving fund; establishment. (a) There is established a wildlife revolving fund under the department of land and natural resources.

(b) The following proceeds shall be retained by or transmitted to the department of land and natural resources for deposit into the wildlife revolving fund:

- (1) Moneys collected as fees for hunting licenses, attendance of hunter safety training programs, and use of public target ranges;
- (2) Moneys collected under the provision of any law relating to the importation, taking, catching, or killing of game, wildlife, and products thereof; and
- (3) Moneys, other than informers' fees authorized under section 183D-11, collected as fines for violation of this chapter or any provision of chapter 195D concerning wildlife conservation.

(c) Expenditures from the wildlife revolving fund shall be limited to the following:

- (1) For programs and activities to implement or enforce this chapter, including the provision of state funds to match federal aid grants under the Pittman-Robertson Federal Aid in Wildlife Restoration Act (50 Stat. 917, 16 U.S.C. §669), as amended, for projects concerning wildlife;

- (2) For programs and activities to implement or enforce chapter 195D concerning wildlife conservation;
- (3) For acquisition of the use, development, or maintenance of trails and accessways into or through forest reserves, natural area reserves, game management areas, wildlife sanctuaries, public hunting areas, private and commercial shooting preserves, or private lands where hunting or hiking by the public is authorized; and
- (4) For research programs and activities concerning wildlife conservation and management. Research programs and activities funded under this paragraph may be conducted by personnel of the department or through grants-in-aid to or contracts with the University of Hawaii or other qualified persons.

(d) The proceeds of the wildlife revolving fund shall not be used as security for, or pledged to the payment of principal or interest on, any bonds or other instruments of indebtedness.

(e) In addition to subsections (c) and (f), the department may use moneys in the wildlife revolving fund for the importation into, and the management, preservation, propagation, and protection of, game or wildlife in the State; provided that the department prior to authorizing expenditures or expending funds from the wildlife revolving fund shall first use those funds to maximize the State's participation to secure federal funds under the Pittman-Robertson Federal Aid in Wildlife Restoration Act, as amended.

(f) Nothing in this section shall be construed as prohibiting the funding with general funds or other funds of programs and activities to implement or enforce this chapter or chapter 195D concerning wildlife conservation."

SECTION 2. Section 183D-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department may expend all appropriations made for the purpose of effectuating the objectives of title 12. The department may expend proceeds in the wildlife revolving fund, without appropriation or allotment as authorized under section 37-40, for the purposes specified under section 183D- . All expenditures by the department shall be approved and certified by the board."

SECTION 3. Section 195D-9, Hawaii Revised Statutes, is amended to read as follows:

"§195D-9 Penalty. Any person who violates any of the provisions of this chapter or the provisions of any rule adopted hereunder shall be guilty of a misdemeanor and shall be punished as follows:

- (1) For a first conviction by a fine of not less than \$250 nor more than \$1,000 or by imprisonment of not more than one year, or both;
- (2) For a second or subsequent conviction within five years of a previous conviction by a fine of not less than \$500 nor more than \$1,000 or by imprisonment of not more than one year, or both.

In addition to the above penalties, a fine of \$500 for each specimen of a threatened species and \$1,000 for each specimen of an endangered species intentionally, knowingly, or recklessly killed or removed from its original growing location, shall be levied against the convicted person.

The disposition of fines collected for violations of the provisions concerning wildlife conservation shall be subject to section 183D- ."

SECTION 4. Section 183D-10, Hawaii Revised Statutes, is repealed.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

ACT 67

SECTION 6. If any provision of this Act, or the application thereof is held to be in conflict with permitted uses of Pittman-Robertson funds, to the extent that receipt of Pittman-Robertson funds are jeopardized, such provisions shall be held invalid and such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 14, 1988.)

Note

1. Edited pursuant to HRS §23G-16.5.