

ACT 143

H.B. NO. 1740

A Bill for an Act Relating to Fishing.

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

SECTION 1. Chapter 187A, Hawaii Revised Statutes, is amended by adding to part I a new section to be appropriately designated and to read as follows:

“§187A- **Sport fish special fund.** (a) There is established in the department a sport fish special fund.

(b) The following proceeds shall be retained by or transmitted to the department for deposit into the sport fish special fund:

- (1) Moneys collected as fees for sport fishing licenses and permits, attendance of aquatic resources education programs, use of public fishing areas or other fishing grounds for sport fishing purposes, and use of sport fisheries-related facilities;
- (2) Moneys collected under the provision of any law or rule relating to the importation, taking, catching, or killing of any sport fish;

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- (3) Moneys, other than informers' fees authorized under section 187A-14, collected as fines or bail forfeitures for sport fishing violations of this chapter and chapters 188, 189, and 190;
  - (4) Moneys collected from the sale of any article purchased from the department related to sport fish or sport fishing;
  - (5) Any monetary contributions or moneys collected from the sale of non-monetary gifts to benefit sport fish or sport fishing; and
  - (6) Moneys derived from interest, dividend, or other income from the above sources.
- (c) Expenditures from the sport fish special fund shall be limited to the following:

- (1) For programs and activities to implement title 12, subtitle 5, including the provision of state funds to match federal grants under the Federal Aid in Sport Fish Restoration (Dingell-Johnson/Wallop-Breaux) Act (64 Stat. 430, 16 U.S.C. §777), as amended, for projects concerning sport fish;
- (2) For acquisition of the use, development, or maintenance of trails and accessways into public fishing areas, fishery management areas, marine life conservation districts, or private lands where public sport fishing is authorized; and
- (3) For research programs and activities concerning sport fish conservation and management. Research programs and activities conducted 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 organizations or individuals.

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

(e) In addition to subsection (c), the department may use moneys in the sport fish special fund for the importation into, and the management, preservation, propagation, and protection of sport fishes in, the State; provided that the department, prior to authorizing expenditures or expending funds from the sport fish special fund, first shall attempt to use those funds to maximize the State's participation to secure federal funds under the Federal Aid in Sport Fish Restoration (Dingell-Johnson/Wallop-Breaux) 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 title 12, subtitle 5, concerning sport fish management and conservation."

SECTION 2. Section 187A-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) To further the purposes of title 12, the department may:
- (1) Use lands set apart for the department's use by the governor; and
  - (2) Accept gifts and contributions or enter into contracts. Gifts and contributions may be accepted from, or contracts entered into with, public or private agencies or individuals. Any gifts and contributions accepted under this section to benefit sport fish or sport fishing shall be subject to the requirements specified under section 187A-\_\_\_\_\_.”

SECTION 3. Section 187A-9, Hawaii Revised Statutes, is amended to read as follows:

“**§187A-9 Federal aid in sport fish restoration.** The State hereby assents to the provisions of the [Dingell-Johnson] Federal Aid in Sport Fish Restoration (Dingell-Johnson/Wallop-Breaux) Act (64 Stat. 430, 16 U.S.C. §777), as amended. The department shall perform those acts as may be necessary to the conduct and establishment of cooperative aquatic life restoration [and], management, development, aquatic education, and recreational boating access projects, as defined in the Act of Congress and in compliance with the Act and [rules and] regulations adopted by the Secretary of the Interior thereunder; provided that federal aid funds granted under the Act shall be used for the purposes of approved projects, and no funds accruing to the State from license fees paid by sport fishers, including any interest, dividend, or other income earned from the license fees, shall be diverted for any purpose other than as provided for in the Act and [rules and] regulations adopted pursuant thereto.”

SECTION 4. Section 187A-11, Hawaii Revised Statutes, is amended to read as follows:

“**§187A-11 Disposition of revenues.** All moneys collected each month as fees for [fishing permits or licenses, and all fees for] commercial marine activities, including commercial marine licenses, marine product licenses, and all other moneys collected under the provisions of any law relating to the importation, taking, catching, or killing of aquatic life, and products thereof, except sport fish, shall be deposited with the director of finance to the credit of the general fund. The moneys collected shall be available for expenditure only for the department in accordance with appropriations authorized by the legislature and shall be expended by the department for the importation, management, preservation, propagation, and protection of aquatic life into or in the State, and for the payment of expenses incurred in the prosecution of offenders against the aquatic resource laws of the State, and for the conservation of commercial fisheries and all phases of the work pertaining thereto and all expenses connected therewith, which the department deems expedient.”

SECTION 5. Should any provision of this Act or the application thereof be in conflict with the Federal Aid in Sport Fish Restoration (Dingell-Johnson/Wallop Breaux) Act, and regulations thereof, as amended, to the extent that the receipt of funds from the subject Federal Aid program are jeopardized, the terms and provisions required by the Federal Aid Act and regulations shall govern and be applicable, and any expenditure of funds shall conform with the requirements of the Federal Aid Act and regulations, any other law or laws of the states to the contrary notwithstanding. The provisions of this Act shall be liberally construed so as not to hinder or impede the department in obtaining financial aid under the Federal Aid in Sport Fish Restoration (Dingell-Johnson/Wallop-Breaux) Act.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

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

(Approved May 21, 1993.)

**Note**

1. Edited pursuant to HRS §23G-16.5.