

JAN 20 2011

A BILL FOR AN ACT

RELATING TO SPECIAL FUNDS.

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

1 SECTION 1. Chapter 190, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§190- Special marine life conservation education fund.

5 There is created in the department of land and natural resources
6 a special fund to be designated as the special marine life
7 conservation education fund. All fees, fines, and
8 administrative charges imposed or assessed and collected
9 according to this chapter and the rules adopted pursuant to this
10 chapter shall be deposited into the special marine life
11 conservation education fund and shall be used solely for the
12 purposes of public education and outreach regarding:

- 13 (1) The existence of marine life conservation areas;
14 (2) Activities prohibited by this chapter;
15 (3) Rules adopted pursuant to this chapter;
16 (4) The availability of and criteria for permits issued
17 pursuant to this chapter; and



1 (5) Penalties for violation of this chapter and the rules
2 adopted pursuant to this chapter.

3 All interest earned or accrued on moneys deposited in the fund
4 shall become a part of the fund."

5 SECTION 2. Section 171-19, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is created in the department a special fund to
8 be designated as the "special land and development fund".

9 Subject to the Hawaiian Homes Commission Act of 1920, as
10 amended, and section 5(f) of the Admission Act of 1959, all
11 proceeds of sale of public lands, including interest on deferred
12 payments; all moneys collected under section 171-58 for mineral
13 and water rights; all rents from leases, licenses, and permits
14 derived from public lands; all moneys collected from lessees of
15 public lands within industrial parks; all fees, fines, and other
16 administrative charges collected under this chapter and chapter
17 183C; a portion of the highway fuel tax collected under chapter
18 243; all moneys collected by the department for the commercial
19 use of public trails and trail accesses under the jurisdiction
20 of the department; transient accommodations tax revenues
21 collected pursuant to section 237D-6.5(b)(2); and private
22 contributions for the management, maintenance, and development



1 of trails and accesses shall be set apart in the fund and shall
2 be used only as authorized by the legislature for the following
3 purposes:

4 (1) [~~To reimburse~~] Reimbursement of the general fund of
5 the State for advances [~~made~~] that are required to be
6 reimbursed from the proceeds derived from sales,
7 leases, licenses, or permits of public lands;

8 (2) [~~For the planning,~~] Planning, development, management,
9 operations, or maintenance of all lands and
10 improvements under the control and management of the
11 board, including but not limited to employment of
12 permanent or temporary staff [~~positions~~] who may be
13 appointed without regard to chapter 76;

14 (3) [~~To repurchase any~~] Repurchase of land, including
15 improvements, in the exercise by the board of any
16 right of repurchase specifically reserved in any
17 patent, deed, lease, or other documents or as
18 otherwise provided by law;

19 (4) [~~For the payment~~] Payment of [~~all~~] appraisal fees;
20 provided that [~~all fees reimbursed~~] reimbursements of
21 appraisal fees paid to the board shall be deposited in
22 the fund;



- 1 (5) ~~[For the payment]~~ Payment of publication notices as
2 required under this chapter; provided that all or a
3 portion of ~~[the]~~ publication expenditures may be
4 charged to the purchaser or lessee of the relevant
5 public lands or any interest therein ~~[under]~~ according
6 to rules adopted by the board;
- 7 (6) ~~[For the management,]~~ Management, maintenance, and
8 development of trails and trail accesses under the
9 jurisdiction of the department;
- 10 (7) ~~[For the payment]~~ Payment to private land developers
11 who have contracted with the board for development of
12 public lands under section 171-60;
- 13 (8) ~~[For the payment]~~ Payment of debt service on revenue
14 bonds issued by the department, and ~~[the]~~
15 establishment of debt service and other reserves
16 deemed necessary by the board;
- 17 (9) ~~[To reimburse]~~ Reimbursement of the general fund for
18 debt service on general obligation bonds issued to
19 finance departmental projects, where the bonds are
20 designated to be reimbursed from the special land and
21 development fund;



- 1 (10) ~~[For the protection,]~~ Protection, planning,
2 management, and regulation of water resources under
3 chapter 174C;
- 4 (11) ~~[For invasive]~~ Invasive species control and mitigation
5 activities by the invasive species council under
6 chapter 194;
- 7 (12) ~~[To promote]~~ Promotion of reforestation and sediment
8 run-off mitigation; ~~[and]~~
- 9 (13) Public education about the purposes of this chapter
10 and conservation and preservation activities conducted
11 pursuant to this chapter; and
- 12 ~~[(13)]~~ (14) ~~[For other purposes of]~~ Any other purpose
13 authorized by this chapter."

14 SECTION 3. Section 190-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§190-5 Penalty.** (a) Any person ~~[violating]~~ who violates
17 this chapter, any rule adopted pursuant ~~[thereto,]~~ to this
18 chapter, or the terms and conditions of any permit issued under
19 section 190-4~~[,]~~ shall be guilty of a petty misdemeanor and
20 ~~[punished as provided in subsections (b) and (c)].~~

21 ~~(b) The punishment, in addition to any other penalties,~~
22 ~~shall be a fine of not less than+]~~ shall be subject to the



1 following fines, in addition to any other penalty imposed by
2 law:

- 3 (1) \$250 for a first offense;
- 4 (2) \$500 for a second offense; and
- 5 (3) \$1,000 for a third or subsequent offense.

6 [~~e~~] (b) The fines specified in this section shall not be
7 suspended or waived.

8 (c) Moneys from fines collected under this section shall
9 be deposited in the special marine life conservation education
10 fund established pursuant to section 190- ."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2011;
14 provided that the amendments made to section 171-19(a), Hawaii
15 Revised Statutes, shall not be repealed when that section is
16 repealed and reenacted on June 30, 2013, pursuant to section 5
17 of Act 209, Session Laws of Hawaii 2010.

18

INTRODUCED BY:

Ronald H. Baker
By Request



Report Title:

Conservation and Resources; Special Funds

Description:

Establishes special marine life conservation education fund for the purpose of funding public education and outreach regarding marine life conservation; clarifies that the special land and development fund may be used to fund public education regarding conservation activities; specifies that fines and fees collected for violations of marine life conservation provisions shall be deposited into the marine life conservation education fund.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

