A BILL FOR AN ACT

RELATING TO THE TAKING OF NATURAL RESOURCES.

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

SECTION 1. The legislature finds that the State of Hawaii has a substantial interest in regulating the extraction of its natural resources under the Hawaii State Constitution and statutory scheme. As such, many laws and rules are in place for the purpose of regulating the extraction of natural resources so as to establish the taking of resources as highly regulated activities, including commercial trade and distribution.

However, these regulations cannot be effectively enforced without proper inspection authority as a check and balance on unfettered harvest.

The legislature also finds that in light of the number and nature of regulations that apply to resource extraction and the type of enforcement procedures that are necessary to enforce such regulations, persons involved in the extraction of resources have a reduced expectation of privacy under the Fourth Amendment of the U.S. Constitution, especially when engaged in such activity.
The legislature further finds that a warrantless administrative search scheme is the only reasonable way to enforce natural resource regulations.

SECTION 2. Chapter 199, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§199- Inspection; exhibit upon demand. (a) Section 199-7 notwithstanding, any police officer or agent of the department of land and natural resources upon whom the board of land and natural resources has conferred police powers may, in the performance of the officer's or agent's primary duties, stop and temporarily detain any person whom the officer or agent reasonably believes is, or recently has been, engaged in fishing, hunting, gathering, or any other activity involving the taking of natural resources, and may inspect any license, permit, stamp, tag, or any written authorizations, as well as all natural resources in the person's possession, including the contents of any bag or container of any kind used to carry natural resources, and any equipment, article, instrument, aircraft, vessel, vehicle, or conveyance being used, to determine whether the person is in compliance with title 12,
chapters 6D, 6E, and 6K, and any rules adopted thereunder, 
relating to the protection and conservation of natural 
resources.

(b) Any license, permit, stamp, tag, or other written 
authorizations, any natural resources in the person's 
possession, and any device or apparatus designed to be or 
capable of being used to take natural resources, shall be 
exhibited upon demand to any person authorized by the department 
of land and natural resources to enforce title 12, chapters 6D, 
6E, and 6K, and any rule adopted thereunder, relating to the 
protection and conservation of natural resources.

(c) Any person violating this chapter or any rule adopted 
thereunder for which a penalty is not otherwise provided shall 
be guilty of a petty misdemeanor, and any natural resources in 
the person's possession, and any device or apparatus designed to 
be or capable of being used to take natural resources shall be 
subject to seizure.

(d) For purposes of this section, "natural resources" 
includes but is not limited to any archaeological artifacts; 
minerals; any aquatic life or wildlife or parts thereof,
including their eggs; and any land plants or parts thereof, including seeds."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on December 31, 2050.
Report Title:
Natural Resources; Inspection; Warrantless Administrative Inspection

Description:
Clarifies that any police officer or agent of the Department of Land and Natural Resources upon whom the Board of Land and Natural Resources has conferred police powers may, in the performance of their primary duties and without a warrant, inspect certain items for compliance with title 12, chapters 6D, 6E, and 6K, Hawaii Revised Statutes, and any rule adopted thereunder, relating to the protection and conservation of natural resources. Requires a person to exhibit certain items upon demand by any person authorized by the Department of Land and Natural Resources to enforce title 12, chapters 6D, 6E, and 6K, Hawaii Revised Statutes, and any rule adopted thereunder. Takes effect on 12/31/2050. (SD1)

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