

ACT 220

S.B. NO. 2941

A Bill for an Act Relating to a Commercial Fisheries Special Fund.

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

SECTION 1. Chapter 189, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§189- Commercial fisheries special fund.** (a) There is established in the treasury of the State and administered by the department a commercial fisheries special fund.

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

- (1) Moneys collected as fees for commercial fishing licenses and permits, use of public fishing grounds for commercial fishing purposes, and use of facilities related to commercial fisheries;
- (2) Moneys collected under the provision of any law or rule related to the importation, rearing of bait, fishing, taking, catching, or killing of any aquatic life for commercial purposes;
- (3) Moneys, other than informers' fees authorized under section 187A-14, collected as fines or bail forfeitures or administrative fines for violations of this chapter;
- (4) Moneys collected from the sale of any article purchased from the department related to aquatic life used for commercial purposes or fishing for commercial purposes;
- (5) Any monetary contributions or moneys collected from the sale of non-monetary gifts to benefit aquatic life used for commercial purposes or fishing for commercial purposes; and
- (6) Moneys derived from interest, dividend, or other income from the above sources.

(c) Expenditures from the commercial fisheries special fund shall be limited to the following:

- (1) Programs and activities for projects concerning aquatic life used for commercial purposes;
- (2) Developing and conducting resource monitoring programs, conducting studies to determine the sustainable use of aquatic life for commercial purposes, and developing recommendations for acceptable levels of use; and
- (3) Research programs and activities concerning the conservation and management of aquatic life for commercial purposes. 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 commercial fisheries 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 commercial fisheries special fund for the importation and management, preservation, propagation, and protection of aquatic life used for commercial purposes in the State.

(f) Nothing in this section shall be construed to prohibit the use of general funds or the funds of other programs and activities to implement or enforce title 12, subtitle 5, concerning the management and conservation of aquatic life used for commercial purposes.

(g) This section shall be repealed on June 30, 2001; provided that upon its repeal, all unexpended and unencumbered moneys remaining on balance within the commercial fisheries special fund shall lapse into the general fund."

**SECTION 2.** There is appropriated out of the commercial fisheries special fund the sum of \$100,000, or so much thereof as may be necessary, for fiscal year 1996-1997 to carry out the purposes of the commercial fisheries special fund.

The sum appropriated shall be expended by the department of land and natural resources for the purposes of the commercial fisheries special fund.

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect upon its approval; provided that section 2 shall take effect on July 1, 1996.

(Approved June 17, 1996.)

**Note**

1. Edited pursuant to HRS §23G-16.5.