

ACT 121

A Bill for an Act Relating to the 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 a special fund to be known as the commercial fisheries special fund which shall be administered by the department.

(b) The following revenues shall be deposited 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 commercial fisheries-related facilities;
- (2) Moneys collected under the provision of any law or rule related to the importation, rearing, 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) The commercial fisheries special fund shall be used for 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;
- (3) Research programs and activities concerning the conservation and management of aquatic life for commercial purposes;
- (4) Programs and activities concerning the importation and management, preservation, propagation, and protection of aquatic life used for commercial purposes; and
- (5) Payroll for personnel of the department or the awarding of grants-in-aid to or contracts with the University of Hawaii or other qualified organizations or individuals to develop or implement the programs and activities for the conservation and management of aquatic life for commercial purposes.

(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) 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,

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subtitle 5, concerning management and conservation of aquatic life used for commercial purposes.’’

SECTION 2. Act 220, Session Laws of Hawaii 1996, is repealed.

SECTION 3. The director of finance shall transfer the unexpended balance, including encumbrances and accrued liabilities, of the commercial fisheries special fund established under Act 220, Session Laws of Hawaii 1996, as of the close of business on June 30, 2000, to the credit of the commercial fisheries special fund established in section 1. Encumbered moneys shall continue to be encumbered until paid out or released from prior encumbrances.

SECTION 4. There is appropriated out of the commercial fisheries special fund the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2000-2001 for the purposes of this Act.

The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on June 29, 2000, except that sections 2 and 4 shall take effect on July 1, 2000.

(Approved May 26, 2000.)

Note

1. Edited pursuant to HRS §23G-16.5.