

ACT 237

H.B. NO. 1200

A Bill for an Act Relating to the Conservation and Resources Enforcement Program.

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

SECTION 1. The legislature finds that the division of conservation and resources enforcement of the department of land and natural resources has vast responsibility for enforcing state laws related to natural and cultural resources on over one million acres of state land and three million acres of state ocean waters. Many of the lands and waters under the responsibility of the division are in remote, off-road, or inaccessible areas, creating obstacles to timely and effective investigation, evidence gathering, and prosecution for natural and cultural resource violations. Violators often are highly aware of, and exploit, the access limitations of the division and focus their illegal activities in areas or at times when the division cannot observe or investigate alleged violations in a timely manner.

The legislature further finds that unmanned aircraft systems, commonly known as drones, provide a unique and powerful tool for monitoring potentially illegal activity on public lands and can aid effective enforcement. The

legislature recognizes that this kind of modern enforcement tool can provide an efficient, cost-effective, and valuable method of obtaining admissible evidence for enforcement proceedings, as well as deter illegal conduct on public lands. A number of other states, such as California and Texas, have developed programs that authorize unmanned aircraft systems for natural resources monitoring, enforcement, and investigation. In Hawaii, the Honolulu police department has a policy that authorizes deployment of unmanned aircraft systems for specific operations and sets forth procedures regarding the use of the recordings as evidence. The Honolulu police department policy recognizes that unmanned aircraft systems provide efficient enforcement tools that enhance police effectiveness and public safety.

The legislature also finds that providing the department of land and natural resources specific authority to establish and operate an unmanned aircraft systems program under the division of conservation and resources enforcement is essential to enhancing compliance with state natural and cultural resource laws.

The purpose of this Act is to:

- (1) Require and appropriate funds for the department of land and natural resources to establish an unmanned aircraft systems program that is compliant with federal and state laws;
- (2) Authorize the use of unmanned aircraft systems to monitor, investigate, and obtain admissible evidence of natural and cultural resource violations; and
- (3) Beginning January 1, 2026, require an annual report to the legislature on the unmanned aircraft systems program.

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

“§199- Unmanned aircraft systems program. (a) No later than June 30, 2025, the department of land and natural resources shall establish an unmanned aircraft systems program, which shall be compliant with all applicable federal and state laws, to assist the conservation and resources enforcement program in carrying out its duties under this chapter.

(b) Conservation and resources enforcement officers may use unmanned aircraft systems to monitor, investigate, and obtain evidence of natural and cultural resource violations to carry out the purposes of this chapter.

(c) The department of land and natural resources shall maintain detailed records of the use of unmanned aircraft systems and the effectiveness of the unmanned aircraft systems program.

(d) The department of land and natural resources shall submit an annual report to the legislature no later than January 1, 2026, and every year thereafter, on the unmanned aircraft systems program for the preceding annual period. The report shall be available to the public on the department’s website and include:

- (1) A log of each use of an unmanned aircraft system, including the date, time, location, and types of incidents and justification for use;
 - (2) A log of the civil or criminal investigations aided by the use of an unmanned aircraft system;
 - (3) A log of any other uses of an unmanned aircraft system; and
 - (4) A description of the program costs for the reporting period.
- (e) The department of land and natural resources may adopt rules pursuant to chapter 91 to carry out the purposes of this section.
- (f) The department of land and natural resources shall not purchase, operate, or otherwise acquire or use unmanned aircraft systems manufactured

or assembled by a covered foreign entity; provided that the chairperson of the board of land and natural resources may waive this prohibition on a case-by-case basis to the extent necessary for counter-unmanned aircraft systems activities, criminal investigative purposes, or exigent circumstances; provided further that the chairperson notifies the governor within fifteen calendar days after the chairperson grants each waiver. Unless waived, no state funds, including funds awarded through a contract, grant, or cooperative agreement or otherwise made available, shall be used by the department of land and natural resources in connection with unmanned aircraft systems manufactured or assembled by a covered foreign entity.

For the purposes of this section, “covered foreign entity” means:

- (1) An entity included on the Consolidated Screening List or Entity List as designated by the United States Secretary of Commerce;
- (2) An entity domiciled in the People’s Republic of China or the Russian Federation;
- (3) An entity subject to influence or control by the government of the People’s Republic of China or by the Russian Federation;
- (4) Da-Jiang Innovations; or
- (5) A subsidiary or affiliate of an entity enumerated in paragraphs (1) through (4).”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$125,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the unmanned aircraft systems program established pursuant to section 199- , Hawaii Revised Statutes.

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

SECTION 4. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$125,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,892,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 5. New statutory material is underscored.²

SECTION 6. This Act shall take effect on July 1, 2023.

(Approved July 6, 2023.)

Notes

1. Act 164.

2. Edited pursuant to HRS §23G-16.5.