

JAN 25 2012

A BILL FOR AN ACT

RELATING TO MARINE LIFE.

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

1 SECTION 1. The legislature finds that the marine life
2 conservation program embodied in chapter 190, Hawaii Revised
3 Statutes, has provided the State with some of its most
4 ecologically, economically, and scientifically valuable
5 environmental assets. The comprehensive habitat protections
6 authorized for marine life conservation districts have resulted
7 in the unparalleled preservation of several near-shore reef
8 ecosystems, presenting visitors, residents, and researchers with
9 the unique opportunity to appreciate these relatively pristine
10 marine areas. In addition, the abundant marine life found in
11 conservation districts provides additional ecological and
12 fishery services, by the movement of fish and marine life to
13 adjacent areas, the recruitment of marine life offspring
14 throughout the State, and the ready availability of food stock
15 for transitory predators and game fish.

16 The legislature further finds that the increasing
17 popularity of these extremely valuable sites may require greater
18 measures to ensure the continued health of the ecosystems they



1 contain and represent. The broad range of documented
2 anthropogenic impacts on coral reef health, including impacts
3 from groundings, diving activities, poaching, anchoring and
4 mooring, land and water-based pollutant discharges, and other
5 direct and indirect uses of the State's coral reefs, indicate
6 that the department of land and natural resources may need a
7 more consistent and reliable source of funding to maintain these
8 unique areas and to conserve and protect coral reef resources
9 throughout the State.

10 The purpose of this Act is to provide for a special fund
11 allowing for the collection and use of moneys for the
12 conservation, supplementation, and enhancement of the State's
13 marine resources and to authorize the collection of user fees
14 for marine life conservation districts, as determined
15 appropriate by the department of land and natural resources

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

19 "§190- Marine life conservation special fund;
20 established (a) There is hereby established in the state
21 treasury a special fund to be known as the marine life



1 conservation special fund, which shall be administered by the
2 department of land and natural resources.

3 (b) The following shall be deposited into the marine life
4 conservation special fund:

5 (1) Moneys collected as nonresident user fees or fees for
6 permits issued under section 190-4;

7 (2) Moneys collected as fines, attorneys fees, and
8 administrative costs for violations of this chapter,
9 or any rule adopted hereunder;

10 (3) Moneys collected for the purposes of compensatory
11 mitigation from federal or state permitted impacts to
12 the marine environment; or

13 (4) Grants, awards, donations, gifts, transfers, or moneys
14 derived from private or public services for the
15 purposes of this chapter.

16 (c) Subject to subsection (d), the marine life
17 conservation special fund shall be used for expenditures to:

18 (1) Fulfill the purposes of this chapter, including marine
19 life conservation district monitoring, research,
20 regulatory measures, enforcement actions, educational
21 activities, or any other measure intended to conserve,
22 supplement, and enhance the resources within any



1 marine life conservation district established under
2 this chapter or rules adopted hereunder;

3 (2) Provide management, monitoring, and support for public
4 fishing areas, community-based subsistence fishing
5 areas, fisheries management areas, and other areas of
6 localized management;

7 (3) Develop and carry out any compensatory mitigation
8 measures for impacts to the marine environment,
9 including impacts to the marine environment from
10 federal or state permitted actions or violations of
11 this chapter or any rule adopted hereunder; or

12 (4) Develop and carry out research projects, educational
13 programs, management initiatives, and any other
14 activity intended to conserve, supplement, and enhance
15 the marine environment throughout the State.

16 (d) The fund shall be held separate and apart from
17 all other moneys, funds, and accounts in the department of land
18 and natural resources; provided that:

19 (1) Any moneys received from the federal government,
20 through federal programs, or from private
21 contributions shall be deposited and accounted for in
22 accordance with conditions established by the agency



1 or private entity from whom the moneys are received;

2 and

3 (2) Twenty per cent of all funds collected under

4 subsection (b)(1) be directed to the office of

5 Hawaiian affairs as ceded lands revenues.

6 Any balance remaining in the fund at the end of any fiscal year

7 shall be carried forward in the fund for the next fiscal year."

8 SECTION 3. Section 190-4, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§190-4 Permits[-]and user fees.** (a) The department of
11 land and natural resources [~~may~~], in any conservation district,
12 may prohibit the taking of marine life or the engaging in
13 activities prohibited by this chapter and rules adopted
14 hereunder, except by permit issued by it for scientific,
15 education, or other public purposes on such terms and conditions
16 deemed necessary to minimize any adverse effect within the
17 conservation district; provided that the department shall
18 provide written notice of any change in permit conditions ninety
19 calendar days prior to the effective date of the change, except,
20 as determined by the department, when an immediate change in
21 permit conditions is necessary to protect or preserve the
22 conservation district. The department may revoke any permit for



1 any infraction of the terms and conditions of the permit. Any
2 person whose permit has been revoked shall not be eligible to
3 apply for another permit until the expiration of one year from
4 the date of revocation.

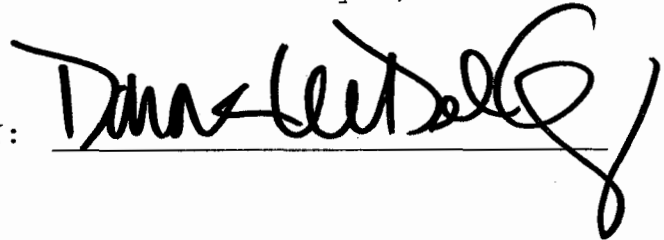
5 (b) The department of land and natural resources may
6 establish rules pursuant to chapter 91 to collect nonresident
7 user fees or require permits for the entry into the boundaries
8 of any marine life conservation district established under this
9 chapter. Collected fees shall be deposited into the marine life
10 conservation special fund."

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, 2012.

14

INTRODUCED BY:





S.B. NO. 2664

Report Title:

Marine Life Conservation Program Special Fund; Marine Life Conservation District User Fees

Description:

Establishes a special fund for the marine life conservation program, and authorizes the collection of user fees for marine life conservation districts.

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

