
A BILL FOR AN ACT

RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

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

1 SECTION 1. The marine life conservation program
2 established in chapter 190, Hawaii Revised Statutes, has
3 provided the State with some of its most ecologically,
4 economically, and culturally valuable environmental assets. The
5 comprehensive habitat protections authorized for marine life
6 conservation districts have resulted in the unparalleled
7 preservation of its nearshore reef ecosystems, presenting
8 visitors, residents, and researchers alike with a unique
9 opportunity to appreciate this relatively pristine marine area.
10 In addition, the abundant marine life found within marine life
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 Furthermore, the increasing popularity of marine ecotourism
17 requires greater measures to ensure the continued health of the



1 State's marine ecosystems. The broad range of recently
2 documented anthropogenic impacts to the health of marine life
3 conservation districts' ecosystems, including coral bleaching,
4 vessel groundings, anchoring and mooring, diving activities,
5 poaching, land-based and water-based pollutant discharges, and
6 other direct and indirect uses of the State's resources,
7 indicate that the department of land and natural resources may
8 need a more consistent and reliable source of funding to manage,
9 protect, and restore marine resources throughout the State. A
10 sustainable funding source is especially critical during these
11 current times of economic difficulty due to the impacts of the
12 COVID-19 pandemic.

13 The purpose of this Act is to:

- 14 (1) Establish the marine life conservation district
15 special fund allowing for the collection and use of
16 moneys for the management, protection, restoration,
17 and enhancement of the State's marine life
18 conservation districts and the resources contained
19 within; and
- 20 (2) Except for the Hanauma bay marine life conservation
21 district, authorize the department of land and natural



1 resources to collect fees for the use of marine life
2 conservation districts and the resources contained
3 within.

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

7 **"§190- Marine life conservation district special fund.**

8 (a) There is hereby established in the treasury of the State
9 the marine life conservation district special fund, which shall
10 be administered by the department of land and natural resources.

11 (b) The following shall be deposited into the marine life
12 conservation district special fund:

13 (1) Except as set forth in subsection (7), relating to the
14 Hanauma bay marine life conservation district, moneys
15 collected as user fees or fees for permits issued
16 pursuant to section 190-4;

17 (2) Revenues due to the State derived from leases of any
18 lands, facilities, equipment, and other property owned
19 by the department of land and natural resources and
20 used for or dedicated to the management, research,
21 restoration, and enhancement of aquatic resources;



- 1 (3) Moneys collected as fines, bail forfeitures,
2 attorney's fees, and administrative costs for
3 violations of subtitle 5 of title 12 or any rule
4 adopted thereunder, other than:
- 5 (A) Informer's fees authorized under section 187A-14;
6 (B) Fines or bail forfeitures for sport fishing
7 violations of this chapter and chapters 188
8 and 189, as authorized under
9 section 187A-9.5(b) (3); and
- 10 (C) Fines, bail forfeitures, or administrative fines
11 for violations of chapter 189, as authorized
12 under section 189-2.4(b) (3);
- 13 (4) Moneys collected for the purposes of compensatory
14 mitigation from federal or state permitted impacts to
15 the environment or resources contained within the
16 marine life conservation districts;
- 17 (5) Grants, awards, donations, gifts, transfers, or moneys
18 derived from private or public sources for the
19 purposes of subtitle 5 of title 12, other than:
- 20 (A) Monetary contributions or moneys collected from
21 the sale of non-monetary gifts to benefit sport



- 1 fish or sport fishing, as authorized under
2 section 187A-9.5(b) (5);
- 3 (B) Monetary contributions or moneys collected from
4 the sale of non-monetary gifts to benefit aquatic
5 life used for commercial purposes or fishing for
6 commercial purposes, as authorized under
7 section 189-2.4(b) (5); and
- 8 (C) Monetary contributions to the Hanauma bay marine
9 life conservation district;
- 10 (6) Moneys derived from interest, dividends, or other
11 income from the above sources; and
- 12 (7) Fees and any other moneys collected from or in
13 connection with the Hanauma bay marine life
14 conservation district shall only be used for the
15 benefit of the Hanauma bay marine life conservation
16 district.
- 17 (c) Subject to subsection (d), the marine life
18 conservation district special fund shall be used to:
- 19 (1) Fulfill the purposes of this chapter, including but
20 not limited to marine life conservation district
21 monitoring, research, regulatory measures, enforcement



1 actions, educational activities, or any other measure
2 intended to conserve, supplement, and enhance the
3 resources within any marine life conservation district
4 established under this chapter or rules adopted
5 thereunder;

6 (2) Provide management, monitoring, and support for public
7 fishing areas, community-based subsistence fishing
8 areas, fisheries management areas, and other areas of
9 localized management;

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

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

19 (d) The fund shall be held separate and apart from all
20 other moneys, funds, and accounts in the department of land and
21 natural resources; provided that any moneys received from the



1 federal government, through federal programs, from counties, or
2 from private contributions shall be deposited and accounted for
3 in accordance with conditions established by the agency, county,
4 or private entity from whom the moneys are received; provided
5 further that twenty per cent of all funds collected under
6 subsection (b) (1) shall be payable to the office of Hawaiian
7 affairs as ceded lands revenues. Any balance remaining in the
8 fund at the end of any fiscal year shall be carried forward in
9 the fund for the next fiscal year.

10 (e) The proceeds of the marine life conservation district
11 special fund shall not be used as security for, or pledged to
12 the payment of principal or interest on, any bonds or
13 instruments of indebtedness.

14 (f) Nothing in this section shall be construed to prohibit
15 the use of general funds or the funds of other programs and
16 activities to implement or enforce subtitle 5 of title 12 or any
17 rule adopted thereunder, concerning management and protection of
18 marine life conservation districts and the resources therein."

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



1 "**§190-4 Permits [-] and user fees.** (a) The department of
2 land and natural resources may, in any conservation district,
3 prohibit the taking of marine life or the engaging in activities
4 prohibited by this chapter and rules adopted thereunder, except
5 by permit issued by it for scientific, education, or other
6 public purposes on such terms and conditions deemed necessary to
7 minimize any adverse effect within the conservation district;
8 provided that the department shall provide written notice of any
9 change in permit conditions ninety calendar days prior to the
10 effective date of the change, except, as determined by the
11 department, when an immediate change in permit conditions is
12 necessary to protect or preserve the conservation district. The
13 department may revoke any permit for any infraction of the terms
14 and conditions of the permit. Any person whose permit has been
15 revoked shall not be eligible to apply for another permit until
16 the expiration of one year from the date of revocation.

17 (b) The department of land and natural resources may adopt
18 rules pursuant to chapter 91 to establish fees or require
19 permits for entry into the boundaries of any marine life
20 conservation district established under this chapter to which
21 public access is managed by a county with a population of



1 500,000 or more and for which a fee is charged for public
2 access. Except for fees set aside for use at or for the Hanauma
3 bay marine life conservation district pursuant to
4 section 190- (b) (7), fees collected under this section or any
5 rule adopted thereunder shall be deposited in the marine life
6 conservation district special fund."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

Marine Life Conservation District Special Fund; Fees

Description:

Establishes the marine life conservation district special fund for the collection and use of moneys for the management, protection, restoration, and enhancement of the State's marine life conservation districts and the resources contained within, and authorizes the department of land and natural resources to collect fees for the use of marine life conservation districts and the resources contained within, subject to certain conditions. Effective January 1, 2050. (HD1)

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

