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# A BILL FOR AN ACT

RELATING TO OCEAN STEWARDSHIP.

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

1           SECTION 1. The legislature finds that Hawaii's ocean  
2 waters and the marine resources contained within are some of the  
3 State's most ecologically, economically, and culturally valuable  
4 environmental assets.

5           The legislature further finds that the increasing  
6 popularity of marine ecotourism requires greater measures to  
7 ensure the continued health of marine ecosystems. The broad  
8 range of recently documented anthropogenic impacts on coral reef  
9 health, including coral bleaching, vessel groundings, anchoring  
10 and mooring, diving activities, poaching, land-based and  
11 water-based pollutant discharges, and other direct and indirect  
12 uses of the State's coral reefs, indicate that the department of  
13 land and natural resources may need a more consistent and  
14 reliable source of funding to manage, protect, and restore  
15 marine resources throughout the State. A sustainable funding  
16 source is especially critical for successful implementation of  
17 the State's 30x30 marine management process, which aims to



1 create a cohesive network of nearshore marine managed areas that  
2 benefits fisheries and ecosystem resilience.

3 The purpose of this Act is to establish the ocean  
4 stewardship special fund for the collection and use of moneys  
5 for the conservation, restoration, and enhancement of the  
6 State's marine resources, and to authorize the department of  
7 land and natural resources to collect fees for the use and  
8 enjoyment of the State's ocean resources.

9 SECTION 2. Chapter 187A, Hawaii Revised Statutes, is  
10 amended by adding a new part to be appropriately designated and  
11 to read as follows:

12 "PART . OCEAN STEWARDSHIP

13 §187A-A Ocean stewardship special fund. (a) There is  
14 established in the treasury of the State the ocean stewardship  
15 special fund to be administered by the department.

16 (b) The following shall be deposited into the ocean  
17 stewardship special fund:

18 (1) Moneys collected as user fees pursuant to  
19 section 187A-B;

20 (2) Revenues due to the State from leases of any lands,  
21 facilities, equipment, and other property owned by the



1 department and used for or dedicated to the  
2 management, research, restoration, and enhancement of  
3 aquatic resources;

4 (3) Moneys collected as fines, bail forfeitures,  
5 attorney's fees, and administrative costs for  
6 violations of subtitle 5 of title 12 or any rule  
7 adopted thereunder, except:

8 (A) Informer's fees authorized under section 187A-14;

9 (B) Fines or bail forfeitures for sport fishing  
10 violations of this chapter and chapters 188, 189,  
11 and 190 pursuant to section 187A-9.5(b) (3); and

12 (C) Fines, bail forfeitures, or administrative fines  
13 for violations of chapter 189 pursuant to  
14 section 189-2.4(b) (3);

15 (4) Moneys collected for the purposes of compensatory  
16 mitigation from federal or state permitted impacts to  
17 the marine environment;

18 (5) Grants, awards, donations, gifts, transfers, or moneys  
19 derived from private or public services for the  
20 purposes of subtitle 5 of title 12, except:



1 (A) Monetary contributions or moneys collected from  
2 the sale of non-monetary gifts to benefit sport  
3 fish or sport fishing pursuant to  
4 section 187A-9.5(b) (5); and

5 (B) Monetary contributions or moneys collected from  
6 the sale of non-monetary gifts to benefit aquatic  
7 life used for commercial purposes or fishing for  
8 commercial purposes pursuant to  
9 section 189-2.4(b) (5); and

10 (6) Moneys derived from interest, dividend, or other  
11 income from the above sources.

12 (c) Subject to subsection (d), the ocean stewardship  
13 special fund shall be used to:

14 (1) Develop and carry out marine resource conservation,  
15 restoration, enhancement, research, regulatory  
16 measures, enforcement actions, educational activities,  
17 or any other management measure intended to conserve,  
18 restore, and enhance marine resources under the  
19 jurisdiction of the State;

20 (2) Develop and carry out restoration and compensatory  
21 mitigation measures for impacts to the marine



1 environment, including impacts to the marine  
2 environment from federal or state permitted actions,  
3 or violations of subtitle 5 of title 12 or any rule  
4 adopted thereunder; and

5 (3) Install, maintain, and replace day use mooring buoys  
6 and other infrastructure to reduce impacts to the  
7 marine ecosystem.

8 (d) The ocean stewardship special fund shall be held  
9 separate and apart from all other moneys, funds, and accounts in  
10 the department; provided that any moneys received from the  
11 federal government, through federal programs, or from private  
12 contributions, shall be deposited and accounted for in  
13 accordance with conditions established by the agency or private  
14 entity from whom the moneys are received; provided further that  
15 twenty per cent of all gross revenues collected under  
16 paragraphs (b) (1) and (2) shall be payable to the office of  
17 Hawaiian affairs as ceded lands revenues. Any balance remaining  
18 in the fund at the end of any fiscal year shall be carried  
19 forward in the fund for the next fiscal year.

20 (e) The proceeds of the ocean stewardship special fund  
21 shall not be used as security for, or pledged to the payment of



1 principal or interest on, any bonds or instruments of  
2 indebtedness.

3 (f) Nothing in this section shall be construed to prohibit  
4 the use of general funds or the funds of other programs and  
5 activities to implement or enforce subtitle 5 of title 12 or any  
6 rule adopted thereunder, concerning management and conservation  
7 of the State's ocean waters and the resources therein.

8 **§187A-B Ocean stewardship user fee.** (a) All operators of  
9 commercial vessels, water craft, or water sports equipment that  
10 are required to have a commercial operator permit pursuant to  
11 section 13-256-3(a), Hawaii Administrative Rules, shall collect  
12 an ocean stewardship user fee from each passenger carried or  
13 customer served.

14 (b) The ocean stewardship user fee shall be \$1 per  
15 passenger or customer and shall be adjusted every five years to  
16 match changes in the Consumer Price Index in the Honolulu area  
17 as reported by the United States Bureau of Labor Statistics;  
18 provided that the fee shall not be adjusted more than ten per  
19 cent every five years. Fees collected pursuant to this section  
20 shall not be counted toward gross revenues for purposes of  
21 section 200-10(c) (5).



1 (c) All fees collected pursuant to this section shall be  
2 transferred to the department on a monthly basis and shall be  
3 deposited into the ocean stewardship special fund; provided that  
4 any fees collected on or after January 1, 2029, shall be  
5 deposited into the general fund.

6 (d) The department shall adopt rules pursuant to  
7 chapter 91 to implement this part."

8 SECTION 3. Section 187A-A, Hawaii Revised Statutes,  
9 established in section 2 of this Act to create the ocean  
10 stewardship special fund, shall be repealed and the ocean  
11 stewardship special fund shall be abolished on January 1, 2029,  
12 and any remaining balance shall lapse to the general fund.

13 SECTION 4. In codifying the new sections added by  
14 section 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 5. This Act shall take effect upon its approval;  
18 provided that the collection of the ocean stewardship user fee  
19 established in section 2 of this Act shall begin on January 1,  
20 2024.



**Report Title:**

Ocean Stewardship Special Fund; Ocean Stewardship User Fee

**Description:**

Establishes the ocean stewardship special fund and ocean stewardship user fee for the collection and use of moneys for the conservation, restoration, and enhancement of the State's marine resources. Sunsets the special fund on 1/1/2029. Delays collection of the ocean stewardship user fee until 1/1/2024.  
(CD1)

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