
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 our 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 hereby established in the treasury of the State a special fund
15 known as the ocean stewardship special fund, which shall be
16 administered by the department.

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

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



- 1 (2) Revenues due to the State from leases of any lands,
2 facilities, equipment, and other property owned by the
3 department and used for or dedicated to the
4 management, research, restoration, and enhancement of
5 aquatic resources;
- 6 (3) Moneys collected as fines, bail forfeitures,
7 attorney's fees, and administrative costs for
8 violations of subtitle 5 of title 12 or any rule
9 adopted thereunder, other than:
- 10 (A) Informer's fees authorized under section 187A-14;
- 11 (B) Fines or bail forfeitures for sport fishing
12 violations of this chapter and chapters 188, 189,
13 and 190 pursuant to section 187A-9.5(b)(3); and
- 14 (C) Fines, bail forfeitures, or administrative fines
15 for violations of chapter 189 pursuant to
16 section 189-2.4(b)(3);
- 17 (4) Moneys collected for the purposes of compensatory
18 mitigation from federal or state permitted impacts to
19 the marine environment;



1 (5) Grants, awards, donations, gifts, transfers, or moneys
2 derived from private or public services for the
3 purposes of subtitle 5 of title 12, other than:

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

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

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

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

17 (1) Develop and carry out marine resource conservation,
18 restoration, enhancement, research, regulatory
19 measures, enforcement actions, educational activities,
20 or any other management measure intended to conserve,



1 restore, and enhance marine resources under the
2 jurisdiction of the State;

3 (2) Develop and carry out restoration and compensatory
4 mitigation measures for impacts to the marine
5 environment, including impacts to the marine
6 environment from federal or state permitted actions,
7 or violations of subtitle 5 of title 12 or any rule
8 adopted thereunder; and

9 (3) Install, maintain, and replace day use mooring buoys
10 and other infrastructure to reduce impacts to the
11 marine ecosystem.

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



1 end of any fiscal year shall be carried forward in the fund for
2 the next fiscal year.

3 (e) The proceeds of the ocean stewardship special fund
4 shall not be used as security for, or pledged to the payment of
5 principal or interest on, any bonds or instruments of
6 indebtedness.

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

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

18 (b) The ocean stewardship user fee shall be \$1 per
19 passenger or customer and shall be adjusted every five years to
20 match changes in the Consumer Price Index in the Honolulu area
21 as reported by the United States Bureau of Labor Statistics;



1 provided that the fee shall not be adjusted more than ten per
2 cent every five years. Fees collected pursuant to this section
3 shall not be counted toward "gross revenues" for purposes of
4 section 200-10(c)(5).

5 (c) All fees collected pursuant to this section shall be
6 transferred to the department on a monthly basis and shall be
7 deposited in the ocean stewardship special fund.

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

10 SECTION 3. In codifying the new sections added by
11 section 2 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 4. This Act shall take effect on January 1, 2050;
15 provided that the ocean stewardship user fee established in
16 section 2 of this Act shall not be collected until January 1,
17 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. Delays collection of the ocean stewardship user fee until 1/1/2024. Effective 1/1/2050. (HD1)

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

