A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL CONSERVATION.

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

1   SECTION 1. The legislature finds that the acquisition of

2   Lipoa point to protect and preserve public access, along with

3   traditional cultural gathering rights, and staving off

4   development was a monumental landmark achievement in land

5   conservation. The legislature finds that in order to protect

6   and preserve this area and ensure the public health and safety

7   of this pristine region while community planning is ongoing

8   requires support from both the State and local county government

9   as well as private and nonprofit entities. In the past, while

10   appropriations have been made to the department of land and

11   natural resources, the funds were not specifically set aside for

12   management activities. The community has instead relied on

13   private groups to fund essential maintenance activities to make

14   the area a safe place for countless visitors who travel here

15   every year and the many local families who come for surfing,

16   fishing, diving, and other recreational activities.

S.B. NO. *3105*

1   The legislature further finds that many visitors use the

2   waters of the adjacent Honolua Bay Marine Life Conservation

3   District(MLCD). Their support along with that of the county,

4   State, and community and nonprofit groups can create a dedicated

5   fund for the protection of this asset for the public.

6   Furthermore, the legislature finds that other states have

7   initiated contributions from visitors who frequent and use the

8   natural resources of their natural attractions as a way to

9   continue to beautify and preserve the area while educating

10   visitors about the use of the contributions.   Most importantly,

11   visitor contributions for protecting the areas led to the

12   visitor community supporting these critical activities.   The

13   fees, collected while visitors are using the natural attractions

14   are applied only to protecting these vital natural treasures.

15   By creating a special fund for a visitor contribution program

16   for individuals frequenting Honolua Bay MLCD along with other

17   private and government funding, the legislature finds that the

18   department of land and natural resources can ensure continued

19   access and enjoyment by all in addressing the basic health and

20   safety issues for Lipoa point.

1   The purpose of this Act is to establish a visitor fee for

2 passengers of maritime commercial vessels crossing through the

3 ocean waters surrounding Lipoa point, to be used for the

4 management of the Lipoa point area and educate visitors of the

5 stewardship activities being funded by the visitor fees.

6   SECTION 2. Chapter 171, Hawaii Revised Statutes, is

7 amended by adding two new sections to be appropriately

8 designated and to read as follows:

9   "**§171-A Lipoa point visitor fee.** (a) The department may

10 impose a visitor fee of $1 to each paying passenger of a

11 maritime commercial vessel engaging in commercial activity which

12 requires travel through the ocean waters extending three

13 thousand feet seaward of the territorial sea baseline of the

14 parcel of land acquired by the State at Lipoa point, identified

15 as TMK 2-4-1-001-010-0000.

16   (b) Moneys collected pursuant to this section shall be

17 deposited into the Lipoa point management special fund

18 established by section 171-B.

19   (c) The department shall adopt rules pursuant to chapter

20 91 to carry out the purposes of this section.

1   (d)   For the purposes of this section, "commercial

2 activity" means any action or the attempt to engage in any

3 action for compensation in any form. The action or actions may

4 include providing or attempting to provide guide services,

5 charters, tours, and transportation to and from the location or

6 locations for which such services are provided.

7   §171-B **Lipoa point management special fund.** (a)   There is

8 established the Lipoa point management special fund. The

9 following moneys shall be deposited into the Lipoa point

10 management special fund:

11   (1)   Appropriations made by the legislature for deposit

12   into the fund;

13   (2)   Fees collected from the Lipoa point visitor fee

14   established pursuant to section 171-A;

15   (3)   Grants, donations, gifts, or other income received for

16   the purposes of the fund; and

17   (4)   Interest earned or accrued on moneys in the special

18   fund.

19   (b)   Moneys in the fund shall be used:

1   (1)   To support the management of the Lipoa point area,

2   including but not limited to operations and

3   maintenance costs; and

4   (2)   To provide educational awareness to visitors of the

5   Lipoa point area that the stewardship activities are

6   being funded through the Lipoa point visitor fee and

7   that all moneys collected in the fund are being used

8   for stewardship of the Lipoa point area.

9   (c)   The department shall submit a report to the

10   legislature no later than twenty days prior to the convening of

11   each regular session on the special fund balance, the expenses

12   made from the special fund, and the purposes of each expense."

13   SECTION 3.   In codifying the new sections added by section

14   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 4.   New statutory material is underscored.

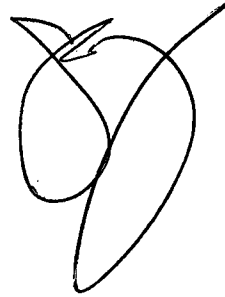18   SECTION 5.   This Act shall take effect on July 1, 2018.

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INTRODUCED BY: _____

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S.B. NO. 3105

Report Title:
Department of Land and Natural Resources; Lipoa Point; Visitors Fee

Description:
Authorizes the Department of Land and Natural Resources to assess a fee to visitors accessing Lipoa Point by a maritime commercial vessel. Creates the Lipoa Point Management Special Fund for the management of the Lipoa Point area and educate visitors on how funding is used for the management of the Lipoa Point area.

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