



GOV. MSG. NO. 1146

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 8, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 8, 2021, the following bill was signed into law:

HB1019 HD2 SD2 CD1

RELATING TO OCEAN STEWARDSHIP.
ACT 046 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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.



H.B. NO. 1019
H.D. 2
S.D. 2
C.D. 1

APPROVED this 08 day of JUN, 2021

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large, sweeping "D" and a stylized "Ige".

GOVERNOR OF THE STATE OF HAWAII

HB No. 1019, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives




Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.


President of the Senate


Clerk of the Senate