

A Bill for an Act Relating to Ocean Stewardship.

Be It Enacted by the Legislature of the State of Hawaii:

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

The legislature further finds that the increasing popularity of marine ecotourism requires greater measures to ensure the continued health of marine ecosystems. The broad range of recently documented anthropogenic impacts on coral reef health, including coral bleaching, vessel groundings, anchoring and mooring, diving activities, poaching, land-based and water-based pollutant discharges, and other direct and indirect uses of the State's coral reefs, indicate that the department of land and natural resources may need a more consistent and reliable source of funding to manage, protect, and restore marine resources throughout the State. A sustainable funding source is especially critical for successful implementation of the State's 30x30 marine management process, which aims to create a cohesive network of nearshore marine managed areas that benefits fisheries and ecosystem resilience.

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

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

“PART . OCEAN STEWARDSHIP

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

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

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

- (5) Grants, awards, donations, gifts, transfers, or moneys derived from private or public services for the purposes of subtitle 5 of title 12, except:
 - (A) Monetary contributions or moneys collected from the sale of non-monetary gifts to benefit sport fish or sport fishing pursuant to section 187A-9.5(b)(5); and
 - (B) Monetary contributions or moneys collected from the sale of non-monetary gifts to benefit aquatic life used for commercial purposes or fishing for commercial purposes pursuant to section 189-2.4(b)(5); and
- (6) Moneys derived from interest, dividend, or other income from the above sources.
- (c) Subject to subsection (d), the ocean stewardship special fund shall be used to:
 - (1) Develop and carry out marine resource conservation, restoration, enhancement, research, regulatory measures, enforcement actions, educational activities, or any other management measure intended to conserve, restore, and enhance marine resources under the jurisdiction of the State;
 - (2) Develop and carry out restoration and compensatory mitigation measures for impacts to the marine environment, including impacts to the marine environment from federal or state permitted actions, or violations of subtitle 5 of title 12 or any rule adopted thereunder; and
 - (3) Install, maintain, and replace day use mooring buoys and other infrastructure to reduce impacts to the marine ecosystem.
- (d) The ocean stewardship special fund shall be held separate and apart from all other moneys, funds, and accounts in the department; provided that any moneys received from the federal government, through federal programs, or from private contributions, shall be deposited and accounted for in accordance with conditions established by the agency or private entity from whom the moneys are received; provided further that twenty per cent of all gross revenues collected under paragraphs (b)(1) and (2) shall be payable to the office of Hawaiian affairs as ceded lands revenues. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the next fiscal year.
- (e) The proceeds of the ocean stewardship special fund shall not be used as security for, or pledged to the payment of principal or interest on, any bonds or instruments of indebtedness.
- (f) Nothing in this section shall be construed to prohibit the use of general funds or the funds of other programs and activities to implement or enforce subtitle 5 of title 12 or any rule adopted thereunder, concerning management and conservation of the State's ocean waters and the resources therein.

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

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

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

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

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

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

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

(Approved June 8, 2021.)