

STAND. COM. REP. NO. **550**

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 138  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 138 entitled:

"A BILL FOR AN ACT RELATING TO DIAMOND HEAD STATE MONUMENT,"

begs leave to report as follows:

The purpose of this measure is to ensure free access to the Diamond Head State Monument by prohibiting the Department of Land and Natural Resources from charging an admission fee to the Diamond Head State Monument.

Specifically, this measure amends section 6E-32, Hawaii Revised Statutes, by prohibiting the Board of Land and Natural Resources from imposing an admission or entrance fee to Diamond Head State Monument.

Testimony in opposition to this measure was submitted by the Department of Land and Natural Resources.

Diamond Head is a widely acknowledged symbol of Hawaii and visited by tourists and residents daily. Five years ago, an admission fee to the Diamond Head State Monument was imposed by the Division of State Parks of the Department of Land and Natural Resources. Your Committee finds that an imposition of a fee for access to this historic and famous landmark discourages access to Diamond Head.

The Department of Land and Natural Resources indicated to your Committee that the proceeds from the fees charged at the

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Diamond Head State Monument are deposited into the State Parks Special Fund. The moneys in the State Parks Special Fund are then used by the Department of Land and Natural Resources to operate and maintain state parks and state parks programs statewide. The Department further indicated that the original intent for the imposition of an admission fee was to aid in the maintenance and operation of the Diamond Head State Monument. Your Committee had concerns that the moneys generated from the admission fees were not effectively used to maintain and operate Diamond Head State Monument, and was instead deposited into the special fund to be used for all state parks, thus, defeating the original intent of imposing an admission fee.

Accordingly, your Committee has amended this measure by deleting the amendments made to section 6E-32, Hawaii Revised Statutes, and amending section 184-3.4, Hawaii Revised Statutes, relating to the State Parks Special Fund. Your Committee has amended section 184-3.4, Hawaii Revised Statutes, by:

- (1) Establishing a Diamond Head State Monument sub-account within the State Parks Special Fund into which fifty-five per cent of all proceeds collected from the admission fees charged at the Diamond Head State Monument shall be deposited; and
- (2) Requiring the Department of Land and Natural Resources to expend the moneys from the Diamond Head State Monument sub-account for the purposes of the repair, maintenance, and operation costs incurred by the State in the management of the Diamond Head State Monument.

Your Committee encourages the State Parks Division of the Department of Land and Natural Resources to complete the construction of the visitor centers located at the interior and exterior of the crater. Your Committee further requests that the Department of Land and Natural Resources submit a written report to the Legislature before the commencement of the 2008 Regular Session that includes:

- (1) The current status of the visitor center projects at the Diamond Head State Monument and the funding for these projects;

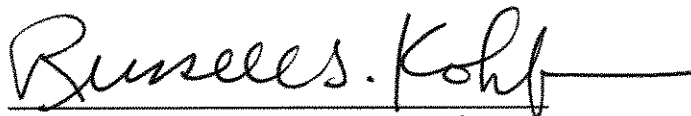


- (2) The priority of these projects within the entire context of the capital improvement projects for the Department of Land and Natural Resources;
- (3) The reasons that the Department of Land and Natural Resources have for the delay of the Diamond Head State Monument visitor center projects; and
- (4) The feasibility of using funds from a Diamond Head State Monument sub-account to complete the visitor center projects.

Your Committee believes that this measure, as amended, fulfills the intent of this measure, which is to ensure access to the Diamond Head State Monument and appropriates use of access fees.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 138, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 138, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land,  
Agriculture, and Hawaiian  
Affairs,




RUSSELL S. KOKUBUN, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WAH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 138	WAH, WAM	2/14/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton	X			
SLOM, Sam	X			
<b>TOTAL</b>	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

\*Only one measure per Record of Votes