

JAN 20 2023

A BILL FOR AN ACT

RELATING TO HONOLUA BAY.

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

1 SECTION 1. The legislature finds that the purchase of
2 Lipoa point, which is the home of the iconic Honolua bay, was a
3 milestone in the State's preservation of important natural
4 areas. Not only are Lipoa point and Honolua bay home to
5 numerous native species of marine biota, they also have special
6 cultural significance and are one of the last few undeveloped
7 places for the sport of surfing.

8 The legislature further finds that despite this monumental
9 acquisition, the department of land and natural resources has
10 squandered this historic investment by failing to allocate
11 sufficient funds for much needed remediation of erosion and
12 other types of necessary care for the area, including illegal
13 dumping, over-tourism, crime, soil erosion, and the
14 proliferation of invasive noxious plants. Furthermore, these
15 harms also threaten the health of the coral reef growth of the
16 marine life conservation district located in the adjoining area
17 of Honolua bay.



1 The legislature further finds that numerous visitor
2 recreation entities and visitors frequent Honolulu bay and that
3 visitor fees could provide a meaningful source of revenue to
4 heal and protect Honolulu bay and preserve it for the future use
5 of all. New visitor management initiatives used in other areas
6 such as Iao park and Waianapanapa park could be extended to
7 Honolulu bay to manage and fund support for the area. However,
8 fees and associated voluntary donation programs are popular with
9 visitors if, and only if, the funds remain solely dedicated to
10 preserving and protecting the area for which the fees and
11 donations are being collected.

12 The legislature further finds that public funds were
13 appropriated for the development of a strategic plan that did
14 not include the meaningful participation of many community
15 members and other groups. Therefore, a need exists to fund and
16 create extended meaningful participation and a long-term
17 strategic plan for the management and restoration of Lipoa point
18 and Honolulu bay. The legislature finds that a permanent
19 citizens advisory council made up of these various community
20 members and groups is needed to oversee a special fund and the



1 fees to be collected to ensure that all voices are heard in
2 preserving and protecting Honolua bay.

3 Accordingly, the purpose of this Act is to:

4 (1) Establish a Honolua bay advisory board to administer
5 the Honolua bay special fund and oversee the
6 conservation of Honolua bay;

7 (2) Establish the Honolua bay special fund for
8 conservation purposes and for the upkeep and
9 maintenance of Lipoa point;

10 (3) Institute a passenger fee for tour boats utilizing the
11 Honolua bay marine life conservation district;

12 (4) Require the department of land and natural resources
13 to include and incorporate Honolua bay into the
14 division of state parks' online reservation system;
15 and

16 (5) Make an appropriation.

17 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
18 amended by adding a new part to be appropriately designated and
19 to read as follows:

20 "PART . HONOLUA BAY CONSERVATION



1 §171-A Advisory board. (a) There is established, within
2 the department of land and natural resources, a Honolulu bay
3 advisory board. The advisory board shall administer the Honolulu
4 bay fund established by section 171-B and oversee the
5 conservation of Honolulu bay.

6 (b) The advisory board shall be composed of five voting
7 members, including:

8 (1) One member appointed by the governor;

9 (2) One member appointed by the mayor of the county of
10 Maui;

11 (3) One member appointed by the senate president;

12 (4) One member appointed by the speaker of the house of
13 representatives; and

14 (5) One member appointed by the Maui county council.

15 (c) The members of the advisory board for the Honolulu bay
16 fund shall serve without compensation.

17 (d) Each appointed member of the advisory board shall
18 serve a term of four years. No member shall be appointed to
19 more than two consecutive terms. Any vacancy in an unexpired
20 term shall be filled by appointment for the remainder of the
21 unexpired term.



1 §171-B Honolua bay special fund. (a) There is
2 established in the state treasury the Honolua bay special fund
3 into which shall be deposited the following moneys:

- 4 (1) Appropriations by the legislature to the special fund;
- 5 (2) Appropriations by the Maui county council to the
6 special fund;
- 7 (3) Grants from the federal government; and
- 8 (4) Gifts, donations, and grants from public agencies and
9 private persons.

10 (b) All interest earned on the moneys in the special fund
11 shall be credited to the special fund.

12 (c) Moneys in the Honolua bay special fund shall be
13 expended for conservation purposes, upkeep and maintenance of
14 Lipoa point, and any other use consistent with the purposes of
15 this Act. Moneys shall also be expended for the creation of an
16 ingress and egress loop to provide for surf access to the bay.

17 (d) The Honolua bay special fund shall be exempt from the
18 department administrative expenses of section 36-30, Hawaii
19 Revised Statutes.



1 **§171-C Reservations.** (a) The department of land and
2 natural resources shall include and incorporate Honolulu bay into
3 the division of state parks' online reservation system.

4 (b) The Honolulu bay advisory board, in consultation with
5 the department of land and natural resources, shall establish a
6 permit structure for access to Honolulu bay, to be modeled after
7 the existing Waianapanapa state park entry and parking
8 reservation system. In addition, the advisory board, in
9 consultation with the department, shall establish a fee system
10 for tour boats that enter the Honolulu bay marine life
11 conservation district and create a system by which donations can
12 be made for bay conservation."

13 SECTION 3. Section 36-30, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Each special fund, except the:

- 16 (1) Special out-of-school time instructional program fund
17 under section 302A-1310;
- 18 (2) School cafeteria special funds of the department of
19 education;
- 20 (3) Special funds of the University of Hawaii;
- 21 (4) Special funds established by section 206E-6;



- 1 (5) Aloha Tower fund created by section 206J-17;
- 2 (6) Funds of the employees' retirement system created by
- 3 section 88-109;
- 4 (7) Hawaii hurricane relief fund established under chapter
- 5 431P;
- 6 (8) Convention center enterprise special fund established
- 7 under section 201B-8;
- 8 (9) Hawaii health systems corporation special funds and
- 9 the subaccounts of its regional system boards;
- 10 (10) Universal service fund established under section
- 11 269-42;
- 12 (11) Emergency and budget reserve fund under section
- 13 328L-3;
- 14 (12) Public schools special fees and charges fund under
- 15 section 302A-1130;
- 16 (13) Sport fish special fund under section 187A-9.5;
- 17 (14) Neurotrauma special fund under section 321H-4;
- 18 (15) Center for nursing special fund under section
- 19 304A-2163;
- 20 (16) Passenger facility charge special fund established by
- 21 section 261-5.5;



- 1 (17) Court interpreting services revolving fund under
- 2 section 607-1.5;
- 3 (18) Trauma system special fund under section 321-22.5;
- 4 (19) Hawaii cancer research special fund;
- 5 (20) Community health centers special fund;
- 6 (21) Emergency medical services special fund;
- 7 (22) Rental motor vehicle customer facility charge special
- 8 fund established under section 261-5.6;
- 9 (23) Shared services technology special fund under section
- 10 27-43;
- 11 (24) Nursing facility sustainability program special fund
- 12 established pursuant to section 346F-4;
- 13 (25) Automated victim information and notification system
- 14 special fund established under section 353-136;
- 15 (26) Hospital sustainability program special fund under
- 16 section 346G-4;
- 17 (27) Civil monetary penalty special fund under section
- 18 321-30.2; [~~and~~]
- 19 [+] (28) [+] Stadium development special fund under section
- 20 109-3.5 [~~τ~~]; and
- 21 (29) Honolua bay special fund under section 171-B,



1 shall be responsible for its pro rata share of the
2 administrative expenses incurred by the department responsible
3 for the operations supported by the special fund concerned."


4 SECTION 4. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2023-2024 and
7 the same sum or so much thereof as may be necessary for fiscal
8 year 2024-2025 to be deposited into the Honolulu bay special
9 fund.

10 SECTION 5. There is appropriated out of the Honolulu bay
11 special fund the sum of \$ or so much thereof as may be
12 necessary for fiscal year 2023-2024 and the same sum or so much
13 thereof as may be necessary for fiscal year 2024-2025 for the
14 purposes of this Act.

15 The sums appropriated shall be expended by the department
16 of land and natural resources for the purposes of this Act.

17 SECTION 6. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect on July 1, 2023.

20
INTRODUCED BY:  _____



S.B. NO. 1153

Report Title:

Honolua Bay Special Fund; Honolua Bay Advisory Board; Department of Land and Natural Resources; Appropriation

Description:

Establishes the Honolua Bay Special Fund for conservation purposes and the upkeep and maintenance of Lipoa Point. Establishes a Honolua Bay Advisory Board to administer the Honolua Bay Special Fund and oversee the conservation of Honolua Bay. Requires the Department of Land and Natural Resources to include and incorporate Honolua Bay into the Division of State Parks' online reservation system. Makes an appropriation.

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

