
A BILL FOR AN ACT

RELATING TO A NONRESIDENT RECREATIONAL MARINE FISHING LICENSE.

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

1 SECTION 1. Fishing in marine waters is an important
2 pastime for the people of Hawaii, providing valuable
3 opportunities for outdoor recreation, subsistence, and
4 transmission of cultural practices and values. Hawaii's marine
5 fishing opportunities also attract thousands of visitors each
6 year, from professional anglers who come to participate in big
7 game fishing tournaments to weekend fishing enthusiasts seeking
8 to enjoy their favorite recreational activity while on vacation.
9 With ever increasing pressure on the State's marine resources,
10 it is critical that the State identify and develop sustainable
11 sources of funding to effectively manage its fisheries.

12 Furthermore, the department of land and natural resources
13 (department) issues commercial marine fishing licenses and
14 freshwater game fishing licenses. License fees are used toward
15 management of commercial marine fisheries and recreational
16 freshwater fisheries. Additionally, Hawaii residents pay taxes
17 that support state fisheries management programs. In contrast,
18 nonresident recreational fishers directly benefit from enjoyment

1 of Hawaii's marine fishery resources without directly
2 contributing to management of those resources. A nonresident
3 recreational marine license and associated fees would provide an
4 additional source of revenue to the State for marine fisheries
5 management. Fees would be deposited into the department's sport
6 fish special fund in accordance with section 187A-9.5, Hawaii
7 Revised Statutes.

8 The purposes of this Act are to:

- 9 (1) Establish a nonresident recreational marine fishing
10 license requirement and fees to enable the department
11 to more effectively manage the marine fisheries
12 resources of the State; and
13 (2) Require the department to adopt rules to implement
14 this license.

15 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§188- Nonresident recreational marine fishing license;
19 application; fees; restrictions. (a) It is unlawful for any
20 nonresident of the State of Hawaii, except children below
21 fifteen years of age and members of the armed forces of the
22 United States on active duty in the State and their spouse and

1 minor children, to fish for, take, or catch any marine life for
2 noncommercial or recreational purposes without first obtaining a
3 nonresident recreational marine fishing license. The department
4 shall adopt rules pursuant to chapter 91 necessary for the
5 purposes of this section.

6 (b) Nonresident recreational marine fishing licenses shall
7 be issued by agents of the department upon written application
8 in such form as may be prescribed by the department together
9 with payment of a fee. The fee for a nonresident recreational
10 marine fishing license shall be as follows:

11 (1) One-day fishing license = \$20

12 (2) Seven-day fishing license = \$40

13 (3) Annual fishing license = \$70

14 Fees established by this subsection may be increased by the
15 department not more frequently than once every five years, at
16 the rate of the consumer price index change from July 2021,
17 compounded annually, rounded to the nearest dollar.

18 (c) No person to whom a license has been issued under this
19 section shall permit any other person to carry, display, or use
20 the license for any purpose. Every person to whom a license has
21 been issued under this section shall show the license upon

H.B. NO. 1023

1 demand of any officer authorized to enforce the fishing laws of
2 the State.

3 (d) It shall be illegal to sell or offer for sale any
4 marine life taken under a nonresident recreational marine
5 fishing license, provided that marine life taken by nonresident
6 licensees on board a charter fishing vessel owned or operated by
7 a person with a valid commercial marine license pursuant to
8 section 189-2(b), may be sold.

9 (e) The department may revoke any nonresident recreational
10 marine fishing license for any violation of the terms and
11 conditions of the license. Any person whose nonresident
12 recreational marine fishing license has been revoked shall not
13 be eligible to apply for another nonresident recreational marine
14 fishing license until expiration of one year from the date of
15 revocation.

16 (f) For the purposes of this section:

17 (1) "Marine life" has the same meaning as defined in
18 section 187A-1;

19 (2) "Nonresident" means any individual who is not a
20 resident of Hawaii as defined in this section; and

21 (3) "Resident of Hawaii" means an individual who has:

H.B. NO. 1023

- 1 (A) Established the individual's primary residence
2 and worked in the State of Hawaii continuously
3 for a period of twelve months or longer
4 immediately prior to applying for, or obtaining a
5 license or permit;
- 6 (B) Filed or paid the individual's State of Hawaii
7 income taxes for the previous tax period; or
- 8 (C) Established the individual's domicile in the
9 State of Hawaii, as evidenced by documentation
10 showing the individual's address, such as a valid
11 State of Hawaii driver's license, a valid State
12 of Hawaii identification card, a valid State of
13 Hawaii school identification card, or any other
14 official document issued to the individual within
15 the last thirty days from a government agency,
16 financial institution, insurance company, or
17 utility company.
- 18 (g) Any person violating this section or any rule adopted
19 pursuant to this section shall be subject to administrative
20 penalties as provided by section 187A-12.5."

21 SECTION 3. New statutory material is underscored

H.B. NO. 1023

1 SECTION 4. This Act shall take effect upon its approval,
2 provided that the requirement to obtain a nonresident
3 recreational marine fishing license shall not be enforced until
4 July 1, 2022.

5

6

INTRODUCED BY: _____



7

BY REQUEST

8

JAN 25 2021

9

10

H.B. NO. 1023

Report Title:

Nonresident Recreational Marine Fishing License

Description:

Establishes a nonresident recreational marine fishing license requirement and fees to enable the Department of Land and Natural Resources to more effectively manage the marine fisheries resources of the State.

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

H.B. No. 1023

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO A NONRESIDENT RECREATIONAL MARINE FISHING LICENSE.

PURPOSE: To establish a nonresident recreational marine fishing license requirement and fees to enable the department to more effectively manage the marine fisheries resources of the State.

MEANS: Add a new section to chapter 188, Hawaii Revised Statutes.

JUSTIFICATION: Hawaii's marine fishing opportunities attract thousands of visitors each year. With ever increasing pressure on the State's marine resources, it is critical that the State identify and develop sustainable sources of funding to effectively manage its fisheries. Nonresident recreational fishers directly benefit from enjoyment of Hawaii's marine fishery resources without directly contributing to management of those resources. A nonresident recreational marine license and associated fees would provide an additional source of revenue to the State for marine fisheries management.

Impact on the public: Nonresident recreational fishers would be required to obtain a license and pay a license fee to fish for, take, or catch any marine life. The public would benefit from more effective management of marine fisheries resources.

Impact on the department and other agencies: The department would have an additional source of revenue to more effectively manage marine fisheries.

GENERAL FUND: None.

OTHER FUNDS: None.

H.B. No. 1023

PPBS PROGRAM
DESIGNATION:

LNR 805.

OTHER AFFECTED
AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.