
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 participate in big game
7 fishing tournaments to weekend fishing enthusiasts seeking to
8 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 issues commercial marine fishing licenses and freshwater game
14 fishing licenses. License fees are used toward management of
15 commercial marine fisheries and recreational freshwater
16 fisheries. Additionally, Hawaii residents pay taxes that
17 support state fisheries management programs. In contrast,



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

9 The purposes of this Act are to:

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

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

19 **"§188- Nonresident recreational marine fishing license;**
20 **application; fees; restrictions.** (a) It is unlawful for any
21 nonresident of the State, except children below fifteen years of



1 age and members of the armed forces of the United States on
2 active duty in the State and their spouse and minor children, to
3 fish for, take, or catch any marine life for noncommercial or
4 recreational purposes without first obtaining a nonresident
5 recreational marine fishing license. The department shall adopt
6 rules pursuant to chapter 91 necessary for the purposes of this
7 section.

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

- | | | |
|----|--------------------------------------|--------------|
| 13 | <u>(1) One-day fishing license</u> | <u>\$20</u> |
| 14 | <u>(2) Seven-day fishing license</u> | <u>\$40</u> |
| 15 | <u>(3) Annual fishing license</u> | <u>\$70.</u> |

16 Fees established by this subsection may be increased by the
17 department no more frequently than once every five years, at the
18 rate of the consumer price index change from July 2021,
19 compounded annually, rounded to the nearest dollar.

20 (c) No person to whom a license has been issued under this
21 section shall permit any other person to carry, display, or use



1 the license for any purpose. Every person to whom a license has
2 been issued under this section shall show the license upon
3 demand of any officer authorized to enforce the fishing laws of
4 the State.

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

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

17 (f) For the purposes of this section:

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

20 (2) "Nonresident" means any individual who is not a
21 resident of Hawaii; and



- 1 (3) "Resident of Hawaii" means an individual who has:
- 2 (A) Established the individual's primary residence
3 and worked in the State of Hawaii continuously
4 for a period of twelve months or longer
5 immediately prior to applying for, or obtaining a
6 license;
- 7 (B) Filed or paid the individual's State of Hawaii
8 income taxes for the previous tax period; or
- 9 (C) Established the individual's domicile in the
10 State of Hawaii, as evidenced by documentation
11 showing the individual's address, including:
- 12 (i) A valid State of Hawaii driver's license;
13 (ii) A valid State of Hawaii identification card;
14 (iii) A valid State of Hawaii school
15 identification card; or
- 16 (iv) Any other official document issued to the
17 individual within the last thirty days from
18 a government agency, financial institution,
19 insurance company, or utility company.



1 (g) Any person violating this section or any rule adopted
2 pursuant to this section shall be subject to administrative
3 penalties as provided by section 187A-12.5."

4 SECTION 3. New statutory material is underscored

5 SECTION 4. This Act shall take effect on January 1, 2050.



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. Prohibits nonresidents, with certain exceptions, from fishing, taking, or catching marine life without a nonresident recreational marine fishing license. Effective 1/1/2050. (HD1)

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