

JAN 26 2022

A BILL FOR AN ACT

RELATING TO NATURAL RESOURCE MANAGEMENT.

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

1 SECTION 1. The legislature finds that Hawaii's natural
2 resources, including reefs, beaches, oceans, forests, streams,
3 estuaries, and shorelines provide irreplaceable and invaluable
4 benefits to visitors and the global community at large. These
5 natural resources are critical to generating billions of dollars
6 for Hawaii's economy and local community, as well as supporting
7 thousands of jobs.

8 The legislature further finds that Hawaii's natural
9 environment faces significant environmental pressure from the
10 heavy use it receives from persons traveling from throughout the
11 world to enjoy our state's natural beauty and resources.
12 Continuing underinvestment in the protection and care of natural
13 resources poses a significant liability to the visitor industry,
14 the stability of our natural systems including our water
15 quality, economic resilience, and health and safety of the
16 citizens of the state.



1 Hawaii residents already contribute to the protection and
2 management of our natural resources through taxes; but with
3 escalating visitor impacts, there is an immediate need for
4 additional resources to protect, restore, and manage natural
5 resources. It is reasonable and timely to ask visitors who
6 enjoy Hawaii's natural resources to further contribute to their
7 protection, restoration, and care.

8 The legislature believes that a visitor green fee program
9 would provide additional resources to restore, enhance, and
10 protect in perpetuity, Hawaii's state-owned natural resources.
11 A fee paid by visitors who enjoy Hawaii's public parks, beaches,
12 and trails could generate necessary funding each year to enable
13 Hawaii to leave future generations with a healthy and safe
14 environment.

15 The legislature further finds that visitor green fees have
16 been successfully implemented at other visitor destinations
17 around the world, including the Galapagos Islands, New Zealand,
18 and Palau. In addition, a visitor green fee program would
19 indirectly support economic diversification and potentially
20 create thousands of public and private jobs.



1 The legislature also believes that it is imperative to
2 raise additional revenues to offset visitor impacts, to ensure
3 we leave a positive environmental legacy for future generations.
4 An environmental visitor fee provides a reasonable and
5 appropriate way to generate these needed revenues.

6 The purpose of this Act is to establish a visitor green fee
7 program, to be administered by the department of land and
8 natural resources, as a license required by visitors for usage
9 of Hawaii's public beaches, parks, trails, coastlines, and
10 environment. The purpose of the visitor green fee program shall
11 be to provide sustained funding for the protection, restoration,
12 and care of Hawaii's state-owned natural, and outdoor
13 recreational resources and build the resilience of these
14 resources to the impacts of increased visitor use.

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

18 **"PART . VISITOR GREEN FEE PROGRAM**

19 **§171-A Definitions.** For purposes of this part:

20 "Commission" means the environmental legacy commission.



1 "Fund" means the visitor green fee special fund established
2 pursuant to section 171-G.

3 "License" means a license issued pursuant to this part.

4 "Nonprofit organization" means a private, nonprofit
5 organization, with nonprofit status acknowledged by the
6 United State Internal Revenue Service, that qualifies under
7 section 501(c)(3) of the Internal Revenue Code, as amended, and
8 has among its charitable purposes the preservation, restoration,
9 management, or interpretation of natural or cultural resources
10 for scientific, historic, educational, recreational, scenic,
11 wildlife, or open-space purposes, the protection of the natural
12 environment or biological resources, or both, the preservation
13 or enhancement of wildlife, or both, and the protection or
14 interpretation, or both, of Native Hawaiian cultural resources.

15 "Visitor" means a person in Hawaii who is not a resident of
16 Hawaii.

17 "Program" means the visitor green fee program.

18 "Resident of Hawaii" means an individual who has:

19 (1) Filed or paid state income taxes for the previous tax
20 year; or



(2) Established domicile in the State, as evidenced by documentation showing the individual's address, including any of the following:

(A) A valid Hawaii driver's license;

(B) A valid Hawaii state identification card;

(C) A valid school identification card; or

(D) Any other official document issued to the individual within the last thirty days by a government agency, financial institution, insurance company, or utility company in the State.

§171-B Visitor green fee program; license; signs. (a)

There is established within the department the visitor green fee program. The purpose of the program shall be to collect a fee from visitors and allocate that revenue to protect and manage state-owned natural resources.

(b) Each visitor who is fifteen years of age or older who visits a state park, beach, state-owned forest, hiking trail, or other state-owned natural area on state-owned land shall first pay a visitor green fee to obtain a license pursuant to this part.



1 (c) The department shall place signs at state parks,
2 beaches, state-owned forests, trail heads, other state-owned
3 natural areas to inform visitors of the requirement to pay a
4 visitor green fee and obtain a license pursuant to this section.

5 **§171-C License; purchase.** (a) The department shall
6 establish convenient opportunities for visitors to pay a visitor
7 green fee and be issued a license including through the use of:

8 (1) A mobile application; and

9 (2) An internet website.

10 The department may authorize retail establishments and nonprofit
11 organizations to accept payment of a visitor green fee and issue
12 a license.

13 (b) The amount of the visitor green fee shall be \$;
14 provided that the chairperson may increase the fee no more
15 frequently than once every five years.

16 (c) Each license shall be effective for one year,
17 including the date of issuance.

18 **§171-D Penalties.** (a) Any applicable person who visits a
19 state park, beach, state-owned forest, hiking trail, or other
20 state-owned natural area on state-owned land without first
21 paying a visitor green fee and obtaining a license in violation



1 of section 171-B(b) shall be liable for a civil fine not to
2 exceed \$.

3 (b) Any civil fine provided under this section may be
4 imposed by the circuit court or may be imposed by the department
5 after an opportunity for a hearing under chapter 91. Imposition
6 of a civil fine shall not be a prerequisite to any civil fine or
7 other injunctive relief ordered by the circuit court.

8 **§171-E Environmental legacy commission; established;**

9 **members.** (a) There is established within the department of
10 land and natural resources the environmental legacy commission.
11 The members of the commission shall be appointed by the governor
12 in the manner prescribed in section 26-34. The commission shall
13 guide the department's disbursement of revenues collected
14 pursuant to this part.

15 (b) The commission shall comprise the following members,
16 who shall be appointed or invited to serve:

17 (1) The chairperson of the board of land and natural
18 resources or the chairperson's designee, who shall
19 serve as the chairperson of the commission;

20 (2) The director of agriculture or the director's
21 designee;



- 1 (3) The director of the office of planning and sustainable
2 development or the director's designee;
- 3 (4) The chief executive officer of the Hawaii tourism
4 authority or the chief executive officer's designee;
- 5 (5) One representative of a nonprofit environmental
6 organization having expertise on the protection,
7 restoration, and care of terrestrial natural
8 resources, who shall be invited by the chairperson;
- 9 (6) One representative of a nonprofit environmental
10 organization having expertise on the protection,
11 restoration, and care of marine and coastal natural
12 resources, who shall be invited by the chairperson;
- 13 (7) One representative of a nonprofit environmental
14 organization having expertise on climate change
15 mitigation and resiliency, who shall be invited by the
16 chairperson;
- 17 (8) Up to two representatives from the Native Hawaiian
18 community who have expertise in the protection,
19 restoration, care, and interpretation of
20 Native Hawaiian cultural resources, who shall be
21 invited by the chairperson;



(9) One representative between the age of eighteen and twenty-five years of age, inclusive, who works or has worked in the field of environmental sustainability or restoration, or both, who shall be invited by the chairperson; and

(10) One representative from the visitor sector and tourism industry, who shall be invited by the chief executive officer of the Hawaii tourism authority.

(c) A simple majority of the members shall establish a quorum.

(d) The members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

§171-F Environmental legacy commission; powers; duties.

(a) The commission shall guide and approve the department's disbursement of visitor green fee revenues deposited into the fund:

(1) For the purpose of restoring, enhancing, and protecting, in perpetuity, Hawaii's state-owned natural resources and its unique and vulnerable ecosystem;



(2) With transparency and accountability; and

(3) In a manner that maximizes the effectiveness of the
visitor green fee program.

(b) Subject to subsection (d), the commission shall
allocate moneys deposited in the fund for direct expenditure by
state agencies and for grants for projects that directly
restore, enhance, and protect in perpetuity state-owned natural
resources and its unique and fragile ecological status,
including projects for one or more of the following purposes:

(1) Protection, restoration, or enhancement of terrestrial
or marine natural resources; provided that up to per
cent of each grant may be allocated for resource
management to ensure the long-term sustainability of
the natural resources;

(2) Increase of resilience and adaptation of Hawaii's
natural resources with environmentally beneficial
strategies to reduce the adverse impacts of climate
change including coastal erosion, sea level rise,
ocean acidification, coral bleaching, destruction of
reefs, and other impacts; or



(3) Removal and control of invasive species and propagation and planting of native species.

(c) In awarding grants, the commission shall prioritize projects that satisfy at least one of the following:

(1) Provide significant long-term protection, restoration, and enhancement of Hawaii's natural resources; or

(2) Increase the accessibility, safety, and continued use of Hawaii state-owned natural, and outdoor recreational resources.

(d) In each year, allocation of moneys appropriated from the fund shall be divided as follows:

(1) No more than per cent of the allocation shall be for grants to local governments, nonprofit organizations, and community-based organizations;

(2) No more than per cent of the funds pursuant to this paragraph shall be used to administer this part; and

(3) No more than per cent of the allocation may be used to establish, maintain, or enhance state management of natural resources, implementation of state regulatory programs designed to protect natural



resources, and enforcement of natural resources
protection laws and rules.

§171-G Visitor green fee special fund; established. (a)

There is established within the state treasury the visitor green
fee special fund.

(b) The following moneys shall be deposited into the fund:

(1) All revenue from visitor green fees, less any costs
incurred in collecting those fees;

(2) All fines collected pursuant to section 171-D, less
any costs incurred in collecting those fines;

(3) Appropriations made by the legislature; and

(4) Grants and gifts made to the fund.

§171-H Report to legislature. (a) No later than twenty
days prior to the convening of the regular session of 2025 and
each year thereafter, the department shall submit a report to
the legislature.

(b) The report shall contain information on ways, during
the previous fiscal year, that the fund restored, enhanced, and
protected Hawaii's state-owned natural resources, and its unique
and vulnerable ecosystem, as well as the benefits that accrue or



1 will accrue from those expenditures to the benefit of the
2 State's natural resources.

3 (c) The department shall also publish the reports on its
4 website.

5 **§171-I Rules.** The department may adopt rules pursuant to
6 chapter 91 necessary for the purposes of this part."

7 SECTION 3. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so much
9 thereof as may be necessary for fiscal year 2022-2023 for
10 deposit into the visitor green fee special fund.

11 SECTION 4. There is appropriated out of the visitor green
12 fee special fund the sum of \$ or so much thereof as may
13 be necessary for fiscal year 2022-2023 for the establishment of
14 the environmental legacy commission and a strategic plan with a
15 timetable indicating how the established objectives and policies
16 will be pursued and implemented pursuant to this Act.

17 The sum appropriated shall be expended by the department of
18 land and natural resources for the purpose of this Act.

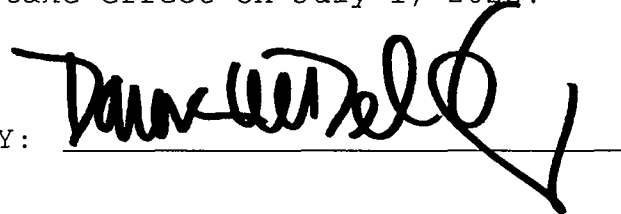
19 SECTION 5. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 6. In codifying the new sections added by
2 section 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 7. This Act shall take effect on July 1, 2022.

6
INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Dan Claitor", is written over a horizontal line. The signature is stylized and cursive.

S.B. NO. 3192

Report Title:

DLNR; Visitor Green Fee; Environmental Legacy; Appropriation

Description:

Establishes within the Department of Land and Natural Resources a visitor green fee program to collect a fee to allow visitors to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area. Establishes the environmental legacy commission to allocate the revenues from the visitor green to protect and manage Hawaii's natural resources. Appropriates moneys.

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