
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.

5 The legislature further finds that Hawaii's natural
6 environment faces significant environmental pressure from the
7 heavy use it receives from persons traveling from throughout the
8 world to enjoy the State's natural beauty and resources.

9 Continuing underinvestment in the protection and care of natural
10 resources poses a significant liability to the visitor industry,
11 the stability of our natural systems including our water
12 quality, economic resilience, and health and safety of the
13 citizens of the State.

14 Hawaii residents already contribute significantly to the
15 protection and management of the State's natural resources
16 through taxes, environmental care and management, subsistence
17 and cultural practices, and civic responsibility driven by



1 values and practices embodied in the state constitution;
2 however, with escalating visitor impacts, there is an immediate
3 need for additional resources to protect, restore, and manage
4 natural resources. It is reasonable and timely to ask visitors
5 who enjoy Hawaii's natural resources to further contribute to
6 its protection, restoration, and care.

7 The legislature believes that a fee paid by visitors who
8 enjoy Hawaii's public parks, beaches, and trails could generate
9 necessary funding each year to enable Hawaii to offset the
10 adverse impacts of visitors and provide additional resources to
11 restore, enhance, and protect, in perpetuity, Hawaii's state-
12 owned natural resources.

13 The legislature also finds that visitor impact fees have
14 been successfully implemented at other visitor destinations
15 around the world, including the Galapagos Islands, New Zealand,
16 and Palau.

17 The legislature also believes that it is imperative to
18 raise additional revenues to offset visitor impacts and ensure
19 that a positive environmental legacy is left for future
20 generations. An environmental visitor fee provides a reasonable
21 and appropriate way to generate these needed revenues.



1 The purpose of this Act is to establish a visitor impact
2 fee program, to be administered by the department of land and
3 natural resources, as a license required by visitors for usage
4 of state parks, benches, state-owned forests, hiking trails, and
5 other state-owned natural areas on state-owned land. The
6 purpose of the visitor impact fee program shall be to provide
7 sustained funding for the protection, restoration, and care of
8 Hawaii's state-owned natural and outdoor recreational resources
9 and build the resilience of these resources to the impacts of
10 increased visitor use.

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

14 **"PART . VISITOR IMPACT FEE PROGRAM**

15 **§171-A Definitions.** For purposes of this part:

16 "Commission" means the environmental legacy commission.

17 "Department" means the department of land and natural
18 resources.

19 "Fund" means the visitor impact fee special fund
20 established pursuant to section 171-G.

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



1 "Licensee" means a person who is issued a license pursuant
2 to this part.

3 "Nonprofit organization" means an organization that has
4 been granted tax exempt status as a charitable organization by
5 the Internal Revenue Service pursuant to section 501(c)(3) of
6 the Internal Revenue Code of 1986, as amended, and that has
7 among its charitable purposes the preservation, restoration,
8 management, or interpretation of natural or cultural resources
9 for scientific, historic, educational, recreational, scenic,
10 wildlife, or open-space purposes; the protection of the natural
11 environment or biological resources, or both; the preservation
12 or enhancement of wildlife, or both; and the protection or
13 interpretation, or both, of Native Hawaiian cultural resources.

14 "Program" means the visitor impact fee program.

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

16 (1) Filed or paid state income taxes for the previous tax
17 year; or

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

21 (A) A valid Hawaii driver's license;



1 (B) A valid Hawaii state identification card;

2 (C) A valid school identification card from a school
3 in Hawaii; or

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

9 "Visitor" means a person in Hawaii who is not a resident of
10 Hawaii.

11 **§171-B Visitor impact fee program; license; signs. (a)**

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

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



(c) The department shall place signs at state parks, beaches, state-owned forests, trail heads, or other state-owned natural areas on state-owned land to inform visitors of the requirement to pay a visitor impact fee and obtain a license pursuant to this part.

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

(1) A mobile application; and

(2) An internet website.

The department may authorize retail establishments and nonprofit organizations to accept payment of a visitor impact fee and issue a license.

(b) The amount of the visitor impact fee shall be \$; provided that the chairperson of the board of land and natural resources may increase the fee by rule no more frequently than once every five years.

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

§171-D Penalties. (a) Any visitor who visits a state park, beach, state-owned forest, hiking trail, or other state-



1 owned natural area on state-owned land without first paying a
2 visitor impact fee and obtaining a license in violation of
3 section 171-B(b) shall be liable for a civil fine not to exceed
4 \$.

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

10 **§171-E Environmental legacy commission; established;**
11 **members.** (a) There is established within the department the
12 environmental legacy commission. The commission shall guide the
13 department's disbursement of revenues collected pursuant to this
14 part.

15 (b) The commission shall be composed of:

16 (1) The following ex officio members:

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

20 (B) The chairperson of the board of agriculture or
21 the chairperson's designee;



1 (C) The director of the office of planning and
2 sustainable development or the director's
3 designee; and

4 (D) The chief executive officer of the Hawaii tourism
5 authority or the chief executive officer's
6 designee; and

7 (2) The following members, who shall be recommended to
8 serve by the officials provided in this paragraph and
9 shall be appointed by the governor in the manner
10 prescribed in section 26-34:

11 (A) One representative of a nonprofit organization
12 having expertise in the protection, restoration,
13 and care of terrestrial natural resources, who
14 shall be recommended to serve by the chairperson
15 of the commission;

16 (B) One representative of a nonprofit organization
17 having expertise in the protection, restoration,
18 and care of marine and coastal natural resources,
19 who shall be recommended to serve by the
20 chairperson of the commission;



1 (C) One representative of a nonprofit organization
2 having expertise in climate change mitigation and
3 resiliency, who shall be recommended to serve by
4 the chairperson of the commission;

5 (D) Up to two representatives from the Native
6 Hawaiian community who have expertise in the
7 protection, restoration, care, and interpretation
8 of Native Hawaiian cultural resources, who shall
9 be recommended to serve by the chairperson of the
10 commission;

11 (E) One representative between the age of eighteen
12 and twenty-five years, inclusive, who works or
13 has worked in the field of environmental
14 sustainability or restoration, or both, who shall
15 be recommended to serve by the chairperson of the
16 commission; and

17 (F) One representative from the visitor sector and
18 tourism industry, who shall be recommended to
19 serve by the chief executive officer of the
20 Hawaii tourism authority.



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

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

6 **§171-F Environmental legacy commission; powers; duties.**

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

10 (1) For the purposes described in section 171-G;

11 (2) With transparency and accountability; and

12 (3) In a manner that maximizes the effectiveness of the
13 visitor impact fee program.

14 (b) In awarding grants pursuant to section 171-G, the
15 commission shall prioritize projects that satisfy at least one
16 of the following:

17 (1) Provide significant protection, restoration, and
18 enhancement of Hawaii's natural resources; or

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



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

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

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

(1) All revenue from visitor impact 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.

(c) Moneys in the fund shall be used for:

(1) Projects that offset adverse environmental impacts caused by licensees and ensure that the State's natural resources are maintained for continued use by licensees, or both, such as projects that directly restore, enhance, and protect in perpetuity state-owned natural resources and the State's unique and fragile ecological status, including projects that:

(A) Protect, restore, or enhance terrestrial or marine natural resources;



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

8 (C) Remove and control invasive species, and
9 propagate and plant native species;

10 provided that the commission may allocate moneys to be
11 expended directly by state agencies or may provide
12 grants to nonprofit organizations pursuant to section
13 171-H, subject to subsection (d) and section 171-F(b),
14 if the commission determines that no state agency has
15 the expertise necessary to implement a project;

16 (2) The establishment of the commission pursuant to 171-E;
17 and

18 (3) Creation and implementation of the visitor impact fee
19 strategic plan.



(d) In each year, no more than per cent of the allocation shall be allocated for grants to local governments and nonprofit organizations.

§171-H Grants; qualifications and conditions. (a) For purposes of grants awarded pursuant to section 171-G, any organization requesting a grant shall:

(1) Be licensed and accredited, as applicable, under the laws of the State;

(2) Have at least one year's experience with the project or in the program area for which the request or proposal is being made; and

(3) Be, employ, or have under contract persons who are qualified to engage in the program or activity to be funded by the State.

(b) Recipients of grants shall be subject to the following conditions:

(1) Any organization requesting a grant shall submit its request together with all the information required by the department on an application form provided by the department;



- 1 (2) The recipient of a grant shall not use public funds
2 for purposes of entertainment or perquisites;
- 3 (3) The recipient of a grant shall comply with applicable
4 federal, state, and county laws;
- 5 (4) The recipient of a grant shall comply with any other
6 requirements the department may prescribe;
- 7 (5) The recipient of a grant shall allow the department,
8 legislative bodies, and legislative auditor full
9 access to records, reports, files, and other related
10 documents so that the program, management, and fiscal
11 practices of the grant recipient may be monitored and
12 evaluated to assure the proper and effective
13 expenditure of public funds;
- 14 (6) Every grant shall be monitored pursuant to rules or
15 policies established by the department to ensure
16 compliance with this part; and
- 17 (7) Any recipient of a grant who withholds or omits any
18 material fact or deliberately misrepresents facts to
19 the department or who violates the terms of the
20 recipient's contract shall be in violation of this
21 section and, in addition to any other penalties



provided by law, shall be prohibited from applying for a grant under this part for a period of five years from the date of termination of the recipient's contract.

(c) The department shall provide grant recipients with access to any state-owned lands or natural resources necessary to effectuate the project for which the grant is awarded.

§171-I 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 that the fund restored, enhanced, and protected state-owned natural resources and the State's unique and vulnerable ecosystem during the previous fiscal year, as well as the benefits that accrue or will accrue from those expenditures to the benefit of the State's natural resources.

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

§171-J Rules. (a) The department may adopt rules pursuant to chapter 91 necessary for the purposes of this part,



1 including any rules necessary to ensure that persons who
2 purchase a license pursuant to this part are not assessed a
3 separate entrance fee to visit a state park, beach, state-owned
4 forest, hiking trail, or other state-owned natural area on
5 state-owned land, to which access is granted by the license."

6 SECTION 3. (a) The department of land and natural
7 resources shall amend its existing rules, including the fee
8 schedule for state parks that is adopted pursuant to section
9 184-3.2, Hawaii Revised Statutes, to ensure that persons who
10 purchase a license pursuant to sections 171-B and 171-C, Hawaii
11 Revised Statutes, are not assessed a separate entrance fee to
12 visit a state park or other state-owned natural area to which
13 access is granted by the license.

14 (b) No later than twenty days prior to the convening of
15 the regular session of 2023, the department of land and natural
16 resources shall submit to the legislature proposed legislation
17 that recommends any statutory changes that are necessary, if
18 any, to ensure that persons who purchase a license pursuant to
19 sections 171-B and 171-C, Hawaii Revised Statutes, are not
20 assessed a separate entrance fee to visit a state park, beach,
21 state-owned forest, hiking trail, or other state-owned natural



1 area on state-owned land to which access is granted by the
2 license.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2022-2023 for
6 deposit into the visitor impact fee special fund established by
7 section 171-G, Hawaii Revised Statutes.

8 SECTION 5. There is appropriated out of the visitor impact
9 fee special fund the sum of \$ or so much thereof as
10 may be necessary for fiscal year 2022-2023 for the establishment
11 of the environmental legacy commission and a strategic plan with
12 a timetable indicating how the established objectives and
13 policies will be pursued and implemented pursuant to this Act.

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

16 SECTION 6. In codifying the new sections added by
17 section 2 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.



1 SECTION 7. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

DLNR; Visitor Impact Fee; Environmental Legacy; Appropriation

Description:

Establishes within the Department of Land and Natural Resources a visitor impact 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 impact fee to protect and manage Hawaii's natural resources. Establishes the visitor impact fee special fund. Appropriates funds. Takes effect 7/1/2050. (HD1)

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

