
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 the 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 "Department" means the department of land and natural
2 resources.

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

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

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

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



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

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

5 (B) A valid Hawaii state identification card;

6 (C) A valid school identification card; or

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

12 "Visitor" means a person in Hawaii who is not a resident of
13 Hawaii.

14 **§171-B Visitor green fee program; license; signs. (a)**

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

19 (b) Each visitor who is fifteen years of age or older who
20 visits a state park, beach, state-owned forest, hiking trail, or
21 other state-owned natural area on state-owned land shall first



1 pay a visitor green fee to obtain a license pursuant to this
2 part.

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

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

10 (1) A mobile application; and

11 (2) An internet website.

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

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

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



1 **§171-D Penalties.** (a) Any applicable person who visits a
2 state park, beach, state-owned forest, hiking trail, or other
3 state-owned natural area on state-owned land without first
4 paying a visitor green fee and obtaining a license in violation
5 of section 171-B(b) shall be liable for a civil fine not to
6 exceed \$.

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

12 **§171-E Environmental legacy commission; established;**
13 **members.** (a) There is established within the department the
14 environmental legacy commission. The members of the commission
15 shall be appointed by the governor in the manner prescribed in
16 section 26-34. The commission shall guide the department's
17 disbursement of revenues collected pursuant to this part.

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



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



(8) Up to two representatives from the Native Hawaiian community who have expertise in the protection, restoration, care, and interpretation of Native Hawaiian cultural resources, who shall be 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



1 disbursement of visitor green fee revenues deposited into the
2 fund:

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

7 (2) With transparency and accountability; and

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

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

16 (1) Protection, restoration, or enhancement of terrestrial
17 or marine natural resources; provided that up to per
18 cent of each grant may be allocated for resource
19 management to ensure the long-term sustainability of
20 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.

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



(1) Grants for projects that directly restore, enhance, and protect in perpetuity state-owned natural resources and its unique and fragile ecological status pursuant to section 171-F;

(2) Establishment of the commission pursuant to 171-E; and

(3) Creation and implementation of the visitor green fee strategic plan.

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



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

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

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

13 SECTION 5. In codifying the new sections added by
14 section 2 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 the new sections in this Act.

17 SECTION 6. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Department of Land and Natural Resources; 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 fee to protect and manage Hawaii's natural resources. Establishes the Visitor Green Fee Special Fund. Appropriates moneys. Takes effect 7/1/2050. (SD1)

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