

JAN 21 2022

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# A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

**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 residents and visitors. These natural resources are  
5 critical to generating billions of dollars for Hawaii's economy  
6 and the local community and supporting thousands of jobs for  
7 residents. Hawaii's natural resources are inseparable from the  
8 State's culture and directly support the visitor industry and  
9 the livelihoods that depend on the visitor industry.

10           The legislature further finds that despite the incredible  
11 value of Hawaii's natural resources, the State currently invests  
12 less than one per cent of its budget to protect, restore, and  
13 manage these assets. To leave a healthy natural resources  
14 legacy for future generations of Hawaii residents and visitors,  
15 the State must urgently address the estimated \$360,000,000  
16 annual conservation funding gap, and provide sustained,



1 increased funding for Hawaii's natural resources and  
2 environment.

3       The legislature also finds that Hawaii's natural  
4 environment faces significant environmental pressures from heavy  
5 use by persons traveling from throughout the world to enjoy the  
6 State's natural beauty and resources. Hawaii's natural  
7 environment also faces increasing challenges as a result of  
8 climate change. Continuing to underinvest in the protection and  
9 care of Hawaii's natural resources poses a significant liability  
10 to the State's visitor industry, the stability of the natural  
11 systems, including water quality, and economic resilience.  
12 Hawaii residents already contribute significantly to the  
13 protection and management of the State's natural resources  
14 through taxes. With escalating visitor impacts, there is an  
15 immediate need for additional resources to protect, restore, and  
16 manage Hawaii's natural resources.

17       The legislature believes that it is reasonable and timely  
18 to ask visitors to Hawaii who enjoy local natural resources to  
19 further contribute to the protection, restoration, and care of  
20 these resources. Visitor green fees have been successfully  
21 implemented in other visitor destinations around the world,



1 including the Galapagos Islands, New Zealand, and Palau. A  
2 visitor green fee program will provide additional resources to  
3 protect Hawaii's natural resources for the enjoyment of future  
4 generations while supporting the creation of thousands of jobs  
5 for Hawaii residents. A \$50 fee paid by visitors who enjoy  
6 Hawaii's public parks, beaches, and trails could generate up to  
7 \$400,000,000 each year to enable the State to leave future  
8 generations with a healthy and safe environment.

9 The legislature additionally finds that a visitor green fee  
10 program can support economic diversification and create  
11 thousands of public and private jobs in Hawaii's economy. A  
12 visitor green fee program can also help finance the achievement  
13 of the 2030 Aloha+ challenge natural resource management target,  
14 adopted by the State in July 2014, and supported by the  
15 legislature, governor, four county mayors, office of Hawaiian  
16 affairs, and partners across the State. The legislature now  
17 believes it is imperative to raise additional revenues to leave  
18 a positive environmental legacy for Hawaii's future generations  
19 and that a visitor green fee will provide a reasonable and  
20 appropriate way to generate these needed revenues.

21 Accordingly, the purpose of this Act is to:



1 (1) Require the department of land and natural resources  
2 to establish a visitor green fee program to collect  
3 fees from visitors to the State for the provision of  
4 sustained and increased funding for the protection,  
5 restoration, and care of Hawaii's natural, cultural,  
6 and outdoor recreational resources and build the  
7 resilience of these resources to the impacts of  
8 climate change and local threats;

9 (2) Establish the Hawaii environmental legacy commission  
10 to guide the disbursement of funds collected from the  
11 visitor green fee program; and

12 (3) Establish the Hawaii environmental legacy special  
13 fund.

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

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

18 **§171-A Definitions.** As used in this part:

19 "Commission" means the Hawaii environmental legacy  
20 commission.

21 "Fee" means the visitor green fee.



1 "License" means the license issued by the department that  
2 allows visitors to use state natural resources, including  
3 beaches, parks, trails, coastlines, and the environment.

4 "Local public agency" includes but is not limited to a  
5 county, district, or special agency.

6 "Nonprofit organization" means a private, nonprofit  
7 organization with nonprofit status acknowledged by the United  
8 States 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, the preservation or  
15 enhancement of wildlife, or the protection or interpretation of  
16 native Hawaiian cultural resources.

17 "Nonresident" means an individual who is not a resident.

18 "Program" means the Hawaii environmental legacy program.

19 "Resident" means an individual who has:

- 20 (1) Filed or paid state income taxes for the immediately  
21 previous tax period; 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 state driver's license;  
5           (B) A valid state civil identification card;  
6           (C) A valid school identification card; or  
7           (D) Any other official document issued to the  
8           individual by a government agency, financial  
9           institution, insurance company, or utility  
10          company in the State.

11          "Special fund" means the Hawaii environmental legacy  
12 special fund.

13          **§171-B Visitor green fee program.** (a) There is  
14 established a visitor green fee program to advance the 2030  
15 Aloha+ challenge natural resource management targets. Under the  
16 program, to be administered by the department, nonresidents  
17 shall pay the visitor green fee in order to obtain a license to  
18 use Hawaii's public beaches, parks, trails, coastlines, and  
19 environment. Visitor green fees collected shall be deposited  
20 into the Hawaii environmental legacy special fund established  
21 pursuant to section 171-D.



1           (b) Beginning July 1, 2023, it shall be unlawful for any  
2 nonresident of the State who has attained the age of fifteen,  
3 except for members of the armed forces of the United States of  
4 America on active duty, to visit a state park, beach, state-  
5 owned forest, or other state-owned natural area or hike on a  
6 trail on state-owned land without first obtaining a license  
7 pursuant to this part.

8           (c) The department shall establish convenient  
9 opportunities for nonresidents to purchase a license, including  
10 through a mobile application and an internet website. The  
11 department may also establish a separate retail license program  
12 to enable retail establishments and nonprofit organizations to  
13 sell licenses.

14           (d) The initial visitor green fee shall be \$50 per person.

15           (e) The chairperson may adjust the fee by rule no more  
16 than once every five years, at the rate of the consumer price  
17 index change from July 1, 2023, compounded annually, and rounded  
18 to the nearest dollar.

19           (f) A license shall be in effect for a three hundred  
20 sixty-five day period, including the day of issuance.



1 (g) The department may adopt rules pursuant to chapter 91  
2 as necessary to effectuate the purposes of this section.

3 **§171-C Hawaii environmental legacy commission.** (a) There  
4 is established within the department the Hawaii environmental  
5 legacy commission to guide the department's disbursement of the  
6 visitor green fee funds to achieve the 2030 Aloha+ challenge  
7 natural resource management targets, support conservation  
8 workforce development and economic diversification, and ensure  
9 stakeholder engagement, transparency, and effectiveness of the  
10 program.

11 (b) The commission shall be composed of the following  
12 voting members, to be appointed without need for confirmation by  
13 the senate:

14 (1) One representative of a nonprofit environmental  
15 organization with expertise in the protection,  
16 restoration, and care of terrestrial natural  
17 resources, to be appointed by the chairperson;

18 (2) One representative of a nonprofit environmental  
19 organization with expertise in the protection,  
20 restoration, and care of marine and coastal natural  
21 resources, to be appointed by the chairperson;





- 1 (3) One representative of a nonprofit environmental  
2 organization with expertise in climate change  
3 mitigation and resiliency, to be appointed by the  
4 chairperson;
- 5 (4) No more than two members who are staff of the  
6 department or its attached agencies, to be appointed  
7 by the chairperson;
- 8 (5) The director of the office of planning and sustainable  
9 development, or the director's designee;
- 10 (6) No more than two representatives from the native  
11 Hawaiian community who have expertise in the  
12 protection, restoration, care, and interpretation of  
13 native Hawaiian cultural resources, to be appointed by  
14 the chairperson;
- 15 (7) The president and chief executive officer of the  
16 Hawaii tourism authority, or the president and chief  
17 executive officer's designee;
- 18 (8) One youth representative between the ages of eighteen  
19 and twenty-five, inclusive, at the time of appointment  
20 that works or has worked in the field of environmental



1 sustainability or restoration, to be appointed by the  
2 chairperson; and

3 (9) One representative from the visitor and tourism  
4 industry, to be appointed by the president and chief  
5 executive officer of the Hawaii tourism authority.

6 (c) Commission members shall annually elect a chairperson  
7 and vice-chairperson of the commission from among its members.

8 (d) The commission shall approve allocation of funding,  
9 including grants, from funds deposited in the special fund.

10 Monies deposited into the special fund shall be allocated for  
11 direct expenditure by state agencies and for grants for projects  
12 that directly support achievement of the 2030 Aloha+ challenge  
13 natural resource management target, including for projects with  
14 one or more of the following purposes:

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

20 (2) Enhancement of interpretive and educational facilities  
21 and programs related to the State's natural and



- 1 cultural resources and the protection of those  
2 resources;
- 3 (3) Increase of resilience and adaptation of the State's  
4 natural resources with environmentally beneficial  
5 strategies to reduce the adverse impacts of climate  
6 change, including coastal erosion, sea level rise,  
7 ocean acidification, coral bleaching, destruction of  
8 reefs, and other impacts; and
- 9 (4) Removal and control of invasive species and  
10 propagation and planting of native species.
- 11 (e) In awarding grants from the special fund, the  
12 commission shall prioritize projects that directly support  
13 achievement of the 2030 Aloha+ challenge natural resource  
14 management target and:
- 15 (1) Create jobs for Hawaii residents;
- 16 (2) Provide significant long-term protection, restoration,  
17 and enhancement of Hawaii's natural and cultural  
18 resources;
- 19 (3) Increase the enjoyability of participating in outdoor  
20 recreational activities for residents and visitors of  
21 the State;



1           (4) Involve local communities in the design,  
2                   implementation, and long-term management of the  
3           project; and

4           (5) Protect, enhance, or restore natural resources that  
5                   contribute to native Hawaiian cultural practices and  
6                   that have demonstrated support from native Hawaiian  
7           residents.

8           (f) The commission may adopt procedures and guidelines for  
9           the prioritization and allocation of monies from the special  
10          fund, including direct grant or competitive grant processes;  
11          provided that the commission shall hold at least one hearing in  
12          each county to receive public comments before adopting grant  
13          guidelines.

14          (g) A simple majority of commission members shall  
15          establish a quorum necessary to approve allocations from the  
16          fund.

17          (h) The commission shall hold meetings in public  
18          consistent with chapter 92 and any other applicable laws. The  
19          commission may hold its meetings in person or online via the  
20          Internet, or a combination thereof.



1 (i) Commission members shall serve without compensation  
2 but may be reimbursed for reasonable expenses, including travel  
3 expenses, necessary for the performance of their duties.

4 (j) Beginning January 2025, the department shall publish  
5 an annual report, to be reviewed by the commission, no later  
6 than twenty days prior to the convening of each regular session  
7 of the legislature on how the Hawaii environmental legacy  
8 special fund achieves the 2030 Aloha+ challenge natural resource  
9 management target and the benefits that accrue or will accrue  
10 from those expenditures to state residents, visitors, and  
11 natural resources.

12 **§171-D Hawaii environmental legacy special fund. (a)**

13 There is established in the state treasury a Hawaii  
14 environmental legacy special fund, into which shall be  
15 deposited:

- 16 (1) All proceeds from visitor green fees and licenses  
17 purchased pursuant to the visitor green fee program  
18 established under section 171-B;
- 19 (2) Appropriations made by the legislature; and
- 20 (3) Grants and gifts made to the special fund.



1 (b) Monies deposited into the special fund shall be used  
2 and allocated as directed by the commission pursuant to section  
3 171-C(d) and (e) and as follows:

4 (1) At least fifty per cent per fiscal year shall be used  
5 for grants to local governments, nonprofit  
6 organizations, and community-based organizations;

7 (2) No more than fifty percent per fiscal year shall be  
8 allocated to state agencies;

9 (3) Up to twenty-five per cent per fiscal year may be used  
10 to enhance state management of natural resources,  
11 implementation of state regulatory programs designed  
12 to protect natural resources, and enforcement of  
13 natural resource protection laws and regulations;

14 (4) No more than five per cent per fiscal year of the  
15 amount allocated to state agencies pursuant to  
16 paragraph (2) shall be used to administer this part;  
17 and

18 (5) No less than ninety-five percent per fiscal year shall  
19 be used for the purposes described in this section."

20 SECTION 3. In codifying the new sections added by section  
21 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Mike Hubbard



# S.B. NO. 3012

**Report Title:**

Department of Land and Natural Resources; Visitor Green Fee Program; Hawaii Environmental Legacy Commission; Special Fund

**Description:**

Require DLNR to establish a visitor green fee program to collect fees from nonresidents, to be used for the protection, restoration, and care of Hawaii's natural, cultural, and outdoor recreational resources and build the resilience of these resources to the impacts of climate change and local threats, in order to obtain a license to use state natural resources. Establishes the Hawaii environmental legacy commission to guide the disbursement of visitor green fee program funds. Establishes the Hawaii environmental legacy special fund.

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

