
A BILL FOR AN ACT

RELATING TO VISITOR IMPACT FEES.

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, oceans, forests, streams, estuaries,
3 shorelines, and beaches, provide irreplaceable and invaluable
4 benefits to visitors, residents, and the global community at
5 large.

6 The Hawaii State Constitution makes clear that the State's
7 natural and cultural resources are the essence of the public
8 trust and therefore must be managed and protected for the
9 benefit of present and future generations. The Hawaii State
10 Constitution also recognizes the importance of a clean and
11 healthful environment and requires the State and its agencies to
12 protect traditional and customary rights, which are dependent
13 upon carefully managed and abundant natural resources. This Act
14 should be construed as a means for fulfilling these
15 constitutional mandates.

16 The legislature further finds that Hawaii's natural
17 environment and relationship to those resources face significant



1 environmental pressure from the heavy usage they receive from
2 persons traveling to enjoy the State's natural resources.
3 Underinvestment in the State's natural resources poses a
4 significant liability to its visitor industry and the stability
5 of its natural systems, including its food systems and water
6 quality, ecosystem sustainability, fisheries, economic
7 resilience, and health and safety of the citizens of the State.

8 The legislature also finds that Hawaii residents contribute
9 to the protection and management of the State's natural
10 resources through taxes, environmental care, subsistence and
11 cultural practices, and the values and practices embodied in the
12 Hawaii State Constitution. With escalating visitor impacts and
13 the increasing global threat to the State's island ecosystems,
14 there is an immediate need to fairly allocate the burden to
15 protect, restore, sustain, manage, and conserve Hawaii's natural
16 resources. Furthermore, a regenerative tourism fee has been
17 suggested as a solution by the Hawaii tourism authority. It is
18 timely to ask visitors who enjoy and reap the benefits of
19 Hawaii's natural resources to contribute to the protection,
20 care, and restoration of these resources.



1 The legislature believes that a license requirement for
2 visitors who enjoy Hawaii's unique, world-class public beaches,
3 trails, parks, and ecosystems could generate necessary funding
4 each year to offset the adverse impacts of visitors and conserve
5 Hawaii's irreplaceable green infrastructure.

6 The legislature further finds that environmental protection
7 fees, commonly referred to as green fees, have been successfully
8 implemented at visitor destinations around the world, including
9 the Galapagos Islands, New Zealand, and Palau, and demonstrate
10 compounding benefits for visitors, residents, and the land and
11 seascapes.

12 The legislature believes that establishing a visitor green
13 fee in the State is a significant and effective way to raise
14 additional revenues to offset visitor impacts and ensure a
15 healthy and functioning environment for present and future
16 generations.

17 The purpose of this Act is to establish a visitor impact
18 fee program, administered by the board of land and natural
19 resources, that includes a license and assessment of a visitor
20 impact fee on visitors for the usage of Hawaii's state-owned
21 designated public beaches, parks, trails, and coastlines, to:



1 (1) Provide sustained funding for the protection,
 2 restoration, regeneration, enhancement, and care of
 3 Hawaii's natural and cultural recreational resources;
 4 and

5 (2) Build resilience of these resources to the impacts of
 6 increased visitor use.

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

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

11 **§171-A Definitions.** For purposes of this part:

12 "Fund" means the visitor impact fee special fund
 13 established pursuant to section 171-F.

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

15 "Licensee" means a person who is issued a license pursuant
 16 to this part.

17 "Nonprofit organization" means a private, nonprofit
 18 organization that has been granted tax exempt status by the
 19 Internal Revenue Service pursuant to section 501(c)(3) of the
 20 Internal Revenue Code of 1986, as amended, and that has among
 21 its charitable purposes the preservation, restoration,



1 management, or interpretation of natural or cultural resources
2 for scientific, historic, educational, recreational, scenic,
3 wildlife, or open-space purposes; the protection of the natural
4 environment or biological resources, or both; the preservation
5 or enhancement, or both, of wildlife; and the protection or
6 interpretation, or both, of Native Hawaiian cultural resources
7 and practices related thereto.

8 "Program" means the visitor impact fee program.

9 "Resident" means an individual who has:

- 10 (1) Filed or paid state income taxes for the previous tax
11 year; or
- 12 (2) Established domicile in the State, as evidenced by
13 documentation showing the individual's address,
14 including any of the following:
- 15 (A) A valid Hawaii driver's license;
- 16 (B) A valid Hawaii state identification card;
- 17 (C) A valid school identification card issued by a
18 school in the State; or
- 19 (D) Any other official document issued to the
20 individual within the last thirty days by a
21 government agency, financial institution,



1 insurance company, or utility company in the
2 State.

3 "Visitor" means a person in Hawaii who is not a resident.

4 **§171-B Visitor impact fee program; license; signs.** (a)

5 There is established within the department the visitor impact
6 fee program. The purpose of the program shall be to collect a
7 fee from visitors through a license and allocate that revenue to
8 protect, restore, and manage natural and cultural resources
9 impacted by visitors.

10 (b) Each visitor who is fifteen years of age or older who
11 visits a state-owned park, beach, forest, hiking trail, or other
12 natural area on state land, as designated by rule by the board,
13 shall first pay a visitor impact fee to obtain a license
14 pursuant to this part.

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

19 **§171-C License; purchase.** (a) The department shall
20 establish convenient opportunities for visitors to pay a visitor
21 impact fee and be issued a license, including through:



1 (1) A mobile application; and

2 (2) An internet website.

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

6 (b) The amount of the visitor impact fee shall be \$50;
7 provided that the chairperson may increase the fee by rule
8 pursuant to chapter 91 no more frequently than once every five
9 years if the board finds that the current fee is insufficient to
10 offset visitor impacts to the State's natural and cultural
11 resources.

12 (c) Each license shall be effective for one year from the
13 date of issuance.

14 **§171-D Penalties.** (a) A visitor who visits a state-owned
15 park, beach, forest, hiking trail, or other natural area on
16 state land, as designated by rule by the board, without first
17 paying a visitor impact fee and obtaining a license, in
18 violation of section 171-B(b), shall be liable for a civil fine
19 not to exceed \$500. The assessment of penalties shall begin no
20 more than five years after the establishment of the program.



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

6 **§171-E Board of land and natural resources; duties.** (a)
7 The board shall be responsible for the disbursement of revenues
8 collected pursuant to this part.

9 (b) The board shall:

10 (1) Have decision-making authority over how moneys in the
11 fund will be used in alignment with the fund's
12 purposes and priorities;

13 (2) Have decision-making authority regarding the award of
14 grants; and

15 (3) Provide guidance representative of its members'
16 expertise and communities in alignment with the
17 purposes and priorities of the fund.

18 **§171-F Visitor impact fee special fund; established;**
19 **purpose.** (a) There is established within the state treasury
20 the visitor impact fee special fund, into which shall be
21 deposited:



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

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

5 (3) Appropriations made to the fund by the legislature;
6 and

7 (4) Grants and gifts made to the fund.

8 (b) The fund shall be administered and governed by the
9 board:

10 (1) With transparency and accountability; and

11 (2) In a manner that maximizes the effectiveness of the
12 program.

13 (c) The board shall allocate moneys in the fund to be
14 expended directly by state agencies for projects that help
15 offset adverse environmental impacts caused by visitors, ensure
16 that the State's natural resources are maintained for continued
17 use by licensees, or both. Examples of permissible projects
18 under this subsection include projects that directly restore,
19 enhance, and protect, in perpetuity, natural resources and the
20 State's unique and fragile ecological status, including projects
21 that:



- 1 (1) Protect, restore, or enhance terrestrial and marine
2 natural resources impacted by heavy usage of
3 licensees;
- 4 (2) Increase the resilience and adaptation of Hawaii's
5 natural resources with environmentally beneficial
6 strategies to reduce the adverse impacts of climate
7 change, including coastal erosion, sea level rise,
8 damage to reefs, ocean acidification, coral bleaching,
9 damage to land resources, and other impacts; or
- 10 (3) Remove and control invasive species and propagate and
11 plant native species.
- 12 (d) The board shall allocate moneys in the fund to be
13 expended directly by the department for administration of the
14 program, including the creation and implementation of a visitor
15 impact fee strategic plan that includes a timetable indicating
16 how the objectives and policies of this part will be pursued and
17 implemented.
- 18 (e) The board may allocate moneys to provide grants to the
19 counties and nonprofit organizations; provided that the annual
20 aggregate sum of grants to counties and nonprofit organizations
21 each does not exceed fifty per cent of the annual visitor impact



1 fee revenue. In awarding grants, the board shall only approve
2 projects that offset the impact to natural and cultural
3 resources caused by licensees and prioritize projects that
4 satisfy at least one of the following:

5 (1) Develop nature-based solutions to environmental and
6 climate issues that impact the State;

7 (2) Protect, restore, or enhance terrestrial and marine
8 natural resources impacted by heavy usage by
9 licensees; or

10 (3) Increase the resilience of state-owned natural
11 resources trafficked by licensees.

12 (f) The board may allocate moneys to provide cost-matching
13 funds for federal grants that offset the impact to natural and
14 cultural resources caused by licensees and satisfy any of the
15 following priorities:

16 (1) Develop nature-based solutions to environmental and
17 climate issues that impact the State;

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

20 (3) Increase the resilience of state-owned natural
21 resources trafficked by licensees.



1 (g) The board may allocate moneys necessary for the
2 enforcement of this part, including any enforcement or legal
3 expenses incurred to enforce or collect penalties pursuant to
4 section 171-D.

5 (h) With the permission of the governor, the board may
6 transfer moneys from the fund to other state departments and
7 agencies to carry out the purposes of this part.

8 (i) Moneys allocated from the fund shall be used for the
9 purposes described in this section; provided that these moneys
10 shall complement but shall not supplant other moneys regularly
11 appropriated for those purposes.

12 **§171-G Grants; qualifications and conditions.** (a) For
13 purposes of grants awarded pursuant to this part, any
14 organization requesting a grant shall:

- 15 (1) Be licensed and accredited, as applicable, under the
16 laws of the State;
- 17 (2) Have at least one year of experience with the project
18 or in the program area for which grant moneys are
19 requested; and



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

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

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

10 (2) The recipient of a grant shall not use public funds
11 for purposes of entertainment or perquisites;

12 (3) The recipient of a grant shall comply with applicable
13 federal, state, and county laws;

14 (4) The recipient of a grant shall comply with any other
15 requirements the department may prescribe;

16 (5) The recipient of a grant shall allow the department,
17 legislative bodies, and auditor full access to
18 records, reports, files, and other related documents
19 so that the program, management, and fiscal practices
20 of the grant recipient may be monitored and evaluated



1 to assure the proper and effective expenditure of
2 public funds;

3 (6) Each grant shall be monitored pursuant to rules or
4 policies established by the department to ensure
5 compliance with this part; and

6 (7) Any recipient of a grant under this section who
7 withholds or omits any material fact or deliberately
8 misrepresents facts to the department or who violates
9 the terms of the recipient's contract shall be in
10 violation of this section and, in addition to any
11 other penalties provided by law, shall be prohibited
12 from applying for a grant under this section for a
13 period of five years from the date of termination.

14 (c) The department shall use best efforts to provide grant
15 recipients with access to any state lands or natural resources
16 necessary to effectuate the project for which the grant is
17 awarded.

18 **§171-H Report to legislature.** (a) No later than twenty
19 days prior to the convening of the regular session of 2025 and
20 each year thereafter, the department shall submit a report to
21 the legislature.



1 (b) The report shall contain information on ways that the
2 fund restored, enhanced, and protected Hawaii's state-owned
3 natural resources and its unique and vulnerable ecosystem during
4 the previous fiscal year, as well as the benefits that accrue or
5 will accrue from those expenditures for the benefit of the
6 State's natural resources.

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

9 **§171-I Rules.** The department shall adopt rules pursuant
10 to chapter 91 necessary for the purposes of this part, including
11 any rules necessary to increase license fees and to ensure that
12 persons who purchase a license are aware that the license is
13 broader than, and may be in addition to, an entrance fee to
14 visit a specific state-owned park, forest, hiking trail, or
15 other natural area on state land."

16 SECTION 3. The department of business, economic
17 development, and tourism shall conduct a study on the potential
18 revenue expected to be generated under this Act.

19 SECTION 4. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$3,000,000 or so much



1 thereof as may be necessary for fiscal year 2023-2024 to be
2 deposited into the visitor impact fee special fund.

3 SECTION 5. There is appropriated out of the visitor impact
4 fee special fund the sum of \$1,000,000 or so much thereof as may
5 be necessary for fiscal year 2023-2024 for four full-time
6 equivalent (4.0 FTE) positions to administer the visitor impact
7 fee program and for a strategic plan with a timetable indicating
8 how the objectives and policies established in part of
9 chapter 171, Hawaii Revised Statutes, will be pursued and
10 implemented.

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

13 SECTION 6. The appropriation made by section 5 of this Act
14 shall not lapse at the end of the fiscal year for which the
15 appropriation is made; provided further that all moneys from the
16 appropriation unencumbered as of June 30, 2025, shall lapse as
17 of that date.

18 SECTION 7. In codifying the new sections added by
19 section 2 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 8. 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 9. This Act shall take effect on June 30, 3000;
5 provided that sections 4 and 5 shall take effect on July 1,
6 2023.



Report Title:

DLNR; DBEDT; Visitor Impact Fee; Potential Revenue Study;
Appropriations

Description:

Establishes a visitor impact fee program within the Department of Land and Natural Resources, through which the department will collect a fee for a license to visit a state-owned park, forest, hiking trail, or other state natural area, as designated by rule by the Board of Land and Natural Resources. Establishes, and appropriates moneys into and out of, the visitor impact fee special fund. Requires the department of business, economic development, and tourism to conduct a study on the potential revenues expected to be generated by the visitor impact fee program. Effective 6/30/3000. (HD2)

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