
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.

5 The Hawaii State Constitution makes clear that our natural
6 and cultural resources are subject to the public trust and
7 therefore must be managed and protected for the benefit of
8 present and future generations. The Hawaii State Constitution
9 further requires the State and its agencies to protect and
10 enforce Native Hawaiian rights, including traditional and
11 customary practices associated with, and dependent upon,
12 carefully managed and abundant natural resources.

13 The legislature further finds that Hawaii's natural
14 environment faces significant environmental pressure from the
15 heavy use it receives from persons traveling to enjoy the
16 State's natural resources. The current underinvestment in our
17 natural resources poses a significant liability to the visitor



1 industry; the stability of our natural systems, including food
2 systems and water quality; and the ecosystems, services,
3 fisheries, economic resilience, and health and safety of the
4 State.

5 Hawaii residents currently contribute to the protection and
6 management of our natural resources through taxes, environmental
7 care, subsistence, cultural practices, and the exercise of the
8 values and practices embodied in the state constitution.

9 However, with escalating visitor impacts and an increasing
10 global threat to our island ecosystem, there is an immediate
11 need for additional resources to protect, restore, sustain,
12 manage, and conserve our natural resources. A regenerative
13 tourism fee has been suggested by the Hawaii tourism authority
14 as a potential means to obtain these critical resources.

15 Accordingly, the legislature finds that it is timely to ask
16 visitors who enjoy and reap benefits of Hawaii's natural
17 resources to further contribute to their protection, care, and
18 restoration.

19 The legislature believes that a license requirement for
20 visitors who enjoy Hawaii's public beaches, trails, parks, and
21 ecosystems could generate the necessary funding each year to



1 offset the adverse impacts of visitors and conserve Hawaii's
2 irreplaceable green infrastructure in perpetuity.

3 The legislature further finds that visitor impact fees,
4 which are also known as "green fees" or "environmental
5 protection fees", have been successfully implemented in many
6 visitor destinations throughout the world, including the
7 Galapagos Islands, New Zealand, and Palau. In these locations,
8 the fees have demonstrated compounding benefits for visitors,
9 residents, and natural landscapes and seascapes.

10 The legislature also believes that it is imperative to
11 raise additional revenues to offset visitor impacts and ensure
12 that a positive environmental legacy is left for future
13 generations. A visitor impact fee provides a reasonable and
14 appropriate way to generate these needed revenues.

15 The legislature believes that establishing a visitor impact
16 fee of \$50 in Hawaii would be a significant and effective way to
17 raise additional revenue to offset visitor impacts and ensure a
18 healthy environment for future generations.

19 Accordingly, the purpose of this Act is to establish a
20 visitor impact fee program, to be administered by the department
21 of land and natural resources, and require a license for



1 visitors to use Hawaii's public beaches, parks, trails,
2 coastlines, and environment. The purpose of the visitor impact
3 fee program is to provide sustained funding for the protection,
4 restoration, regeneration, enhancement, and care of Hawaii's
5 natural and outdoor recreational resources and build resilience
6 of these resources to withstand the impacts of increased visitor
7 use.

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

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

12 **§171-A Definitions.** For purposes of this part:

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

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

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

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



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

9 "Program" means the visitor impact fee program.

10 "Resident" means an individual who has:

11 (1) Filed or paid state income taxes for the previous tax
12 year; or

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

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

17 (B) A valid Hawaii state identification card;

18 (C) A valid school identification card issued by a
19 school in the State; or

20 (D) Any other official document issued to the
21 individual within the last thirty days by a



1 government agency, financial institution,
2 insurance company, or utility company in the
3 State.

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

5 **§171-B Visitor impact fee program; license; signs.** (a)

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

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

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

19 (d) The department may charge separate entrance fees, in
20 addition to the license fee, to visit a state park, beach,



1 forest, hiking trail, or other natural area on state land to
2 which access is granted by the license.

3 **§171-C License; purchase.** (a) The department shall
4 establish convenient opportunities for visitors to pay a visitor
5 impact fee and be issued a license, including through:

- 6 (1) A mobile application; and
- 7 (2) An internet website.

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

11 (b) The amount of the visitor impact fee shall be \$50;
12 provided that the chairperson of the board of land and natural
13 resources may increase the fee by rule pursuant to chapter 91 no
14 more frequently than once every five years.

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

17 **§171-D Penalties.** (a) A visitor who visits a state park,
18 beach, forest, hiking trail, or other natural area on state land
19 without first paying a visitor impact fee and obtaining a
20 license, in violation of section 171-B(b), shall be liable for a
21 civil fine not to exceed \$500. The assessment of penalties



1 shall begin no more than five years after the establishment of
2 the program, to allow time for effective implementation, public
3 education, and enforcement.

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

9 **§171-E Board of land and natural resources; duties.** (a)

10 The board shall be responsible for the disbursement of revenues
11 collected pursuant to this part.

12 (b) The board shall:

13 (1) Have decision-making authority over how moneys in the
14 fund will be used as aligned with the fund's purposes
15 and priorities;

16 (2) Have decision-making authority regarding the award of
17 community grants; and

18 (3) Provide guidance representative of its members'
19 expertise and communities as aligned with the purposes
20 and priorities of the fund.



1 **§171-F Visitor impact fee special fund; established;**

2 **purpose.** (a) There is established within the state treasury
3 the visitor impact fee special fund, into which shall be
4 deposited:

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

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

9 (3) Appropriations made to the fund by the legislature;
10 and

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

12 (b) The fund shall be administered and governed by the
13 board:

14 (1) With transparency and accountability; and

15 (2) In a manner that maximizes the effectiveness of the
16 program.

17 (c) The board shall allocate moneys in the fund to be
18 expended directly by state agencies for projects that help
19 offset adverse environmental impacts caused by visitors, ensure
20 that the State's natural resources are maintained for continued
21 use by licensees, or both. Examples of permissible projects



1 under this subsection include projects that directly restore,
2 enhance, and protect, in perpetuity, natural resources and the
3 State's unique and fragile ecological status, including projects
4 that:

5 (1) Protect, restore, or enhance terrestrial and marine
6 natural resources;

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

13 (3) Remove and control invasive species and propagate and
14 plant native species.

15 (d) The board shall allocate moneys in the fund to be
16 expended directly by the department for administration of the
17 program, including the creation and implementation of a visitor
18 impact fee strategic plan that includes a timetable indicating
19 how the objectives and policies of this part will be pursued and
20 implemented.



1 (e) The board may allocate moneys to provide grants to the
2 counties and nonprofit organizations; provided that the annual
3 aggregate sum of grants to counties and nonprofit organizations
4 each does not exceed fifty per cent of the annual fee revenue.
5 In awarding grants, the board shall prioritize projects that
6 satisfy at least one of the following:

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

9 (2) Provide significant protection, restoration, and
10 enhancement of Hawaii's natural resources;

11 (3) Increase the resilience of state-owned natural
12 resources trafficked by licensees; or

13 (4) Advance the State's ability to protect natural
14 resources through the establishment, stability, and
15 growth of an environmentally responsible workforce.

16 (f) The board may allocate moneys to provide cost-matching
17 funds for federal grants that satisfy any of the following
18 priorities:

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



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

3 (3) Increase the resilience of state-owned natural
4 resources trafficked by licensees; or

5 (4) Advance the State's ability to protect natural
6 resources through the establishment, stability, and
7 growth of an environmentally responsible workforce.

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

12 (h) Moneys allocated from the fund shall be used for the
13 purposes described in this section; provided that these moneys
14 shall complement but shall not supplant other moneys regularly
15 appropriated for those purposes.

16 **§171-G Grants; qualifications and conditions.** (a) For
17 purposes of grants awarded pursuant to this part, any
18 organization requesting a grant shall:

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



1 (2) Have at least one year's experience with the project
2 or in the program area for which grant moneys are
3 requested; and

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

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

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

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

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

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

19 (5) The recipient of a grant shall allow the department,
20 legislative bodies, and auditor full access to
21 records, reports, files, and other related documents



1 so that the program, management, and fiscal practices
2 of the grant recipient may be monitored and evaluated
3 to assure the proper and effective expenditure of
4 public funds;

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

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

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

19 **§171-H Report to legislature.** (a) No later than twenty
20 days prior to the convening of the regular session of 2025 and



1 each year thereafter, the department shall submit a report to
2 the legislature.

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

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

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

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



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$3,000,000 or so much
3 thereof as may be necessary for fiscal year 2023-2024 to be
4 deposited into the visitor impact fee special fund.

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

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

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

20 SECTION 7. In codifying the new sections added by
21 section 2 and referenced in section 3 of this Act, the revisor



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

3 SECTION 8. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 9. This Act shall take effect upon its approval;
7 provided that sections 4 and 5 shall take effect on July 1,
8 2023.

9



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 park, forest, hiking trail, or other state natural area. 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. (HD1)

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