
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 the State's
6 natural and cultural resources are subject to the public trust
7 and 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 the
17 State's natural resources poses a significant liability to the



1 visitor industry; the stability of natural systems, including
2 food 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 natural resources through taxes, environmental
7 care, subsistence, cultural practices, and the exercise of the
8 values and practices embodied in the Hawaii State Constitution.
9 However, with escalating visitor impacts and an increasing
10 global threat to the island ecosystems, there is an immediate
11 need for additional resources to protect, restore, sustain,
12 manage, and conserve natural resources. A regenerative tourism
13 fee has been suggested by the Hawaii tourism authority as a
14 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 shall be to provide sustained funding for the
4 protection, restoration, regeneration, enhancement, and care of
5 Hawaii's natural and outdoor recreational resources and build
6 resilience of these resources to withstand the impacts of
7 increased visitor 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-E.

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 of Hawaii" 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 of
5 Hawaii.

6 **§171-B Visitor impact fee program; license; signs.** (a)

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

12 (b) Beginning on a date established by the department by
13 rule pursuant to chapter 91, each visitor who is fifteen years
14 of age or older who visits a state park, beach, forest, hiking
15 trail, or other natural area on state land, as designated by the
16 department by rule pursuant to chapter 91, shall first pay a
17 visitor impact fee to obtain a license pursuant to this part.

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



1 **§171-C License; purchase.** (a) The department shall
2 establish convenient opportunities for visitors to pay a visitor
3 impact fee and be issued a license, including through:

4 (1) A mobile application; and

5 (2) An internet website.

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

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

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

15 **§171-D Penalties.** (a) A visitor who visits a state park,
16 beach, forest, hiking trail, or other natural area on state land
17 without first paying a visitor impact fee and obtaining a
18 license, in violation of section 171-B(b), shall be liable for a
19 civil fine not to exceed \$. The assessment of
20 penalties shall not begin until at least five years after the



1 effective date of this Act, to allow time for effective
2 implementation, public education, and enforcement.

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

8 **§171-E Visitor impact fee special fund; established.** (a)

9 There is established within the state treasury the visitor
10 impact fee special fund, into which shall be deposited:

- 11 (1) All revenue from visitor impact fees, less any costs
12 incurred in collecting those fees;
- 13 (2) All fines collected pursuant to section 171-D, less
14 any costs incurred in collecting those fines;
- 15 (3) Appropriations made to the fund by the legislature;
16 and
- 17 (4) Grants and gifts made to the fund.

18 (b) The fund shall be administered and governed by the
19 department:

- 20 (1) With transparency and accountability; and



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

3 (c) The department shall allocate moneys in the fund to be
4 expended directly by state agencies for projects that help
5 offset adverse environmental impacts caused by visitors, ensure
6 that the State's natural resources are maintained for continued
7 use by licensees, or both. Examples of permissible projects
8 under this subsection include projects that directly restore,
9 enhance, and protect, in perpetuity, natural resources and the
10 State's unique and fragile ecological status, including projects
11 that:

12 (1) Protect, restore, or enhance terrestrial and marine
13 natural resources impacted by heavy usage of
14 licensees;

15 (2) Increase the resilience and adaptation of Hawaii's
16 natural resources with environmentally beneficial
17 strategies to reduce the adverse impacts of climate
18 change, including coastal erosion, sea level rise,
19 damage to reefs, ocean acidification, coral bleaching,
20 damage to land resources, and other impacts
21 exacerbated by licensees; or



1 (3) Remove and control invasive species and propagate and
2 plant native species in state-owned recreational areas
3 utilized by licensees.

4 (d) The department shall allocate moneys in the fund to be
5 expended directly by the department for administration of the
6 program, including the creation and implementation of a visitor
7 impact fee strategic plan that includes a timetable indicating
8 how the objectives and policies of this part will be pursued and
9 implemented.

10 (e) The department may allocate moneys to provide grants
11 to the counties and nonprofit organizations; provided that the
12 annual aggregate sum of grants to the counties and nonprofit
13 organizations each does not exceed fifty per cent of the annual
14 visitor impact fee revenue. In awarding grants, the department
15 shall prioritize projects that satisfy at least one of the
16 following:

17 (1) Develop nature-based solutions to environmental and
18 climate issues exacerbated by licensees;

19 (2) Provide significant protection, restoration, and
20 enhancement of Hawaii's natural resources in areas
21 impacted by licensees; or



1 (3) Increase the resilience of state-owned natural
2 resources impacted by licensees.

3 (f) The department may allocate moneys to provide
4 cost-matching funds for federal grants that satisfy any of the
5 following priorities:

6 (1) Develop nature-based solutions to environmental and
7 climate issues exacerbated by licensees;

8 (2) Provide significant protection, restoration, and
9 enhancement of Hawaii's natural resources in areas
10 impacted by licensees; or

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

13 (g) The department may allocate moneys necessary for the
14 enforcement of this part, including any enforcement or legal
15 expenses incurred to enforce or collect penalties pursuant to
16 section 171-D.

17 (h) Moneys allocated from the fund shall be used for the
18 purposes described in this section; provided that these moneys
19 shall complement but shall not supplant other moneys regularly
20 appropriated for those purposes.



1 **§171-F Grants; qualifications and conditions.** (a) For
2 purposes of grants awarded pursuant to this part, any
3 organization requesting a grant shall:

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

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

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

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

14 (1) Any county or nonprofit organization requesting a
15 grant shall submit its request together with all
16 information required by the department on an
17 application form prescribed by the department;

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

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



- 1 (4) The recipient of a grant shall comply with any other
2 requirements the department may prescribe;
- 3 (5) The recipient of a grant shall allow the department,
4 legislative bodies, and auditor full access to
5 records, reports, files, and other related documents
6 so that the program, management, and fiscal practices
7 of the grant recipient may be monitored and evaluated
8 to assure the proper and effective expenditure of
9 public funds;
- 10 (6) Each grant shall be monitored pursuant to rules or
11 policies established by the department to ensure
12 compliance with this part; and
- 13 (7) Any recipient of a grant under this section who
14 withholds or omits any material fact, deliberately
15 misrepresents facts to the department, or violates the
16 terms of the recipient's contract is in violation of
17 this section and, in addition to any other penalties
18 provided by law, shall be prohibited from applying for
19 a grant under this part for a period of five years
20 from the date of termination.



1 (c) The department shall use best efforts to provide grant
2 recipients with access to any state lands or natural resources
3 necessary to effectuate the project for which the grant is
4 awarded.

5 **§171-G Report to legislature.** (a) No later than twenty
6 days prior to the convening of the regular session of 2025 and
7 each year thereafter, the department shall submit a report to
8 the legislature.

9 (b) The report shall contain information on ways that the
10 fund restored, enhanced, and protected Hawaii's state-owned
11 natural resources and its unique and vulnerable ecosystem during
12 the previous fiscal year, as well as the benefits that have
13 accrued or will accrue from those expenditures for the benefit
14 of the State's natural resources.

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

17 **§171-H Rules.** The department may adopt rules pursuant to
18 chapter 91 necessary for the purposes of this part, including
19 any rules necessary to increase license fees and to ensure that
20 persons who purchase a license are aware that the license is
21 broader than an entrance fee to visit a specific state park,



1 forest, hiking trail, or other natural area on state land, which
2 is used explicitly for that park, forest, hiking trail, or other
3 natural area."

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

8 SECTION 4. 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 2023-2024 for the visitor
11 impact fee strategic plan with a timetable indicating how the
12 objectives and policies established in part of chapter 171,
13 Hawaii Revised Statutes, will be pursued and implemented.

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

16 SECTION 5. The appropriation made by section 4 of this Act
17 shall not lapse at the end of the fiscal year for which the
18 appropriation is made; provided further that all moneys from the
19 appropriation unencumbered as of June 30, 2025, shall lapse as
20 of that date.



1 SECTION 6. 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 2023-2024 and
4 the same sum or so much thereof as may be necessary for fiscal
5 year 2024-2025 for the following positions for the visitor
6 impact fee program:

- 7 (1) Two full-time equivalent (2.0 FTE) program
8 specialists;
- 9 (2) One full-time equivalent (1.0 FTE) office assistant;
- 10 (3) One full-time equivalent (1.0 FTE) clerk V; and
- 11 (4) One full-time equivalent (1.0 FTE) accountant.

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

14 SECTION 7. In codifying the new sections added by
15 section 2 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 8. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 9. This Act shall take effect on June 30, 3000.



Report Title:

DLNR; Visitor Impact Fee; Appropriations

Description:

Establishes the Visitor Impact Fee Program within the Department of Land and Natural Resources, through which the department will collect a fee from visitors for a license to visit a state park, forest, hiking trail, or other state natural area. Establishes the Visitor Impact Fee Special Fund. Appropriates funds for the Visitor Impact Fee Strategic Plan and positions for the Visitor Impact Fee Program. Effective 6/30/3000. (HD1)

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

