

A Bill for an Act Relating to a Nonresident Recreational Marine Fishing License.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that fishing in marine waters is an important pastime for the people of Hawaii, providing valuable opportunities for outdoor recreation, subsistence, and transmission of cultural practices and values. Hawaii's marine fishing opportunities also attract thousands of visitors each year, from professional anglers who participate in big game fishing tournaments to weekend fishing enthusiasts seeking to enjoy their favorite recreational activity while on vacation. With ever increasing pressure on the State's marine resources, it is critical that the State identify and develop sustainable sources of funding to effectively manage its fisheries.

The legislature further finds that the department of land and natural resources issues commercial marine fishing licenses and freshwater game fishing licenses. The department uses these license fees toward management of commercial marine fisheries and recreational freshwater fisheries. Additionally, Hawaii residents pay taxes that support state fisheries management programs. In contrast, nonresident recreational fishers directly benefit from enjoyment of Hawaii's marine fishery resources without directly contributing to management of those resources.

The legislature also finds that a nonresident recreational marine license and associated fees would provide an additional source of revenue to the State for marine fishery management. Fees would be deposited into the department's sport fish special fund pursuant to section 187A-9.5, Hawaii Revised Statutes.

The purpose of this Act is to:

- (1) Establish a nonresident recreational marine fishing license requirement and fees to enable the department of land and natural resources to more effectively manage the marine fishery resources of the State; and
- (2) Require the department of land and natural resources to adopt rules to implement this license.

SECTION 2. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§188- Nonresident recreational marine fishing license; application; fees; restrictions. (a) It shall be unlawful for any nonresident of the State who has attained the age of fifteen, except members of the armed forces of the United States on active duty in the State and their spouse and minor children, to fish for, take, or catch any marine life for noncommercial or recreational purposes without first obtaining a nonresident recreational marine fishing license. The department shall adopt rules pursuant to chapter 91 necessary for the purposes of this section.

(b) Nonresident recreational marine fishing licenses shall be issued by agents of the department upon written application in a form prescribed by the department and upon payment of a fee. The fees for a nonresident recreational marine fishing license shall be as follows:

- (1) For a one-day fishing license - \$20;
- (2) For a seven-day fishing license - \$40; and
- (3) For an annual fishing license - \$70.

Fees established by this subsection may be increased by the department no more frequently than once every five years, at the rate of the consumer price index

change from July 2021, compounded annually, rounded to the nearest dollar.

(c) No person to whom a license has been issued under this section shall permit any other person to carry, display, or use the license for any purpose. Each person to whom a license has been issued under this section shall show the license upon demand of any officer authorized to enforce the fishing laws of the State.

(d) It shall be illegal to sell or offer for sale any marine life taken under a nonresident recreational marine fishing license; provided that marine life taken by nonresident licensees on board a charter fishing vessel owned or operated by a person with a valid commercial marine license pursuant to section 189-2(b) may be sold.

(e) The department may revoke any nonresident recreational marine fishing license for any violation of the terms and conditions of the license. Any person whose nonresident recreational marine fishing license has been revoked shall not be eligible to apply for another nonresident recreational marine fishing license until one year after the date of revocation.

(f) For the purposes of this section:

“Marine life” has the same meaning as defined in section 187A-1.

“Nonresident” means any individual who is not a resident of Hawaii.

“Resident of Hawaii” means an individual who has:

- (1) Established primary residence and worked in the State continuously for a period of twelve months or longer immediately prior to applying for, or obtaining a license;
- (2) Filed or paid state income taxes for the previous tax period; or
- (3) Established domicile in the State, as evidenced by documentation showing the individual’s address, including:
 - (A) A valid driver’s license;
 - (B) A valid identification card;
 - (C) A valid school identification card; or
 - (D) Any other official document issued to the individual within the last thirty days from a government agency, financial institution, insurance company, or utility company in the State.

(g) Any person violating this section or any rule adopted pursuant to this section shall be subject to administrative penalties as provided by section 187A-12.5.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 8, 2021.)

Note

1. Edited pursuant to HRS §23G-16.5.