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# A BILL FOR AN ACT

RELATING TO NATURAL RESOURCE MANAGEMENT.

**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 visitors and the global community at large.

5       The legislature further finds that Hawaii's natural  
6 environment faces significant environmental pressure from the  
7 heavy use it receives from persons traveling from throughout the  
8 world to enjoy the State's natural beauty and resources.

9 Continuing underinvestment in the protection and care of natural  
10 resources poses a significant liability to the visitor industry,  
11 the stability of our natural systems including our water  
12 quality, economic resilience, and health and safety of the  
13 citizens of the State.

14       Hawaii residents already contribute significantly to the  
15 protection and management of our natural resources through  
16 taxes, environmental care and management, subsistence and  
17 cultural practices, and through civic responsibility driven by



1 values and practices embodied in our state constitution; but  
2 with escalating visitor impacts, there is an immediate need for  
3 additional resources to protect, restore, and manage natural  
4 resources. It is reasonable and timely to ask visitors who  
5 enjoy Hawaii's natural resources to further contribute to their  
6 protection, restoration, and care.

7 The legislature believes that a fee paid by visitors who  
8 enjoy Hawaii's public parks, beaches, and trails could generate  
9 necessary funding each year to enable Hawaii to offset the  
10 adverse impacts of visitors and provide additional resources to  
11 restore, enhance, and protect, in perpetuity, Hawaii's state-  
12 owned natural resources.

13 The legislature further finds that visitor impact fees have  
14 been successfully implemented at other visitor destinations  
15 around the world, including the Galapagos Islands, New Zealand,  
16 and Palau.

17 The legislature also believes that it is imperative to  
18 raise additional revenues to offset visitor impacts, to ensure  
19 we leave a positive environmental legacy for future generations.  
20 An environmental visitor fee provides a reasonable and  
21 appropriate way to generate these needed revenues.



1       The purpose of this Act is to establish a visitor impact  
2 fee program, to be administered by the department of land and  
3 natural resources, as a license required by visitors for usage  
4 of Hawaii's public beaches, parks, trails, coastlines, and  
5 environment. The purpose of the visitor impact fee program  
6 shall be to provide sustained funding for the protection,  
7 restoration, and care of Hawaii's state-owned natural and  
8 outdoor recreational resources and build the resilience of these  
9 resources to the impacts of increased visitor use.

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

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

14       **§171-A Definitions.** For purposes of this part:

15       "Commission" means the environmental legacy commission.

16       "Department" means the department of land and natural  
17 resources.

18       "Fund" means the visitor impact fee special fund  
19 established pursuant to section 171-G.

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



1 "Licensee" means a person who is issued a license pursuant  
2 to this part.

3 "Nonprofit organization" means a private, nonprofit  
4 organization, with nonprofit status acknowledged by the United  
5 State Internal Revenue Service, that qualifies under section  
6 501(c)(3) of the Internal Revenue Code, as amended, and has  
7 among its charitable purposes the preservation, restoration,  
8 management, or interpretation of natural or cultural resources  
9 for scientific, historic, educational, recreational, scenic,  
10 wildlife, or open-space purposes, the protection of the natural  
11 environment or biological resources, or both, the preservation  
12 or enhancement of wildlife, or both, and the protection or  
13 interpretation, or both, of Native Hawaiian cultural resources.

14 "Program" means the visitor impact fee program.

15 "Resident of Hawaii" means an individual who has:

16 (1) Filed or paid state income taxes for the previous tax  
17 year; or

18 (2) Established domicile in the State, as evidenced by  
19 documentation showing the individual's address,  
20 including any of the following:

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



- 1 (B) A valid Hawaii state identification card;
- 2 (C) A valid school identification card; or
- 3 (D) Any other official document issued to the
- 4 individual within the last thirty days by a
- 5 government agency, financial institution,
- 6 insurance company, or utility company in the
- 7 State.

8 "Visitor" means a person in Hawaii who is not a resident of

9 Hawaii.

10 **§171-B Visitor impact fee program; license; signs. (a)**

11 There is established within the department the visitor impact

12 fee program. The purpose of the program shall be to collect a

13 fee from visitors and allocate that revenue to protect and

14 manage state-owned natural resources.

15 (b) Each visitor who is fifteen years of age or older who

16 visits a state park, beach, state-owned forest, hiking trail, or

17 other state-owned natural area on state-owned land shall first

18 pay a visitor impact fee to obtain a license pursuant to this

19 part.

20 (c) The department shall place signs at state parks,

21 beaches, state-owned forests, trail heads, other state-owned



1 natural areas to inform visitors of the requirement to pay a  
2 visitor impact fee and obtain a license pursuant to this  
3 section.

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

7 (1) A mobile application; and

8 (2) An internet website.

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

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

16 (c) Each license shall be effective for one year,  
17 including the date of issuance.

18 **§171-D Penalties.** (a) Any applicable person who visits a  
19 state park, beach, state-owned forest, hiking trail, or other  
20 state-owned natural area on state-owned land without first  
21 paying a visitor impact fee and obtaining a license in violation



1 of section 171-B(b) shall be liable for a civil fine not to  
2 exceed \$ .

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

8 **§171-E Environmental legacy commission; established;**  
9 **members.** (a) There is established within the department the  
10 environmental legacy commission. The commission shall guide the  
11 department's disbursement of revenues collected pursuant to this  
12 part.

13 (b) The commission shall comprise:

14 (1) The following ex officio members:

15 (A) The chairperson of the board of land and natural  
16 resources or the chairperson's designee, who  
17 shall serve as the chairperson of the commission;

18 (B) The director of agriculture or the director's  
19 designee;



1 (C) The director of the office of planning and  
2 sustainable development or the director's  
3 designee; and

4 (D) The chief executive officer of the Hawaii tourism  
5 authority or the chief executive officer's  
6 designee; and

7 (2) The following members, who shall be recommended to  
8 serve by the officials provided in this paragraph and  
9 shall be appointed by the governor in the manner  
10 prescribed in section 26-34:

11 (A) One representative of a nonprofit environmental  
12 organization having expertise on the protection,  
13 restoration, and care of terrestrial natural  
14 resources, who shall be recommended to serve by  
15 the chairperson;

16 (B) One representative of a nonprofit environmental  
17 organization having expertise on the protection,  
18 restoration, and care of marine and coastal  
19 natural resources, who shall be recommended to  
20 serve by the chairperson;





1 (C) One representative of a nonprofit environmental  
2 organization having expertise on climate change  
3 mitigation and resiliency, who shall be  
4 recommended to serve by the chairperson;

5 (D) Up to two representatives from the Native  
6 Hawaiian community who have expertise in the  
7 protection, restoration, care, and interpretation  
8 of Native Hawaiian cultural resources, who shall  
9 be recommended to serve by the chairperson;

10 (E) One representative between the age of eighteen  
11 and twenty-five years of age, inclusive, who  
12 works or has worked in the field of environmental  
13 sustainability or restoration, or both, who shall  
14 be recommended to serve by the chairperson; and

15 (F) One representative from the visitor sector and  
16 tourism industry, who shall be recommended to  
17 serve by the chief executive officer of the  
18 Hawaii tourism authority.

19 (c) A simple majority of the members shall establish a  
20 quorum.



(d) The members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

**§171-F Environmental legacy commission; powers; duties.**

(a) The commission shall guide and approve the department's disbursement of visitor impact fee revenues deposited into the fund:

(1) For the purposes described in subsection (b) to restore, enhance, and protect, in perpetuity, Hawaii's state-owned natural resources and its unique and vulnerable ecosystem;

(2) With transparency and accountability; and

(3) In a manner that maximizes the effectiveness of the visitor impact fee program.

(b) Subject to subsection (d), the commission shall allocate moneys deposited into the fund for projects that offset adverse environmental impacts caused by licensees, ensure that the State's natural resources are maintained for continued use by licensees, or both, such as projects that directly restore, enhance, and protect in perpetuity state-owned natural resources



1 and the State's unique and fragile ecological status, including  
2 projects that:

3 (1) Protect, restore, or enhance terrestrial or marine  
4 natural resources;

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

11 (3) Remove and control invasive species, and propagate and  
12 plant native species;

13 provided that the commission may allocate moneys to be expended  
14 directly by state agencies or may provide grants to nonprofit  
15 organizations, pursuant to section 171-H and subject to  
16 subsection (c), if the commission determines that no state  
17 agency has the expertise necessary to implement a project.

18 (c) In awarding grants, the commission shall prioritize  
19 projects that satisfy at least one of the following:

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



1           (2) Increase the accessibility, safety, and continued use  
2           of state-owned natural and outdoor recreational  
3           resources.

4           (d) In each year, no more than           per cent of the  
5 allocation shall be allocated for grants to local governments  
6 and nonprofit organizations.

7           **§171-G Visitor impact fee special fund; established.** (a)

8 There is established within the state treasury the visitor  
9 impact fee special fund.

10          (b) The following moneys shall be deposited into the fund:

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 by the legislature; and

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

17          (c) Moneys in the fund shall be used for:

18          (1) Projects that offset adverse environmental impacts  
19           caused by licensees or ensure that the State's natural  
20           resources are maintained for continued use by  
21           licensees, or both; provided that moneys may be



1           expended directly by state agencies or through grants  
2           as provided in section 171-F;

3       (2)   The establishment of the commission pursuant to 171-E;  
4           and

5       (3)   Creation and implementation of the visitor impact fee  
6           strategic plan.

7       **§171-H Grants; qualifications and conditions.**   (a)   For  
8   purposes of grants awarded pursuant to section 171-F, any  
9   organization requesting a grant shall:

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

12       (2)   Have at least one year's experience with the project  
13           or in the program area for which the request or  
14           proposal is being made; and

15       (3)   Be, employ, or have under contract persons who are  
16           qualified to engage in the program or activity to be  
17           funded by the State.

18       (b)   Recipients of grants shall be subject to the following  
19   conditions:

20       (1)   Any organization requesting a grant shall submit its  
21           request together with all the information required by



1 the department on an application form provided by the  
2 department;

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

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

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

9 (5) The recipient of a grant shall allow the department,  
10 the legislative bodies, and the legislative auditor  
11 full access to records, reports, files, and other  
12 related documents so that the program, management, and  
13 fiscal practices of the grant recipient may be  
14 monitored and evaluated to assure the proper and  
15 effective expenditure of public funds;

16 (6) Every grant shall be monitored pursuant to rules or  
17 policies established by the department to ensure  
18 compliance with this part; and

19 (7) Any recipient of a grant under this section who  
20 withholds or omits any material fact or deliberately  
21 misrepresents facts to the department or who violates



1           the terms of the recipient's contract shall be in  
2           violation of this section and, in addition to any  
3           other penalties provided by law, shall be prohibited  
4           from applying for a grant under this section for a  
5           period of five years from the date of termination.

6           (c) The department shall provide grant recipients with  
7           access to any state-owned lands or natural resources necessary  
8           to effectuate the project for which the grant is awarded.

9           **§171-I Report to legislature.** (a) No later than twenty  
10          days prior to the convening of the regular session of 2025 and  
11          each year thereafter, the department shall submit a report to  
12          the legislature.

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

19          (c) The department shall also publish the reports on its  
20          website.



1       **§171-J Rules.** (a) The department may adopt rules  
2 pursuant to chapter 91 necessary for the purposes of this part,  
3 including any rules necessary to ensure that persons who  
4 purchase a license pursuant to this part are not assessed a  
5 separate entrance fee to visit a state park, beach, state-owned  
6 forest, hiking trail, or other state-owned natural area on  
7 state-owned land, to which access is granted by the license."

8       SECTION 3. (a) The department of land and natural  
9 resources shall amend its existing rules, including the fee  
10 schedule for state parks that is adopted pursuant to section  
11 184-3.2, Hawaii Revised Statutes, to ensure that persons who  
12 purchase a license pursuant to sections 171-B and 171-C, Hawaii  
13 Revised Statutes, are not assessed a separate entrance fee to  
14 visit a state park or other state-owned natural areas to which  
15 access is granted by the license.

16       (b) No later than twenty days prior to the convening of  
17 the regular session of 2023, the department of land and natural  
18 resources shall submit to the legislature proposed legislation  
19 that recommends any statutory changes that are necessary, if  
20 any, to ensure that persons who purchase a license pursuant to  
21 sections 171-B and 171-C, Hawaii Revised Statutes, are not





1 assessed a separate entrance fee to visit a state park, beach,  
2 state-owned forest, hiking trail, or other state-owned natural  
3 area on state-owned land to which access is granted by the  
4 license.

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2022-2023 for  
8 deposit into the visitor impact fee special fund.

9 SECTION 5. There is appropriated out of the visitor impact  
10 fee special fund the sum of \$ or so much thereof as  
11 may be necessary for fiscal year 2022-2023 for the establishment  
12 of the environmental legacy commission and a strategic plan with  
13 a timetable indicating how the established objectives and  
14 policies will be pursued and implemented pursuant to this Act.

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

17 SECTION 6. In codifying the new sections added by  
18 section 2 and referenced in section 3 of this Act, the revisor  
19 of statutes shall substitute appropriate section numbers for the  
20 letters used in designating the new sections in this Act.



1       SECTION 7. 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 8. This Act shall take effect on July 1, 2050.



**Report Title:**

DLNR; Visitor Impact Fee; Environmental Legacy; Appropriation

**Description:**

Establishes within the Department of Land and Natural Resources a visitor impact fee program to collect a fee to allow visitors to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area. Establishes the Environmental Legacy Commission to allocate the revenues from the visitor impact fee to protect and manage Hawaii's natural resources. Establishes the visitor impact fee special fund. Appropriates moneys. Takes effect 7/1/2050. (SD2)

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

