

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO GREEN ENVIRONMENTAL 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 its reefs, oceans, forests, streams,  
3 estuaries, shorelines, and beaches, provide irreplaceable and  
4 invaluable benefits to visitors, residents, and the global  
5 community.

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

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



1 stability of natural systems, including food systems and water  
2 quality, ecosystem services, fisheries, economic resilience, and  
3 the health and safety of residents of the State.

4 The legislature also finds that Hawaii's residents  
5 currently contribute to the protection and management of the  
6 State's natural resources through taxes, environmental care,  
7 subsistence, cultural practices, and the exercise of the values  
8 and practices embodied in the Hawaii State Constitution.

9 However, there is an immediate need for additional resources to  
10 protect, restore, sustain, manage, and conserve the State's  
11 finite natural resources. The legislature finds that it is  
12 timely to ask those who enjoy and reap the benefits of Hawaii's  
13 natural resources to further contribute to their protection,  
14 care, and restoration.

15 The legislature further finds that "green fees" or  
16 "environmental protection fees" have been successfully  
17 implemented in many visitor destinations throughout the world,  
18 including the Galapagos Islands, New Zealand, and Palau. In  
19 these locations, the fees have demonstrated compounding benefits  
20 for visitors, residents, and natural landscapes and seascapes.  
21 The legislature believes that establishing a green environmental



1 fee in Hawaii would be a significant and effective way to raise  
2 additional revenue to offset user impacts and ensure a healthy  
3 environment for future generations.

4 Accordingly, the purpose of this Act is to:

- 5 (1) Establish a green environmental fee program that  
6 requires certain users to purchase an annual license  
7 for the use of a state beach, park, forest, trail, or  
8 other natural area on state land, to be administered  
9 by the department of land and natural resources;
- 10 (2) Establish a green environmental fee special fund, into  
11 which shall be deposited fees, penalties,  
12 appropriations, and gifts and donations for the  
13 program;
- 14 (3) Allow moneys deposited into the green environmental  
15 fee special fund to be used for the marketing and  
16 publication of the program and for transfers to the  
17 beach restoration special fund, state parks special  
18 fund, and Hawaii statewide trail and access program,  
19 known as Na Ala Hele; and



1 (4) Make an appropriation to establish positions within  
2 the department of land and natural resources for the  
3 purposes of the program.

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

7 **"PART . GREEN ENVIRONMENTAL FEE PROGRAM**

8 **§171-A Definitions.** As used in this part:

9 "License" means the license issued pursuant to this part.

10 "Licensee" means a person who is issued a license pursuant  
11 to this part.

12 "Program" means the green environmental fee program  
13 established pursuant to this part.

14 "User" means a person who uses a state beach, park, forest,  
15 trail, or other natural area on state land.

16 **§171-B Green environmental fee program; license; signs.**

17 (a) There is established within the department the green  
18 environmental fee program. The purpose of the program shall be  
19 to collect a fee from users through a license and allocate that  
20 revenue to protect, restore, and manage natural and cultural  
21 resources impacted by users.



1 (b) Beginning on a date established by the department by  
2 rule pursuant to chapter 91, each user who is fifteen years of  
3 age or older who utilizes a state beach, park, forest, hiking  
4 trail, or other natural area on state land, as designated by the  
5 department, shall first pay a green environmental fee to obtain  
6 a license pursuant to this part; provided that the following  
7 users shall be exempted from the licensing requirement and green  
8 environmental fee:

9 (1) Users who can show:

- 10 (A) A valid Hawaii driver's license;
- 11 (B) A valid Hawaii state identification card;
- 12 (C) A valid school identification card issued by a  
13 school in the State; or
- 14 (D) Any other official document issued to the  
15 individual within the last thirty days by a  
16 government agency, financial institution,  
17 insurance company, or utility company in the  
18 State; and

19 (2) Users on an island that has experienced a natural  
20 disaster resulting in a decrease in incoming visitor  
21 traffic of at least thirty per cent for three months



1 after the disaster, as compared to the same prior year  
2 period, for two fiscal years.

3 (c) The department shall place signs at state beaches,  
4 parks, forests, trail heads, or other natural areas on state  
5 land to inform users of the requirement to pay a green  
6 environmental fee and obtain a license pursuant to this part.

7 **§171-C License; purchase.** (a) The department shall  
8 establish convenient opportunities for users to pay a green  
9 environmental fee and be issued a license, including through:

- 10 (1) A mobile application; and
- 11 (2) An internet website.

12 The department may authorize retail establishments and nonprofit  
13 organizations to accept payment of a green environmental fee and  
14 issue a license.

15 (b) The amount of the fee shall be \$50 per user; provided  
16 that the chairperson may increase the fee by rule pursuant to  
17 chapter 91 no more frequently than once every five years.

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

20 **§171-D Penalties.** (a) A non-exempt user who utilizes a  
21 state park, beach, forest, hiking trail, or other natural area



1 on state land without first paying a green environmental fee and  
2 obtaining a license in violation of section 171-B, shall be  
3 liable for a civil fine not to exceed \$200 for each offense;  
4 provided that fines shall not be imposed until at least five  
5 years after the effective date of this Act, to allow time for  
6 the effective implementation, public education, and enforcement  
7 of the program.

8 (b) Any civil fine provided by subsection (a) may be  
9 imposed by the circuit court or by the department after an  
10 opportunity for a hearing pursuant to chapter 91. Imposition of  
11 a civil fine shall not be a prerequisite to any other penalty or  
12 injunctive relief ordered by the circuit court.

13 **§171-E Green environmental fee special fund; use of**  
14 **revenues.** (a) There is established within the state treasury  
15 the green environmental fee special fund, into which shall be  
16 deposited:

17 (1) All proceeds from green environmental fees and  
18 licenses purchased pursuant to the program established  
19 under section 171-B;

20 (2) All proceeds from fines collected pursuant to section  
21 171-D;



- 1           (3) Appropriations made by the legislature; and
- 2           (4) Grants and gifts made to the special fund.
- 3           (b) Moneys deposited into the special fund shall be used
- 4 and allocated as follows:
- 5           (1) One per cent for the marketing and publication of the
- 6                 program in print, images, and video throughout the
- 7                 State, including at airports and for distribution on
- 8                 passenger planes;
- 9           (2) Thirty-three per cent to be transferred to the beach
- 10                 restoration special fund pursuant to section 171-156;
- 11           (3) Thirty-three per cent to be transferred to the state
- 12                 parks special fund pursuant to section 184-3.4; and
- 13           (4) Thirty-three per cent to fund the Hawaii statewide
- 14                 trail and access program, known as Na Ala Hele,
- 15                 pursuant to section 198D-2.

16           **§171-F Report to legislature.** (a) The department shall  
17 submit a report to the legislature no later than twenty days  
18 prior to the convening of the regular session of 2026 and each  
19 year thereafter.

20           (b) The report shall contain information on ways that the  
21 green environmental fee program restored, enhanced, and





1 protected Hawaii's state-owned natural resources and its unique  
2 and vulnerable ecosystem during the previous fiscal year, as  
3 well as the benefits that have accrued or will accrue from those  
4 expenditures for the benefit of the State's natural resources,  
5 including any proposed legislation.

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

8 **§171-G Rules.** The department may adopt rules pursuant to  
9 chapter 91 as necessary to carry out the purposes of this part,  
10 including any rules necessary to increase license fees and to  
11 ensure that persons who purchase a license are aware that the  
12 license is distinct from entrance fees to visit a state park,  
13 forest, hiking trail, or other natural area on state land."

14 SECTION 3. Section 171-156, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) There is established in the state treasury a special  
17 fund to be designated as the "beach restoration special fund" to  
18 carry out the purposes of this part. The following moneys shall  
19 be deposited into the beach restoration special fund:

20 (1) Proceeds from the lease or development of public  
21 coastal lands designated pursuant to a beach



- 1 restoration plan, subject to the Hawaiian Homes  
2 Commission Act of 1920, as amended, and section 5(f)  
3 of the Admission Act of 1959;
- 4 (2) Proceeds from the lease of public lands pursuant to  
5 this part for an existing seawall or revetment;
- 6 (3) Fines collected for unauthorized shoreline structures  
7 on state submerged land or conservation district land;
- 8 (4) Appropriations made by the legislature for deposit  
9 into this fund;
- 10 (5) Donations and contributions made by private  
11 individuals or organizations for deposit into this  
12 fund;
- 13 (6) Fees collected for the processing of applications for  
14 coastal and beach erosion control projects; ~~and~~
- 15 (7) Grants provided by governmental agencies or any other  
16 source[-]; and
- 17 (8) Funds transferred from the green environmental fee  
18 special fund."

19 SECTION 4. Section 184-3.4, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1           "(a) There is established within the state treasury a fund  
2 to be known as the state parks special fund, into which shall be  
3 deposited all proceeds collected by the state parks programs  
4 involving park user fees, funds transferred from the green  
5 environmental fee special fund, any leases or concession  
6 agreements, the sale of any article purchased from the  
7 department to benefit the state parks programs, or any gifts or  
8 contributions; provided that proceeds derived from the operation  
9 of Iolani Palace shall be used to supplement its educational and  
10 interpretive programs."

11           SECTION 5. Section 198D-2, Hawaii Revised Statutes, is  
12 amended as follows:

13           1. By amending subsection (b) to read:

14           "(b) The trail and access program shall use funding for  
15 the management, maintenance, and development of trails and trail  
16 accesses under the jurisdiction of the department from the  
17 following sources:

18           (1) A portion of the highway fuel taxes collected under  
19 chapter 243;

20           (2) Federal government grants;

21           (3) Private contributions; [~~and~~]



1 (4) Fees, established pursuant to administrative rules and  
2 charged by the department for the commercial and other  
3 use of trails and trail accesses under the  
4 jurisdiction of the department[~~+~~]; and  
5 (5) Funds transferred from the green environmental fee  
6 special fund."

7 2. By amending subsection (d) to read:

8 "(d) The moneys specified in subsection (b)(1), (3), [~~and~~]  
9 (4), and (5) shall be deposited in the special land and  
10 development fund under section 171-19 for the management,  
11 maintenance, and development of trails and trail accesses under  
12 the jurisdiction of the department."

13 SECTION 6. In accordance with section 9 of article VII of  
14 the Hawaii State Constitution and sections 37-91 and 37-93,  
15 Hawaii Revised Statutes, the legislature has determined that the  
16 appropriations contained in Act 164, Regular Session of 2023,  
17 and this Act will cause the state general fund expenditure  
18 ceiling for fiscal year 2024-2025 to be exceeded by  
19 \$ or per cent. This current declaration takes  
20 into account general fund appropriations authorized for fiscal  
21 year 2024-2025 in Act 164, Regular Session of 2023, and this Act



1 only. The reasons for exceeding the general fund expenditure  
2 ceiling are that:

3 (1) The appropriation made in this Act is necessary to  
4 serve the public interest; and

5 (2) The appropriation made in this Act meets the needs  
6 addressed by this Act.

7 SECTION 7. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$250,000 or so much  
9 thereof as may be necessary for fiscal year 2024-2025 to  
10 establish:

11 (1) One full-time equivalent (1.0 FTE) program specialist  
12 position; and

13 (2) One full-time equivalent (1.0 FTE) accountant  
14 position;

15 within the department of land and natural resources to  
16 administer the green environmental fee program.

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

19 SECTION 8. In codifying the new sections added by  
20 section 2 of this Act, the revisor of statutes shall substitute



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

3 SECTION 9. 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 10. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 11. This Act shall take effect on July 1, 2024.

9

INTRODUCED BY: 



# S.B. NO. 2357

**Report Title:**

DLNR; Green Environmental Fee Program; License; Penalties; Green Environmental Fee Special Fund; Report to Legislature; Expenditure Ceiling; Appropriation

**Description:**

Establishes a Green Environmental Fee Program that requires certain users to purchase an annual license for the use of a state beach, park, forest, trail, or other natural area on state land, to be administered by the Department of Land and Natural Resources. Establishes a Green Environmental Fee Special Fund, into which shall be deposited fees, penalties, appropriations, and gifts and donations for the program; allows moneys deposited into the fund to be used for the marketing and publication of the program and for transfers to the Beach Restoration Special Fund, State Parks Special Fund, and Hawaii Statewide Trail and Access Program, known as Na Ala Hele. Requires annual reports to the Legislature. Makes an appropriation to establish positions within the Department of Land and Natural Resources in support of the program.

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

