

JAN 20 2023

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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 at large.

6 The Hawaii State Constitution declares that, for the
7 benefit of present and future generations, the State and its
8 political subdivisions shall conserve and protect Hawaii's
9 natural beauty and all natural resources and shall promote the
10 development and utilization of these resources in a manner
11 consistent with their conservation and in furtherance of the
12 self-sufficiency of the State. The Hawaii State Constitution
13 further confirms that all public natural resources are held in
14 trust by the State for the benefit of the people and requires
15 the State and its agencies to protect Native Hawaiian rights,
16 including traditional and customary practices associated with,



1 and dependent upon, carefully managed and abundant natural
2 resources.

3 The legislature further finds that Hawaii's natural
4 environment faces significant pressure from the heavy use it
5 receives by visitors. Underinvestment in the State's natural
6 resources poses a significant liability to the visitor industry,
7 the stability of natural systems including food systems and
8 water quality, ecosystem services, fisheries, economic
9 resilience, and the health and safety of residents.

10 The legislature also finds that Hawaii's residents
11 contribute to the protection and management of the State's
12 natural resources through taxes, environmental stewardship,
13 subsistence and cultural practices, and values and practices
14 embodied in the state constitution. Nonetheless, escalating
15 visitor impacts and increasing global threats to the State's
16 island ecosystem fuel the need for additional funding mechanisms
17 to protect, restore, sustain, manage, and conserve the State's
18 finite natural resources. The Hawaii tourism authority has
19 identified a regenerative tourism fee as a potential solution.
20 The legislature finds that it is both timely and appropriate to
21 ask visitors who enjoy and reap the benefits of Hawaii's natural



1 resources to contribute to their protection, care, and
2 restoration.

3 The legislature further finds that environmental protection
4 fees, commonly referred to as "green fees", have been
5 successfully implemented at visitor destinations around the
6 world, including the Galapagos Islands, New Zealand, and Palau.

7 The legislature also finds that a permit requirement for
8 visitors who enjoy Hawaii's state parks, beaches, hiking trails
9 on state-owned land, and ecosystems could generate the necessary
10 funding each year to help offset adverse visitor impacts and
11 conserve Hawaii's green infrastructure in perpetuity.

12 Accordingly, the purpose of this Act is to:

13 (1) Establish a visitor green fee program that requires
14 visitors to purchase a license that is valid for one
15 year for the use of a state park, beach, state-owned
16 forest, hiking trail on state-owned land, or other
17 state-owned natural area, to be administered by the
18 department of land and natural resources;

19 (2) Establish a visitor green fee special fund, into which
20 shall be deposited fees, penalties, appropriations,
21 and gifts and donations for the program;



- 1 (3) Establish an environmental legacy commission
- 2 responsible for allocating disbursements and awarding
- 3 grants from the visitor green fee special fund for the
- 4 protection, restoration, enhancement, care, and
- 5 increased resilience of Hawaii's natural and outdoor
- 6 recreational resources;
- 7 (4) Appropriate funds for the establishment of the
- 8 environmental legacy commission and a strategic plan;
- 9 and
- 10 (5) Require annual reports to the legislature on the
- 11 progress of the program.

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

15 **"PART . VISITOR GREEN FEE PROGRAM**

16 **§171-A Definitions.** As used in this part:

17 "Commission" means the environmental legacy commission.

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

20 "License" means the 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 States Internal Revenue Service that qualifies under section
6 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
7 has 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, the preservation or
12 enhancement of wildlife, or the protection or interpretation of
13 Native Hawaiian cultural resources and practices related
14 thereto.

15 "Program" means the visitor green fee program established
16 pursuant to this part.

17 "Resident" means an individual who has:

- 18 (1) Filed or paid state income taxes for the previous tax
19 year; or



1 (2) Established domicile in the State, as evidenced by
2 documentation showing the individual's address,
3 including any of the following:
4 (A) A valid Hawaii driver's license;
5 (B) A valid Hawaii state identification card;
6 (C) A valid school identification card; or
7 (D) Any other official document issued to the
8 individual within the last thirty days by a
9 government agency, financial institution,
10 insurance company, or utility company in the
11 State.

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

13 **§171-B Visitor green fee program; license; signs.** (a)

14 There is established a visitor green fee program to be
15 administered by the department. Under the program, visitors
16 shall pay a visitor green fee to obtain a license to use a state
17 park, beach, state-owned forest, hiking trail on state-owned
18 land, or other state-owned natural area. Visitor green fees
19 collected shall be deposited in the visitor green fee special
20 fund established pursuant to section 171-E. Revenues collected



1 under the program shall be allocated to protect, restore, and
2 manage natural and cultural resources.

3 (b) Beginning July 1, 2024, it shall be unlawful for any
4 visitor who is fifteen years of age or older to visit a state
5 park, beach, state-owned forest, hiking trail on state-owned
6 land, or other state-owned natural area without first obtaining
7 a license pursuant to this part.

8 (c) The department shall establish convenient
9 opportunities for visitors to pay the visitor green fee and be
10 issued a license, including through a mobile application and an
11 internet website. The department may also establish a separate
12 retail license program to enable retail establishments and
13 nonprofit organizations to sell licenses.

14 (d) The initial visitor green fee shall be \$50 per person.

15 (e) The chairperson may adjust the fee by rule no more
16 than once every five years, by the rate of the consumer price
17 index change from July 1, 2024, compounded annually, and rounded
18 to the nearest dollar.

19 (f) A license shall be valid for a three hundred sixty-
20 five day period, including the day of issuance.



1 (g) The department shall place signs at state parks,
2 beaches, state-owned forests, trailheads on state-owned land,
3 and other state-owned natural areas to inform visitors of the
4 requirement to pay a visitor green fee and obtain a license
5 pursuant to this section.

6 (h) The department may adopt rules pursuant to chapter 91
7 as necessary to effectuate the purposes of this section.

8 **§171-C Penalties.** (a) Any visitor who is fifteen years
9 of age or older who visits a state park, beach, state-owned
10 forest, hiking trail on state-owned land, or other state-owned
11 natural area without first obtaining a license, in violation of
12 section 171-B(b), shall be liable for a civil fine not to exceed
13 \$; provided that fines shall not be imposed for a
14 violation of the program until the department has had adequate
15 time, as determined by the department, to educate the public
16 about the program and establish procedures to effectively
17 implement and enforce the program; provided further that the
18 imposition of fines shall begin no more than five years after
19 the effective date of this Act.

20 (b) The civil fine provided by subsection (a) may be
21 imposed by the circuit court or by the department after an



1 opportunity for a hearing under chapter 91. Imposition of a
2 civil fine shall not be a prerequisite to any other penalty or
3 injunctive relief ordered by the circuit court.

4 **§171-D Environmental legacy commission; members; powers;**

5 **duties.** (a) There is established within the department the
6 environmental legacy commission to guide and approve the
7 department's disbursement of revenues collected under the
8 program and deposited into the fund. The commission shall be
9 established within two years before implementation of the
10 program and before any disbursement from the fund, except for
11 disbursements to establish the commission and develop a visitor
12 green fee strategic plan.

13 (b) The commission shall consist of eleven voting members,
14 as follows:

15 (1) Three ex officio members:

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

19 (B) The director of the office of planning and
20 sustainable development or the director's
21 designee; and



- 1 (C) The chief executive officer of the Hawaii Tourism
2 Authority or the chief executive officer's
3 designee; and
- 4 (2) Eight members who shall be recommended by the
5 department and appointed by the governor in the manner
6 prescribed by section 26-34:
- 7 (A) One representative of a nonprofit environmental
8 organization having expertise in the protection,
9 restoration, and care of terrestrial natural
10 resources;
- 11 (B) One representative of a nonprofit environmental
12 organization having expertise in the protection,
13 restoration, and care of marine and coastal
14 natural resources;
- 15 (C) One representative of a nonprofit environmental
16 organization having expertise in climate change
17 mitigation, adaptation, and resiliency;
- 18 (D) One representative of the department working on
19 climate change mitigation, adaptation, and
20 resiliency in the State;



1 (E) Two representatives from the Native Hawaiian
2 community who have expertise in the protection,
3 restoration, care, and interpretation of Native
4 Hawaiian cultural resources;

5 (F) One representative between the ages of eighteen
6 and twenty-five years, inclusive, who works or
7 has worked in the field of environmental
8 sustainability or restoration, or both; and

9 (G) One representative from the private sector
10 working to advance environmental solutions in the
11 State as a locally owned and operated green
12 business.

13 (c) Commission members shall annually elect a chairperson
14 and vice-chairperson of the commission from among its members.

15 (d) A simple majority of the members shall establish a
16 quorum.

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

20 (f) The commission shall:



- 1 (1) Decide how the department will use fund revenues,
2 consistent with the purpose and priorities of the fund
3 set forth in subsection (g);
- 4 (2) Make grant determinations pursuant to section 171-F;
- 5 (3) Provide guidance to the department based on the
6 expertise of its members and the communities they
7 represent, consistent with the purpose and priorities
8 of the fund set forth in subsection (g); and
- 9 (4) Seek to maximize the effectiveness of the program.
- 10 (g) The commission shall approve the use of moneys in the
11 fund for one or more of the following purposes:
- 12 (1) Use by the department for the completion and
13 implementation of the visitor green fee strategic
14 plan;
- 15 (2) Use by state agencies, including the department, for
16 projects that help to offset adverse environmental
17 impacts caused by visitors or ensure that the State's
18 natural resources are maintained for continued use by
19 licensees, or both, including projects that:



- 1 (A) Directly restore, enhance, and protect in
2 perpetuity natural resources and the State's
3 unique and fragile ecological status;
- 4 (B) Protect, restore, or enhance terrestrial or
5 marine natural resources;
- 6 (C) Increase the resilience and adaptation of
7 Hawaii's natural resources with environmentally
8 beneficial strategies to reduce the adverse
9 impacts of climate change, including coastal
10 erosion, sea level rise, damage to reefs, ocean
11 acidification, coral bleaching, damage to land
12 resources, and other impacts; or
- 13 (D) Remove and control invasive species and propagate
14 and plant native species; or
- 15 (3) Providing grants to nonprofit organizations or local
16 governments or for cost-matching for federal grants;
17 provided that grants to nonprofit organizations shall
18 constitute at least twenty-five per cent, but not
19 exceed fifty per cent, of fee revenue annually. In
20 awarding grants, the commission shall prioritize
21 projects that promote at least one of the following:



- 1 (A) Nature-based solutions to environmental and
- 2 climate issues that impact the State;
- 3 (B) Significant protection, restoration, and
- 4 enhancement of the State's natural resources;
- 5 (C) Increased resilience of state-owned natural
- 6 resources used by licensees; or
- 7 (D) The State's ability to protect natural resources
- 8 through the establishment, stability, and growth
- 9 of a green work force.

10 (h) Moneys in the fund shall be allocated and administered
11 with transparency and accountability and shall complement but
12 not supplant funds otherwise appropriated for the purposes
13 identified in this section.

14 **§171-E Visitor green fee special fund.** (a) There is
15 established within the state treasury the visitor green fee
16 special fund, into which shall be deposited:

- 17 (1) All proceeds from visitor green fees and licenses
- 18 purchased pursuant to the program established under
- 19 section 171-B;
- 20 (2) All proceeds from fines collected pursuant to section
- 21 171-C;



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 directed by the commission pursuant to section
5 171-D, except for disbursements to establish the commission and
6 develop a visitor green fee strategic plan.

7 **§171-F Grants; qualifications and conditions.** (a) Any
8 nonprofit organization or local government requesting a grant
9 under this part shall:

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

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

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; and

18 (4) Submit its request together with all the information
19 required by the department on an application form
20 provided by the department.



1 (b) Grant recipients shall be subject to the following
2 conditions and restrictions:

3 (1) Grant funds shall not be used for entertainment or
4 perquisites;

5 (2) Grant recipients shall comply with all applicable
6 federal, state, and county laws and any other
7 requirements the department may prescribe;

8 (3) Grant recipients shall allow the department,
9 legislature, and state auditor full access to records,
10 reports, files, and other documents related to the
11 grant so that the program and management and fiscal
12 practices of the grant recipient may be monitored and
13 evaluated to ensure the proper and effective
14 expenditure of grant funds;

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

18 (5) Any grant recipient who withholds or omits any
19 material fact or deliberately misrepresents facts to
20 the department or who violates the terms of the
21 recipient's contract shall be in violation of this



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

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

8 **§171-G Report to legislature.** (a) The department shall
9 submit a report to the legislature no later than twenty days
10 prior to the convening of the regular session of 2025 and each
11 year thereafter. The report shall contain information on ways
12 that the fund restored, enhanced, and protected state-owned
13 natural resources, including its unique and vulnerable
14 ecosystems, during the prior fiscal year, and the benefits that
15 accrued or will accrue from fund expenditures to the benefit of
16 the State's natural resources.

17 (b) The department shall publish the annual reports on its
18 website to make the reports easily accessible to the public.

19 **§171-H Rules.** The department may adopt rules pursuant to
20 chapter 91 as necessary to carry out the purposes of this part,
21 including any rules to ensure that persons who purchase a



1 license are aware the license is distinct from entrance fees to
2 visit a state park, state-owned forest, hiking trail on state-
3 owned land, or other state-owned natural area that are specific
4 to that place."

5 SECTION 3. (a) The department of land and natural
6 resources shall amend its existing rules, including the fee
7 schedule for state parks authorized by section 184-3.2, Hawaii
8 Revised Statutes, to ensure that persons who purchase a license
9 under the visitor green fee program established by this Act are
10 not assessed a separate entrance fee to visit a state park,
11 beach, state-owned forest, hiking trail on state-owned land, or
12 other state-owned natural area to which access is granted by the
13 license.

14 (b) No later than twenty days prior to the convening of
15 the regular session of 2024, the department of land and natural
16 resources shall submit to the legislature proposed legislation,
17 if any, that may be needed to ensure persons who purchase a
18 license under the visitor green fee program are not assessed a
19 separate entrance fee to visit a state park, beach, state-owned
20 forest, hiking trail on state-owned land, or other state-owned
21 natural area to which access is granted by the license.



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 for
4 deposit into the visitor green fee special fund.

5 SECTION 5. There is appropriated out of the visitor green
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 the establishment of
8 the environmental legacy commission and a strategic plan with a
9 timetable indicating how the purposes of the visitor green fee
10 program shall be implemented pursuant to this Act.

11 SECTION 6. In codifying the new sections added by section
12 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 7. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 8. This Act shall take effect upon its approval;
19 provided that sections 4 and 5 shall take effect on July 1,
20 2023.

21



S.B. NO. 658

INTRODUCED BY: Mike Hubbard



S.B. NO. 658

Report Title:

Visitor Green Fee Program; License; Penalties; Environmental Legacy Commission; Visitor Green Fee Special Fund; Grants; DLNR; Report; Appropriation

Description:

Establishes a visitor green fee program that requires that visitors purchase a license which is valid for one year for the use of a state park, beach, state-owned forest, hiking trail on state-owned land, or other state-owned natural area, to be administered by the department of land and natural resources. Establishes a visitor green fee special fund, into which shall be deposited fees, penalties, appropriations, and gifts and donations for the program. Establishes an environmental legacy commission, which shall be responsible for allocating disbursements and awarding grants from the visitor green fee special fund for the protection, restoration, enhancement, care, and increased resilience of Hawaii's natural and outdoor recreational resources. Appropriates fund for the establishment of the environmental legacy commission and a strategic plan. Requires annual reports to the legislature on the progress 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.

