

JAN 19 2022

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 each year, Hawaii's
2 reefs, oceans, beaches, and forests provide billions of dollars
3 in value to the economy, supporting the wellbeing of our
4 resident community and visitors alike. These ecosystems are
5 vital to the State's visitor industry and the resident
6 community's cultural identity.

7 The legislature also finds that the State's vital
8 ecosystems and the resources they harbor continue to decline,
9 due to the lack of adequate investment in proven and effective
10 conservation approaches and rising pressures of climate change.
11 Data demonstrates growing concern that tourism's positive
12 contribution to the economy may not outweigh the impact that
13 visitors have on the environment. In 2019, ten million visitors
14 enjoyed the benefits of Hawaii's ecosystems and natural
15 environment. The increased demand on our natural resources
16 requires the creation of innovative conservation financing
17 mechanisms focused on reversing the decline in our ecosystems



1 and the associated risks for our visitor industry and resident
2 community.

3 The legislature further finds that the coronavirus disease
4 2019 (COVID-19) pandemic provides the State with an opportunity
5 to build back the tourism sector more sustainably. A visitor
6 green fee could provide sustainable and comprehensive funding
7 for green job growth beyond initial federal stimulus relief. As
8 the frequency of natural disasters and exogenous shocks
9 increase, the legislature finds that diversification and green
10 job growth is invaluable to Hawaii's economic stability, ability
11 to withstand shocks, and reverse brain drain.

12 The legislature recognizes that innovative financing
13 mechanisms, such as green fees, are trending around the globe as
14 triple bottom-line solutions to better manage visitor impacts on
15 ecosystems and natural resources. Green fees vary from \$1 per
16 night to a \$100 set entrance fee and may be referred to as
17 eco-taxes; tourist taxes; green taxes; and environmental,
18 conservation, and tourism levies. In general, green fees
19 require mandatory payments made by visitors to government or
20 public-private entities for the explicit purpose of supporting
21 conservation and natural resource management. Green fees are



1 typically bundled with a robust conservation fund and associated
2 management system, along with visitor education and engagement
3 strategies, as part of a jurisdiction's conservation strategy.

4 The legislature also finds that these green fees will
5 provide various economic benefits to the State. Other
6 jurisdictions have found that green stimulus yields a higher
7 economic multiplier effect. Similarly, studies show impressive
8 returns on conservation investment; for example, The Nature
9 Conservancy's efforts at the Waikamoi preserve will generate a
10 forty-six per cent return on investment over the
11 one-hundred-year planning period, with a net present value of
12 \$19,100,000. Green fees will provide environmental benefits
13 through the funded conservation efforts, including the
14 prevention of four thousand three hundred tons per year of
15 sediment from washing into the ocean and the recharge of 32.5
16 billion gallons over the next one hundred years. In addition to
17 watershed conservation, other environmental benefits could
18 include fire road installation, dune restoration, integrated
19 marine monitoring, coral reef restoration, and recreation and
20 trail maintenance.



1 These environmental benefits advance the natural resource
2 management targets established as part of the Aloha+ Challenge,
3 which is the government, business, and community partnership
4 committing to community-based goals across six priority areas:
5 clean energy transportation; local agriculture; natural resource
6 management; solid waste reduction; green workforce and
7 education; and smart sustainable communities. The goals set
8 under the Aloha+ Challenge and other environmental initiatives,
9 such as the Hawaii climate change mitigation and adaptation
10 initiative, enacted as chapter 225P, Hawaii Revised Statutes,
11 will be advanced by the implementation of a pilot visitor green
12 fee program that will fund a conservation workforce and under
13 the guidance of an advisory committee to ensure fair
14 implementation.

15 The purpose of this Act is to:

- 16 (1) Establish the conservation workforce special fund with
17 the explicit commitment of funding a conservation
18 workforce and advancing the Aloha+ Challenge Natural
19 Resource Management Targets;
- 20 (2) Form a public-private advisory committee focused on
21 designing the management and governance structure and



1 funding criteria that safeguards the special fund's
2 fidelity towards conservation; and

3 (3) Establish a ten-year pilot visitor green fee to go
4 into effect July 1, 2022.

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

8 "§171-A Conservation workforce special fund. (a) There
9 is established in the state treasury the conservation workforce
10 special fund into which shall be deposited:

11 (1) All revenues under section 237D- ;

12 (2) Appropriations made by the legislature to the special
13 fund; and

14 (3) Grants and gifts made to the special fund.

15 (b) Funds in the special may be expended by the department
16 for workforce programs and services with the explicit aim of
17 meeting the goals of the Aloha+ Challenge natural resource
18 management targets and the International Union for Conservation
19 of Nature's 30 by 30 goals of:



1 (1) Increasing freshwater capacity by one hundred million
2 gallons per day in comparison to the January 1, 2016,
3 baseline;

4 (2) Having thirty per cent of Hawaii's marine waters under
5 active management by 2030;

6 (3) Implementing the biosecurity plan to address priority
7 invasive species by 2030; and

8 (4) Increasing the percentage of threatened and endangered
9 native species managed in Hawaii by 2030.

10 Funds may also support the maintenance or restoration of
11 beaches, parks, and trails.

12 **§171-B Conservation advisory committee.** (a) The
13 department and the office of planning and sustainable
14 development, in consultation with the department of budget and
15 finance and Hawaii tourism authority, shall convene an advisory
16 committee within the department. The advisory committee shall
17 consist of three or more odd number members who shall comprise
18 conservationists, tourism industry leaders, and youth advisors.
19 The department shall have the authority to appoint members to
20 the advisory committee and to fill any vacancies. The members
21 shall serve on a volunteer basis.



1 (b) The advisory committee shall develop a funding
2 criteria and transparency and governance framework to ensure
3 that management of the conservation workforce special fund
4 established pursuant to section 171-A safeguards the fidelity of
5 the special fund towards natural resource management and
6 conservation job growth."

7 SECTION 3. Chapter 237D, Hawaii Revised Statutes, is
8 amended by adding two new sections to be appropriately
9 designated and to read as follows:

10 "§237D-A Green fee surcharge. (a) In addition to the
11 taxes imposed pursuant to section 237D-2, beginning on July 1,
12 2022, and thereafter; there is levied and shall be assessed and
13 collected a green fee surcharge of \$20 per night on the lodging
14 accommodations facility of each individual in temporary
15 residence at that facility for as many nights as that individual
16 is in residence at that facility; provided that a transient
17 accommodations broker, travel agency, and tour packager who
18 arranges transient accommodations at noncommissioned negotiated
19 contract rates and every operator shall not pay the surcharge on
20 the same guest more than once in any three hundred and



1 sixty-five day period and, in those cases, shall not charge the
2 guest for the amount of the surcharge.

3 (b) The amount of the fee shall be reviewed annually by
4 the department and adjusted to balance revenue generated, the
5 effect on the visitor industry, public sentiment, and
6 environmental impact; provided that the fee shall be raised or
7 lowered by not less than \$5 and by not more than \$10 annually to
8 achieve the desired balance. The department shall also consider
9 the report submitted pursuant to section 237D-B(a) to determine
10 whether to raise or lower the fee.

11 (c) No later than July 1 of each year, the department
12 shall announce the new amount of the fee and the new amount of
13 the fee shall take effect the following January 1.

14 (d) Notwithstanding sections 237D-2(e) and 237D-6.5, the
15 revenues collected pursuant to this section shall be deposited
16 quarterly into the conservation workforce special fund
17 established pursuant to section 171-A.

18 **§237D-B Climate commission; duties.** (a) There is
19 established the climate commission. The climate commission
20 shall submit an annual report to the legislature and the
21 department no later than twenty days prior to the convening of



1 each regular session of the legislature. The annual report
2 shall include a determination of the desirable number of annual
3 visitors to Hawaii and supporting analysis of that number.

4 (b) The climate commission shall comprise the:

5 (1) Chairperson of the board of land and natural
6 resources, who shall serve as the chairperson of the
7 climate commission;

8 (2) Adjutant general;

9 (3) Chairperson of the board of education;

10 (4) Chairperson of the Hawaiian homes commission;

11 (5) Director of agriculture;

12 (6) Director of business, economic development, and
13 tourism;

14 (7) Director of health,

15 (8) Director of transportation;

16 (9) Chief executive officer of the office of Hawaiian
17 affairs;

18 (10) President and chief executive officer of the Hawaii
19 tourism authority;

20 (11) Director of the office of planning and sustainable
21 development;



1 (12) Manager of the coastal zone management program;

2 (13) Director of the city and county of Honolulu department
3 of planning and permitting;

4 (14) Director of the county of Maui planning department;

5 (15) Director of the county of Hawaii planning department;

6 (16) Director of the county of Kauai planning department;

7 (17) Chairperson of the senate standing committee having
8 primary jurisdiction over environmental issues;

9 (18) Chairperson of the senate standing committee having
10 primary jurisdiction over land issues;

11 (19) Chairperson of the house of representatives standing
12 committee having primary jurisdiction over the
13 environmental issues; and

14 (20) Chairperson of the house of representatives standing
15 committee having primary jurisdiction over land
16 issues.

17 (c) The climate commission shall meet at times and places
18 as specified by a call of the chairperson or a majority of the
19 commission; provided that the commission shall meet not less
20 than once per calendar year. The commission may prescribe rules
21 for its own management and governance. A majority of the



1 members of the commission shall constitute a quorum and a quorum
2 may exercise all the power and authority conferred on the
3 commission."

4 SECTION 4. In codifying the new sections added by sections
5 2 and 3 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 5. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2022;
10 provided that this Act shall be repealed on June 30, 2032.

11
INTRODUCED BY: _____



By Request



S.B. NO. 2098

Report Title:

Maui County Council Package; Environmental Protection; Green Fees; Conservation; Workforce; Services; Transient Accommodations

Description:

Establishes a green fee surcharge on transient accommodations for the purposes of funding workforce and services that promote certain environmental goals. Repeals on June 30, 2032.

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

