

JAN 25 2017

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# A BILL FOR AN ACT

RELATING TO CONSERVATION FEES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the *2015 Annual*  
2 *Visitor Research Report*, lists 4,656,465 visitors as being  
3 accommodated by hotel and 1,180,114 as being accommodated by  
4 condominium during their stays. A \$20 conservation fee on all  
5 visitors in the hotel and condominium categories would generate  
6 over \$116,000,000.

7           The legislature further finds that the department of land  
8 and natural resources receives only .09 per cent of the state  
9 budget. With a limited budget, it is extremely difficult for  
10 the department to manage one million three hundred thousand  
11 acres of state lands, beaches, and coastal waters, as well as  
12 seven hundred fifty miles of coastline. The department is  
13 responsible for state parks; historical sites; forests and  
14 forest reserves; aquatic life and its sanctuaries; public  
15 fishing areas; boating, ocean recreation, and coastal programs;  
16 wildlife and its sanctuaries; game management areas; public  
17 hunting areas; and natural area reserves.



1           The purpose of this Act is to establish a conservation fee  
2 of \$20 per person for any length of continuous stay at a hotel  
3 or condominium, to be deposited into the special land and  
4 development fund.

5           SECTION 2. Section 171-19, Hawaii Revised Statutes, is  
6 amended by the title and subsection (a) to read as follows:

7           "(a) There is created in the department a special fund to  
8 be designated as the "special land and development fund".

9 Subject to the Hawaiian Homes Commission Act of 1920, as  
10 amended, and section 5(f) of the Admission Act of 1959, all  
11 proceeds of sale of public lands, including interest on deferred  
12 payments; all moneys collected under section 171-58 for mineral  
13 and water rights; all rents from leases, licenses, and permits  
14 derived from public lands; all moneys collected from lessees of  
15 public lands within industrial parks; all fees, fines, and other  
16 administrative charges collected under this chapter and chapter  
17 183C; a portion of the highway fuel tax collected under chapter  
18 243; all moneys collected by the department for the commercial  
19 use of public trails and trail accesses under the jurisdiction  
20 of the department; transient accommodations tax revenues  
21 collected pursuant to section 237D-6.5(b)(5); all moneys



1 collected from the conservation fee under section 237D-2; and  
2 private contributions for the management, maintenance, and  
3 development of trails and accesses shall be set apart in the  
4 fund and shall be used only as authorized by the legislature for  
5 the following purposes:

6 (1) To reimburse the general fund of the State for  
7 advances made that are required to be reimbursed from  
8 the proceeds derived from sales, leases, licenses, or  
9 permits of public lands;

10 (2) For the planning, development, management, operations,  
11 or maintenance of all lands and improvements under the  
12 control and management of the board pursuant to title  
13 12, including but not limited to permanent or  
14 temporary staff positions who may be appointed without  
15 regard to chapter 76; provided that transient  
16 accommodations tax revenues allocated to the fund  
17 shall be expended as provided in section  
18 237D-6.5(b)(5);

19 (3) To repurchase any land, including improvements, in the  
20 exercise by the board of any right of repurchase



- 1 specifically reserved in any patent, deed, lease, or  
2 other documents or as provided by law;
- 3 (4) For the payment of all appraisal fees; provided that  
4 all fees reimbursed to the board shall be deposited in  
5 the fund;
- 6 (5) For the payment of publication notices as required  
7 under this chapter; provided that all or a portion of  
8 the expenditures may be charged to the purchaser or  
9 lessee of public lands or any interest therein under  
10 rules adopted by the board;
- 11 (6) For the management, maintenance, and development of  
12 trails and trail accesses under the jurisdiction of  
13 the department;
- 14 (7) For the payment to private land developers who have  
15 contracted with the board for development of public  
16 lands under section 171-60;
- 17 (8) For the payment of debt service on revenue bonds  
18 issued by the department, and the establishment of  
19 debt service and other reserves deemed necessary by  
20 the board;



- 1           (9) To reimburse the general fund for debt service on
- 2           general obligation bonds issued to finance
- 3           departmental projects, where the bonds are designated
- 4           to be reimbursed from the special land and development
- 5           fund;
- 6           (10) For the protection, planning, management, and
- 7           regulation of water resources under chapter 174C; and
- 8           (11) For other purposes of this chapter."

9           SECTION 3. Section 237D-2, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11           "(a) There is levied and shall be assessed and collected  
12 each month a tax of:

- 13           (1) Five per cent for the period beginning on January 1,
- 14           1987, to June 30, 1994;
- 15           (2) Six per cent for the period beginning on July 1, 1994,
- 16           to December 31, 1998;
- 17           (3) 7.25 per cent for the period beginning on January 1,
- 18           1999, to June 30, 2009;
- 19           (4) 8.25 per cent for the period beginning on July 1,
- 20           2009, to June 30, 2010; and



1 (5) 9.25 per cent for the period beginning on July 1,  
 2 2010, and thereafter;  
 3 on the gross rental or gross rental proceeds derived from  
 4 furnishing transient accommodations.

5 In addition to the taxes levied under this subsection,  
 6 there shall be collected each month a conservation fee of \$20  
 7 per person for any length of continuous stay at a hotel or  
 8 condominium, to be deposited into the special land and  
 9 development fund under section 171-19, which shall be in  
 10 addition to the amounts to be deposited into the fund under  
 11 section 237D-6.5(b)(5)."

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

*Maill*  
 \_\_\_\_\_  
*Kal Rhoad*  
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*[Signature]*



# S.B. NO. 1143

**Report Title:**

Conservation Fee; Special Land and Development Fund

**Description:**

Establishes a conservation fee of \$20 per person for any length of continuous stay at a hotel or condominium, to be deposited into the special land and development fund.

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

