

VETO

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

S.B. NO. 1111
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT VETO OVERRIDE

RELATING TO TAXATION.

ACT No. 61
Approved: [Signature]
Dated: May 8, 2009

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

1 SECTION 1. Section 237D-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§237D-2 Imposition and rates. (a) There is levied and
4 shall be assessed and collected each month a tax of:

5 (1) Five per cent for the period beginning on January 1,
6 1987, to June 30, 1994;

7 (2) Six per cent for the period beginning July 1, 1994, to
8 December 31, 1998; and

9 (3) 7.25 per cent for the period beginning on January 1,
10 1999, and thereafter;

11 on the gross rental or gross rental proceeds derived from
12 furnishing transient accommodations.

13 (b) There is levied and shall be assessed and collected
14 each month an additional:

15 (1) One per cent for the period beginning July 1, 2009, to
16 June 30, 2010; and



1 (2) Two per cent for the period beginning July 1, 2010, to
 2 June 30, 2015;
 3 on the gross rental or gross rental proceeds derived from
 4 furnishing transient accommodations. The rate levied and
 5 assessed under this subsection shall be additional to the rate
 6 levied and assessed under section 237D-2(a)(3).

7 ~~[(b)]~~ (c) Every operator shall pay to the State the tax
 8 imposed by ~~[subsection]~~ subsections (a) and (b) as provided in
 9 this chapter.

10 ~~[(e)]~~ (d) There is levied and shall be assessed and
 11 collected each month, on the occupant of a resort time share
 12 vacation unit, a transient accommodations tax of 7.25 per cent
 13 on the fair market rental value.

14 ~~[(d)]~~ (e) Every plan manager shall be liable for and pay
 15 to the State the transient accommodations tax imposed by
 16 subsection ~~[(e)]~~ (d) as provided in this chapter. Every resort
 17 time share vacation plan shall be represented by a plan manager
 18 who shall be subject to this chapter."

19 SECTION 2. Section 237D-6.5, Hawaii Revised Statutes, is
 20 amended by amending subsection (b) to read as follows:

21 "(b) Revenues collected under this chapter, except for
 22 revenues collected under section 237D-2(b), shall be distributed



1 as follows, with the excess revenues to be deposited into the
2 general fund:

3 (1) 17.3 per cent of the revenues collected under this
4 chapter shall be deposited into the convention center
5 enterprise special fund established under section
6 201B-8; provided that beginning January 1, 2002, if
7 the amount of the revenue collected under this
8 paragraph exceeds \$33,000,000 in any calendar year,
9 revenues collected in excess of \$33,000,000 shall be
10 deposited into the general fund;

11 (2) 34.2 per cent of the revenues collected under this
12 chapter shall be deposited into the tourism special
13 fund established under section 201B-11 for tourism
14 promotion and visitor industry research; provided that
15 beginning on July 1, 2002, of the first \$1,000,000 in
16 revenues deposited:

17 (A) Ninety per cent shall be deposited into the state
18 parks special fund established in section 184-

19 3.4; and

20 (B) Ten per cent shall be deposited into the special
21 land and development fund established in section



1 171-19 for the Hawaii statewide trail and access
2 program;
3 provided that of the 34.2 per cent, 0.5 per cent shall
4 be transferred to a sub-account in the tourism special
5 fund to provide funding for a safety and security
6 budget, in accordance with the Hawaii tourism
7 strategic plan 2005-2015; provided further that of the
8 revenues remaining in the tourism special fund after
9 revenues have been deposited as provided in this
10 paragraph and except for any sum authorized by the
11 legislature for expenditure from revenues subject to
12 this paragraph, beginning July 1, 2007, funds shall be
13 deposited into the tourism emergency trust fund,
14 established in section 201B-10, in a manner sufficient
15 to maintain a fund balance of \$5,000,000 in the
16 tourism emergency trust fund; and
17 (3) 44.8 per cent of the revenues collected under this
18 chapter shall be transferred as follows: Kauai county
19 shall receive 14.5 per cent, Hawaii county shall
20 receive 18.6 per cent, city and county of Honolulu
21 shall receive 44.1 per cent, and Maui county shall
22 receive 22.8 per cent.



1 Revenues collected under section 237D-2(b) shall be
2 deposited into the general fund. All transient accommodations
3 taxes shall be paid into the state treasury each month within
4 ten days after collection and shall be kept by the state
5 director of finance in special accounts for distribution as
6 provided in this subsection."

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

9 SECTION 4. This Act shall take effect on July 1, 2009, and
10 shall be repealed on June 30, 2015; provided that sections
11 237D-2 and 237D-6.5, Hawaii Revised Statutes, shall be reenacted
12 in the form in which they read on June 30, 2009.

