
A BILL FOR AN ACT

RELATING TO STATE PARKS AND TRAILS.

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

1 SECTION 1. The legislature finds that protecting Hawaii's
2 natural resources is essential to the public interest,
3 particularly during these trying economic times. People are
4 faced not only with tough financial circumstances, but must also
5 address obesity and other health problems that are commonplace
6 throughout the nation. Conserving open spaces such as parks and
7 trails promotes the physical and emotional health and well-being
8 of the people of this State. People can find emotional solace
9 in outdoor activities, such as hiking and family or group
10 gatherings. Moreover, anyone in this State, regardless of age
11 or income, is able to enjoy and use the State's parks and trails
12 at no cost. The legislature further finds that parks and trails
13 are an integral part of the State's relaxed, natural lifestyle.
14 The legislature also finds that parks and trails should be
15 protected to ensure that these open spaces are available for
16 future generations to enjoy.

17 The purpose of this Act is to require that one-half of .001
18 per cent of the general excise tax revenues be allocated each to



1 the special land and development fund for the Hawaii statewide
2 trail and access program and the state parks special fund.

3 SECTION 2. Section 171-19, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

7 Subject to the Hawaiian Homes Commission Act of 1920, as
8 amended, and section 5(f) of the Admission Act of 1959, all
9 proceeds of sale of public lands, including interest on deferred
10 payments; all moneys collected under section 171-58 for mineral
11 and water rights; all rents from leases, licenses, and permits
12 derived from public lands; all moneys collected from lessees of
13 public lands within industrial parks; all fees, fines, and other
14 administrative charges collected under this chapter and chapter
15 183C; one-half of .001 per cent of the general excise tax
16 revenues collected under chapter 237, pursuant to article XI,
17 section _____, of the state constitution, to be used only for the
18 Hawaii statewide trail and access program established under
19 section 198D-2; a portion of the highway fuel tax collected
20 under chapter 243; all moneys collected by the department for
21 the commercial use of public trails and trail accesses under the
22 jurisdiction of the department; transient accommodations tax



1 revenues collected pursuant to section 237D-6.5(b)(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, including but not
13 limited to permanent or temporary staff positions who
14 may be appointed without regard to chapter 76;
- 15 (3) To repurchase any land, including improvements, in the
16 exercise by the board of any right of repurchase
17 specifically reserved in any patent, deed, lease, or
18 other documents or as provided by law;
- 19 (4) For the payment of all appraisal fees; provided that
20 all fees reimbursed to the board shall be deposited in
21 the fund;



- 1 (5) For the payment of publication notices as required
2 under this chapter; provided that all or a portion of
3 the expenditures may be charged to the purchaser or
4 lessee of public lands or any interest therein under
5 rules adopted by the board;
- 6 (6) For the management, maintenance, and development of
7 trails and trail accesses under the jurisdiction of
8 the department;
- 9 (7) For the payment to private land developers who have
10 contracted with the board for development of public
11 lands under section 171-60;
- 12 (8) For the payment of debt service on revenue bonds
13 issued by the department, and the establishment of
14 debt service and other reserves deemed necessary by
15 the board;
- 16 (9) To reimburse the general fund for debt service on
17 general obligation bonds issued to finance
18 departmental projects, where the bonds are designated
19 to be reimbursed from the special land and development
20 fund;
- 21 (10) For the protection, planning, management, and
22 regulation of water resources under chapter 174C;



- 1 (11) For invasive species control and mitigation by the
- 2 invasive species council under chapter 194;
- 3 (12) To promote reforestation and sediment run-off
- 4 mitigation; and
- 5 (13) For other purposes of this chapter."

6 SECTION 3. Section 184-3.4, Hawaii Revised Statutes, is
 7 amended by amending subsection (a) to read as follows:

8 "(a) There is established within the state treasury a fund
 9 to be known as the state parks special fund, into which shall be
 10 deposited:

11 (1) All proceeds collected by the state parks programs
 12 involving park user fees, any leases or concession
 13 agreements, the sale of any article purchased from the
 14 department to benefit the state parks programs, or any
 15 gifts or contributions; provided that proceeds derived
 16 from the operation of Iolani Palace shall be used to
 17 supplement its educational and interpretive programs;
 18 [and]

19 (2) One-half of .001 per cent of the general excise tax
 20 revenues under chapter 237, pursuant to article XI,
 21 section _____, of the state constitution; and



1 [~~2~~] (3) Transient accommodations tax revenues pursuant to
2 section 237D-6.5; provided that these moneys shall be
3 expended in response to a master plan developed in
4 coordination with the Hawaii tourism authority."

5 SECTION 4. Section 198D-2, Hawaii Revised Statutes, is
6 amended as follows:

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

8 "(b) The trail and access program shall use funding for
9 the management, maintenance, and development of trails and trail
10 accesses under the jurisdiction of the department from the
11 following sources:

- 12 (1) A portion of the highway fuel taxes collected under
- 13 chapter 243;
- 14 (2) Federal government grants;
- 15 (3) Private contributions;
- 16 (4) Fees, established pursuant to administrative rules and
- 17 charged by the department for the commercial and other
- 18 use of trails and trail accesses under the
- 19 jurisdiction of the department; [~~and~~]
- 20 (5) Transient accommodations tax revenues pursuant to
- 21 section 237D-6.5[~~-~~]; and



1 (6) General excise tax revenues pursuant to article XI,
2 section of the state constitution."

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

4 "(d) The moneys specified in subsection (b)(1), (3), (4),
5 [~~and~~] (5), and (6) shall be deposited in the special land and
6 development fund under section 171-19 for the management,
7 maintenance, and development of trails and trail accesses under
8 the jurisdiction of the department; provided that the moneys
9 specified in subsection (b)(5) shall be expended for the
10 management, maintenance, and development of trails and access
11 areas frequented by visitors in response to a master plan -
12 developed in coordination with the Hawaii tourism authority."

13 SECTION 5. Section 237-31, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§237-31 Remittances.** All remittances of taxes imposed by
16 this chapter shall be made by money, bank draft, check,
17 cashier's check, money order, or certificate of deposit to the
18 office of the department of taxation to which the return was
19 transmitted. The department shall issue its receipts therefor
20 to the taxpayer and shall pay the moneys into the state treasury
21 as a state realization, to be kept and accounted for as provided
22 by law; provided that:



- 1 (1) The sum from all general excise tax revenues realized
2 by the State that represents the difference between
3 \$45,000,000 and the proceeds from the sale of any
4 general obligation bonds authorized for that fiscal
5 year for the purposes of the state educational
6 facilities improvement special fund shall be deposited
7 in the state treasury in each fiscal year to the
8 credit of the state educational facilities improvement
9 special fund;
- 10 (2) A sum, not to exceed \$5,000,000, from all general
11 excise tax revenues realized by the State shall be
12 deposited in the state treasury in each fiscal year to
13 the credit of the compound interest bond reserve fund;
14 [and]
- 15 (3) A sum from all general excise tax revenues realized by
16 the State that is equal to one-half of the total
17 amount of funds appropriated or transferred out of the
18 hurricane reserve trust fund under sections 4 and 5 of
19 Act 62, Session Laws of Hawaii 2011, shall be
20 deposited into the hurricane reserve trust fund in
21 fiscal year 2013-2014 and in fiscal year 2014-2015;



1 provided that the deposit required in each fiscal year
2 shall be made by October 1 of that fiscal year[-];

3 (4) The sum that represents one-half of .001 per cent of
4 the general excise tax revenues realized by the State
5 each fiscal year shall be deposited quarterly into the
6 special land and development fund established under
7 section 171-19, to be used only for the Hawaii
8 statewide trail and access program established under
9 section 198D-2; and

10 (5) The sum that represents one-half of .001 per cent of
11 the general excise tax revenues realized by the State
12 each fiscal year shall be deposited quarterly into the
13 state parks special fund, established under section
14 184-3.4."

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon ratification of
18 a constitutional amendment requiring .001 per cent of the
19 general excise tax revenues to be appropriated for the special
20 land and development fund for the Hawaii statewide trail and
21 access program and the state parks special fund; provided that
22 the amendments to section 171-19(a), Hawaii Revised Statutes, in



H.B. NO. 1977

1 section 1 of this Act shall not be repealed when section 171-
2 19(a), Hawaii Revised Statutes, is reenacted on June 30, 2013
3 pursuant to Act 209, Session Laws of Hawaii 2010.

4

INTRODUCED BY:

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JAN 17 2012



H.B. NO. 1977

Report Title:

Special Land and Development Fund; Hawaii Statewide Trail and Access Program; State Parks Special Fund; General Excise Tax

Description:

Requires that one-half of .001% of GET revenues be allocated each to the special land and development fund for the Hawaii statewide trail and access program and the state parks special fund. Effective upon constitutional amendment.

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

