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## A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL DISASTER RESPONSE.

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

1           SECTION 1. Chapter 195D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§195D- Wildlife recovery and rehabilitation special  
5 fund. (a) There is created within the state treasury the  
6 wildlife recovery and rehabilitation special fund, which shall  
7 consist of:

8           (1) The portion of the tax specified under section 243-  
9           3.5;

10           (2) Moneys appropriated to the fund by the legislature;

11           (3) All interest attributable to investment of money  
12           deposited in the fund; and

13           (4) Moneys allotted to the fund from other sources.

14           (b) Moneys from the fund shall be expended by the  
15 department of land and natural resources to support the  
16 operations of an environmental disaster standby and response  
17 facility in the State that shall be responsible for the recovery  
18 and rehabilitation of native wildlife that are sickened,



1 injured, or contaminated as a result of oil or fuel-related  
2 disaster in the State.

3 (c) Moneys from the fund shall not be expended for any  
4 other purpose except for those set forth in this section."

5 SECTION 2. Section 243-3.5, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) In addition to any other taxes provided by law,  
8 subject to the exemptions set forth in section 243-7, there is  
9 hereby imposed a state environmental response, energy, and food  
10 security tax on each barrel or fractional part of a barrel of  
11 petroleum product sold by a distributor to any retail dealer or  
12 end user of petroleum product, other than a refiner. The tax  
13 shall be [~~\$1.05~~] \$1.07 on each barrel or fractional part of a  
14 barrel of petroleum product that is not aviation fuel; provided  
15 that of the tax collected pursuant to this subsection:

16 (1) 5 cents of the tax on each barrel shall be deposited  
17 into the environmental response revolving fund  
18 established under section 128D-2;

19 (2) 15 cents of the tax on each barrel shall be deposited  
20 into the energy security special fund established  
21 under section 201-12.8;



- 1           (3) 10 cents of the tax on each barrel shall be deposited
- 2                   into the energy systems development special fund
- 3                   established under section 304A-2169; [~~and~~]
- 4           (4) 15 cents of the tax on each barrel shall be deposited
- 5                   into the agricultural development and food security
- 6                   special fund established under section 141-10[~~-~~]; and
- 7           (5) 2 cents of the tax on each barrel shall be deposited
- 8                   into the wildlife recovery and rehabilitation special
- 9                   fund established under section 195D- .

10           The tax imposed by this subsection shall be paid by the  
11 distributor of the petroleum product."

12           SECTION 3. Section 243-3.5, Hawaii Revised Statutes, is  
13 amended as follows:

14           1. By amending subsection (a) to read:

15           "(a) In addition to any other taxes provided by law,  
16 subject to the exemptions set forth in section 243-7, there is  
17 hereby imposed at times provided in section 128D-2 a state  
18 environmental response tax of [~~5~~] 7 cents on each barrel or  
19 fractional part of a barrel of petroleum product sold by a  
20 distributor to any retail dealer or end user, other than a  
21 refiner, of petroleum product; provided that                   cents of the  
22 tax on each barrel shall be used pursuant to section 128D-2 to



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1 address concerns relating to drinking water[-] and 2 cents of  
 2 the tax on each barrel shall be deposited into the wildlife  
 3 recovery and rehabilitation special fund established under  
 4 section 195D- . The tax imposed by this subsection shall be  
 5 paid by the distributor of the petroleum product."

6 2. By amending subsection (c) to read:

7 "(c) Notwithstanding section 248-8 to the contrary, the  
 8 environmental response tax collected under this section shall be  
 9 paid over to the director of finance for deposit [~~into the~~  
 10 ~~environmental response revolving fund established by section~~  
 11 ~~128D-2-~~] as provided in subsection (a)."

12 SECTION 4. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2012;  
 15 provided that section 3 of this Act shall take effect on July 1,  
 16 2015.

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INTRODUCED BY: *[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*



JAN 19 2012

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**Report Title:**

Environmental Disaster Responses; Wildlife Rehabilitation and Recovery

**Description:**

Increases the environmental response, energy, and food security tax by 2 cents per barrel and deposits the increase into the wildlife recovery and rehabilitation special fund. Establishes the wildlife recovery and rehabilitation special fund to support the operations of a facility to respond to oil and fuel-related disasters affecting native wildlife in the State.

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

