
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that the protection of
2 natural resources is critical to the future of the State's
3 tourism industry. Many visitors choose to vacation in the State
4 to experience the unique natural resources that can be found
5 only in Hawaii and nowhere else in the world. In fact, the 2015
6 visitor satisfaction and activity survey by the Hawaii tourism
7 authority shows that Hawaii's natural beauty, natural assets,
8 and scenery were the most often-mentioned detail by tourists
9 when asked what made their travel to Hawaii "excellent".
10 Consequently, the impact of a degraded environment would
11 seriously affect the tourism sector by forever altering Hawaii's
12 unique natural landscapes and the activities available within
13 those settings, severely diminishing the State's attractiveness
14 to visitors.

15 The importance of natural resource protection continues to
16 grow as the State braces for the impacts of climate change. The
17 Environmental Protection Agency has warned that climate change



1 will have wide-ranging effects on the State. For example,
2 higher average temperatures will stress native animals and
3 plants. This has been evidenced in the decline of certain
4 native species, such as the iconic Haleakala silversword, which
5 has noticeably declined as temperatures and drought have both
6 increased in its habitat. Higher temperatures have also allowed
7 mosquitoes to expand their range higher into the mountains,
8 causing an increase in diseases such as avian malaria among
9 endangered native birds.

10 Higher ocean temperatures around Hawaii have disrupted the
11 marine ecosystems in the State's fragile coral reefs, most
12 notably from the impacts of coral bleaching, which is a
13 phenomenon where higher sea temperatures kill the algae that
14 coral rely on as a food source, turning wide patches of coral
15 white as they die off. Because coral reefs are at the heart of
16 their ecosystem, the Environmental Protection Agency estimates
17 that up to forty per cent of the fish that rely on coral reefs
18 could lose their habitats by the end of this century.

19 Even as the effects of climate change make natural resource
20 protection ever more important, the legislature finds that the
21 department of land and natural resources lacks the necessary



H.B. NO. 1570

1 funding to properly carry out its critical role as guardian of
2 the environment. This lack of funding puts Hawaii's environment
3 at risk and, therefore, seriously threatens an important
4 foundation of the State's tourism industry. In particular, the
5 legislature finds that the department's division of conservation
6 and resources enforcement is the agency entrusted to uphold laws
7 to protect, conserve, and manage the State's limited natural
8 resources. The legislature finds that the division needs
9 additional resources to carry out its mission effectively, given
10 the vast scope of its responsibilities across the State.

11 The legislature also finds that Act 156, Session Laws of
12 Hawaii 2005, established the legacy lands program, to preserve,
13 protect, and enhance the State's land, coastal areas, and
14 natural resources, and to provide a permanent adequate funding
15 source for that purpose. The legislature also finds that, while
16 the program has been successful, its own funding has dwindled
17 for preservation of certain essential ecosystems and threatened
18 habitats.

19 The legislature further finds that other states have
20 successfully used voluntary contribution check-off boxes to
21 raise money for the protection of their natural resources. A



1 similar program in Hawaii will raise funds for the State's own
2 environmental management and will engage visitors for this
3 purpose.

4 The purpose of this Act is to provide the opportunity for
5 persons renting cars in Hawaii to make a voluntary contribution
6 toward the protection of the State's unique environment, which
7 is a critical component of our tourism-based economy.

8 SECTION 2. Chapter 437D, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 **"§437D- _____ Optional environmental impact contribution.**

12 (a) Every lessor who is required to register with the director
13 under section 251-3 shall include an option in each rental
14 agreement for the lessee to make a voluntary contribution to the
15 department of land and natural resources to preserve and protect
16 the environment. The option shall be printed in the rental
17 agreement and the language of the option shall clearly state
18 that the option is voluntary and does not affect the rental
19 agreement. The department of land and natural resources shall
20 approve the option language.



1 (b) The lessor shall collect and keep all records of all
2 contributions collected pursuant to this section and shall
3 provide receipts to all lessees who elect to contribute.

4 (c) Contributions collected pursuant to this section shall
5 be remitted to the department of land and natural resources,
6 which shall deposit the contributions at the end of every fiscal
7 year as follows:

8 (1) Fifty per cent into the conservation and resources
9 enforcement special fund established under section
10 199-1.5; and

11 (2) Fifty per cent into the land conservation fund
12 established under section 173A-5."

13 SECTION 3. Section 173A-5, Hawaii Revised Statutes, is
14 amended by amending subsection (d) to read as follows:

15 "(d) The appropriate percentage identified under section
16 247-7 of all taxes imposed and collected under chapter 247 and
17 contributions collected through rental agreements under section
18 437D- shall be deposited in or credited to the fund every
19 fiscal year."

20 SECTION 4. Section 199-1.5, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



H.B. NO. 1570

1 "(b) The following shall be deposited into the
2 conservation and resources enforcement special fund:

3 (1) Grants, awards, donations, gifts, transfers, or moneys
4 derived from public or private sources for the
5 purposes of enforcing the provisions of title 12;
6 chapters 6D, 6E, and 6K; or any rule adopted
7 thereunder;

8 (2) Fees, reimbursements, administrative charges, and
9 penalties collected for activities related to the
10 enforcement of natural, cultural, and historic
11 resources protection laws and rules, except as
12 otherwise provided by law that provides for deposits
13 into other special funds administered by the
14 department;

15 (3) Contributions collected through rental agreements
16 under section 437D- ;

17 ~~[(3)]~~ (4) Moneys derived from interest, dividends, or other
18 income from the above-mentioned sources; and

19 ~~[(4)]~~ (5) Appropriations by the legislature to the special
20 fund."



H.B. NO. 1570

1 SECTION 5. The department of land and natural resources
 2 shall adopt rules in accordance with chapter 91, Hawaii Revised
 3 Statutes, to effectuate the purpose of this Act by July 1, 2018.

4 SECTION 6. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval
 7 and shall be repealed on July 1, 2022; provided that:

8 (1) Sections 2, 3, and 4 shall take effect on July 1,
 9 2019; and

10 (2) On July 1, 2022, sections 173A-5(d) and 199-1.5(b),
 11 Hawaii Revised Statutes, shall be reenacted in the
 12 form in which they read on June 30, 2019.
 13

INTRODUCED BY:

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 Sean Quinlan
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H.B. NO. 1570

Report Title:

Environmental Conservation; Optional Contribution; Rental Motor Vehicles

Description:

Requires lessors of rental motor vehicles to include an option to the lessee in the motor vehicle agreement to contribute a sum to DLNR for the preservation and protection of the environment, commencing on 7/1/2019. Repeals on 7/1/2022.

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

