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## A BILL FOR AN ACT

RELATING TO IMPACT FEES.

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

1           SECTION 1. Section 46-142, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Impact fees [~~may~~] shall be assessed, imposed, levied,  
4 and collected by:

5           (1) Any county for any development, or portion thereof,  
6                 not involving water supply or service; or

7           (2) Any board for any development, or portion thereof,  
8                 involving water supply or service[+].

9 [~~provided that the~~] Each county [~~enacts~~] shall enact appropriate  
10 impact fee ordinances or [~~the~~] each board [~~adopts~~] shall adopt  
11 rules to effectuate the imposition and collection of the fees  
12 within [~~their respective jurisdictions.~~] its jurisdiction."

13           SECTION 2. Section 264-122, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15           "(b) Moneys in the highway development special fund shall  
16 be used for the following purposes:

17           (1) Capital costs of qualifying proposed state highway  
18                 improvements;



- 1 (2) Reevaluation of the need, geographic limitations,
- 2 amount, and use of impact fees;
- 3 (3) Transfers to reimburse other special funds for
- 4 expenditures which otherwise might have been funded
- 5 with moneys in the highway development special fund;
- 6 (4) Transfers under sections 36-27 and 36-30;
- 7 [~~(5) Refunds under section 264-125;~~] and
- 8 [~~(6)~~] (5) The department's costs to implement this part,
- 9 including but not limited to costs to administer the
- 10 highway development special fund."

11 SECTION 3. Section 264-123, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) A county [~~may~~] shall assess, impose, levy, collect,  
14 and transfer to the department impact fees for any development  
15 pursuant to ordinances adopted under section 46-142 and this  
16 part, and the department is authorized to receive those funds  
17 for state highway improvements~~[-]~~; provided that the expenditure  
18 of funds shall be localized and used only for the state highway  
19 improvements providing the benefit to the development."

20 SECTION 4. Section 46-145, Hawaii Revised Statutes, is  
21 repealed.



1           ~~["§46-145 Refund of impact fees. (a) If impact fees are~~  
2 ~~not expended or encumbered within the period established in~~  
3 ~~section 46-144, the county or the board shall refund to the~~  
4 ~~developer or the developer's successor in title the amount of~~  
5 ~~fees paid and any accrued interest. Application for a refund~~  
6 ~~shall be submitted to the county or the board within one year of~~  
7 ~~the date on which the right to claim arises. Any unclaimed~~  
8 ~~refund shall be retained in the special trust fund or interest~~  
9 ~~bearing account and be expended as provided in section 46-144.~~

10           ~~(b) If a county or board seeks to terminate impact fee~~  
11 ~~requirements, all unexpended or unencumbered funds shall be~~  
12 ~~refunded as provided in subsection (a) and the county or board~~  
13 ~~shall give public notice of termination and availability of~~  
14 ~~refunds at least two times. All funds available for refund~~  
15 ~~shall be retained for a period of one year at the end of which~~  
16 ~~any remaining funds may be transferred to:~~

17           ~~(1) The county's general fund and expended for any public~~  
18           ~~purpose not involving water supply or service as~~  
19           ~~determined by the county council; or~~

20           ~~(2) The board's general fund and expended for any public~~  
21           ~~purpose involving water supply or service as~~  
22           ~~determined by the board.~~



1 ~~(c) Recoupment shall be exempt from subsections (a) and~~  
2 ~~(b)."]~~

3 SECTION 5. Section 264-125, Hawaii Revised Statutes, is  
4 repealed.

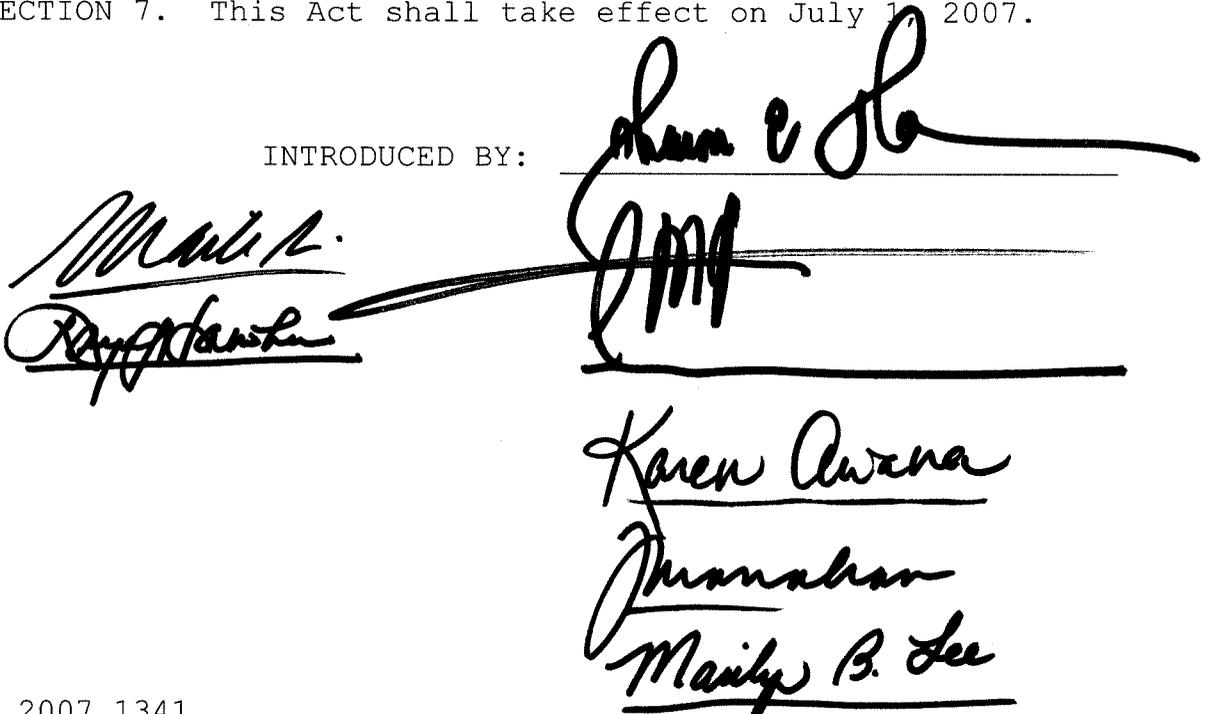
5 [~~["§264-125] Refund of impact fees to county. Upon the~~  
6 ~~request of a county, the department shall refund impact fees~~  
7 ~~transferred to the highway development special fund which have~~  
8 ~~not been expended or encumbered for purposes established under~~  
9 ~~this part within six years after collection under part VIII of~~  
10 ~~chapter 46."]~~

11 SECTION 6. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on July 1, 2007.

14

INTRODUCED BY:





HB 1214

**Report Title:**

Impact Fees; Transportation

**Description:**

Requires counties and boards to assess, impose, levy, and collect impact fees. Removes provisions that allow the refund of impact fees.

