
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. Recognizing that Hawaii's natural resources are
2 valuable to our culture, quality of life, and tourism-based
3 economy, the 1970 legislature created the natural area reserve
4 system under the control of the department of land and natural
5 resources to preserve and protect numerous native ecosystems.

6 The legislature finds that both the department of land and
7 natural resources and the natural area reserve system lack the
8 necessary funding to properly carry out their critical role as
9 guardians of the environment. This lack of funding puts our
10 environment at risk and, therefore, seriously threatens an
11 important foundation of our tourism industry.

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



1 The legislature further finds that other states have
2 successfully used voluntary contribution check-off boxes to
3 raise money for the protection of their natural resources. A
4 similar program in Hawaii will raise funds for our own
5 environmental management and will engage visitors for this
6 purpose.

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

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

14 "**§437D- Optional environmental impact contribution.**

15 (a) Every lessor who is required to register with the director
16 under section 251-3 shall include an option in each rental
17 agreement for the lessee to make a voluntary contribution to the
18 department of land and natural resources to preserve and protect
19 the environment. The option shall be printed in the rental
20 agreement and approved by the department of land and natural
21 resources.



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 natural area reserve fund
9 established under section 195-9; and

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

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

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

19 SECTION 4. Section 195-9, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) The fund shall consist of moneys received from any
22 public or private [~~sources-~~] sources, including contributions



1 collected through rental agreements under section 437D- . The
 2 fund shall be held separate and apart from all other moneys,
 3 funds, and accounts in the state treasury, except that any
 4 moneys received from the federal government or from private
 5 contributions shall be deposited and accounted for in accordance
 6 with conditions established by the agencies or persons from whom
 7 the moneys are received. Investment earnings credited to the
 8 assets of the fund shall become a part of the assets of the
 9 fund. Any balance remaining in the fund at the end of any
 10 fiscal year shall be carried forward in the fund for the next
 11 fiscal year."

12 SECTION 5. The department of land and natural resources
 13 shall adopt rules to effectuate the purpose of this Act by July
 14 1, 2014.

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 its approval;
 18 provided that sections 2, 3, and 4 shall take effect on July 1,
 19 2015.

20

[Handwritten signatures: Cindy Brown, Cynthia Hickman, Karen Cleveland, Tom Brown, and others]
 INTRODUCED BY: *[Handwritten signature]*
 HB HMS 2013-1228
[Barcode]

Appointed

to be

John M. Mayo

Nicole E. Brown

Gary S. Brown

Mele Carroll

H. K. K. K.

[Signature]

JAN 22 2013



H.B. NO. 760

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 the Department of Land and Natural Resources for the preservation and protection of the environment commencing on July 1, 2015.

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



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
TRANSPORTATION
and
ENERGY & ENVIRONMENTAL PROTECTION**

**Wednesday, February 6, 2013
11:00 AM
State Capitol, Conference Room 309**

**In consideration of
HOUSE BILL 760
RELATING TO THE ENVIRONMENT**

House Bill 760 proposes to require lessors of rental motor vehicles to include an option to the lessee in the motor vehicle agreement to contribute a sum to the Department of Land and Natural Resources (Department) for the preservation and protection of the environment. **The Department supports this bill that could supplement funding for the Natural Area Reserve Fund and the Land Conservation Fund.**

Check-offs are used in 36 states to provide funding for conservation programs.ⁱ The funds receiving the check-offs support a variety of critical natural area protection and land acquisition programs. Protection and restoration of natural areas provides the dual benefit of ensuring a fully functioning water supply as well as preserving the unique cultural and natural resources that attract visitors to Hawaii.

The visitor industry clearly relies on natural resources. The Koolau forest watershed on Oahu is estimated to provide a net present value of \$1-3 billion for ecotourism alone.ⁱⁱ Forest protection also prevents erosion that muddies beaches, coral reefs, and fisheries. Protection sustains the native plants and animals unique to our islands and important to the Hawaiian culture.

Forests also mitigate climate change effects from rental vehicles by absorbing greenhouse gases. Reducing and preventing deforestation is the mitigation option with the largest and most immediate carbon stock impact in the short term, according to the Intergovernmental Panel on Climate Change.ⁱⁱⁱ In Hawaii, destruction of native forests by hooved animals can reduce or practically eliminate stored carbon. Invasive plants can reduce aboveground biomass by 19-38%.^{iv} Thus, enormous carbon emissions have already and will continue to occur from forest degradation in Hawaii. Over half of Hawaii's forests have already been lost.

The Natural Area Reserve Fund supports the Natural Area Partnership Program, the Natural Area Reserves, the Watershed Partnerships Program, and the Youth Conservation Corps. These programs protect Hawaii's invaluable ecosystems and forested watersheds.

The Land Conservation Fund (LCF) supports the Legacy Land Conservation Program (LLCP). The LLCP protects rare and unique cultural, natural, agricultural, and recreational resources from destruction by funding the acquisition of fee title or conservation easements by nonprofits, counties, and state agencies.

House Bill 760 supports programs that protect Hawaii's world-renown beauty and the natural resources needed to sustain the visitor industry.

ⁱ Department of Land and Natural Resources. 2001. Annual Report to the Twenty-First Legislature 2001 Regular Session on Act 152 SLH 2000 (HB 2835, HD2, SD2, CD1) Relating to Watershed Protection.

ⁱⁱ Roumasset, J., J.B. Kaiser, N. Krause, D. Mecham and J. Wooley. 1997. Draft Environmental Valuation and the Hawaiian Economy. University of Hawai'i Economic Research Organization, UH- Mānoa.

ⁱⁱⁱ Pachauri, R.K., A. Reisinger (Eds.). 2007. Climate Change 2007: Synthesis Report. Intergovernmental Panel on Climate Change, Geneva, Switzerland.

^{iv} Asner, G. P., R. F. Hughes, T. A. Varga, D. E. Knapp, T. Kennedy-Bowdoin. 2008. Environmental and Biotic Controls over Aboveground Biomass Throughout a Tropical Rain Forest. *Ecosystems*. DOI 10.1007/S10021-008-9221-5.



House of Representatives
Committee on Transportation
Committee on Energy and Environmental Protection
February 6, 2013
11:00 a.m., Conference Room 309
State Capitol

Testimony in Support of HB 760

Aloha Chairs Yamane and Lee, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) **supports HB 760**, *Relating to the Environment*, which would allow lessors of motor vehicles to voluntarily contribute to the Department of Land and Natural Resources programs for environmental conservation and protection, specifically the Natural Area Reserve Fund and the Land Conservation Fund.

Programs that provide the public with a variety of ways to voluntarily contribute toward environmental protection are a great way to raise funds. Your support of HB 760 would be appreciated. Mahalo for your consideration.

Aloha,

Christy Martin
Coordinating Group on Alien Pest Species (CGAPS)
Ph: (808) 722-0995

HISTORIC HAWAII FOUNDATION

To: Rep. Ryan I. Yamane, Chair
Rep. Linda Ichiyama, Vice Chair
Committee on Transportation

Rep. Chris Lee, Chair
Rep. Cynthia Thielen, Vice Chair
Committee on Energy & Environmental Protection

From: Kiersten Faulkner
Executive Director, Historic Hawai'i Foundation

Committee Date: Wednesday, February 6, 2013
11:00 a.m.
Conference Room 309

Subject: **HB 760, Relating to the Environment**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in support of HB 760, which requires lessors of rental motor vehicles to include an option to the lessee in the motor vehicle agreement to contribute a sum to the Department of Land and Natural Resources for the preservation and protection of the environment.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF's 850 members and numerous additional supporters work to preserve Hawaii's unique architectural and cultural heritage and believe that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

The bill would establish a mechanism by which voluntary contributions could be made to provide financial support to the natural area reserve system and the legacy lands program. These programs within the Department of Land and Natural Resources are used to preserve and protect both native ecosystems and other important lands, including those of historic or cultural significance.

The voluntary contribution program would provide a convenient means for members of the public to support the natural and cultural resources that are critical to the welfare of the state and its citizens. The program would have the added benefit of educating visitors and residents who lease vehicles about the resources that many are visiting Hawai'i to enjoy. The moneys raised would go towards two established and successful programs and lead to additional protection and preservation of the environment, including cultural resources.

Therefore, Historic Hawai'i Foundation supports HB 760. Thank you for the opportunity to comment.

Historic Hawai'i Foundation

680 Iwilei Road, Suite 690 • Honolulu, HI 96817 • Tel: 808-523-2900 • FAX: 808-523-0800 • www.historichawaii.org

Historic Hawai'i Foundation was established in 1974 to encourage the preservation of historic buildings, sites and communities on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability, and economic viability of the state.

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 760 Relating to the Environment
House Committee on Transportation
House Committee on Energy and Environmental Protection
Wednesday, February 6, 2011, 11:00AM, Rm. 309

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 32,000 acres in 10 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports S.B. 760, which would allow an optional contribution by rental car customers to the natural resource protection programs of the Department of Land and Natural Resources.

The DLNR's Natural Area Reserve Fund and Land Conservation Fund are the State's primary source of funding for forest and watershed protection, invasive species control, and land preservation across the state. Many of the programs supported by these funds have experienced up to 50% reductions in State funding since 2008 as a result of the weakened economy as well as the growing need for conservation work since invasive pests don't recognize economic cycles. While the optional contribution proposed in H.B. 760 may not be a major source of revenue for natural resource programs, it should provide an opportunity for more visitors and Hawai'i residents to learn about these worthy programs, appreciate their value, and make a much appreciated and helpful contribution to them.

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**Testimony of
Gary M. Slovin / Mihoko E. Ito
on behalf of
EAN Holdings, LLC**

DATE: February 5, 2013

TO: Representative Ryan I. Yamane
Chair, Committee on Transportation

Representative Chris Lee
Chair, Committee on Energy and Environmental Protection

Submitted Via E-mail TRNtestimony@capitol.hawaii.gov

RE: **H.B. 760 – Relating to The Environment**
Hearing Date: Wednesday, February 6, 2013 at 11:00 am
Conference Room 309

Dear Chairs Yamane and Lee and Members of the Joint Committees on Transportation and Energy & Environment:

EAN Holdings, LLC, operating Enterprise Rent-A-Car, Alamo Rent-A-Car and National Car Rental in Hawaii (collectively referred to as “Enterprise”) **opposes** H.B.760, which requires lessors of rental motor vehicles to include an option to the lessee in the motor vehicle agreement to contribute a sum to the Department of Land and Natural Resources for the preservation and protection of the environment beginning July 1, 2015.

Enterprise Rent-A-Car already offers a voluntary contribution for research to offset carbon emissions on each contract. The details are available on a website we identify for our renters. We do not feel that it is appropriate for the state to require the Rent-A-Car companies to include the voluntary contribution provided for in House Bill 760. Rather this should be left to each individual company. As it is, the state already collects from people who rent cars substantial sums of money to be used for state purposes. We do not feel that it is justified to solicit additional contributions from renters and feel that it will alienate Rent-A-Car custom

Thank you for the opportunity to submit testimony on this measure.

Gary M. Slovin
Mihoko E. Ito
Christine Ogawa Karamatsu
Tiffany N. Yajima

1099 Alakea Street, Suite 1400
Honolulu, HI 96813
(808) 539-0840

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 02, 2013 12:35 PM
To: TRNtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB760 on Feb 6, 2013 11:00AM*

HB760

Submitted on: 2/2/2013

Testimony for TRN/EEP on Feb 6, 2013 11:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 03, 2013 11:12 AM
To: TRNtestimony
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for HB760 on Feb 6, 2013 11:00AM

HB760

Submitted on: 2/3/2013

Testimony for TRN/EEP on Feb 6, 2013 11:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
carl p jellings sr	Individual	Support	No

Comments: In Support

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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