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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

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Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
WATER & LAND

Thursday, February 2, 2023  
9:30 AM  
State Capitol, Conference Room 430

In consideration of  
HOUSE BILL 908  
RELATING TO THE LAND CONSERVATION FUND

House Bill 908 proposes to strengthen the buying power of the Legacy Land Conservation Program by increasing the maximum amount of annual conveyance tax revenue deposited into the Land Conservation Fund from \$5.1 million to \$9.8 million. **The Department of Land and Natural Resources (Department) strongly supports this measure provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request and offers an amendment that would further enhance the State's ability to help protect resources and preserve lands for conservation purposes.**

The Department of Taxation reports that Fiscal Year 2022 conveyance tax revenue totaled over \$188.4 million, and that Fiscal Year 2023 conveyance tax revenue reached over \$50.1 million by the end of December 2022 (second quarter). If Fiscal Year 2023 revenue collections continue at the current pace and are distributed in Fiscal Year 2023 under the \$9.8 million cap proposed by this measure, then the cash balance of the Land Conservation Fund would receive an immediate \$3.7 million boost, and the portion of Fiscal Year 2024 appropriations that could be used for management grants would be \$490,000 rather than \$255,000. Therefore, the Department requests that the Water & Land Committee consider amending SECTION 3, page 1, line 16 of this measure to read as follows:

SECTION 3. This Act shall take effect [~~on July 1, 2023.~~]  
upon approval.

Mahalo for the opportunity to testify in strong support on this measure.

**HB-908**

Submitted on: 2/1/2023 9:20:22 AM

Testimony for WAL on 2/2/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kanoë Wilson	Legacy Land Commission	Support	Written Testimony Only

Comments:

Aloha members of the Water and Land Committee,

My name is Kanoë Wilson and I serve on the Legacy Land Commission. I am submitting testimony today in support of HB908.

Mahalo nui,

Kanoë Wilson

Legacy Land Commissioner



**HAWAII**

1164 Bishop St., Ste. 1512  
Honolulu, HI 96813

[tpl.org](http://tpl.org)

**TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF HB 908**  
**House Committee on Water & Land, State Capitol, Rm. 430**  
**Thursday, February 2, 2023, 9:30 a.m.**

Aloha Chair Ichiyama, Vice-Chair Poepoe, and Committee Members –

Trust for Public Land (TPL) strongly supports HB 908, which raises the Legacy Land Conservation Program's spending cap from \$5.1 million to \$9.8 million.

During the past six or more years, the cap has remained at \$5.1 million while real estate prices have skyrocketed. Meanwhile, residents' desire to conserve special lands on their islands has risen. As a result, the Legacy Land Conservation Commission routinely recommends many more worthy projects for funding than there are funds available – double or triple the amount available in the fund. Due to lack of funds, projects must request money over multiple years – delaying closings, and resulting in heartbreaking missed opportunities while international or mainland speculators quickly purchase incredibly special lands above asking price or appraised fair market value, in cash, with short closings.

As real estate prices rise and conveyance tax collections rise, it is appropriate that the Legacy Land Conservation Program spending cap increases to keep pace with rising real estate prices.

Mahalo for this opportunity to testify. I apologize that I will not be able to attend the hearing in person or virtually due to a scheduling conflict.

Lea Hong  
Associate Vice-President  
Hawaii State Director  
Edmund C. Olson Trust Fellow  
Trust for Public Land

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Meeting on February 2, 2023 at 9:30 a.m.  
Conference Room 430 & Videoconference

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RE: **Support for HB908 and the Land Conservation Fund**

Dean Takebayashi  
Director

Aloha Chair Ichiyama, Vice Chair Poepoe, and WAL Committee Members,

Gary Weller  
Director

Livable Hawaii Kai Hui **strongly supports** HB908. As a member of the Ka Iwi Coalition – which led the movement to protect Kaiwi Coast from Maunaloa to Makapu'u – we know firsthand the positive impact that can be made by the Land Conservation Fund and grants it supports through the Legacy Land Conservation Program.

Mardi LaPrade  
Director

Kendrick Chang  
Community Outreach

In 2014, Livable Hawaii Kai Hui was awarded one such grant to conserve the Kaiwi Mauka Lands in perpetuity. Not only did the grant fund a substantial portion of the acquisition (completed in 2016), it provided much needed momentum for our campaign to build public support.

Dylan Ramos  
Communications &  
Operations

Though this bill doesn't go as far as SB2533 (2022), which proposed to remove reference to a dollar amount in the Land Conservation Fund allocation in favor of a constant 10% share of revenue, we support HB908 and its intent to nearly double the dollar amount option to \$9,800,000.

**Website**

[www.hawaiiikaihui.org](http://www.hawaiiikaihui.org)  
[www.kaiwicost.org](http://www.kaiwicost.org)

By passing HB908, this Committee can show its support for conservation efforts.

**Like us on Facebook**  
Livable Hawaii Kai Hui  
Aloha Aina O Kamilo Nui  
Ka Iwi Coast

Mahalo,

Livable Hawaii Kai Hui is a 501(c)(3) non-profit, community organization serving East Honolulu since 2004. We strive to promote sensible growth, respect for cultural & natural resources, and upholding the integrity of the East Honolulu Sustainable Communities Plan.

Elizabeth Reilly  
Founder/President

Dylan Ramos  
Communications & Operations

**HB-908**

Submitted on: 2/1/2023 12:17:37 AM

Testimony for WAL on 2/2/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thorne Abbott	Coastal Planners, LLC	Support	Written Testimony Only

Comments:

I strongly support the increase in funding deposited to the Land Conservation Fund. The program has proved to be an effective, efficient tool to promote public-private partnerships with willing landowners that conserves Hawaii's unique places and natural and cultural resources. Please pass the measure without deferrals.

February 2, 2023

**The Honorable Linda Ichiyama, Chair**

House Committee on Water & Land

State Capitol, Conference Room 430 & Videoconference

**RE: House Bill 908, Relating to the Land Conservation Fund**

**HEARING: Thursday, February 2, 2023, at 9:30 a.m.**

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i and its over 11,000 members. HAR strongly **opposes** House Bill 908, which amends the amount of conveyance tax to be deposited into the land conservation fund.

The Conveyance Tax applies to not only residential property such as single-family homes and condominiums, but to the conveyance of multi-family rentals, land for residential subdivisions, mixed-income and multi-use properties, commercial properties, resort properties, and agricultural lands. With inflation hitting a 40-year high and rising interest rates, Hawaii's real estate market slowed with a 22.64% decrease in sales from the previous year for single-family homes and 20.06% decrease for condominiums.<sup>1</sup>

As such, the problem linking funding to the Conveyance Tax is that when the real estate market is down, there are not enough funds to pay for the programs and the special funds it covers. The Conveyance Tax is often targeted for increase to cover these programs; however, when the market is up, there are excess funds over and above the program's needs. This becomes a cyclical issue, and unreliable in forecasting for these program's needs.

Finally, while the Land Conservation Fund is valuable, it should be noted that it can request appropriations and funds through the regular budgetary process, which would be a more reliable source of funds for the aforementioned reasons. In 2012, the State Auditor prepared Report No. 12-04: "Study of the Transfer of Non-General Funds to the General Fund." The Auditor examined issues relating to the establishment and continuance of special and revolving funds in the State. The Auditor used the statutory criteria for establishment and continuance of special and revolving funds, under Sections 37-2.3 and 37-52.4 of the Hawaii Revised Statutes ("HRS"). Regarding the Land Conservation Fund, the State Auditor determined that

*...the purpose of the fund is to conserve and protect lands having value as a resource to the state through either acquisition of property or through*

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<sup>1</sup> Hawai'i REALTORS®. (2022). *Statewide Housing Data*. <https://www.hawaiiirealtors.com/wp-content/uploads/2023/01/2022-Annual-Statewide-Statistics-Report.pdf>

*permanent conservation easements to protect resource values. Hence, beneficiaries of the conservation and preservation programs are state residents as a whole, and as such the programs should be supported by funding from a broader tax because of the broad public benefit. Although the Legislature determined the conveyance tax an appropriate means of funding conservation of natural resources, the Land Conservation Fund established under Section 247-7(1), HRS, the program should draw support from the general fund rather than a tax charged on individuals and companies involved in real estate transactions.*

The Auditor goes on to say that since the Land Conservation Fund does not meet the criteria for continuance as a special fund, the Legislature should consider repealing Sections 173A-5 and 247-7(1), HRS.<sup>2</sup>

For the foregoing reasons, Hawai'i REALTORS® strongly opposes this measure. Mahalo for the opportunity to testify.

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<sup>2</sup> The Auditor State of Hawaii. (2012). *Report No. 12-04 Study of the Transfer of Non-general Funds to the General Fund*. <https://files.hawaii.gov/auditor/Reports/2012/12-04.pdf>

**HB-908**

Submitted on: 2/1/2023 8:25:38 AM

Testimony for WAL on 2/2/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Keoni Fox	Ala Kahakai Trail Association	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

On behalf of the Ala Kahakai Trail Association, I am testifying in support of HB908 which would raise the ceiling for funds to be deposited into the land conservation fund each year. We are a Hawaii Island based, Native Hawaiian Organization and non-profit 501c3 whose goal is to protect the ancient trail network including the surrounding cultural, historical and natural landscape by facilitating partnerships and creating community connections through stewardship and education. Funds raised through the State Legacy Land Conservation Program (LLCP) were used to purchase and protect significant sections of the Ala Kahakai trail corridor which included ancient villages, sensitive coastal plant habitat, dryland forests, and anchialine ponds. The funds also helped to protect public access especially for communities which still practice subsistence fishing and gathering. In addition to the protection of the coastline, the fund has helped to protect important watersheds and agricultural lands which support our island food security. With the increased pressures from urban sprawl, global food shortages and climate change, the need for this program to succeed is paramount. Because of the low ceiling, only two or three projects receive partial funding every year and so many great properties are passed over. In an effort to fund more than one project each year, the applicants must also pursue additional funding sources which makes the process more challenging. An increase in the ceiling will improve the opportunity for additional land protection and it will better reflect the costs of Hawaii's high land values.

Mahalo for your time and consideration

William Keoni Fox, Vice President

Ala Kahakai Trail Association



**HB-908**

Submitted on: 2/1/2023 9:20:56 AM

Testimony for WAL on 2/2/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard Pezzulo	Hi`ipaka LLC	Support	Written Testimony Only

Comments:

Testimony 01.31.2023

House Bill 908

This testimony is in support of House Bill 908 RELATING TO THE LAND CONSERVATION FUND. I, Richard Pezzulo, as Executive Director of Hi`ipaka, LLC, a not for profit native Hawaiian serving community based organization advocate for the conservation of land in Hawai`i. We have found Waimea Valley to be an important stewardship resource that allows for perpetuation of the unique Hawaiian cultural and ecological heritage of this State. Increasing the annual maximum contribution to \$9,800,000 will help to Malama Hawai`i and preserve the environment. Our organization supports amending the amount of conveyance tax to be deposited into the land conservation fund.

**Testimony of The Nature Conservancy  
Supporting HB 908, Relating to the Land Conservation Fund.**

**Committee on Water and Land  
February 2, 2023, 9:30 am  
Conference Room 430 and via Videoconference**

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

The Nature Conservancy (TNC) strongly supports HB 908, Relating to the Land Conservation Fund, which increases the amount of conveyance tax to be deposited into the Land Conservation Fund to \$9.8 million from the current \$5.1 million.

The Land Conservation Fund supports the Legacy Land Conservation Program, which funds grants to State and County governments and non-profit land conservation organizations to acquire land and protect valuable resources for public benefit. Protecting these lands offers wide benefits for the people of Hawai'i, including reforestation efforts that help mitigate the impacts of climate change by providing freshwater for our islands and habitat for threatened and endangered plant and animal species. Protection and management also reduces runoff, drought, and wildfires that directly impact communities and our ecosystems. Increasing the cap on the Land Conservation Fund will support much needed land protection efforts as Hawai'i battles these impact of climate change.

As real estate prices rise, increasing the cap on the Land Conservation Fund will help meet the demand for and cost of acquiring land for public and ecological benefit. Under the current cap, the Legacy Land Conservation Program regularly is unable to meet all the need. Additionally, the Land Conservation Fund provides vital matching funds necessary to access federal money under the Land and Water Conservation Fund, which provides \$900 million annually for land conservation programs nationally.

Mahalo for your support of Hawai'i's natural resources and the opportunity to provide testimony in support of HB 908.

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*The Nature Conservancy of Hawai'i and Palmyra is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 40,000 acres in 13 nature preserves and work in over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands. We forge partnerships with government, private parties, and communities to protect forests and coral reefs for their ecological values and for the many benefits they provide to people.*

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# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: CONVEYANCE, Increase Earmark to Land Conservation Fund

BILL NUMBER: HB 908

INTRODUCED BY: POEPOE, AMATO, GANADEN, HUSSEY-BURDICK, ICHIYAMA, KAPELA, KILA, LOWEN, MARTEN, MARTINEZ, PERRUSO, TODD

EXECUTIVE SUMMARY: Amends the ceiling amount of conveyance tax to be deposited into the land conservation fund from \$5.1 million to \$9.8 million.

SYNOPSIS: Amends section 247-7(1), HRS, to provide that 10% of the tax collections or \$9.8 million, whichever is less, shall be paid into the land conservation fund.

EFFECTIVE DATE: July 1, 2023.

STAFF COMMENTS: The conveyance tax was enacted by the 1966 legislature after the repeal of the federal law requiring stamps for transfers of real property. It was enacted for the sole purpose of providing the department of taxation (which at the time also administered the real property tax) with additional data for the determination of market value of properties transferred. This information was also to assist the department in establishing real property assessed values and at that time the department stated that the conveyance tax was not intended to be a revenue raising device.

Prior to 1993, the conveyance tax was imposed at the rate of 5 cents per \$100 of actual and full consideration paid for a transfer of property. At the time all revenues from the tax went to the general fund. The legislature by Act 195, SLH 1993, increased the conveyance tax to 10 cents per \$100 and earmarked 25% of the tax to the rental housing trust fund and another 25% to the natural area reserve fund. As a result of legislation in 2005 and in 2009, the conveyance tax rates were substantially increased and bifurcated between nonowner-occupied residential properties and all other properties. Tax brackets were based on the amount of the value transferred. Until 2005, 50% of the receipts went into the general fund and the other half was split with the affordable rental housing program and the natural area reserve program. Beginning in 2005, another 10% was taken for the land conservation fund.

Act 84, SLH 2015, imposed a \$6.8 million cap on the earmark. In 2015, the Conference Committee explained the rationale for the cap on the earmark as follows:

Your Committee on Conference finds that budgetary planning and transparency are key components to ensuring the ongoing fiscal health of the State. Your Committee on Conference believes that, by establishing maximum amounts to be distributed to various non-general funds from the conveyance tax, this measure will make forecasts of general fund revenues more reliable, will increase legislative oversight of agencies and programs supported by the non-general funds, and will subject those agencies and programs to

competition for limited public funds if the agencies or programs want more than the amount automatically distributed to their non-general funds.

Conf. Comm. Rep. No. 156 (2015).

The cap was reduced to \$5.1 million in the budget bill of 2020, Act 9, SLH 2020. This is the amount that is proposed to be raised to \$9.8 million by this bill.

Raising or removing the cap on the earmarked revenues should be done only with great caution. As with any earmarking of revenues, the legislature will be preapproving each of the programs fed by the fund into which the tax monies are diverted, expenses from the funds largely avoid legislative scrutiny, and the effectiveness of the programs funded becomes harder to ascertain. It is also difficult to determine whether the fund has too little or too much revenue.

If the legislature deems the programs and purposes funded by this fund to be a high priority, then it should maintain the accountability for these funds by appropriating the funds as it does with other programs. Earmarking revenues merely absolves elected officials from setting priorities. If the money were appropriated, lawmakers could then evaluate the real or actual needs of each program.

Digested: 1/31/2023

**HB-908**

Submitted on: 1/31/2023 8:55:18 PM

Testimony for WAL on 2/2/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

I support the intent of this bill to increase the amount of conveyance tax deposited into the land conservation fund. I would also support increasing the amount of conveyance tax deposited into the affordable housing fund. Please support HB908.

**HB-908**

Submitted on: 2/1/2023 8:29:30 AM

Testimony for WAL on 2/2/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jane Au	Individual	Support	Written Testimony Only

Comments:

I support an increase to the maximum amount allowed to be deposited into the Land Conservation Fund to 9.8 million. Our communities today are in dire need of land conservation projects and resources. This is where more funds are needed. Increasing the max funding for this fund will do much for our natural and cultural resoruces, as well as our future survival in these islands.

**I strongly support the proposed increase in the amount of conveyance tax deposited into the land conservation fund.** Since 2020, I have researched with Ho‘okua‘āina, a nonprofit caring for a taro farm in Maunawili and educating community through their programming. They are a potential grant applicant to the Legacy Land Conservation Program. Their work in restoring lo‘i kalo (wetland taro agriculture) creates habitat for native waterbirds, among other valuable ecological functions. However, my expertise and research can attest even more strongly to the immense social value generated by their work. In my 41 interviews conducted with staff, interns, and other community members who have spent time with Ho‘okua‘āina, numerous people made clear that Ho‘okua‘āina has played a transformative role in their lives by providing a safe and healthy environment for them to form deep relationships with the land and community. Here are a few examples of quotes:

“My whole life course totally changed because of Ho‘okua‘āina.”  
-21 year old resident, former staff member

"Kapalai changed how I carried myself and how I treated others. I became more humble, determined, appreciative, and down to earth." -19 year old resident, former intern

“They [the volunteers] all said that they felt so much better after, like they got cleansed from the inside out. I feel that when I eat the poi, too.” -77 year old resident, poi customer

From youth growing up in unstable homes to adults who grew up in privileged circumstances, from children to elders, from locals to visitors, a wide variety of people expressed that Ho‘okua‘āina has shifted their future plans towards a greater emphasis on caring for community and environment:

“I plan to continue cultivating ‘āina wherever I go, and hopefully, I will have my own ‘āina one day where I can produce food and create thriving ‘āina.” -23 year old resident, former staff member

“I want to do this work for the rest of my life. I want to bring Ho‘okua‘āina to Kaua‘i and offer a similar space with a family-based structure and a mission of growing food and building community.” -21 year old resident, former staff member

Through the people they inspire, Ho‘okua‘āina and similar organizations can contribute to exponential growth in the number of people actively working to steward our social-ecological systems in Hawai‘i, and the true value of this work to our future society is immeasurable. Ho‘okua‘āina is looking to purchase more land to expand their efforts and have an even greater impact because the desire from the community is so strong. Increasing the conveyance tax deposited into the land conservation fund is one way that we can support the expansion of these vital efforts.

Mahalo, Vance Kaleohano Farrant

B.S. Earth Systems, Stanford University, 2021

M.E.M. Natural Resources and Environmental Management, UH Mānoa, 2023

Native Hawaiian, lifelong resident of Paumalū (North Shore, O‘ahu) and Kailua, O‘ahu

**HB-908**

Submitted on: 2/1/2023 11:49:15 AM

Testimony for WAL on 2/2/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Waipakawiwoole Parker	Kupaʻaina o Kuliʻouʻou	Support	Written Testimony Only

Comments:

I support increasing the amount of conveyance tax to be deposited into the land conservation fund. This increases the ability for organizations to conserve ʻāina.