

ACT 195

H.B. NO. 1848

A Bill for an Act Relating to Exceptional Trees.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that an exceptional tree is a tree with historic or cultural value or that, by reason of its age, rarity, location, size, esthetic quality, or endemic status, is worthy of preservation. Such exceptional trees benefit the community at large, as well as the individual property owner. The purpose of this Act is to provide property owners with a tax incentive to maintain any tree on their property that has been designated as an exceptional tree.

SECTION 2. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§235- Exceptional trees; tax deduction. (a) Subject to subsection (b), there shall be allowed as a deduction from gross income the amount, not to exceed \$3,000 per exceptional tree, for amounts paid, excluding interest paid or accrued thereon, during the taxable year by an individual taxpayer for expenditures to maintain, on the taxpayer’s real property, each exceptional tree that has been designated by the county arborist advisory committee under chapter 58 as an exceptional tree.

(b) No deduction shall be allowed to exceed the amount of expenditures deemed reasonably necessary by a certified arborist. No deduction shall be allowed in more than one taxable year out of every three consecutive taxable years.

(c) The director of taxation shall prepare such forms as may be necessary to claim a tax deduction under this section, may require proof of the claim for the tax deduction, including an affidavit signed by the certified arborist, and may adopt rules pursuant to chapter 91.

(d) For the purpose of this section, the term “exceptional tree” shall have the same meaning as defined in section 58-3.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval, and shall apply to amounts paid in taxable years beginning after December 31, 2003.

(Approved July 9, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.