HOUSE OF REPRESENTATIVES TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII

H.B. NO. ⁷⁸² H.D. 1

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM.

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

1 SECTION 1. The legislature finds that the department of business, economic development, and tourism provides services 2 3 and programs that promote economic development. Thus, the 4 legislature finds that the continued operation of the department 5 is imperative for the recovery of the economy of the State. 6 The legislature also finds that fees for business- and 7 commerce-related permits and authorizations have a nexus to the 8 business climate and economic performance of the State. The 9 legislature believes, in general, that the success of the 10 department of business, economic development, and tourism in 11 promoting the economy logically should result in the increase of 12 the business activities of most fee payers. Consequently, the 13 legislature finds that imposing a surcharge upon certain 14 business- and commerce-related permit fees to fund the 15 department of business, economic development, and tourism is 16 appropriate.

17 The purpose of this Act is to:

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1	(1)	Establish a new special fund for the operation of the
2		department of business, economic development, and
3		tourism; and
4	(2)	Impose a surcharge on certain business- and commerce-
5		related fees and require the surcharge revenues to be
6		deposited into the special fund.
7	SECT	ION 2. Chapter 92, Hawaii Revised Statutes, is amended
8	by adding	a new section to be appropriately designated and to
9	read as f	ollows:
10	" <u>§</u> 92	- Surcharge upon fees for certain business- and
11	commerce-	related services by certain departments. (a)
12	Beginning	July 1, 2011, and ending on June 30, 2015, there shall
13	be added	a surcharge of \$20 upon every fee charged by:
14	(1)	The department of commerce and consumer affairs for
15		the:
16		(A) Application, issuance, renewal, or reissuance of
17		a license, permit, or other authorization for a
18		profession, business, or occupation;
19		(B) Examination or audit of a person engaged in a
20		profession, business, or occupation;
21		(C) Filing, registration, or renewal of a corporate
22		or other business document;

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1		(D) Application for or registration of a trade name,
2		trademark, or service mark; or
3		(E) Tax on insurance premiums;
4	(2)	The public utilities commission pertaining to the
5		regulation of a public utility or the filing of any
6		document; provided that this paragraph shall not apply
7		to a telecommunications carrier that is the carrier of
8		last resort;
9	(3)	The department of labor and industrial relations
10		pertaining to the regulation of a hoisting machine
11		operator, blaster or pyrotechnics operator, safety and
12		health professional, boiler installer or installation,
13		and elevator mechanic or installation; and
14	(4)	The department of taxation for the application,
15		issuance, renewal, or reissuance of a license, permit,
16		certificate, or other authorization required under the
17		following taxes:
18		(A) <u>General excise;</u>
19		(B) Transient accommodations;
20		(C) Rental motor vehicle and tour vehicle;
21		(D) Liquor;
22		(E) <u>Cigarette and tobacco;</u>

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1		(F) Liquid fuel;
2		(G) Public service company; and
3		(H) Bank and financial corporation.
4	For	he purpose of this section, "fee" means a monetary
5	amount ch	rged by a department for a service specified in this
6	subsection	, no matter the nomenclature used to describe the
7	amount ch	rged.
8	(b)	Each department or agency subject to subsection (a)
9	shall imp	se and collect the appropriate surcharge and transmit
10		rge revenues to the director of finance for deposit
11		epartment of business, economic development, and
	<u></u>	eparement of basiness, coonomic acveropment, and
12	tourism o	eration special fund established under section 201-
13	. The di	ector of finance shall establish the deadlines by
14	which the	departments shall transmit the surcharge revenues to
15	the direct	or.
16	<u>(c)</u>	No surcharge shall be added to the following:
17	(1)	Any service for which no fee is charged;
18	(2)	Any fine for a violation of a state law;
19	(3)	Any fee for the dissemination or copying of a public
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20		record; or
21	(4)	Any fee charged to a state, county, or federal
22		agency."
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1	SECTION 3. Chapter 201, Hawaii Revised Statutes, is					
2	amended by adding a new section to part I to be appropriately					
3	designated and to read as follows:					
4	" <u>§201-</u> Department of business, economic development,					
5	and tourism operation special fund. (a) Beginning July 1,					
6	2011, and ending on June 30, 2015, there is established, within					
7	the treasury of the State, the department of business, economic					
8	development, and tourism operation special fund.					
9	(b) Moneys required to be deposited into the special fund					
10	under section 92- shall be so deposited by the director of					
11	finance.					
12	Any interest earned on moneys in the special fund shall be					
13	a realization of the general fund.					
14	(c) Moneys in the special fund shall be expended for the					
15	operations of the department, including the salary and fringe					
16	benefit costs of department personnel.					
17	(d) If, on June 30, 2015, there are unexpended and					
18	unencumbered moneys remaining in the special fund, the director					
19	of finance shall transfer those moneys to the general fund on					
20	July 1, 2015."					
21	SECTION 4. New statutory material is underscored.					
22	SECTION 5. This Act shall take effect on July 1, 2112.					



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Report Title:

DBEDT; Operation Special Fund

Description:

Establishes the department of business, economic development, and tourism operation special fund to support operations. Imposes a temporary surcharge on certain fees charged by certain departments for deposit into fund. Effective July 1, 2112. (HB782 HD1)

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