HOUSE OF REPRESENTATIVES TWENTY-SEVENTH LEGISLATURE, 2013 STATE OF HAWAII

A BILL FOR AN ACT

747

H.D. 1

S.D. 1 Proposed

H.B. NO.

RELATING TO AGRICULTURE.

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

1	PART I
2	SECTION 1. Section 237-24.3, Hawaii Revised Statutes, is
3	amended to read as follows:
4	"§237-24.3 Additional amounts not taxable. In addition to
5	the amounts not taxable under section 237-24, this chapter shall
6	not apply to:
7	(1) Amounts received from the loading, transportation, and
8	unloading of agricultural commodities shipped for a
9	producer or produce dealer on one island of this State
10	to a person, firm, or organization on another island
11	of this State. The terms "agricultural commodity",
12	"producer", and "produce dealer" shall be defined in
13	the same manner as they are defined in section 147-1;
14	provided that agricultural commodities need not have
15	been produced in the State;
16	(2) Amounts received from sales of:

17

Intoxicating liquor as the term "liquor" is (A) 18 defined in chapter 244D;

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1		(B) Cigarettes and tobacco products as defined in		
2		chapter 245; and		
3		(C) Agricultural, meat, or fish products;		
4		to any person or common carrier in interstate or		
5		foreign commerce, or both, whether ocean-going or air,		
6		for consumption out-of-state on the shipper's vessels		
7		or airplanes;		
8	(3)	Amounts received by the manager, submanager, or board		
9		of directors of:		
10		(A) An association of owners of a condominium		
11		property regime established in accordance with		
12		chapter 514A or 514B; or		
13		(B) A nonprofit homeowners or community association		
14		incorporated in accordance with chapter 414D or		
15		any predecessor thereto and existing pursuant to		
16		covenants running with the land,		
17		in reimbursement of sums paid for common expenses;		
18	(4)	Amounts received or accrued from:		
19		(A) The loading or unloading of cargo from ships,		
20		barges, vessels, or aircraft, whether or not the		
21		ships, barges, vessels, or aircraft travel		



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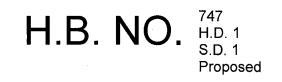
1		between the State and other states or countries
2		or between the islands of the State;
3		(B) Tugboat services including pilotage fees
4		performed within the State, and the towage of
5		ships, barges, or vessels in and out of state
6		harbors, or from one pier to another; and
7		(C) The transportation of pilots or governmental
8		officials to ships, barges, or vessels offshore;
9		rigging gear; checking freight and similar
10		services; standby charges; and use of moorings
11		and running mooring lines;
12	(5)	Amounts received by an employee benefit plan by way of
13		contributions, dividends, interest, and other income;
14		and amounts received by a nonprofit organization or
15		office, as payments for costs and expenses incurred
16		for the administration of an employee benefit plan;
17		provided that this exemption shall not apply to any
18		gross rental income or gross rental proceeds received
19		after June 30, 1994, as income from investments in
20		real property in this State; and provided further that
21		gross rental income or gross rental proceeds from
22		investments in real property received by an employee
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1		benefit plan after June 30, 1994, under written
2		contracts executed prior to July 1, 1994, shall not be
3		taxed until the contracts are renegotiated, renewed,
4		or extended, or until after December 31, 1998,
5		whichever is earlier. For the purposes of this
6		paragraph, "employee benefit plan" means any plan as
7		defined in section 1002(3) of title 29 of the United
8		States Code, as amended;
9	(6)	Amounts received for purchases made with United States
10		Department of Agriculture food coupons under the
11		federal food stamp program, and amounts received for
12		purchases made with United States Department of
13		Agriculture food vouchers under the Special
14		Supplemental Foods Program for Women, Infants and
15		Children;
16	(7)	Amounts received by a hospital, infirmary, medical
17		clinic, health care facility, pharmacy, or a
18		practitioner licensed to administer the drug to an
19		individual for selling prescription drugs or
20		prosthetic devices to an individual; provided that
21		this paragraph shall not apply to any amounts received



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for services provided in selling prescription drugs or 1 2 prosthetic devices. As used in this paragraph: 3 "Prescription drugs" are those drugs defined 4 under section 328-1 and dispensed by filling or 5 refilling a written or oral prescription by a practitioner licensed under law to administer the drug 6 and sold by a licensed pharmacist under section 328-16 7 8 or practitioners licensed to administer drugs; and 9 "Prosthetic device" means any artificial device 10 or appliance, instrument, apparatus, or contrivance, 11 including their components, parts, accessories, and 12 replacements thereof, used to replace a missing or 13 surgically removed part of the human body, which is 14 prescribed by a licensed practitioner of medicine, osteopathy, or podiatry and which is sold by the 15 16 practitioner or which is dispensed and sold by a dealer of prosthetic devices; provided that 17 "prosthetic device" shall not mean any auditory, 18 19 ophthalmic, dental, or ocular device or appliance, 20 instrument, apparatus, or contrivance;

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1 Taxes on transient accommodations imposed by chapter (8) 2 237D and passed on and collected by operators holding 3 certificates of registration under that chapter; 4 (9) Amounts received as dues by an unincorporated 5 merchants association from its membership for advertising media, promotional, and advertising costs 6 7 for the promotion of the association for the benefit 8 of its members as a whole and not for the benefit of 9 an individual member or group of members less than the 10 entire membership; 11 (10) Amounts received by a labor organization for real 12 property leased to: 13 (A) A labor organization; or 14 A trust fund established by a labor organization (B) 15 for the benefit of its members, families, and 16 dependents for medical or hospital care, pensions 17 on retirement or death of employees, apprenticeship and training, and other membership 18 19 service programs.

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20As used in this paragraph, "labor organization" means21a labor organization exempt from federal income tax



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1		under section 501(c)(5) of the Internal Revenue Code,
2		as amended;
3	(11)	Amounts received from foreign diplomats and consular
4		officials who are holding cards issued or authorized
5		by the United States Department of State granting them
6		an exemption from state taxes; [and]
7	(12)	Amounts received as rent for the rental or leasing of
8		aircraft or aircraft engines used by the lessees or
9		renters for interstate air transportation of
10		passengers and goods. For purposes of this paragraph,
11		payments made pursuant to a lease shall be considered
12		rent regardless of whether the lease is an operating
13		lease or a financing lease. The definition of
14		"interstate air transportation" is the same as in [49
15		U.S.C. 40102.] section 40102 of title 49 of the United
16		States Code; and
17	(13)	Amounts received from the slaughter and processing of
18		poultry and poultry carcasses or meat to be consumed
19		in the State, which have been produced in the State,
20		or livestock and livestock carcasses or meat to be
21		consumed in the State, which have been produced in the
22		<u>State.</u> "



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1		PART II
2	SECT	ION 2. Section 163D-17, Hawaii Revised Statutes, is
3	amended by	y amending subsection (e) to read as follows:
4	"(e)	The corporation shall not make investments in
5	qualified	securities issued by an enterprise in excess of the
6	following	limits:
7	(1)	Not more than $[\$500,000]$ $\$$ shall be invested
8		in the securities of any one enterprise, except that
9		more than a total of [\$500,000] <u>\$</u> may be
10		invested in the securities of any one enterprise, if
11		the corporation finds, after its initial investment,
12		that additional investments in that enterprise are
13		required to protect the initial investment of the
14		corporation, and the other findings set forth in
15		subsections (d) and (e) are made as to the additional
16		investment;
17	(2)	The corporation shall not own securities representing
18		more than forty-nine per cent of the voting stock of
19		any one enterprise at the time of purchase by the
20		corporation after giving effect to the conversion of
21		all outstanding convertible securities of the
22		enterprise, except that in the event of severe



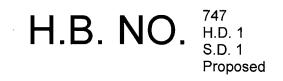
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1		financial difficulty of the enterprise, threatening	
2		the investment of the corporation in the enterprise, a	
3		greater percentage of those securities may be owned by	
4		the corporation; and	
5	(3)	Not more than fifty per cent of the assets of the	
6		corporation shall be invested in direct investments at	
7		any time."	
8		PART III	
9	SECTI	CON 3. There is appropriated out of the general fund	
10	of the Sta	te of Hawaii the sum of \$ or so much thereof	
11	as may be	necessary for fiscal year 2013-2014 and the same sum	
12	of \$	or so much thereof as may be necessary for fiscal	
13	year 2014-	2015 for the purchase of certain agricultural lands	
14	that are i	dentified as tax map key numbers: ;	
15		; ; and , pursuant to section	
16	163D-31, H	lawaii Revised Statutes.	
17	The s	ums appropriated shall be expended by the agribusiness	
18	developmen	t corporation for the purposes of this Act.	
19		PART IV	
20	SECTI	ON 4. Statutory material to be repealed is bracketed	•
21	and strick	en. New statutory material is underscored.	



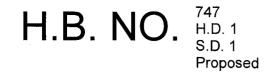
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SECTION 5. This Act shall take effect on July 1, 2050;
provided that the amendments made to section 237-24.3, Hawaii
Revised Statutes, by section 1 of this Act shall not be repealed
when that section is reenacted on December 31, 2014, pursuant to
section 4 of Act 239, Session Laws of Hawaii 2007, as amended by
section 5 of Act 196, Session Laws of Hawaii 2009, and as
amended by section 1 of Act 91, Session Laws of Hawaii 2010.



Report Title:

General Excise Tax; Processing of Poultry and Livestock; Exemption; Agriculture; Hawaii Agricultural Development Revolving Fund; Corporation Funds; Agribusiness Development Corporation; Appropriation

Description:

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Exempts from the general excise tax amounts received for the slaughter and processing of poultry and livestock. Increases the agribusiness development corporation's limit on investments in qualified securities of any one enterprise. Makes an appropriation for the agribusiness development corporation to purchase agricultural land. Effective July 1, 2050. (Proposed SD1)

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