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# A BILL FOR AN ACT

RELATING TO STATE ENTERPRISE ZONES.

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

1 PART I

2 SECTION 1. The legislature finds that the enterprise zone  
3 program was established in 1986 for the purpose of stimulating  
4 business, agricultural, and industrial growth in areas to  
5 revitalize neighborhoods by providing public benefits to local  
6 companies. In addition to stimulating business activity, the  
7 enterprise zone program also promotes job preservation and job  
8 creation in areas designated by the counties and approved by the  
9 governor. Benefits for local companies include permitting and  
10 zoning assistance, fee waivers, tax relief, and more.

11 The legislature further finds that the most common  
12 industries participating in the enterprise zone program are  
13 agricultural production or processing, manufacturing, and  
14 wholesaling and distribution. Other eligible industries include  
15 aviation or maritime repair or maintenance; telecommunications  
16 switching and delivery systems; information technology design  
17 and production; medical research and clinical trials; for-profit



1 training programs in international business management or  
2 environmental remediation; biotechnology research, development,  
3 production, or sales; repair or maintenance of assisted  
4 technology equipment; certain call centers; and wind energy  
5 producers.

6       The legislature additionally finds that, for decades, a  
7 manufacturer of tangible products has only been eligible for  
8 enterprise zone program benefits if over one-half of the gross  
9 sales of its products are to wholesalers and the sale takes  
10 place within the enterprise zone. This qualification was  
11 established before modern revolutions in manufacturing and  
12 retail sales. Since the program's establishment, business  
13 models have significantly changed, and local manufacturers now  
14 often skip selling to wholesalers and go directly to retail,  
15 making those manufacturers ineligible to participate in the  
16 enterprise zone program. Allowing local manufacturers that sell  
17 directly to retail to be eligible for the enterprise zone  
18 program will help lift local businesses and promote job creation  
19 and job preservation for local families looking to thrive in  
20 Hawaii.



1           Accordingly, the purpose of this part is to modernize the  
2 enterprise zone program by allowing additional activities within  
3 an enterprise zone to qualify for enterprise zone benefits,  
4 specifically:

- 5           (1) Retail and wholesale activity by a local manufacturer  
6           made within the enterprise zone;
- 7           (2) The processing of value-added agriculture products;  
8           and
- 9           (3) The provision of professional services by health care  
10           professionals in health-care related sectors.

11           SECTION 2. Section 209E-2, Hawaii Revised Statutes, is  
12 amended as follows:

13           1. By adding two new definitions to be appropriately  
14 inserted and to read:

15           "Tangible personal property" means property that can be  
16 touched or felt and can be relocated. "Tangible personal  
17 property" does not include electricity, real property, or  
18 intellectual property.

19           "Value-added agricultural product" means a product that has  
20 been processed, enhanced, or otherwise modified beyond its raw  
21 state in a manner that increases its economic value and that



1 meets the criteria established for the seal of quality program  
2 by the department of agriculture under section 148-63."

3 2. By amending the definition of "eligible business  
4 activity" to read:

5 ""Eligible business activity" means the:

- 6 (1) Manufacture of tangible personal property, the  
7 wholesale sale of tangible personal property as  
8 described in section 237-4, the sale of tangible  
9 personal property manufactured and sold at retail in  
10 the enterprise zone for consumption or use by the  
11 purchaser and not for resale, or a service business as  
12 defined in this section;
- 13 (2) Production of agricultural products where the business  
14 is a producer as defined in section 237-5, [~~or~~] the  
15 processing of agricultural products[ ~~or~~] or value-added  
16 agricultural products, all or some of which were grown  
17 within an enterprise zone;
- 18 (3) Research, development, sale, or production of all  
19 types of genetically-engineered medical, agricultural,  
20 or maritime biotechnology products; [~~or~~]



1 (4) Production of electric power from wind energy for sale  
2 primarily to a public utility company for resale to  
3 the public; or

4 (5) The provision of professional services by health care  
5 professionals in health-care related sectors,  
6 including but not limited to home health care  
7 agencies, specialized care practices, and health  
8 coaching;

9 provided that medical cannabis dispensary activities pursuant to  
10 chapter 329D shall not be considered an eligible business  
11 activity for the purposes of this chapter."

12 PART II

13 SECTION 3. This part shall apply to business firms that  
14 are designated as a qualified business for the purposes of  
15 chapter 209E, Hawaii Revised Statutes, on or after July 1, 2025.

16 SECTION 4. Section 209E-9, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) A business firm may also be eligible to be designated  
19 a qualified business for purposes of this chapter if the  
20 business:



- 1 (1) Is actively engaged in the conduct of a trade or  
2 business in an eligible business activity in an area  
3 immediately [~~prior to~~] before the area being  
4 designated an enterprise zone;
- 5 (2) Meets the requirements of subsection (a)(2); and
- 6 (3) Either:
- 7 (A) Increases its average annual number of full-time  
8 employees employed at the business' establishment  
9 or establishments within enterprise zones located  
10 within the same county by at least ten per cent  
11 by the end of the first year of operation, and by  
12 at least fifteen per cent by the end of each of  
13 the fourth, fifth, sixth, [~~and~~] seventh, eighth,  
14 and ninth years of operation, and for businesses  
15 eligible for tax credits extending past the  
16 [~~seventh~~] ninth year, at least maintains that  
17 higher level of employment during each subsequent  
18 taxable year; provided that the percentage  
19 increase shall be based upon the employee count  
20 at the beginning of the initial year of operation  
21 within the enterprise zone or zones; or



1           (B) Increases its gross sales of agricultural crops  
2           produced, or agricultural products processed  
3           within enterprise zones located within the same  
4           county by two per cent annually."

5           SECTION 5. Section 209E-10, Hawaii Revised Statutes, is  
6 amended as follows:

7           1. By amending subsection (a) to read:

8           "(a) The department shall certify annually to the  
9 department of taxation the applicability of the tax credit  
10 provided in this chapter for a qualified business against any  
11 taxes due the State. Except for the general excise tax, the  
12 credit shall be eighty per cent of the tax due for the first tax  
13 year, seventy per cent of the tax due for the second tax year,  
14 sixty per cent of the tax due for the third tax year, fifty per  
15 cent of the tax due for the fourth tax year, forty per cent of  
16 the tax due for the fifth tax year, thirty per cent of the tax  
17 due for the sixth tax year, and twenty per cent of the taxes due  
18 for each of the seventh [~~year-~~], eighth, and ninth tax years.

19 For qualified businesses engaged in the manufacturing of  
20 tangible personal property or the producing or processing of  
21 agricultural products, the credit shall continue after the



1 ~~[seventh]~~ ninth tax year at the rate of twenty per cent of the  
2 tax due for each of the subsequent three tax years. Any tax  
3 credit not usable shall not be applied to future tax years."

4 2. By amending subsection (c) to read:

5 "(c) In addition to any tax credit authorized under this  
6 section, any qualified business shall be entitled to a tax  
7 credit against any taxes due the State in an amount equal to a  
8 percentage of unemployment taxes paid. The amount of the credit  
9 shall be equal to eighty per cent of the unemployment taxes paid  
10 during the first year, seventy per cent of the taxes paid during  
11 the second year, sixty per cent of the taxes paid during the  
12 third year, fifty per cent of the taxes paid during the fourth  
13 year, forty per cent of the taxes paid during the fifth year,  
14 thirty per cent of the taxes paid during the sixth year, and  
15 twenty per cent of the taxes paid during each of the seventh  
16 ~~[year-]~~, eighth, and ninth years. For qualified businesses  
17 engaged in the manufacturing of tangible personal property or  
18 the producing or processing of agricultural products, the credit  
19 shall continue after the ~~[seventh]~~ ninth year in an amount equal  
20 to twenty per cent of the taxes paid during each of the  
21 subsequent three tax years."



1 SECTION 6. Section 209E-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§209E-11 State general excise exemptions.** The department  
4 shall certify annually to the department of taxation that any  
5 qualified business is exempt from the payment of general excise  
6 taxes on the gross proceeds from an eligible business activity  
7 as defined in this chapter; provided that agricultural  
8 businesses other than those engaged in the production of  
9 genetically-engineered agricultural products shall not be exempt  
10 from the payment of general excise taxes on the gross proceeds  
11 of agricultural retail sales. The gross proceeds received by a  
12 contractor licensed under chapter 444 shall be exempt from the  
13 general excise tax for construction within an enterprise zone  
14 performed for a qualified business within an enterprise zone or  
15 a business that has been approved by the department to enroll  
16 into the enterprise zone program. The exemption shall extend  
17 for a period not to exceed [~~seven~~] nine years; provided that for  
18 qualified businesses engaged in the manufacturing of tangible  
19 personal property or the producing or processing of agricultural  
20 products, the exemption shall extend for a period not to exceed  
21 [~~ten~~] twelve years; provided further that if a force majeure



1 event occurs, then the period of time shall be tolled until the  
2 force majeure event ceases."

3 PART III

4 SECTION 7. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect on July 1, 2050;  
7 provided that:

8 (1) Section 5 shall apply to taxable years beginning after  
9 December 31, 2025; and

10 (2) Section 6 shall take effect on January 1, 2027.



**Report Title:**

State Enterprise Zones; Qualified Business; State Business Tax Credit; General Excise Tax; Eligible Business Activities; Retail Sales; Value-Added Agricultural Products; Health Care Services; Exemption; Extension

**Description:**

Amends the definition of "eligible business activity" for Enterprise Zone Program purposes to include retail sales of tangible personal property manufactured and sold in the enterprise zone that is to be used or consumed by the purchaser and not for resale, the processing of value-added agricultural products grown within an enterprise zone, and the provision of professional services by health care professionals in health-care related sectors. Extends the eligibility period of the state business tax credit and general excise tax exemption for qualified businesses within state Enterprise Zones from 7 years to 9 years. Extends the eligibility period of the general excise tax exemption for qualified businesses within state Enterprise Zones engaged in the manufacturing of tangible personal property or the producing or processing of agricultural products from 10 years to 12 years. Makes the extension of the state business tax credit eligibility period applicable to taxable years beginning after 12/31/2025. Makes the extension of the general excise tax exemption eligibility period take effect on 1/1/2027. Effective 7/1/2050. (SD2)

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