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## A BILL FOR AN ACT

RELATING TO TAXATION.

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

1           SECTION 1. Chapter 231, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§231-     Temporary rulemaking authority for regulation of  
5 tax matters. (a) Notwithstanding any other law in title 14,  
6 chapter 91, or chapter 201M to the contrary, the department is  
7 authorized to adopt temporary rules as provided in this section.  
8 Adoption of temporary rules may include the adoption, amendment,  
9 or repeal of any rule concerning any matter subject to  
10 regulation by the department.

11           (b) A temporary rule shall take effect seven days after  
12 the department issues notice of the temporary rule by:

13           (1) Posting the temporary rule on the department's website  
14           and the lieutenant governor's website;

15           (2) Making copies of the temporary rule available for  
16           public inspection at the department's offices,  
17           including satellite offices on the neighbor islands,



1 and allowing members of the public to make copies for  
2 a fee of ten cents per page; and

3 (3) Publishing the rule in a daily newspaper that is  
4 available statewide.

5 (c) A temporary rule shall be subject to the approval of  
6 the governor.

7 (d) A temporary rule issued by the department shall also  
8 be issued simultaneously as a proposed administrative rule  
9 subject to the procedural requirements of chapter 91.

10 (e) A temporary rule shall expire no later than eighteen  
11 months after the effective date of the temporary rule.

12 (f) Printed and electronic copies of a temporary rule  
13 shall include the following information, placed conspicuously at  
14 the beginning of the text:

15 (1) Notice of the temporary nature of the rule;

16 (2) The expiration date of the temporary rule; and

17 (3) Notice that the temporary rule has been simultaneously  
18 issued as a proposed administrative rule subject to  
19 chapter 91.

20 (g) Temporary rules shall have the force and effect of  
21 administrative rules enacted pursuant to chapter 91."

22 SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Calvin K. Ray*

JAN 28 2009



**Report Title:**

Department of Taxation; Temporary Rulemaking Authority

**Description:**

Authorizes the department of taxation to adopt temporary rules to be in effect no longer than eighteen months having the force and effect of permanent rules when certain notice requirements are satisfied. Requires temporary rules to be adopted concurrently with issuance of proposed permanent rules.

