
A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. Section 243-3.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§243-3.5 Environmental response tax; uses.~~ (a) In
4 addition to any other taxes provided by law, subject to the
5 exemptions set forth in section 243-7, there is hereby imposed
6 at times provided in section 128D-2 a state environmental
7 response tax of 5 cents on each barrel or fractional part of a
8 barrel of petroleum product [~~sold by a distributor to any retail
9 dealer or end user, other than a refiner, of petroleum product;~~]
10 received at a marine terminal from within or outside the State;
11 provided that cents of the tax on each barrel shall be
12 used pursuant to section 128D-2 to address concerns relating to
13 drinking water. The tax imposed by this subsection shall be
14 [~~paid by the distributor of the petroleum product.~~] collected by
15 the marine terminal operator from the owner of the petroleum
16 product, based upon each barrel of petroleum product received by
17 means of a vessel operating in, through, or across the waters of
18 the State.



1 (b) Each [~~distributor~~] marine terminal operator subject to
2 the [~~tax~~] requirements imposed by subsection (a), on or before
3 the last day of each calendar month, shall file with the
4 director, on forms prescribed, prepared, and furnished by the
5 director, a return statement of the tax under this section for
6 which the [~~distributor~~] marine terminal operator is liable for
7 the preceding month. The form and payment of the tax shall be
8 transmitted to the department of taxation in the appropriate
9 district.

10 (c) Notwithstanding section 248-8 to the contrary, the
11 environmental response tax collected under this section shall be
12 paid over to the director of finance for deposit into the
13 environmental response revolving fund established by section
14 128D-2.

15 (d) Every [~~distributor~~] marine terminal operator shall
16 keep in the State and preserve for five years a record in such
17 form as the department of taxation shall prescribe showing the
18 total number of barrels and the fractional part of barrels of
19 petroleum product [~~sold by the distributor~~] upon which the tax
20 is collected during any calendar month. The record shall show
21 such other data and figures relevant to the enforcement and
22 administration of this chapter as the department may require.



1 (e) As used in this section:

2 "Marine terminal" means any facility used for transferring
3 oil or petroleum products to or from a tank ship or tank barge.

4 "Operator" means any person who owns, has an ownership
5 interest in, or operates a marine terminal. The term does not
6 include the owner of land underlying a marine terminal or the
7 owner of the marine terminal itself if that person is not
8 involved in the operation of the marine terminal."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect on July 1, 2010.

12

INTRODUCED BY:

Jessica Wooley
J. Iron Wooley
W. S. Ay
Denny Egan
Mark DeLeonard
A.C. Kirk-Cogna

JAN 20 2010



Report Title:

Taxation; Environmental Response Tax

Description:

Requires a marine terminal operator, rather than a distributor, to collect the environmental response tax from the owner of petroleum products at the time those products are received at the terminal.

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

