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# A BILL FOR AN ACT

RELATING TO BUSINESS.

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

1           SECTION 1. The legislature finds that it is lagging in  
2 economic growth and creation of new high-paying jobs.

3           The purpose of this Act is to assist in the job creation  
4 process by establishing an office of entrepreneurship and job  
5 creation in the department of business, economic development,  
6 and tourism.

7           SECTION 2. The Hawaii Revised Statutes is amended by  
8 adding a new chapter to be appropriately designated and to read  
9 as follows:

10   "CHAPTER

11   OFFICE OF ENTREPRENEURSHIP AND JOB CREATION

12           § -1 Definitions. For purposes of this chapter, unless  
13 the context clearly requires otherwise:

14           "Applicant" means any person acting on the person's own  
15 behalf or who is authorized to act on behalf of any other person  
16 for the purpose of securing required permits to engage in  
17 business activities in the State.



1 "Department" means the department of business, economic  
2 development, and tourism.

3 "Director" means the director of business, economic  
4 development, and tourism.

5 "Office" means the office of entrepreneurship and job  
6 creation established in section -2.

7 "Permit" means any license, certificate, registration, or  
8 any other form of authorization required by a federal, state, or  
9 county department or agency to engage in any business activity,  
10 excluding vocational and professional occupational licenses,  
11 certificates, or registration and environmental permits.

12 "Person" means any individual, proprietorship, partnership,  
13 association, cooperative, corporation, nonprofit organization,  
14 and any other organization required to obtain one or more  
15 permits for the conduct of its business activities.

16 "Small business" means a for-profit enterprise consisting  
17 of fewer than one hundred full-time or part-time employees.

18 "State agency" means any department, board, bureau,  
19 commission, division, office, council, or agency of the State, a  
20 public benefit corporation, or public authority having at least  
21 one member appointed by the governor.



1       §   -2   Office of entrepreneurship and job creation  
2   established; staff. (a) There is established within the  
3   department an office of entrepreneurship and job creation that  
4   shall serve the needs of the small business community through  
5   promotion, planning, and the providing of services to assist  
6   small businesses in understanding and participating in job  
7   growth through permit application processing and public  
8   procurements in the State.

9       (b) The office shall be headed by a small business czar  
10   who shall be appointed by the director without regard to chapter  
11   76 and shall serve at the director's pleasure. The director may  
12   employ such other personnel as are required to carry out the  
13   functions of the center under this chapter.

14       §   -3   General functions; powers and duties. The office  
15   shall have the following functions, powers, and duties:

- 16       (1) Meet regularly with the small business community to  
17             align state policies to job creation policies;
- 18       (2) Provide comprehensive information on permits required  
19             for business activities in the State;
- 20       (3) Provide comprehensive information on the public  
21             procurement process;

- 1           (4) Facilitate contacts between the applicant and state  
2                   agencies with permit or procurement functions;
- 3           (5) Establish a collaborative network with other business  
4                   service organizations and chambers of commerce to  
5                   assure the voice of small business is represented at  
6                   the highest policy levels of government;
- 7           (6) Provide an annual report on "the state of small  
8                   business" to the office of the governor;
- 9           (7) Research, compile, and maintain a file of state and  
10                   federal laws and rules and county ordinances and rules  
11                   applicable to the various business activities for  
12                   which permits are required, including but not limited  
13                   to laws relating to employer requirements in such  
14                   areas as state taxes, workers' compensation, and  
15                   unemployment insurance;
- 16           (8) Research, compile, and maintain a file of current bids  
17                   and proposals for public contracts solicited by state  
18                   and county agencies as well as current state laws  
19                   applicable to the procurement process, including but  
20                   not limited to laws relating to public procurement,  
21                   purchases of health and human services, and public  
22                   contracts;

1 (9) Promote and publicize the center's services to the  
2 public, and provide information on its services for  
3 inclusion in any public informational material for  
4 permits provided by a state agency; and

5 (10) Adopt rules under chapter 91, procedures,  
6 instructions, and forms as are necessary to carry out  
7 the functions, powers, and duties of the office.

8 § -4 Cooperation from state agencies. (a) The director  
9 may request and shall be entitled to receive from any state  
10 agency, such assistance, services, facilities, and data the  
11 director deems necessary to carry out the duties of the office.

12 (b) Each state agency with permit issuance functions or  
13 procurement award functions covered under this chapter shall  
14 cooperate with the center by designating a staff person to  
15 coordinate the agency's efforts to provide information to the  
16 center on its permit process or procurement process and, to the  
17 extent possible, by providing a prompt response to requests for  
18 information.

19 § -5 Comprehensive permit and procurement information  
20 file. (a) Each state agency that is required to review,  
21 approve, or grant permits or procurement awards for business  
22 activities shall report to the office on a form prescribed by



1 the office, each and every type of permit administered by, or  
2 procurement awarded by, that agency. Application forms,  
3 applicable agency rules, and the estimated time period necessary  
4 for application consideration based on experience and statutory  
5 or administrative rule requirements shall accompany each state  
6 agency report.

7 (b) Subsequent to the filing of the report, the state  
8 agency shall submit reports to the office on any new requirement  
9 or modifications to existing requirements together with  
10 applicable forms, rules, and other information required to be  
11 filed in the initial report. Upon receipt of those reports, the  
12 office shall establish and maintain a comprehensive information  
13 file that provides ready access to the most current information  
14 provided by the state agencies.

15 § -6 Immunity from liability. The opinions offered and  
16 the services rendered by the office under this chapter shall be  
17 considered facilitative in nature and the office shall not be  
18 liable for any consequences resulting from an applicant's  
19 failure to obtain a required permit or to be awarded a public  
20 contract. Any information provided by the office or any  
21 omission of information by the office shall not relieve any  
22 applicant from, or constitute a waiver of, the obligation to



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1 secure a required permit or to submit a responsible bid in a  
2 timely manner."

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2010-2011 for one  
6 full-time equivalent position for the small business specialist.

7 The sum appropriated shall be expended by the department of  
8 business, economic development, and tourism for the purposes of  
9 this Act.

10 SECTION 4. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

*Gene Ward*

*JMT*

*[Signature]*

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JAN 27 2010



**Report Title:**

DBEDT; Small Business

**Description:**

Establishes and funds the Office of Entrepreneurship and Job Creation and the position of small business czar at the Department of Business, Economic Development, and Tourism.

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

