

---

---

## A BILL FOR AN ACT

RELATING TO THE BUSINESS DEVELOPMENT FUND.

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

1           SECTION 1. Section 26-18, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§26-18 Department of business, economic development, and  
4 **tourism.** (a) The department of business, economic development,  
5 and tourism shall be headed by a single executive to be known as  
6 the director of business, economic development, and tourism.

7           The department shall undertake statewide business and  
8 economic development activities, undertake energy development  
9 and management, provide economic research and analysis, plan for  
10 the use of Hawaii's ocean resources, and encourage the  
11 development and promotion of industry and international commerce  
12 through programs established by law.

13           (b) The following are placed in the department of  
14 business, economic development, and tourism for administrative  
15 purposes as defined by section 26-35: Aloha Tower development  
16 corporation, Hawaii community development authority, Hawaii  
17 housing finance and development corporation, high technology  
18 development corporation, land use commission, natural energy



1 laboratory of Hawaii authority, and any other boards and  
2 commissions as shall be provided by law.

3 The department of business, economic development, and  
4 tourism shall be empowered to establish, modify, or abolish  
5 statistical boundaries for cities, towns, or villages in the  
6 State and shall publish, as expeditiously as possible, an up-to-  
7 date list of cities, towns, and villages after changes to  
8 statistical boundaries have been made.

9 (c) Any law to the contrary notwithstanding, the director  
10 of business, economic development, and tourism may:

11 (1) Establish, increase, decrease, or repeal fees,  
12 pursuant to chapter 91, relating to any services  
13 rendered to business entities within the jurisdiction  
14 of the department; and

15 (2) Assess fees for copies of publications, reports, or  
16 materials prepared or issued by the department;  
17 provided that the director may reduce or waive the  
18 fees for copies requested by a nonprofit organization.  
19 Fees collected under this paragraph shall be deposited  
20 into the business development fund under  
21 subsection (d).



1        (d) The amount of the fees collected under subsection (c)  
2 shall be determined by the director and adjusted from time to  
3 time to ensure that the proceeds do not surpass the annual  
4 operating costs of conducting business development activities  
5 required under this section. The fees may be collected pursuant  
6 to rules adopted under chapter 91, and shall be deposited into  
7 the special fund established under this subsection. The  
8 director may establish, increase, decrease, or repeal the fees  
9 when necessary pursuant to rules adopted under chapter 91. The  
10 director may also increase or decrease the fees pursuant to  
11 section 92-28.

12        There is created in the state treasury a special fund to be  
13 known as the business development fund to be expended by the  
14 director's designated representatives as provided by this  
15 subsection. Notwithstanding any law to the contrary, all  
16 revenues and fees, and fines collected by the department shall  
17 be deposited into the business development fund. Any law to the  
18 contrary notwithstanding, the moneys in the fund shall be used  
19 to fund the operations of the department. The moneys in the  
20 fund may be used to train personnel as the director deems  
21 necessary and for any other activity related to business  
22 development.



1       The director shall prepare and submit an annual report to  
2 the governor and the legislature on the use of the business  
3 development fund. The report shall describe expenditures made  
4 from the fund including non-payroll operating expenses."

5           SECTION 2. Section 92-28, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§92-28 State service fees; increase or decrease of.** Any  
8 law to the contrary notwithstanding, the fees or other nontax  
9 revenues assessed or charged by any board, commission, or other  
10 governmental agency may be increased or decreased by the body in  
11 an amount not to exceed fifty per cent of the statutorily  
12 assessed fee or nontax revenue, to maintain a reasonable  
13 relation between the revenues derived from such fee or nontax  
14 revenue and the cost or value of services rendered,  
15 comparability among fees imposed by the State, or any other  
16 purpose which it may deem necessary and reasonable; provided  
17 that:

- 18           (1) The authority to increase or decrease fees or nontax  
19 revenues shall be subject to the approval of the  
20 governor and extend only to the following: chapters  
21 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,  
22 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,



1 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,  
2 436E, 437, 437B, 438, 439, 440, 441, 442, 443B, 444,  
3 447, 448, 448E, 448F, 448H, 451A, 451J, 452, 453,  
4 453D, 454, 455, 456, 457, 457A, 457B, 457G, 458, 459,  
5 460J, 461, 461J, 462A, 463, 463E, 464, 465, 466, 466K,  
6 467, 467E, 468E, 468L, 468M, 469, 471, 482, 482E, 484,  
7 485A, 501, 502, 505, 514A, 514B, 514E, 572, 574, and  
8 846 (part II) [7] and title 13;

9 (2) The authority to increase or decrease fees or nontax  
10 revenues under the chapters listed in paragraph (1)  
11 that are established by the department of commerce and  
12 consumer affairs shall apply to fees or nontax  
13 revenues established by statute or rule;

14 (3) The authority to increase or decrease fees or nontax  
15 revenues established by the University of Hawaii under  
16 chapter 304A shall be subject to the approval of the  
17 board of regents; provided that the board's approval  
18 of any increase or decrease in tuition for regular  
19 credit courses shall be preceded by an open public  
20 meeting held during or prior to the semester preceding  
21 the semester to which the tuition applies;



- 1       (4) This section shall not apply to judicial fees as may
- 2             be set by any chapter cited in this section;
- 3       (5) The authority to increase or decrease fees or nontax
- 4             revenues pursuant to this section shall be exempt from
- 5             the public notice and public hearing requirements of
- 6             chapter 91; and
- 7       (6) Fees for copies of proposed and final rules and public
- 8             notices of proposed rulemaking actions under chapter
- 9             91 shall not exceed 10 cents a page, as required by
- 10            section 91-2.5."

11       SECTION 3. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13       SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY:

*Scott Murr*  
 \_\_\_\_\_  
*Debra A. Bellotti*  
*Kal Mohr*  
*Tom Brun*

JAN 25 2011



**Report Title:**

Business Development Fund; DBEDT; Fees and Costs

**Description:**

Authorizes the director of business, economic development, and tourism to establish fees for services and costs for business development. Establishes the business development fund, from which the director of business, economic development, and tourism may fund the operations of the department.

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

