
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT,
AND TOURISM.

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

1 SECTION 1. The legislature finds that the department of
2 business, economic development, and tourism provides services
3 and programs that promote economic development. Thus, the
4 legislature finds that the continued operation of the department
5 is imperative for the recovery of the economy of the State.
6 The legislature also finds that fees for business- and
7 commerce-related permits and authorizations have a nexus to the
8 business climate and economic performance of the State. The
9 legislature believes that the success of the department of
10 business, economic development, and tourism in promoting the
11 economy should result in the increase of the business activities
12 of most fee payers. Consequently, the legislature finds that
13 imposing a surcharge upon certain business- and commerce-related
14 permit fees to fund the department of business, economic
15 development, and tourism is appropriate.



1 The purpose of this Act is to:

2 (1) Establish a new special fund for the operation of the
3 department of business, economic development, and
4 tourism; and

5 (2) Impose a surcharge on certain business- and commerce-
6 related fees and require the surcharge revenues to be
7 deposited into the special fund.

8 SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended
9 by adding a new section to be appropriately designated and to
10 read as follows:

11 **"§92- Surcharge upon fees for certain business- and**
12 **commerce-related services by certain departments. (a)**

13 Beginning July 1, 2011, and ending on June 30, 2015, there shall
14 be added a surcharge of \$20 upon every fee charged by:

15 (1) The department of commerce and consumer affairs for
16 the:

17 (A) Application, issuance, renewal, or reissuance of
18 a license, permit, or other authorization for a
19 profession, business, or occupation;

20 (B) Examination or audit of a person engaged in a
21 profession, business, or occupation;



1 (C) Filing, registration, or renewal of a corporate
2 or other business document;

3 (D) Application for or registration of a trade name,
4 trademark, or service mark; or

5 (E) Tax on insurance premiums;

6 (2) The public utilities commission pertaining to the
7 regulation of a public utility or the filing of any
8 document; provided that this paragraph shall not apply
9 to a telecommunications carrier that is the carrier of
10 last resort;

11 (3) The department of labor and industrial relations
12 pertaining to the regulation of a hoisting machine
13 operator, blaster or pyrotechnics operator, safety and
14 health professional, boiler installer or installation,
15 and elevator mechanic or installation; and

16 (4) The department of taxation for the application,
17 issuance, renewal, or reissuance of a license, permit,
18 certificate, or other authorization required under the
19 following taxes:

20 (A) General excise;

21 (B) Transient accommodations;

22 (C) Rental motor vehicle and tour vehicle;



- 1 (D) Liquor;
2 (E) Cigarette and tobacco;
3 (F) Liquid fuel;
4 (G) Public service company; and
5 (H) Bank and financial corporation.

6 For the purpose of this section, "fee" means a monetary
7 amount charged by a department for a service specified in this
8 subsection, no matter the nomenclature used to describe the
9 amount charged.

10 (b) Each department or agency subject to subsection (a)
11 shall impose and collect the appropriate surcharge and transmit
12 the surcharge revenues to the director of finance for deposit
13 into the department of business, economic development, and
14 tourism operation special fund established under section 201-
15 The director of finance shall establish the deadlines by which
16 the departments shall transmit the surcharge revenues to the
17 director.

18 (c) No surcharge shall be added to the following:
19 (1) Any service for which no fee is charged;
20 (2) Any fine for a violation of a state law;
21 (3) Any fee for the dissemination or copying of a public
22 record; or



1 (4) Any fee charged to a state, county, or federal
2 agency."

3 SECTION 3. Chapter 201, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "§201- Department of business, economic development,
7 and tourism operation special fund. (a) Beginning July 1,
8 2011, and ending on June 30, 2015, there is established, within
9 the treasury of the State, the department of business, economic
10 development, and tourism operation special fund.

11 (b) Moneys required to be deposited into the special fund
12 under section 92- shall be deposited by the director of
13 finance.

14 Any interest earned on moneys in the special fund shall be
15 a realization of the general fund.

16 (c) Moneys in the special fund shall be expended for the
17 operations of the department, including the salary and fringe
18 benefit costs of department personnel.

19 (d) If, on June 30, 2015, there are unexpended and
20 unencumbered moneys remaining in the special fund, the director
21 of finance shall transfer those moneys to the general fund on
22 July 1, 2015."



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect on July 1, 2011.



Report Title:

DBEDT; Operation Special Fund

Description:

Establishes the Department of Business, Economic Development, and Tourism Operation Special Fund to support operations. Imposes a temporary surcharge on certain fees charged by certain departments for deposit into fund. Effective July 1, 2011.
(HB782 HD2)

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

