

JAN 20 2012

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# A BILL FOR AN ACT

RELATING TO CABLE OPERATOR FEES.

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

1           SECTION 1. Section 440G-15, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Each cable operator shall pay an annual fee to be  
4 determined by the director. The fees [~~se~~] collected [~~under~~]  
5 pursuant to this section shall be deposited into the [~~compliance~~  
6 ~~resolution fund established under section 26-9(o).~~] general  
7 fund."

8           SECTION 2. Section 26-9, Hawaii Revised Statutes, is  
9 amended by amending subsection (o) to read as follows:

10           "(o) Every person licensed under any chapter within the  
11 jurisdiction of the department of commerce and consumer affairs  
12 and every person licensed subject to chapter 485A or registered  
13 under chapter 467B shall pay upon issuance of a license, permit,  
14 certificate, or registration a fee and a subsequent annual fee  
15 to be determined by the director and adjusted from time to time  
16 to ensure that the proceeds, together with all other fines,  
17 income, and penalties collected under this section, do not  
18 surpass the annual operating costs of conducting compliance



1 resolution activities required under this section. The fees may  
2 be collected biennially or pursuant to rules adopted under  
3 chapter 91, and shall be deposited into the special fund  
4 established under this subsection. Every filing pursuant to  
5 chapter 514E or section 485A-202(a)(26) shall be assessed, upon  
6 initial filing and at each renewal period in which a renewal is  
7 required, a fee that shall be prescribed by rules adopted under  
8 chapter 91, and that shall be deposited into the special fund  
9 established under this subsection. Any unpaid fee shall be paid  
10 by the licensed person, upon application for renewal,  
11 restoration, reactivation, or reinstatement of a license, and by  
12 the person responsible for the renewal, restoration,  
13 reactivation, or reinstatement of a license, upon the  
14 application for renewal, restoration, reactivation, or  
15 reinstatement of the license. If the fees are not paid, the  
16 director may deny renewal, restoration, reactivation, or  
17 reinstatement of the license. The director may establish,  
18 increase, decrease, or repeal the fees when necessary pursuant  
19 to rules adopted under chapter 91. The director may also  
20 increase or decrease the fees pursuant to section 92-28.

21 There is created in the state treasury a special fund to be  
22 known as the compliance resolution fund to be expended by the



1 director's designated representatives as provided by this  
2 subsection. [~~Notwithstanding any law to the contrary,~~] Unless  
3 otherwise provided by law, all revenues, fees, and fines  
4 collected by the department shall be deposited into the  
5 compliance resolution fund. Unencumbered balances existing on  
6 June 30, 1999, in the cable television fund under chapter 440G,  
7 the division of consumer advocacy fund under chapter 269, the  
8 financial institution examiners' revolving fund, section  
9 412:2-109, the special handling fund, section 414-13, and  
10 unencumbered balances existing on June 30, 2002, in the  
11 insurance regulation fund, section 431:2-215, shall be deposited  
12 into the compliance resolution fund. This provision shall not  
13 apply to the drivers education fund underwriters fee, sections  
14 431:10C-115 and 431:10G-107, insurance premium taxes and  
15 revenues, revenues of the workers' compensation special  
16 compensation fund, section 386-151, the captive insurance  
17 administrative fund, section 431:19-101.8, the insurance  
18 commissioner's education and training fund, section 431:2-214,  
19 the medical malpractice patients' compensation fund as  
20 administered under section 5 of Act 232, Session Laws of Hawaii  
21 1984, [~~and~~] fees collected for deposit in the office of consumer  
22 protection restitution fund, section 487-14, the real estate



1 appraisers fund, section 466K-1, the real estate recovery fund,  
2 section 467-16, the real estate education fund, section 467-19,  
3 the contractors recovery fund, section 444-26, the contractors  
4 education fund, section 444-29, the condominium education trust  
5 fund, section 514B-71, [~~and~~] the mortgage foreclosure dispute  
6 resolution special fund, section 667-86[~~7~~], and the cable  
7 operator fee, section 440G-15. Any law to the contrary  
8 notwithstanding, the director may use the moneys in the fund to  
9 employ, without regard to chapter 76, hearings officers and  
10 attorneys. All other employees may be employed in accordance  
11 with chapter 76. Any law to the contrary notwithstanding, the  
12 moneys in the fund shall be used to fund the operations of the  
13 department. The moneys in the fund may be used to train  
14 personnel as the director deems necessary and for any other  
15 activity related to compliance resolution.

16 As used in this subsection, unless otherwise required by  
17 the context, "compliance resolution" means a determination of  
18 whether:

19 (1) Any licensee or applicant under any chapter subject to  
20 the jurisdiction of the department of commerce and  
21 consumer affairs has complied with that chapter;

22 (2) Any person subject to chapter 485A has complied with



1           that chapter;

2           (3) Any person submitting any filing required by chapter  
3           514E or section 485A-202(a)(26) has complied with  
4           chapter 514E or section 485A-202(a)(26);

5           (4) Any person has complied with the prohibitions against  
6           unfair and deceptive acts or practices in trade or  
7           commerce; or

8           (5) Any person subject to chapter 467B has complied with  
9           that chapter;

10          and includes work involved in or supporting the above functions,  
11          licensing, or registration of individuals or companies regulated  
12          by the department, consumer protection, and other activities of  
13          the department.

14          The director shall prepare and submit an annual report to  
15          the governor and the legislature on the use of the compliance  
16          resolution fund. The report shall describe expenditures made  
17          from the fund including non-payroll operating expenses."

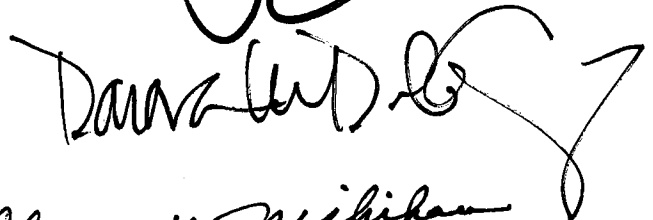
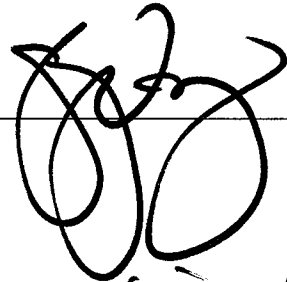
18          SECTION 3. Statutory material to be repealed is bracketed  
19          and stricken. New statutory material is underscored.

20          SECTION 4. This Act shall take effect upon its approval;  
21          provided that the amendments made to section 26-9(o), Hawaii  
22          Revised Statutes, shall not be repealed when that section is



1 repealed and reenacted on September 30, 2014, by Act 48,  
2 Sessions Laws of Hawaii 2011.  
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INTRODUCED BY: \_\_\_\_\_



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# S.B. NO. 2414

**Report Title:**

Cable Operator Fees; Compliance Resolution Fund; General Fund

**Description:**

Requires that the annual fee paid by cable operators be deposited into the general fund instead of the compliance resolution fund.

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

