
A BILL FOR AN ACT

RELATING TO CONSERVATION AND RESOURCES.

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

1 SECTION 1. Chapter 468M, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§468M-A Cost of activity surcharge. (a) There shall
5 be levied, assessed, and collected on all sales of activities by
6 an activity desk, a cost of activity surcharge. The surcharge
7 shall be equal to five per cent of the gross proceeds or gross
8 income received by the activity desk.

9 (b) Proceeds collected under this section shall be
10 remitted quarterly to the director of commerce and consumer
11 affairs and deposited to the credit of the conservation and
12 resource enforcement special fund established under section 199-
13 1.5.

14 §468M-B Activity surcharge special subaccount. The
15 activity desk shall set up an activity surcharge special
16 subaccount into which shall be deposited all activity surcharges
17 required and collected under section 486M-A. The activity



1 surcharge special subaccount shall be maintained in a federally
2 insured financial institution located in Hawaii."

3 SECTION 2. Section 199-1.5, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The following shall be deposited into the
6 conservation and resources enforcement special fund:

- 7 (1) Grants, awards, donations, gifts, transfers, or moneys
8 derived from public or private sources for the
9 purposes of enforcing the provisions of title 12;
10 chapters 6D, 6E, and 6K; or any rule adopted
11 thereunder;
- 12 (2) Fees, reimbursements, administrative charges, and
13 penalties collected for activities related to the
14 enforcement of natural, cultural, and historic
15 resources protection laws and rules, except as
16 otherwise provided by law that provides for deposits
17 into other special funds administered by the
18 department;
- 19 (3) Proceeds of the cost of activity surcharge established
20 in section 468M-A;



1 ~~[(3)]~~ (4) Moneys derived from interest, dividends, or other
2 income from the above-mentioned sources; and
3 ~~[(4)]~~ (5) Appropriations by the legislature to the special
4 fund."

5 SECTION 3. Section 468M-9, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Within three business days of receipt, an activity
8 desk shall deposit all sums received from a consumer for
9 excursions or activities offered by the activity desk in a trust
10 account maintained in a federally insured financial institution
11 located in Hawaii[-], except as provided under sections 468M-A
12 and 468M-B. All sums paid by any person to an activity desk for
13 activities furnished by an activity provider shall be held in
14 trust for the benefit of the person making the payment and the
15 activity provider. The activity desk shall be considered the
16 trustee of the funds paid into the client trust account, less
17 any commission."

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. In codifying the new sections added by section
21 1 of this Act, the revisor of statutes shall substitute



- 1 appropriate section numbers for the letters used in designating
- 2 the new sections in this Act.
- 3 SECTION 6. This Act shall take effect on July 1, 2020.



Report Title:

Activity Desks; Cost of Activity Surcharge; Activity Desk
Surcharge Subaccount

Description:

Establishes a surcharge on the sale of activities by activity desks. Requires proceeds to be deposited into the Conservation and Resource Enforcement Special Fund. Creates Activity Desk Surcharge Subaccount. (HB1387 HD1)

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