

ACT 226

H.B. NO. 3451

A Bill for an Act Relating to Funding for Public Utilities Regulation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 269, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§269- Public utilities commission special fund. (a) There is established in the state treasury a public utilities commission special fund to be administered by the public utilities commission. The proceeds of the fund shall be used by the public utilities commission and the division of consumer advocacy of the department of commerce and consumer affairs for all expenses incurred in the administration of chapters 269, 271, 271G, and 486I; provided that the expenditures of the public utilities commission shall be in accordance with legislative appropriations. On a quarterly basis, an amount not exceeding thirty per cent of the proceeds remaining in the fund after the deduction for central service expenses, pursuant to section 36-27, shall be allocated by the public utilities commission to the division of consumer advocacy; provided that all moneys allocated by the public utilities commission from the fund to the division of consumer advocacy shall be in accordance with legislative appropriations.

(b) All moneys appropriated to, received, and collected by the public utilities commission that are not otherwise pledged, obligated, or required by law to be placed in any other special fund or expended for any other purpose shall be deposited into the public utilities commission special fund including, but not limited to, all moneys received and collected by the public utilities commission pursuant to sections 92-21, 269-28, 269-30, 271-27, 271-36, 271G-19, and 607-5.

(c) The public utilities commission shall submit a report to the legislature detailing all funds received and all moneys disbursed out of the fund prior to the convening of each regular session.

(d) All moneys in excess of \$1,000,000 remaining on balance in the public utilities commission special fund on June 30 of each year shall lapse to the credit of the state general fund.”

SECTION 2. Section 92-21, Hawaii Revised Statutes, is amended to read as follows:

“§92-21 Copies of records; other costs and fees. Except as otherwise provided by law, a copy of any government record, including any map, plan, diagram, photograph, photostat, or geographic information system digital data file, which is open to the inspection of the public shall be furnished to any person applying for the same by the public officer having charge or control thereof upon the payment of the reasonable cost of reproducing such copy. The cost of reproducing any government record, except geographic information system digital data, shall not be less than 25 cents per page, sheet, or fraction thereof. The cost of reproducing geographic information system digital data shall be in accordance with rules adopted by the agency having charge or control of that data. Such reproduction cost shall include, but shall not be limited to, labor cost for search and actual time for reproducing, material cost, including electricity cost, equipment cost, including rental cost, cost for certification, and other related costs. All fees shall be paid in by the public officer receiving or collecting the same to the state director of finance, the county director of finance, or to the agency or

department by which the officer is employed, as government realizations[.]; provided that fees collected by the public utilities commission pursuant to this section shall be deposited in the public utilities commission special fund established under section 269-.”¹

SECTION 3. Section 269-30, Hawaii Revised Statutes, is amended to read as follows:

“§269-30 Finances; public utility fee. [Section] (a) Sections 607-5 to 607-9 shall apply to the public utilities commission and each commissioner, as well as to the supreme and circuit courts, and all costs and fees paid or collected [hereunder] pursuant to this section shall be deposited with the director of finance [of the State] to the credit of the [general fund.] public utilities commission special fund established under section 269-

(b) There also shall [also] be paid to the commission in each of the months of July and December [in] of each year, by each public utility [which is] subject to investigation by the commission, a fee [which shall be] equal to [one-eighth] one-fourth of one per cent of the gross income from the public [utility] utility’s business [carried on by the public utility] during the preceding year, or the sum of [\$15.] \$30, whichever is greater. This fee shall [likewise] be deposited with the director of finance [of the State] to the credit of the [general fund.] public utilities commission special fund.

(c) Each public utility paying a fee under subsection (b) may impose a surcharge to recover the amount paid above one-eighth of one per cent of gross income. The surcharge imposed shall not be subject to the notice, hearing, and approval requirements of this chapter; provided that the surcharge may be imposed by the utility only after thirty days’ notice to the public utilities commission. Unless ordered by the public utilities commission, the surcharge shall be imposed only until the conclusion of the public utility’s next rate case; provided that the surcharge shall be subject to refund with interest at the public utility’s authorized rate of return on rate base if the utility collects more money from the surcharge than actually paid due to the increase in the fee to one-fourth of one per cent.”

SECTION 4. Section 271-36, Hawaii Revised Statutes, is amended to read as follows:

“§271-36 Fees and charges. (a) Every common carrier by motor vehicle and every contract carrier by motor vehicle[,], shall pay to the commission, in April [in] of each year, a fee [which shall be] equal to [one-eighth] one-fourth of one per cent of the gross revenues from the carrier’s business during the preceding calendar year, or the sum of [\$10.] \$20, whichever is greater. Gross revenues include all revenues received from services connected with or incidental to the transportation [services as described in] of persons or the transportation of property, as defined under section [271-4(6), and (7).] 271-4.

(b) Every common carrier by motor vehicle and every contract carrier by motor vehicle paying a fee under subsection (a) may impose a surcharge to recover the amount paid above one-eighth of one per cent of gross income. The surcharge imposed shall not be subject to the notice, hearing, and approval requirements of this chapter; provided that the surcharge may be imposed by the utility only after thirty days’ notice to the public utilities commission. Unless ordered by the public utilities commission, the surcharge shall be imposed only until the conclusion of the carriers’ next rate case; provided that the surcharge

shall be subject to refund with interest at the public utility's authorized rate of return on rate base if the utility collects more money from the surcharge than actually paid due to the increase in the fee to one-fourth of one per cent.

[(b)] (c) The commission shall establish fair and reasonable fees for the following [applications which shall be paid to the commission at the time of submission to it of the] applications:

- (1) Applications for certificates and permits as provided by sections 271-12 and 271-13[.];
- (2) Applications for extensions of certificates as provided by section 271-12(d)[.];
- (3) Applications for temporary certificates and permits as provided by section 271-16[.]; and
- (4) [Application] Applications for authority to [sell, lease, assign, encumber, merge, etc., the] convey property necessary or useful in the performance of duties to the public or to transfer certificates or permits or to purchase motor carrier stock, [etc.,] as provided in section 271-18.

The fees charged pursuant to this subsection shall be paid to the commission at the time of submission of the application.

[(c)] (d) The commission may charge an amount it deems necessary and reasonable to defray the cost of supplying to the carriers and the public the application forms and other forms, schedules, tariffs, copies of [regulations,] rules, and other pamphlets and materials it provides [either] by [the] individual copy or in bulk.

[(d)] (e) All of the fees and charges collected under this section shall be [paid into the treasury of the State.] deposited with the director of finance to the credit of the public utilities commission special fund established under section 269-"

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000, or so much thereof as may be necessary for fiscal year 1994-1995, to be deposited into the public utilities commission special fund for the purpose of ensuring continuous services by the commission and the division of consumer advocacy.

SECTION 6. The sum appropriated shall be expended by the public utilities commission for the purposes of this Act; provided that the commission shall allocate a portion of the funds to the division of consumer advocacy until sufficient moneys are available in the public utilities commission special fund to cover the operating costs of the commission and the division of consumer advocacy.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 8. This Act shall take effect upon its approval; provided that sections 5 and 6 shall take effect on July 1, 1994.

(Approved June 22, 1994.)

Notes

1. Period should be underscored.

2. Edited pursuant to HRS §23G-16.5.