

**COUNCIL OF THE COUNTY OF MAUI**

**POLICY AND INTERGOVERNMENTAL  
AFFAIRS COMMITTEE**

October 7, 2016

**Committee  
Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on August 29, 2016, September 6, 2016, and September 22, 2016, makes reference to County Communication 15-158, from Presiding Officer Pro Tempore Michael P. Victorino, relating to the Maui County Legislative Package.

Your Committee notes each year the Council may compile a package of proposals and priorities to be presented to the State Legislature. Your Committee recommends nine proposals for inclusion in the 2017 Maui County Legislative Package. The proposals are summarized below.

Disability ID Cards Proposal

By correspondence dated August 30, 2016, Councilmember Elle Cochran transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY." The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES," to allow persons with disabilities to indicate on their ID card their disability.

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Your Committee noted placement of a person's disability on their ID card could prove to be useful information to first responders during an emergency.

Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, and White voted "aye." Committee members Cochran, Crivello, Guzman, and Hokama were excused.

Government Records Proposal

By correspondence dated August 30, 2016, the Chair of your Committee transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW CERTAIN GOVERNMENT RECORDS TO BE SHARED AMONG COUNCILMEMBERS WHERE NO COMMITMENT RELATING TO A VOTE ON THE MATTER IS MADE OR SOUGHT." The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," to allow certain government records to be shared among county councilmembers and other members of "boards" subject to the State Sunshine Law, where no commitment to vote on the matter is made or sought.

Your Committee notes the proposed State bill would allow documents already considered open to the public to be freely shared.

Your Committee further notes the proposed State bill is similar to Senate Bill 465 (2015), Senate Draft 1, which was passed by the State Senate Committee on Judiciary and Labor on February 13, 2015, incorporating language suggested in testimony by the Office of Information Practices. The bill was passed by the State Senate on third and final reading by a 24-0 vote on March 10, 2015.

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Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, and White voted "aye." Committee members Cochran, Crivello, Guzman, and Hokama were excused.

TAT Proposal

By correspondence dated September 15, 2016, the Chair of your Committee transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A BILL RELATING TO TRANSIENT ACCOMMODATIONS TAX." The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," to return 55 percent of available annual TAT revenue to the counties, with 45 percent remaining in the State general fund, as recommended by the State-County Functions Working Group.

Your Committee emphasized the importance of TAT revenue to the counties:

Your Committee notes the State's annual share of the TAT has risen significantly as the visitor industry has grown and counties' shares have been capped.

Your Committee noted the State Director of Budget and Finance announced an estimated \$1 billion surplus for the State of Hawaii government at the end of Fiscal Year 2016.

Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, and White voted "aye." Committee members Cochran, Crivello, Guzman, and Hokama were excused.

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Sunshine Law Proposal

By correspondence dated September 15, 2016, the Chair of your Committee transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND COMMUNITY MEETINGS." The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO COMMUNITY MEETINGS," to amend the State Sunshine Law to allow members of a county council to attend and speak at community, educational, or informational meetings.

Your Committee noted the proposal is intended to make it easier for county councilmembers throughout the State to engage with their constituents and learn about community issues.

Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, and White voted "aye." Committee members Cochran, Crivello, Guzman, and Hokama were excused.

Important Agricultural Lands Proposal

By correspondence dated September 15, 2016, the Chair of your Committee transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO IMPORTANT AGRICULTURAL LANDS." The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," to allocate a total of \$250,000 to the counties for each of the next two fiscal years for the identification and mapping of important agricultural lands pursuant to Section 205-47, Hawaii Revised Statutes.

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Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, and White voted "aye." Committee members Cochran, Crivello, Guzman, and Hokama were excused.

Reclassification of Land Proposal

By correspondence dated September 15, 2016, the Chair of your Committee transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTIES TO PETITION THE STATE LAND USE COMMISSION FOR REGIONAL DISTRICT BOUNDARY AMENDMENTS AFTER ADOPTION OF GENERAL PLAN UPDATES." The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO LAND USE," to expressly allow the counties to engage in comprehensive, regional reclassification of land after the adoption of updates to the counties' general plans.

Your Committees notes the reclassification of land after the adoption of a general plan update would promote consistency in land use designations.

Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, and White voted "aye." Committee members Cochran, Crivello, Guzman, and Hokama were excused.

Fast-Track Affordable Housing Proposal

By correspondence dated September 16, 2016, Councilmember Robert Carroll transmitted a proposed resolution entitled "APPROVING

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FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO EXTEND THE TIME FOR THE COUNTY COUNCILS TO DECIDE ON AN AFFORDABLE HOUSING PROJECT, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES.” The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled “A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING,” to increase by 15 days the time within which the county councils must act on a fast-track affordable-housing project.

Your Committee noted county councils only have 45 days to act on projects proposed pursuant to Section 201H-38, Hawaii Revised Statutes. A 60-day review period would allow for more thorough consideration.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Carroll, Cochran, Crivello, Guzman, and White voted “aye.” Committee members Baisa and Hokama were excused.

Proposal for a Conveyance Tax to Fund Affordable Housing

By correspondence dated September 16, 2016, Councilmember Elle Cochran transmitted a proposed resolution entitled “APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO INCREASE REVENUE FOR EACH COUNTY’S AFFORDABLE HOUSING FUND THROUGH A ONE PERCENT CONVEYANCE TAX.” The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled “A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX,” to increase revenue for the counties’ affordable housing funds through a 1 percent conveyance tax on sales of residential properties exceeding \$1,000,000 for five years and to specify how the revenue would be used.

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Your Committee noted the proposal would add needed revenue to counties' affordable housing funds.

Your Committee noted the affordable housing shortage in Hawaii is critical.

Your Committee voted 5-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, and White voted "aye." Committee members Cochran, Crivello, Guzman, and Hokama were excused.

Collective Bargaining Negotiations Proposal

By correspondence dated September 16, 2016, the Chair of your Committee transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW A REPRESENTATIVE OF EACH COUNTY COUNCIL TO PARTICIPATE AS A NON-VOTING MEMBER IN RELEVANT BARGAINING UNIT NEGOTIATIONS, AND TO RECEIVE UPDATES FROM THE ADMINISTRATION ON BARGAINING UNIT NEGOTIATIONS." The purpose of the proposed resolution is to approve for inclusion in the 2017 Maui County Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," to allow a representative of each county council to be present as a non-voting participant in negotiations with relevant bargaining units and to receive updates on those negotiations.

Your Committee revised the proposed resolution to revise the proposed State bill by providing the counties with a greater proportion of votes in negotiations for Bargaining Units 11 and 12, for firefighters and police officers, respectively, consistent with a proposal submitted by the Council Chair. Specifically, the revised proposed State bill would lower the Governor's vote allocation for Bargaining Units 11 and 12 from four

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to one, with each of the four mayors retaining one vote. Your Committee noted that the counties employ most members of Bargaining Unit 11 and all members of Bargaining Unit 12. Moreover, the State firefighters' salaries are funded by airport-related fees, not tax revenue. Therefore, because county taxpayers are primarily responsible for funding collective bargaining agreements for Bargaining Units 11 and 12, it is appropriate for the counties to receive a larger proportion of votes in negotiations.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Carroll, Cochran, Guzman, and White voted "aye." Committee members Baisa, Crivello, and Hokama were excused.

Your Committee is in receipt of a revised proposed resolution, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW A REPRESENTATIVE OF EACH COUNTY COUNCIL TO PARTICIPATE AS A NON-VOTING MEMBER IN RELEVANT BARGAINING UNIT NEGOTIATIONS, TO RECEIVE UPDATES FROM THE ADMINISTRATION ON BARGAINING UNIT NEGOTIATIONS, AND TO CHANGE THE ALLOCATION OF VOTES FOR BARGAINING UNITS 11 AND 12," incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY," be ADOPTED;



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2. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW CERTAIN GOVERNMENT RECORDS TO BE SHARED AMONG COUNCILMEMBERS WHERE NO COMMITMENT RELATING TO A VOTE ON THE MATTER IS MADE OR SOUGHT," be ADOPTED;
3. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS TAX," be ADOPTED;
4. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND COMMUNITY MEETINGS," be ADOPTED;
5. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO IMPORTANT AGRICULTURAL LANDS," be ADOPTED;
6. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTIES TO PETITION THE STATE LAND USE COMMISSION FOR REGIONAL DISTRICT BOUNDARY AMENDMENTS AFTER ADOPTION OF GENERAL PLAN UPDATES," be ADOPTED;

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7. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO EXTEND THE TIME FOR THE COUNTY COUNCILS TO DECIDE ON AN AFFORDABLE HOUSING PROJECT, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;
  
8. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO INCREASE REVENUE FOR EACH COUNTY'S AFFORDABLE HOUSING FUND THROUGH A ONE PERCENT CONVEYANCE TAX," be ADOPTED; and
  
9. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW A REPRESENTATIVE OF EACH COUNTY COUNCIL TO PARTICIPATE AS A NON-VOTING MEMBER IN RELEVANT BARGAINING UNIT NEGOTIATIONS, TO RECEIVE UPDATES FROM THE ADMINISTRATION ON BARGAINING UNIT NEGOTIATIONS, AND TO CHANGE THE ALLOCATION OF VOTES FOR BARGAINING UNITS 11 AND 12," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
MICHAEL P. VICTORINO, Chair

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2017 MAUI  
COUNTY LEGISLATIVE PACKAGE A STATE BILL TO  
ALLOW PERSONS WITH DISABILITIES TO INDICATE  
ON THEIR IDENTIFICATION CARDS THEIR DISABILITY

WHEREAS, persons with disabilities have the desire to indicate their disability on their identification cards, such as the State identification card, driver's license, or identification card for persons with disabilities; and

WHEREAS, enactment of State legislation allowing identification cards to indicate a person's disability would allow the person access to certain eligible public services and help identify the disability to public safety personnel in case of emergency; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow persons with disabilities to indicate on their identification cards their disability, is approved for inclusion in the 2017 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

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A BILL FOR AN ACT

RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES.

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

1           SECTION 1. This legislature finds that persons with  
2 disabilities have the desire to indicate on their identification  
3 cards, such as the State of Hawaii identification card, driver's  
4 license, or an identification card for persons with  
5 disabilities, their disability.

6           Because not all disabilities are outwardly visible, the  
7 disclosure of a disability on a driver's license or  
8 identification card can assist first responders in determining  
9 the best way to treat, assist, or communicate with the person.

10          Having a license or identification card clearly indicating  
11 a person's disability will allow the person access to certain  
12 services such as special seating on public transit or at public  
13 events. The "disabled" notification on the card indicates that  
14 a person has a disability and does not take the place of  
15 existing public service qualification procedures.

**EXHIBIT**     "A"

1 To mitigate potential abuse, medical documentation is  
2 required to support a person's request for indication of a  
3 disability on their identification card.

4 Those who choose to include information about their  
5 disability on their driver's license, State identification card,  
6 and identification card for persons with disabilities may do so  
7 under this Act.

8 SECTION 2. Section 286-2, Hawaii Revised Statutes, is  
9 amended by adding new definitions to be appropriately inserted  
10 and to read as follows:

11 "Disability" means any physical, mental, or neurological  
12 impairment that severely restricts a person's mobility, manual  
13 dexterity, or ability to climb stairs; substantial loss of sight  
14 or hearing; loss of one or more limbs or use thereof; or  
15 significantly diminished reasoning capacity.

16 "Person with disabilities" means any person with a  
17 permanent or temporary disability.

18 SECTION 3. Chapter 286, Hawaii Revised Statutes, is amended  
19 by adding a new section to part VI to be appropriately  
20 designated and to read as follows:

21 "§286- Driver's license for persons with disabilities.

\_\_\_\_.B. NO. \_\_\_\_\_

1       Persons with disabilities may opt to identify their  
2 disability on their driver's license upon receipt of the  
3 required documentation as stated in this section, from the  
4 person requesting its inclusion. The driver's license shall  
5 display the "disabled" notation on a location designated by the  
6 department."

7       SECTION 4. Section 286-305, Hawaii Revised Statutes, is  
8 amended to read as follows:

9       "**§286-305 Contents and characteristics; form.** (a) Each  
10 identification card issued by the examiner of drivers shall  
11 display a distinguishing number assigned to the cardholder, and  
12 shall display the following inscription:

13       "STATE OF HAWAII IDENTIFICATION CARD"

14       (b) The examiner of drivers, after obtaining the  
15 fingerprint of the applicant as provided in this part and after  
16 obtaining the information required by or pursuant to this part,  
17 shall issue to each applicant an identification card in a form  
18 and with identifying information that the director deems  
19 necessary and appropriate, including a notation of veteran  
20 status, if desired by the applicant, on the front of the card  
21 where applicable; provided that such notation shall not include  
22 any designation other than the term "veteran". As used in this

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1 subsection, "veteran" means any person who served in any of the  
2 uniformed services of the United States and was discharged under  
3 conditions other than dishonorable.

4 (c) The identification card shall not display the  
5 cardholder's social security number.

6 (d) The identification card shall be designed to prevent  
7 its reproduction or alteration without ready detection.

8 (e) The identification card for individuals under twenty-  
9 one years of age shall have characteristics prescribed by the  
10 examiner distinguishing it from that issued to [a] an individual  
11 who is twenty-one years of age or older.

12 (f) Persons with disabilities may opt to identify their  
13 disability on their identification card upon receipt of the  
14 required documentation from the person requesting its inclusion.  
15 The identification card shall display a notation of disability  
16 status, if desired by the applicant, on the front of the card  
17 where applicable; except that such notation shall not include  
18 any designation other than the term "disabled."

19 SECTION 5. Chapter 286, Hawaii Revised Statutes, is amended  
20 by adding a new section to part XVI to be appropriately  
21 designated and to read as follows:

1           "§286- Identification card for persons with  
2 disabilities. (a) The department shall issue identification  
3 cards to persons with disabilities pursuant to section 286-305.

4           (b) The identification card for persons with disabilities  
5 shall include characteristics and content pursuant to section  
6 286-305. On the reverse side of the identification card shall be  
7 a space within which the department shall enter such disability  
8 information the applicant may request.

9           (c) The department may include a notation of disability  
10 status, if desired by the applicant, on the front and may print  
11 the disability information on the reverse on any driver's  
12 license or identification card issued pursuant to the provisions  
13 of this chapter upon receipt of the required documentation from  
14 the person requesting its inclusion.

15           (d) Temporary disabilities. An identification card for  
16 persons with a temporary disability shall be issued upon  
17 presentation of a sworn affidavit of at least one medical doctor  
18 attesting to such disability and estimating the duration of the  
19 disability. Identification cards indicating temporary  
20 disabilities shall be issued for periods of one year, and a  
21 current affidavit of a medical doctor attesting to the



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1 continuance of such disability shall be presented at each  
2 request thereafter."

3 SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on January 2, 2018.

INTRODUCED BY: \_\_\_\_\_

paf:mkz:16-151a

# Resolution

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APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW CERTAIN GOVERNMENT RECORDS TO BE SHARED AMONG COUNCILMEMBERS WHERE NO COMMITMENT RELATING TO A VOTE ON THE MATTER IS MADE OR SOUGHT

WHEREAS, based on interpretations by the Supreme Court of Hawaii, Councilmembers and other public “board members” subject to the State Sunshine Law are prevented from transmitting government records to each other related to board business; and

WHEREAS, amending the Sunshine Law to allow Councilmembers and other boards to share public records with colleagues, as long as no voting commitment is made or sought, would increase government transparency and efficiency, as the documents would be available for public disclosure in advance of meetings; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit “A,” to allow certain government records to be shared among Councilmembers where no commitment relating to a vote on the matter is made or sought, is approved for inclusion in the 2017 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

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**A BILL FOR AN ACT**

RELATING TO GOVERNMENT RECORDS

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

1           SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           **"Permitted interactions of members.** (a) Two members of a  
4 board may discuss between themselves matters relating to  
5 official board business to enable them to perform their duties  
6 faithfully, as long as no commitment to vote is made or sought  
7 and the two members do not constitute a quorum of their board.

8           (b) Two or more members of a board, but less than the  
9 number of members [~~which~~] that would constitute a quorum for the  
10 board, may be assigned to:

11           (1) Investigate a matter relating to the official business  
12 of their board; provided that:

13           (A) The scope of the investigation and the scope of  
14 each member's authority are defined at a meeting of the  
15 board;

1           (B) All resulting findings and recommendations are  
2           presented to the board at a meeting of the board; and

3           (C) Deliberation and decisionmaking on the matter  
4           investigated, if any, occurs only at a duly noticed meeting  
5           of the board held subsequent to the meeting at which the  
6           findings and recommendations of the investigation were  
7           presented to the board; or

8           (2) Present, discuss, or negotiate any position [~~which~~  
9           that the board has adopted at a meeting of the board; provided  
10          that the assignment is made and the scope of each member's  
11          authority is defined at a meeting of the board prior to the  
12          presentation, discussion, or negotiation.

13          (c) Discussions between two or more members of a board, but less  
14          than the number of members which would constitute a quorum for  
15          the board, concerning the selection of the board's officers may  
16          be conducted in private without limitation or subsequent  
17          reporting.

18          (d) Board members present at a meeting that must be canceled for  
19          lack of quorum or terminated pursuant to section 92-3.5(c) may  
20          nonetheless receive testimony and presentations on items on the  
21          agenda and question the testifiers or presenters; provided that:

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1 (1) Deliberation or decisionmaking on any item, for which  
2 testimony or presentations are received, occurs only at a duly  
3 noticed meeting of the board held subsequent to the meeting at  
4 which the testimony and presentations were received;

5 (2) The members present shall create a record of the oral  
6 testimony or presentations in the same manner as would be  
7 required by section 92-9 for testimony or presentations heard  
8 during a meeting of the board; and

9 (3) Before its deliberation or decisionmaking at a  
10 subsequent meeting, the board shall:

11 (A) Provide copies of the testimony and presentations  
12 received at the canceled meeting to all members of the  
13 board; and

14 (B) Receive a report by the members who were present  
15 at the canceled or terminated meeting about the testimony  
16 and presentations received.

17 (e) Two or more members of a board, but less than the number of  
18 members [~~which~~] that would constitute a quorum for the board,  
19 may attend an informational meeting or presentation on matters  
20 relating to official board business, including a meeting of  
21 another entity, legislative hearing, convention, seminar, or

\_\_\_\_.B. NO. \_\_\_\_\_

1 community meeting; provided that the meeting or presentation is  
2 not specifically and exclusively organized for or directed  
3 toward members of the board. The board members in attendance may  
4 participate in discussions, including discussions among  
5 themselves; provided that the discussions occur during and as  
6 part of the informational meeting or presentation; and provided  
7 further that no commitment relating to a vote on the matter is  
8 made or sought.

9 At the next duly noticed meeting of the board, the board members  
10 shall report their attendance and the matters presented and  
11 discussed that related to official board business at the  
12 informational meeting or presentation.

13 (f) Discussions between the governor and one or more members of  
14 a board may be conducted in private without limitation or  
15 subsequent reporting; provided that the discussion does not  
16 relate to a matter over which a board is exercising its  
17 adjudicatory function.

18 (g) Discussions between two or more members of a board and the  
19 head of a department to which the board is administratively  
20 assigned may be conducted in private without limitation;

1 provided that the discussion is limited to matters specified in  
2 section 26-35.

3 (h) A member of a board may provide, by memorandum or other  
4 means of transmittal, other members of the board any government  
5 record for which disclosure is required by section 92F-12;  
6 provided that:

7 (1) No commitment relating to a vote on the matter is made  
8 or sought by the board member in the means of transmittal; and

9 (2) No additional discussion other than a statement  
10 describing the government record and the issue related to the  
11 government record shall be included in the transmittal.

12 ~~[(h)]~~ (i) Communications, interactions, discussions,  
13 investigations, and presentations described in this section are  
14 not meetings for purposes of this part."

15 SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

# Resolution

No. \_\_\_\_\_

## APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS TAX

WHEREAS, since 1987, the State of Hawaii has a tax upon room revenues derived from transient accommodations, known as the Transient Accommodations Tax, or TAT; and

WHEREAS, the Legislature dramatically reallocated TAT revenue to the State to help balance the State budget from 2007 to 2015, with economic downturn as the stated justification; and

WHEREAS, during this period, the State's TAT revenue increased by \$196.6 million, or 2,363 percent, while the counties' TAT revenue increased by only \$2.2 million, or 2.2 percent; and

WHEREAS, the State-County Functions Working Group, created by Act 174 (2014) to study TAT-revenue distribution, issued its Final Report in December 2015; and

WHEREAS, the Working Group's Final Report recommended that: (1) about \$113 million of TAT revenue be allocated to four State special purposes (the Hawaii Convention Center, the Tourism Special Fund, the Turtle Bay conservation easement and the Special Land Development Fund); (2) of the remaining TAT revenue, 55 percent be allocated to the State and 45 percent shared by the counties, without the imposition of an artificial cap; and

WHEREAS, the Council intends to support State legislation to implement the recommendations of the Working Group's Final Report; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to implement the recommendations of the State-County Functions Working Group relating to the Transient Accommodations Tax, is approved for inclusion in the 2017 Maui County Legislative Package; and



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2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

pia:misc:004(2)areso08:kcw

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# A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS TAX.

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

1 PART I

2 SECTION 1. (a) The legislature finds that:

3 (1) Pursuant to Act 174, Session Laws of Hawaii 2014, the  
4 state-county functions working group was convened to evaluate  
5 the division of duties and responsibilities between the State  
6 and counties relating to the provision of public services and to  
7 recommend an appropriate allocation of the transient  
8 accommodations tax revenues between the State and counties that  
9 properly reflects the division of duties and responsibilities  
10 relating to the provision of public services;

11  
12 (2) Though the transient accommodations tax has evolved to  
13 meet the needs and purposes of the times, its structure and  
14 frequent amendment, combined with the cyclical nature of the  
15 visitor industry and the tax revenues it generates, has resulted  
16 in ongoing discussions among the various stakeholders, including  
17 the State, the counties, the visitor industry, the Hawaii  
18 tourism authority, and other recipients or potential recipients  
19 of transient accommodations tax revenues;

20  
21 (3) The state-county functions working group, composed of  
22 state, county, and visitor industry representatives and other  
23 knowledgeable and concerned citizens, and which has been aided  
24 by experts, considered the legislature's assignment for over a  
25 year and delivered to the legislature its final unanimous  
26 report, inclusive of analysis, findings, conclusions, and  
27 recommendations;

28  
29 (4) In particular, the state-county functions working  
30 group found and concluded that:

31  
32 (A) The application of the transient accommodations  
33 tax and the allocation of its revenues should be simplified

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1 and stabilized so as to be clear, consistent, and  
2 predictable over time, in view of the need to invest in  
3 tourism as a premier industry;  
4

5 (B) The tourism special fund should be provided a  
6 priority distribution of the transient accommodations tax  
7 revenues at an assured minimum level, adjusted for  
8 inflation, and regardless of overall transient  
9 accommodations tax collections;  
10

11 (C) After the priority distribution of the transient  
12 accommodations tax revenues to the tourism special fund,  
13 existing allocations to the Turtle Bay conservation  
14 easement special fund, convention center enterprise special  
15 fund, and special land and development fund should be  
16 maintained at their current levels, with any additional  
17 state funding of these efforts made out of state general  
18 funds by separate appropriation;  
19

20 (D) Based on a review of state and county functions,  
21 including tourism expenditures, an appropriate allocation  
22 of the remaining transient accommodations tax revenues is  
23 fifty-five percent to the state general fund and forty-five  
24 percent to the counties; and  
25

26 (E) There should be no fixed dollar amounts, caps,  
27 floors, or similar restrictions on allocations to the State  
28 and counties of the remaining revenues; instead, both the  
29 State and the county allocations should increase or  
30 decrease proportionately with increasing or decreasing  
31 transient accommodations tax revenues; and  
32

33 (5) The state-county functions working group  
34 recommendations reflect a fair, balanced, and reasonable  
35 compromise of competing needs for scarce resources and provide a  
36 sound policy base for the further administration of the  
37 transient accommodations tax and its revenues.  
38

39 (b) The purpose of this Act is to:  
40

41 (1) Provide a fair, consistent, and predictable priority  
42 allocation of transient accommodations tax revenues, of an  
43 assured minimum amount, to the tourism special fund;  
44

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1           (2) Maintain allocation of transient accommodations tax  
2 revenues to existing obligations at present levels;  
3

4           (3) Provide a fair, consistent, and predictable allocation  
5 of the balance of the transient accommodations tax revenues  
6 between the State and the counties; and  
7

8           (4) Provide flexibility to the tourism special fund,  
9 State, and counties in the utilization of their respective  
10 allocations.  
11

12                               PART II  
13

14           SECTION 2. Section 237D-6.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (b) to read as follows:  
16

17           "(b) Revenues collected under this chapter shall be  
18 distributed in the following priority, with the excess revenues  
19 to be deposited into the general fund:  
20

21           ~~[(1) \$1,500,000 shall be allocated to the Turtle Bay  
22 conservation easement special fund beginning July 1, 2015, for  
23 the reimbursement to the state general fund of debt service on  
24 reimbursable general obligation bonds, including ongoing  
25 expenses related to the issuance of the bonds, the proceeds of  
26 which were used to acquire the conservation easement and other  
27 real property interests in Turtle Bay, Oahu, for the protection,  
28 preservation, and enhancement of natural resources important to  
29 the State, until the bonds are fully amortized,]~~  
30

31           (1) \$82,000,000 shall be allocated to the tourism special  
32 fund established under section 201B-11; provided that, beginning  
33 July 1, 2017, and in each fiscal year thereafter, the dollar  
34 amount of revenues allocated to the tourism special fund under  
35 this paragraph shall be adjusted by an amount equal to the  
36 dollar amount multiplied by the percentage, if any, by which the  
37 Honolulu region consumer price index for all urban consumers  
38 (CPI-U), or a successor index, as calculated by the United  
39 States Department of Labor, for the preceding calendar year  
40 exceeds the consumer price index for the calendar year 2016;  
41 provided further that:  
42

43               (A) Of the revenues allocated to the tourism special  
44 fund:

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(i) \$1,000,000 shall be allocated for the operation of a Hawaiian center and the museum of Hawaiian music and dance at the Hawaii convention center; and

(ii) 0.5 percent shall be transferred to a sub-account in the tourism special fund to provide funding for a safety and security budget, in accordance with the Hawaii tourism strategic plan; and

(B) Of the revenues remaining in the tourism special fund after revenues have been deposited as provided in this paragraph and except for any sum authorized by the legislature for expenditure from revenues subject to this paragraph, beginning July 1, 2007, funds shall be deposited into the tourism emergency special fund, established in section 201B-10, in a manner sufficient to maintain a fund balance of \$5,000,000 in the tourism emergency special fund;

(2) \$26,500,000 shall be allocated to the convention center enterprise special fund established under section 201B-8;

~~[(3) \$82,000,000 shall be allocated to the tourism special fund established under section 201B-11; provided that:~~

~~(A) Beginning on July 1, 2012, and ending on June 30, 2015, \$2,000,000 shall be expended from the tourism special fund for development and implementation of initiatives to take advantage of expanded visa programs and increased travel opportunities for international visitors to Hawaii;~~

~~(B) Of the \$82,000,000 allocated:~~

~~(i) \$1,000,000 shall be allocated for the operation of a Hawaiian center and the museum of Hawaiian music and dance at the Hawaii convention center; and~~

~~(ii) 0.5 per cent of the \$82,000,000 shall be transferred to a sub-account in the tourism special fund to provide funding for a safety and security budget, in accordance with the Hawaii tourism strategic plan 2005-2015; and~~

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1           ~~(C) Of the revenues remaining in the tourism special~~  
2 ~~fund after revenues have been deposited as provided in this~~  
3 ~~paragraph and except for any sum authorized by the legislature~~  
4 ~~for expenditure from revenues subject to this paragraph,~~  
5 ~~beginning July 1, 2007, funds shall be deposited into the~~  
6 ~~tourism emergency special fund, established in section 201B-10,~~  
7 ~~in a manner sufficient to maintain a fund balance of \$5,000,000~~  
8 ~~in the tourism emergency special fund;]~~

9  
10           (3) \$3,000,000 shall be allocated to the special land and  
11 development fund established under section 171-19; provided that  
12 the allocation shall be expended in accordance with the Hawaii  
13 tourism authority strategic plan for:

14  
15           (A) The protection, preservation, maintenance, and  
16 enhancement of natural resources, including beaches,  
17 important to the visitor industry;

18  
19           (B) Planning, construction, and repair of facilities;  
20 and

21  
22           (C) Operation and maintenance costs of public lands,  
23 including beaches, connected with enhancing the visitor  
24 experience;

25  
26           (4) \$1,500,000 shall be allocated to the Turtle Bay  
27 conservation easement special fund beginning July 1, 2017, for  
28 the reimbursement to the state general fund of debt service on  
29 reimbursable general obligation bonds, including ongoing  
30 expenses related to the issuance of the bonds, the proceeds of  
31 which were used to acquire the conservation easement and other  
32 real property interests in Turtle Bay, Oahu, for the protection,  
33 preservation, and enhancement of natural resources important to  
34 the State, until the bonds are fully amortized; and

35  
36           [4] (5) [~~\$103,000,000 for fiscal year 2014-2015,~~  
37 ~~\$103,000,000 for fiscal year 2015-2016, \$103,000,000 for fiscal~~  
38 ~~year 2016, 2017, and \$93,000,000 for each fiscal year~~  
39 ~~thereafter]~~ Of the remaining revenues collected under this  
40 chapter, forty-five percent shall be allocated to the counties  
41 and shall be distributed as follows: Kauai county shall receive  
42 14.5 per cent, Hawaii county shall receive 18.6 per cent, city  
43 and county of Honolulu shall receive 44.1 per cent, and Maui  
44 county shall receive 22.8 per cent; provided that commencing

1 with fiscal year 2018-2019, a sum that represents the difference  
2 between a county public employer's annual required contribution  
3 for the separate trust fund established under section 87A-42 and  
4 the amount of the county public employer's contributions into  
5 that trust fund shall be retained by the state director of  
6 finance and deposited to the credit of the county public  
7 employer's annual required contribution into that trust fund in  
8 each fiscal year, as provided in section 87A-42, if the  
9 respective county fails to remit the total amount of the  
10 county's required annual contributions, as required under  
11 section 87A-43[ , and  
12

13 [~~(5) \$3,000,000 shall be allocated to the special land and~~  
14 ~~development fund established under section 171-19; provided that~~  
15 ~~the allocation shall be expended in accordance with the Hawaii~~  
16 ~~tourism authority strategic plan for:~~  
17

18 ~~(A) The protection, preservation, maintenance, and~~  
19 ~~enhancement of natural resources, including beaches, important~~  
20 ~~to the visitor industry;~~  
21

22 ~~(B) Planning, construction, and repair of facilities;~~  
23 and  
24

25 ~~(C) Operation and maintenance costs of public lands,~~  
26 ~~including beaches, connected with enhancing the visitor~~  
27 ~~experience.]~~  
28

29 All transient accommodations taxes shall be paid into the  
30 state treasury each month within ten days after collection and  
31 shall be kept by the state director of finance in special  
32 accounts for distribution as provided in this subsection.  
33

34 As used in this subsection, "fiscal year" means the twelve-  
35 month period beginning on July 1 of a calendar year and ending  
36 on June 30 of the following calendar year."  
37

38 PART III  
39

40 SECTION 3. Section 87A-42, Hawaii Revised Statutes, is  
41 amended by amending subsection (d) to read as follows:  
42

43 "(d) In any fiscal year subsequent to the 2017-2018 fiscal  
44 year in which a county public employer's contributions into the

1 fund are less than the amount of the annual required  
2 contribution, the amount that represents the excess of the  
3 annual required contribution over the county public employer's  
4 contributions shall be deposited into the fund from a portion of  
5 all transient accommodations tax revenues collected by the  
6 department of taxation under section [~~237D-6.5(b)(4)~~]. 237D-  
7 6.5(b)(5). The director of finance shall deduct the amount  
8 necessary to meet the county public employer's annual required  
9 contribution from the revenues derived under section [ ~~237D-~~  
10 ~~6.5(b)(4)~~] 237D-6.5(b)(5) and transfer the amount to the board  
11 for deposit into the appropriate account of the separate trust  
12 fund."

13

14 SECTION 4. Section 171-19, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16

17 "(a) There is created in the department a special fund to  
18 be designated as the "special land and development fund".  
19 Subject to the Hawaiian Homes Commission Act of 1920, as  
20 amended, and section 5(f) of the Admission Act of 1959, all  
21 proceeds of sale of public lands, including interest on deferred  
22 payments; all moneys collected under section 171-58 for mineral  
23 and water rights; all rents from leases, licenses, and permits  
24 derived from public lands; all moneys collected from lessees of  
25 public lands within industrial parks; all fees, fines, and other  
26 administrative charges collected under this chapter and chapter  
27 183C; a portion of the highway fuel tax collected under chapter  
28 243; all moneys collected by the department for the commercial  
29 use of public trails and trail accesses under the jurisdiction  
30 of the department; transient accommodations tax revenues  
31 collected pursuant to section [~~237D-6.5(b)(5)~~]; 237D-6.5(b)(3);  
32 and private contributions for the management, maintenance, and  
33 development of trails and accesses shall be set apart in the  
34 fund and shall be used only as authorized by the legislature for  
35 the following purposes:

36

37 (1) To reimburse the general fund of the State for  
38 advances made that are required to be reimbursed from the  
39 proceeds derived from sales, leases, licenses, or permits of  
40 public lands;

41

42 (2) For the planning, development, management, operations,  
43 or maintenance of all lands and improvements under the control  
44 and management of the board pursuant to title 12, including but



1 not limited to permanent or temporary staff positions who may be  
2 appointed without regard to chapter 76; provided that transient  
3 accommodations tax revenues allocated to the fund shall be  
4 expended as provided in section [~~237D-6.5(b)(5);~~] 237D-  
5 6.5(b)(3);  
6

7 (3) To repurchase any land, including improvements, in the  
8 exercise by the board of any right of repurchase specifically  
9 reserved in any patent, deed, lease, or other documents or as  
10 provided by law;

11  
12 (4) For the payment of all appraisal fees; provided that  
13 all fees reimbursed to the board shall be deposited in the fund;  
14

15 (5) For the payment of publication notices as required  
16 under this chapter; provided that all or a portion of the  
17 expenditures may be charged to the purchaser or lessee of public  
18 lands or any interest therein under rules adopted by the board;  
19

20 (6) For the management, maintenance, and development of  
21 trails and trail accesses under the jurisdiction of the  
22 department;

23  
24 (7) For the payment to private land developers who have  
25 contracted with the board for development of public lands under  
26 section 171-60;

27  
28 (8) For the payment of debt service on revenue bonds  
29 issued by the department, and the establishment of debt service  
30 and other reserves deemed necessary by the board;

31  
32 (9) To reimburse the general fund for debt service on  
33 general obligation bonds issued to finance departmental  
34 projects, where the bonds are designated to be reimbursed from  
35 the special land and development fund;

36  
37 (10) For the protection, planning, management, and  
38 regulation of water resources under chapter 174C; and

39  
40 (11) For other purposes of this chapter."  
41

\_\_\_\_.B. NO. \_\_\_\_\_

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PART IV

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2017.

INTRODUCED BY: \_\_\_\_\_

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND COMMUNITY MEETINGS

WHEREAS, the State Sunshine Law (Part I, Chapter 92, Hawaii Revised Statutes) has been interpreted to restrict Councilmembers' attendance at public events, such as community and educational meetings; and

WHEREAS, the Sunshine Law is a serious matter, as violations carry potential criminal and civil penalties; and

WHEREAS, to better serve their constituents in a well-informed, transparent, and responsive manner, Councilmembers should be encouraged to freely attend community and educational meetings, without fear of violating the Sunshine Law; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," enabling Councilmembers to freely attend community and educational meetings, is approved for inclusion in the 2017 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

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# A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

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

1           SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§92-2.5 Permitted interactions of members. (a) Two  
4 members of a board may discuss between themselves matters  
5 relating to official board business to enable them to perform  
6 their duties faithfully, as long as no commitment to vote is  
7 made or sought and the two members do not constitute a quorum of  
8 their board.

9           (b) Two or more members of a board, but less than the  
10 number of members which would constitute a quorum for the board,  
11 may be assigned to:

12           (1) Investigate a matter relating to the official business  
13 of their board; provided that:

14           (A) The scope of the investigation and the scope of  
15 each member's authority are defined at a meeting of the board;

**EXHIBIT "A"**

\_\_\_\_\_ .B. NO. \_\_\_\_\_

1           (B) All resulting findings and recommendations are  
2 presented to the board at a meeting of the board; and

3           (C) Deliberation and decisionmaking on the matter  
4 investigated, if any, occurs only at a duly noticed meeting of  
5 the board held subsequent to the meeting at which the findings  
6 and recommendations of the investigation were presented to the  
7 board; or

8           (2) Present, discuss, or negotiate any position which the  
9 board has adopted at a meeting of the board; provided that the  
10 assignment is made and the scope of each member's authority is  
11 defined at a meeting of the board prior to the presentation,  
12 discussion, or negotiation.

13           (c) Discussions between two or more members of a board,  
14 but less than the number of members which would constitute a  
15 quorum for the board, concerning the selection of the board's  
16 officers may be conducted in private without limitation or  
17 subsequent reporting.

18           (d) Board members present at a meeting that must be  
19 canceled for lack of quorum or terminated pursuant to section  
20 92-3.5(c) may nonetheless receive testimony and presentations on  
21 items on the agenda and question the testifiers or presenters;  
22 provided that:

1           (1) Deliberation or decisionmaking on any item, for which  
2 testimony or presentations are received, occurs only at a duly  
3 noticed meeting of the board held subsequent to the meeting at  
4 which the testimony and presentations were received;

5           (2) The members present shall create a record of the oral  
6 testimony or presentations in the same manner as would be  
7 required by section 92-9 for testimony or presentations heard  
8 during a meeting of the board; and

9           (3) Before its deliberation or decisionmaking at a  
10 subsequent meeting, the board shall:

11           (A) Provide copies of the testimony and presentations  
12 received at the canceled meeting to all members of the board;  
13 and

14           (B) Receive a report by the members who were present  
15 at the canceled or terminated meeting about the testimony and  
16 presentations received.

17           (e) Two or more members of a board, but less than the  
18 number of members which would constitute a quorum for the board,  
19 may attend an informational meeting or presentation on matters  
20 relating to official board business, including a meeting of  
21 another entity, legislative hearing, convention, seminar, or  
22 community meeting open to the public; provided that the meeting

1 or presentation is not specifically and exclusively organized  
2 for or directed toward members of the board. The board members  
3 in attendance may participate in discussions, including  
4 discussions among themselves; provided that the discussions  
5 occur during and as part of the informational meeting or  
6 presentation; and provided further that no commitment relating  
7 to a vote on the matter is made or sought.

8       At the next duly noticed meeting of the board, the board  
9 members shall report their attendance and the matters presented  
10 and discussed that related to official board business at the  
11 informational meeting or presentation.

12       (f) Discussions between the governor and one or more  
13 members of a board may be conducted in private without  
14 limitation or subsequent reporting; provided that the discussion  
15 does not relate to a matter over which a board is exercising its  
16 adjudicatory function.

17       (g) Discussions between two or more members of a board and  
18 the head of a department to which the board is administratively  
19 assigned may be conducted in private without limitation;  
20 provided that the discussion is limited to matters specified in  
21 section 26-35.

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1 (h) Communications, interactions, discussions,  
2 investigations, and presentations described in this section are  
3 not meetings for purposes of this part.

4 (i) Notwithstanding section 92-3.1(b) of this chapter, for  
5 meetings described in subsection (e), the limitation on number  
6 of attendees shall not apply to members of a county council."

7 SECTION 2. Statutory material to be deleted is bracketed  
8 and in strikethrough. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

10

11 INTRODUCED BY: \_\_\_\_\_

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13 pia:misc:004(2)abill07:kcw



# Resolution

No. \_\_\_\_\_

## APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO IMPORTANT AGRICULTURAL LANDS

WHEREAS, Article XI, Section 3, of the Hawaii State Constitution establishes the State's duty to "conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands"; and

WHEREAS, to fulfill this duty, the State Legislature established the Important Agricultural Lands statute, Part III of Chapter 205, Hawaii Revised Statutes, by Act 183 (2005); and

WHEREAS, Section 205-47(a), Hawaii Revised Statutes, states: "Each county shall identify and map potential important agricultural lands within its jurisdiction . . ."; and

WHEREAS, Section 8 of Act 183 (2005) appropriated \$75,000 for Fiscal Year 2005-2006 to assist the counties with these activities; and

WHEREAS, the County of Kauai used the funding to develop a methodology to identify potential important agricultural lands on Kauai; and

WHEREAS, the counties have not received any further State funds to assist with their identification and mapping duties under the Important Agricultural Lands statute; and

WHEREAS, it is appropriate to allocate \$62,500 to each county for each of the next two fiscal years to assist with implementing the Important Agricultural Lands statute; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," allocating \$250,000 to the counties in both Fiscal Year 2017-2018 and Fiscal Year 2018-2019, is approved for inclusion in the 2017 Maui County Legislative Package; and

**Resolution No. \_\_\_\_\_**

2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

pia:misc:004(2)areso06:kcw

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# A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1           SECTION 1. Article XI, section 3 of the Hawaii State  
2 Constitution establishes the State's duty to "conserve and  
3 protect agricultural lands, promote diversified agriculture,  
4 increase agricultural self-sufficiency and assure the  
5 availability of agriculturally suitable lands" and provides  
6 protections for lands identified as important agricultural  
7 lands. In service of this duty, the legislature enacted Act  
8 183, Session Laws of Hawaii 2005, which was codified in part III  
9 of chapter 205, Hawaii Revised Statutes.

10           Act 183 directed each county to work with government and  
11 community stakeholders to, within sixty months of receipt of  
12 State funds for the purpose, identify and map potential  
13 important agricultural lands within its jurisdiction and make  
14 recommendations to the State Land Use Commission for the  
15 designation of these lands as important agricultural  
16 lands. Once designated, agricultural operations on important  
17 agricultural lands are eligible for a variety of State and

1 county assistance and incentive programs including grants and  
2 other funding assistance, tax incentives, favorable  
3 infrastructure and permit requirements, and farm and business  
4 education assistance. The legislature finds that, to date, most  
5 counties have not received State funds to assist with their  
6 identification and mapping duties under Act 183.

7 The purpose of this Act is to implement Act 183 in  
8 accordance with the State's constitutional duty to protect  
9 important agricultural lands by providing funds to the counties  
10 for the identification and mapping of important agricultural  
11 lands.

12 SECTION 2. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$250,000, or so much  
14 thereof as may be necessary for fiscal year 2017-2018, and the  
15 same sum or so much thereof as may be necessary for fiscal year  
16 2018-2019, for grants-in-aid to the counties for the  
17 identification and mapping of important agricultural lands  
18 pursuant to section 205-47, Hawaii Revised Statutes, to be  
19 allocated as follows:

- 20 (1) \$ 62,500 to the County of Hawaii;  
21 (2) \$ 62,500 to the City and County of Honolulu;  
22 (3) \$ 62,500 to the County of Kauai; and

\_\_\_\_.B. NO. \_\_\_\_\_

1           (4) \$ 62,500 to the County of Maui.

2           The sums appropriated shall be expended by the department  
3 of business, economic development, and tourism for the purposes  
4 of this Act.

5           SECTION 3. This Act shall take effect on July 1, 2017.

INTRODUCED BY: \_\_\_\_\_

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2017 MAUI  
COUNTY LEGISLATIVE PACKAGE A STATE BILL TO  
ALLOW COUNTIES TO PETITION THE STATE LAND  
USE COMMISSION FOR REGIONAL DISTRICT  
BOUNDARY AMENDMENTS AFTER ADOPTION OF  
GENERAL PLAN UPDATES

WHEREAS, State law requires the counties to adopt general plans and update them on a regular basis; and

WHEREAS, there is no specific provision for the counties to seek district boundary amendments for lands identified for reclassification in updated general plans; and

WHEREAS, allowing the counties to petition the State Land Use Commission for regional district boundary amendments needed after adoption of updates to their county general plans would ensure that recommendations made in the plan are processed in an orderly, efficient, and timely manner; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow counties to petition the State Land Use Commission for regional district boundary amendments after adoption of general plan updates, is approved for inclusion in the 2017 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1           SECTION 1. The purpose of this Act is to aid the counties  
2 in implementing their general plans by submitting them to the  
3 State Land Use Commission for comprehensive redistricting, where  
4 appropriate.

5           The State Land Use Law, Act 187, now codified as Chapter  
6 205, Hawaii Revised Statutes, was originally adopted in 1961, in  
7 part to address inadequate long-term land use planning on the  
8 county level. Previously, agricultural land had been converted  
9 for residential or other uses in a haphazard manner, without  
10 consideration of any cohesive or efficient pattern of using  
11 land. Prime agricultural land was being converted to  
12 residential use with subdivisions located away from public  
13 services.

14           The State Land Use Law identified four land-use districts,  
15 each with its own standards and boundaries. To ensure the  
16 orderly development of land for the public welfare, the State  
17 Land Use Commission was established and charged with setting

**EXHIBIT** "A"

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\_\_\_\_.B. NO. \_\_\_\_\_

1 standards and determining the boundaries of the urban, rural,  
2 agricultural, and conservation districts. The process for  
3 redistricting of lands is referred to as a "district boundary  
4 amendment" which may be done on petition by private landowners,  
5 developers, and State and county agencies.

6 Pursuant to Section 205-18, Hawaii Revised Statutes, the  
7 office of planning is required to undertake a review of the  
8 classification and districting of all lands in the State, within  
9 five years from December 31, 1985, and every fifth year  
10 thereafter. However, there have been only three 5-year boundary  
11 reviews. The focus of these review efforts by the office of  
12 planning has been on the Hawaii State plan, county general  
13 plans, and county development and community plans. Although the  
14 office of planning may initiate comprehensive, state land use  
15 boundary amendments after completion of its five-year boundary  
16 review of plans, it has seldom done so. This is a missed  
17 opportunity to ensure that state land use districts conform to  
18 county plans.

19 Under current practice, district boundary amendments are  
20 done, almost exclusively, on a case-by-case basis, driven by  
21 landowners and developers. This project-by-project review is  
22 not only far from comprehensive, but time-consuming and



\_\_\_\_.B. NO. \_\_\_\_\_

1 expensive, adding to the cost of housing and doing business in  
2 the state. With the emphasis on individual amendments, the  
3 perspective of regional planning is largely lost.

4       The Hawaii State Planning Act, Chapter 226, Hawaii Revised  
5 Statutes, was enacted in 1978, requiring counties to adopt long-  
6 range comprehensive plans to identify where growth and  
7 preservation should occur. The counties now develop and adopt  
8 their general plans in compliance with the Act, taking into  
9 account population and demographic projections, infrastructural  
10 needs, and conservation of natural and cultural resources. The  
11 county adoption process involves public engagement and  
12 sophisticated geographical information systems. The plans  
13 typically have 20-year time frames with updates every 10 years.

14       Since 1978, each of the counties has developed modern  
15 planning departments with capable professionals able to not only  
16 prepare detailed plans, but to follow through with implementing  
17 them. These plans, however, can be difficult to implement at  
18 the state level if district boundaries are determined on a  
19 project-by-project basis and not reviewed in a regional,  
20 comprehensive manner. Allowing the counties to submit their  
21 general plans to the commission for review and to request land  
22 use district boundary amendments where appropriate would

\_\_\_\_.B. NO. \_\_\_\_\_

1 accomplish the intent of Act 187 to further efficient land use  
2 patterns, aid the counties in implementing their general plans,  
3 and reduce the cost of permitting that is passed along to  
4 consumers.

5 SECTION 2. Section 205-18, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **§205-18 Periodic review of districts.** (a) The office of  
8 planning shall undertake a review of the classification and  
9 districting of all lands in the State, within five years from  
10 December 31, 1985, and every fifth year thereafter. The office,  
11 in its five-year boundary review, shall focus its efforts on  
12 reviewing the Hawaii state plan, county general plans, and  
13 county development and community plans. Upon completion of the  
14 five-[-]year boundary review, the office shall submit a report  
15 of the findings to the commission. The office may initiate  
16 state land use boundary amendments which it deems appropriate to  
17 conform to these plans. The office may seek assistance of  
18 appropriate state and county agencies and may employ consultants  
19 and undertake studies in making this review.

20 (b) The counties may submit their general plans to the  
21 commission for review and request land use boundary amendments

\_\_\_\_.B. NO. \_\_\_\_\_

1 for those lands designated for urban, rural, agricultural, and  
2 conservation uses in conformance with those plans.

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

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

6

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INTRODUCED BY: \_\_\_\_\_

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10 pia:misc:004(2)abill05:kcw

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2017 MAUI  
COUNTY LEGISLATIVE PACKAGE A STATE BILL  
TO EXTEND THE TIME FOR THE COUNTY  
COUNCILS TO DECIDE ON AN AFFORDABLE  
HOUSING PROJECT, PURSUANT TO SECTION  
201H-38, HAWAII REVISED STATUTES

WHEREAS, the State Legislature established a process to expedite the development of affordable housing by exempting qualified projects from certain planning, zoning, and construction standards pursuant to Section 201H-38, Hawaii Revised Statutes; and

WHEREAS, the critical need for affordable housing in the State and the potential for 201H projects to lead to the creation of such housing favor providing the county councils with an additional fifteen days to thoroughly vet projects and approve needed modifications; and

WHEREAS, increasing the time for consideration from forty-five days to sixty days will not jeopardize the savings realized by expedited processing of the 201H application or exemptions granted to assist the developer; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to increase by fifteen days the time within which the county councils must approve, approve with modification, or disapprove a proposed project pursuant to Section 201H-38, Hawaii Revised Statutes, is approved for inclusion in the 2017 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

1           SECTION 1. The legislature finds that certain provisions  
2 of the State's housing law expedite the development of  
3 affordable housing by exempting qualified projects from certain  
4 planning, zoning, and construction standards. The legislature  
5 allowed counties to approve these types of housing projects with  
6 or without modifications by Act 217 (2006). The Maui County  
7 Council has on multiple occasions availed itself of the  
8 modification option, instead of disapproving an affordable  
9 housing project simply because modifications were needed. While  
10 the ability to approve a project with modifications has proven  
11 desirable, this feature and the need for thorough vetting of the  
12 project require that county councils be granted more time for  
13 their reviews.

14           Section 201H-38, Hawaii Revised Statutes, allows a mere  
15 forty-five day window for a county council to approve or  
16 disapprove a project. The legislature finds forty-five days is  
17 too short to allow meaningful discussion and decision-making,  
18 particularly where failure to act within forty-five days is

**EXHIBIT "A"**

1 deemed approval. A sixty-day window will still provide an  
2 expedited review of qualified projects while also allowing  
3 county councils to appropriately exercise the due diligence  
4 required of an undertaking as important to the community as  
5 affordable housing.

6 SECTION 2. Section 201H-38, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) The corporation may develop on behalf of the State or  
9 with an eligible developer, or may assist under a government  
10 assistance program in the development of, housing projects that  
11 shall be exempt from all statutes, ordinances, charter  
12 provisions, and rules of any government agency relating to  
13 planning, zoning, construction standards for subdivisions,  
14 development and improvement of land, and the construction of  
15 dwelling units thereon; provided that:

16 (1) The corporation finds the housing project is  
17 consistent with the purpose and intent of this  
18 chapter, and meets minimum requirements of health and  
19 safety;

20 (2) The development of the proposed housing project does  
21 not contravene any safety standards, tariffs, or rates  
22 and fees approved by the public utilities commission

.B. NO.          

1           for public utilities or of the various boards of water  
2           supply authorized under chapter 54;

3           (3) The legislative body of the county in which the  
4           housing project is to be situated shall have approved  
5           the project with or without modifications:

6           (A) The legislative body shall approve, approve with  
7           modification, or disapprove the project by  
8           resolution within [~~forty-five~~] sixty days after  
9           the corporation has submitted the preliminary  
10          plans and specifications for the project to the  
11          legislative body. If on the [~~forty-sixth~~] sixty-  
12          first day a project is not disapproved, it shall  
13          be deemed approved by the legislative body;

14          (B) No action shall be prosecuted or maintained  
15          against any county, its officials, or employees  
16          on account of actions taken by them in reviewing,  
17          approving, modifying, or disapproving the plans  
18          and specifications; and

19          (C) The final plans and specifications for the  
20          project shall be deemed approved by the  
21          legislative body if the final plans and  
22          specifications do not substantially deviate from

\_\_\_\_.B. NO. \_\_\_\_\_

1           the preliminary plans and specifications. The  
2           final plans and specifications for the project  
3           shall constitute the zoning, building,  
4           construction, and subdivision standards for that  
5           project. For purposes of sections 501-85 and  
6           502-17, the executive director of the corporation  
7           or the responsible county official may certify  
8           maps and plans of lands connected with the  
9           project as having complied with applicable laws  
10          and ordinances relating to consolidation and  
11          subdivision of lands, and the maps and plans  
12          shall be accepted for registration or recordation  
13          by the land court and registrar; and

14          (4) The land use commission shall approve, approve with  
15          modification, or disapprove a boundary change within  
16          forty-five days after the corporation has submitted a  
17          petition to the commission as provided in section 205-  
18          4. If, on the forty-sixth day, the petition is not  
19          disapproved, it shall be deemed approved by the  
20          commission."

21          SECTION 3. Statutory material to be deleted is bracketed  
22          and in strikethrough. New statutory material is underscored.



\_\_\_\_.B. NO. \_\_\_\_

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

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3 INTRODUCED BY: \_\_\_\_\_

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5 paf:cmn:16-011a

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2017  
MAUI COUNTY LEGISLATIVE PACKAGE A  
STATE BILL TO INCREASE REVENUE FOR  
EACH COUNTY'S AFFORDABLE HOUSING  
FUND THROUGH A ONE PERCENT  
CONVEYANCE TAX

WHEREAS, the lack of affordable housing in every county in the State is a crisis; and

WHEREAS, each county's affordable housing situation is unique, and solutions and funding are best managed locally; and

WHEREAS, a statewide mechanism to allow each county to increase revenue for its Affordable Housing Fund is needed; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to increase revenue for the counties' affordable housing funds through a one percent conveyance tax on the sale of residential properties over \$1,000,000, is approved for inclusion in the 2017 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

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# A BILL FOR AN ACT

RELATING TO THE CONVEYANCE TAX.

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

1           SECTION 1. Section 247-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§247-2 Basis and rate of tax.** The tax imposed by section  
4 247-1 shall be based on the actual and full consideration  
5 (whether cash or otherwise, including any promise, act,  
6 forbearance, property interest, value, gain, advantage, benefit,  
7 or profit), paid or to be paid for all transfers or conveyance  
8 of realty or any interest therein, that shall include any liens  
9 or encumbrances thereon at the time of sale, lease, sublease,  
10 assignment, transfer, or conveyance, and shall be at the  
11 following rates:

12           (1) Except as provided in paragraph (2):

13                   (A) Ten cents per \$100 for properties with a value of  
14                   less than \$600,000;

15                   (B) Twenty cents per \$100 for properties with a value  
16                   of at least \$600,000, but less than \$1,000,000;

\_\_\_\_.B. NO. \_\_\_\_\_

- 1 (C) Thirty cents per \$100 for properties with a value
- 2 of at least \$1,000,000, but less than \$2,000,000;
- 3 (D) Fifty cents per \$100 for properties with a value
- 4 of at least \$2,000,000, but less than \$4,000,000;
- 5 (E) Seventy cents per \$100 for properties with a
- 6 value of at least \$4,000,000, but less than
- 7 \$6,000,000;
- 8 (F) Ninety cents per \$100 for properties with a value
- 9 of at least \$6,000,000, but less than
- 10 \$10,000,000; and
- 11 (G) One dollar per \$100 for properties with a value
- 12 of \$10,000,000 or greater; and
- 13 (2) For the sale of a condominium or single family
- 14 residence for which the purchaser is ineligible for a
- 15 county homeowner's exemption on property tax:
- 16 (A) Fifteen cents per \$100 for properties with a
- 17 value of less than \$600,000;
- 18 (B) Twenty-five cents per \$100 for properties with a
- 19 value of at least \$600,000, but less than
- 20 \$1,000,000;
- 21 (C) Forty cents per \$100 for properties with a value
- 22 of at least \$1,000,000, but less than \$2,000,000;

\_\_\_\_.B. NO. \_\_\_\_\_

1 (D) Sixty cents per \$100 for properties with a value  
2 of at least \$2,000,000, but less than \$4,000,000;

3 (E) Eighty-five cents per \$100 for properties with a  
4 value of at least \$4,000,000, but less than  
5 \$6,000,000;

6 (F) One dollar and ten cents per \$100 for properties  
7 with a value of at least \$6,000,000, but less  
8 than \$10,000,000; and

9 (G) One dollar and twenty-five cents per \$100 for  
10 properties with a value of \$10,000,000 or  
11 greater[7]; and

12 (3) In addition to the rate established by paragraph (1)  
13 or (2), for the sale of a condominium or single family  
14 residence: One dollar per \$100 for properties with a  
15 value of more than \$1,000,000,

16 of such actual and full consideration; provided that in the  
17 case of a lease or sublease, this chapter shall apply only to a  
18 lease or sublease whose full unexpired term is for a period of  
19 five years or more, and in those cases, including (where  
20 appropriate) those cases where the lease has been extended or  
21 amended, the tax in this chapter shall be based on the cash  
22 value of the lease rentals discounted to present day value and

1 capitalized at the rate of six per cent, plus the actual and  
2 full consideration paid or to be paid for any and all  
3 improvements, if any, that shall include on-site as well as off-  
4 site improvements, applicable to the leased premises; and  
5 provided further that the tax imposed for each transaction shall  
6 be not less than \$1."

7 SECTION 2. Section 247-7, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§247-7 **Disposition of taxes.** All taxes collected under  
10 this chapter shall be paid into the state treasury to the credit  
11 of the general fund of the State, to be used and expended for  
12 the purposes for which the general fund was created and exists  
13 by law; provided that of the taxes collected each fiscal year:

14 (1) Ten per cent of the revenue accruing from application  
15 of the rates established in paragraph (1) and (2) of  
16 section 247-1, or \$6,800,000, whichever is less, shall  
17 be paid into the land conservation fund established  
18 pursuant to section 173A-5; [~~and~~]

19 (2) Fifty per cent of the revenue accruing from the  
20 application of the rates established in paragraph (1)  
21 and (2) of section 247-1, or \$38,000,000, whichever is  
22 less, shall be paid into the rental housing revolving

\_\_\_\_.B. NO. \_\_\_\_\_

1 fund established by section 201H-202. Tax imposed by  
2 section 247-1 shall be based on the actual and full  
3 consideration[-]; and

4 (3) One hundred percent of the revenue in each  
5 county accruing from the rate established in  
6 paragraph (3) of section 247-1 shall be  
7 allocated to the county's affordable housing  
8 fund and shall only be used to increase the  
9 supply of affordable housing by the  
10 following means:

11 (A) the purchase of existing housing units  
12 and other interests in real property;

13 (B) the planning, design, or construction  
14 of housing units;

15 (C) making grants or loans to nonprofit  
16 organizations, including community land  
17 trusts; or

18 (D) investment in public infrastructure."

19 SECTION 3. Statutory material to be deleted is bracketed  
20 and in strikethrough. New statutory material is underscored.

21 SECTION 4. This Act shall take effect upon its approval;  
22 provided that this Act shall be repealed on June 30, 2022.

\_\_\_\_.B. NO. \_\_\_\_

INTRODUCED BY: \_\_\_\_\_

paf:kcw:16-159b



# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW A REPRESENTATIVE OF EACH COUNTY COUNCIL TO PARTICIPATE AS A NON-VOTING MEMBER IN RELEVANT BARGAINING UNIT NEGOTIATIONS, TO RECEIVE UPDATES FROM THE ADMINISTRATION ON BARGAINING UNIT NEGOTIATIONS, AND TO CHANGE THE ALLOCATION OF VOTES FOR BARGAINING UNITS 11 AND 12

WHEREAS, employment costs, largely determined through bargaining unit negotiations, are a significant and growing part of county budgets; and

WHEREAS, because the county councils have the duty to appropriate funds for employment costs for the counties, councils' knowledge of bargaining unit negotiations regarding those costs is essential for effective municipal financial planning; and

WHEREAS, currently, the mayors or their representatives are participants in bargaining unit negotiations; and

WHEREAS, adding councilmember participation in bargaining unit negotiations would ensure both branches of county government have full information on current and anticipated employment costs; and

WHEREAS, enactment of State legislation to allow each county council to have a representative participate as a non-voting member in bargaining unit negotiations would result in financial planning benefits to the counties; and

WHEREAS, it is important for the county council to receive updates from the administration on bargaining unit negotiations to properly appropriate funding to the departments for their annual budgets;

WHEREAS, State law provides the Governor with votes equal to the four mayors for bargaining units 11 and 12; and

WHEREAS, because county employees make up a majority of these bargaining units, it is appropriate the mayors receive a majority vote as the counties' administrative heads; now, therefore,

**Resolution No. \_\_\_\_\_**

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow a representative of each county council to be present as a non-voting participant in negotiations with relevant bargaining units, to receive updates from the administration on bargaining unit negotiations, and to give the mayors a greater share of the votes for bargaining units 11 and 12, is approved for inclusion in the 2017 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

\_\_\_B. NO. \_\_\_

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# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1           SECTION 1. The purpose of this Act is to allow a  
2 representative of each county council to be present as a non-  
3 voting participant in negotiations with bargaining units if the  
4 relevant county has employees in the particular bargaining unit.

5           County councils have the duty to appropriate funds for  
6 their counties. Councils' knowledge of bargaining unit  
7 negotiations and associated costs is essential to enable  
8 effective financial planning for the counties.

9           SECTION 2. Section 89-6, Hawaii Revised Statutes, is  
10 amended by amending subsection (d) to read as follows:

11           "(d) For the purpose of negotiating a collective  
12 bargaining agreement, the public employer of an appropriate  
13 bargaining unit shall mean the governor together with the  
14 following employers:

15           (1) For bargaining units (1), (2), (3), (4), (9), (10),  
16           (13), and (14), the governor shall have six votes and  
17           the mayors, the chief justice, and the Hawaii health  
18           systems corporation board shall each have one vote if

**EXHIBIT "A"**

\_\_\_\_.B. NO. \_\_\_\_\_

1           they have employees in the particular bargaining unit;  
2           and one representative from each county council shall  
3           be allowed to attend as a non-voting participant  
4           during negotiations if their county has employees in  
5           the particular bargaining unit;

6           (2) For bargaining units (11) and (12), the governor shall  
7           have [~~four votes~~]one vote and the mayors shall each  
8           have one vote; and one representative from each county  
9           council shall be allowed to attend as a non-voting  
10          participant during negotiations if their county has  
11          employees in the particular bargaining unit;

12          (3) For bargaining units (5) and (6), the governor shall  
13          have three votes, the board of education shall have  
14          two votes, and the superintendent of education shall  
15          have one vote; and

16          (4) For bargaining units (7) and (8), the governor shall  
17          have three votes, the board of regents of the  
18          University of Hawaii shall have two votes, and the  
19          president of the University of Hawaii shall have one  
20          vote.

21          (5) The mayor or the mayor's representative shall provide  
22          timely updates relating to bargaining unit

\_\_\_\_.B. NO. \_\_\_\_\_

1           negotiations to the county councils in an executive  
2           meeting.

3           Any decision to be reached by the applicable employer group  
4 shall be on the basis of simple majority, except when a  
5 bargaining unit includes county employees from more than one  
6 county. In that case, the simple majority shall include at  
7 least one county."

8           SECTION 3. Statutory material to be deleted is bracketed  
9 and in strikethrough. New statutory material is underscored.

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

INTRODUCED BY: \_\_\_\_\_