

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS COMMITTEE

December 15, 2003

Committee
Report No. 03-158

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

Chair and Members:

Your Government Relations Committee, having met on December 1, 2003, makes reference to a County Communication No. 03-24, from the Council Chair, relating to the matter of the Maui County Legislative Package.

By correspondence dated November 25, 2003, your Committee's Chair requested proposals for inclusion in the 2004 Maui County Legislative Package, and transmitted copies of proposals from the 2004 Hawaii State Association of Counties (HSAC) Legislative Package for possible inclusion in the 2004 Maui County Legislative Package. The proposals are as follows:

- a. A proposal allowing the counties to charge and collect an additional fee for issuance, reissuance, or return of a driver's license after a conviction of driving under the influence of intoxicants;
- b. A proposal requiring the State to transfer fines and forfeitures collected for uncontested traffic infractions to the county in which the violations occurred;
- c. A proposal authorizing the counties to increase the maximum fee that may be charged for motor vehicle registration from \$5 to \$10 to defray additional costs relating to abandoned or derelict vehicles;
- d. A proposal requiring motor vehicle insurers to notify the police department in the county in which a vehicle is registered of the cancellation of or refusal to renew no-fault insurance;

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- e. A proposal increasing from 45 to 75 days the timeframe within which a legislative body must approve or disapprove an affordable housing project under Section 201G-118, Hawaii Revised Statutes (HRS), and clarifying that the expedited deadline for approval or disapproval by the legislative body shall not apply to proposed amendments to a project that has previously been approved; and
- f. A proposal authorizing the counties to establish a general excise tax.

By correspondence dated November 28, 2003, Councilmember Tavares transmitted a proposal for possible inclusion in the 2004 Maui County Legislative Package to authorize the "instant" impoundment of motor vehicles where: (1) a vehicle is operated without insurance or evidence of insurance, as required by Chapter 431-10C and Section 286-116, HRS, respectively; (2) a vehicle is operated without a current certificate of inspection, as required by Chapter 286, Part II, HRS; and (3) a driver operates a vehicle without a license required by Section 286-102, HRS.

At its meeting, your Committee met with an Executive Assistant to the Mayor and the Corporation Counsel.

There being no public testimony, your Committee proceeded with its discussion of this matter.

The Executive Assistant to the Mayor stated that the Administration is still in the process of formulating its legislative package. The Administration will transmit its package to the Council once it is finalized.

Your Committee reviewed the proposals being considered for the 2004 HSAC Legislative Package.

Your Committee did not recommend any revisions for proposals "a" through "d" above, but discussed amending proposal "e", relating to affordable housing projects under Section 201G-118, HRS.

A member of the Council suggested that the County review proposed 201G applications prior to review by the Hawaii Community Development Corporation of Hawaii (HCDCH). She also suggested that at least one HCDCH

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board hearing, relating to affordable housing projects under Section 201G-118, HRS, be held in the community plan area where the project would be developed prior to transmittal to the Council. Your Committee recommended that proposal "e" be revised to require either the HCDCH or the County Administration to hold at least one public hearing in the community plan area where the project would be developed prior to transmittal to Council.

Your Committee also discussed amending proposal "f", relating to authorizing the counties to establish a general excise tax. Your Committee noted that the current minimum population "trigger" for the individual counties is set at 200,000. Your Committee recommended that the minimum population trigger be increased to 500,000. The increase would allow Maui County to assist the City and County of Honolulu (the only county currently interested in pursuing the general excise tax authority) while providing the other counties with many years to consider whether or not the general excise tax would be worth pursuing.

Your Committee requested that a letter be sent to the State Department of Taxation as well as the Long Range Division of the Department of Planning to determine when the County population is expected to reach 500,000, and at what point a general excise tax would be feasible.

Councilmember Tavares provided an overview of her correspondence dated November 28, 2003, which outlined her proposal for an "instant" impoundment of motor vehicles. She also distributed a copy of Section 249-10, HRS, which provides authority to "seize" a vehicle for delinquent taxes. This legislation would serve as a model for proposed legislation that would provide authority to seize a vehicle that is operated without insurance or evidence of insurance, a current certificate of inspection, or a licensed driver.

Your Committee requested that the proposed bill also include as a fourth basis for impoundment a vehicle whose registration is not current. Your Committee discussed the fact that Section 249-10, HRS, provides that registration or renewal is conditioned upon payment of delinquent taxes. However, it was agreed that the Division of Motor Vehicles and Licensing, Department of Finance, would be contacted to see whether there are other circumstances, not already covered by Section 249-10, under which a vehicle may be operated without current registration. If there are, your Committee directed that such circumstances be incorporated into the proposed bill as an additional basis for impoundment.

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A member of the Council stated that she would like clarification on unfunded mandates by the State, such as mandatory County funding of school crossing guards. After a brief discussion, she stated that she would research the matter separately and would refer her research findings to the Council for committee referral.

This same member also discussed a proposal that would earmark 1 percent of the County's real property tax revenues for affordable housing. She noted that without ample County land or State land available for the development of affordable housing, the County needs to look at other ways to create revenues to create affordable housing opportunities for the community. After a brief discussion, she stated that she would send the matter to the Council for referral to the appropriate committee.

Your Committee voted to approve the following proposals, as revised, for inclusion in the 2004 Maui County Legislative Package:

- a. A proposal allowing the counties to charge and collect an additional fee for issuance, reissuance, or return of a driver's license after a conviction of driving under the influence of intoxicants;
- b. A proposal requiring the State to transfer fines and forfeitures collected for uncontested traffic infractions to the county in which the violations occurred;
- c. A proposal authorizing the counties to increase the maximum fee that may be charged for motor vehicle registration from \$5 to \$10 to defray additional costs relating to abandoned or derelict vehicles;
- d. A proposal requiring motor vehicle insurers to notify the police department in the county in which a vehicle is registered of the cancellation of or refusal to renew no-fault insurance;

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- e. A proposal increasing from 45 to 75 days the timeframe within which a legislative body must approve or disapprove an affordable housing project under Section 201G-118, HRS, clarifying that the expedited deadline for approval or disapproval by the legislative body shall not apply to proposed amendments to a project that has previously been approved, and requiring that the corporation (HCDCH or the County Administration) hold at least one public hearing in the community plan area where the project would be developed;
- f. A proposal authorizing the counties with a population of at least 500,000 to establish a general excise tax; and
- g. A proposal authorizing the “instant” impoundment of vehicles where: (1) a vehicle is operated without insurance or evidence of insurance, as required by Chapter 431-10C and Section 286-116, HRS, respectively; (2) a vehicle is operated without a current certificate of inspection, as required by Chapter 286, Part II, HRS; (3) a driver operates a vehicle without a license required by Section 286-102, HRS; or (4) if not already covered by Section 249-10, a vehicle is operated without current registration.

Your Committee is in receipt of the revised proposals.

Your Government Relations Committee RECOMMENDS the following:

- 1. That the following proposals be APPROVED for inclusion in the 2004 Maui County Legislative Package:
 - a. A proposal allowing the counties to charge and collect an additional fee for issuance, reissuance, or return of a driver’s license after a conviction of driving under the influence of intoxicants;
 - b. A proposal requiring the State to transfer fines and forfeitures collected for uncontested traffic infractions to the county in which the violations occurred;

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- c. A proposal authorizing the counties to increase the maximum fee that may be charged for motor vehicle registration from \$5 to \$10 to defray additional costs relating to abandoned or derelict vehicles;
 - d. A proposal requiring motor vehicle insurers to notify the police department in the county in which a vehicle is registered of the cancellation of or refusal to renew no-fault insurance;
 - e. A proposal increasing from 45 to 75 days the timeframe within which a legislative body must approve or disapprove an affordable housing project under Section 201G-118, HRS, clarifying that the expedited deadline for approval or disapproval by the legislative body shall not apply to proposed amendments to a project that has previously been approved, and requiring that the corporation (HCDCH or the County Administration) hold at least one public hearing in the community plan area where the project would be developed;
 - f. A proposal authorizing the counties with a population of at least 500,000 to establish a general excise tax; and
 - g. A proposal authorizing the "instant" impoundment of vehicles where: (1) a vehicle is operated without insurance or evidence of insurance, as required by Chapter 431-10C and Section 286-116, HRS, respectively; (2) a vehicle is operated without a current certificate of inspection, as required by Chapter 286, Part II, HRS; (3) a driver operates a vehicle without a license required by Section 286-102, HRS; or (4) if not already covered by Section 249-10, a vehicle is operated without current registration.
2. That copies of these proposals and supporting documentation, attached hereto, and a copy of this committee report be TRANSMITTED to the Mayor of the County of Maui.

Adoption of this report is respectfully requested.

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DAIN P. KANE **Chair**

MICHAEL J. MOLINA **Member**

G. RIKI HOKAMA **Vice-Chair**

CHARMAINE TAVARES **Member**

DANNY A. MATEO **Member**