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OFFICE OF THE  
COUNTY COUNCIL

MEMO TO: PEA-4(1) File

F R O M: Elle Cochran, Councilmember 

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSALS RELATING TO  
2018 MAUI COUNTY LEGISLATIVE PACKAGE** (PAF 17-205)

The attached legislative proposals pertain to Item 4(1) on the Committee's agenda.

paf:mcc:17-205g

Attachments

# Resolution

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

APPROVING FOR INCLUSION IN THE 2018  
MAUI COUNTY LEGISLATIVE PACKAGE A  
STATE BILL RELATING TO ENFORCEMENT OF  
THE BASIC BILL OF RIGHTS FOR VICTIMS AND  
WITNESSES

WHEREAS, according to Section 801D-1, Hawaii Revised Statutes, the State legislature's intent of the Basic Bill of Rights for Victims and Witnesses is "to ensure that all victims and witnesses of crimes are treated with dignity, respect, courtesy, and sensitivity"; and

WHEREAS, honoring and protecting the rights of victims is the duty of law enforcement agencies, prosecutors, and judges; and

WHEREAS, it is imperative that State and County agencies, and their personnel, be held accountable in the event the Basic Bill of Rights for Victims and Witnesses is not enforced as was intended; 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 for more stringent enforcement of the Basic Bill of Rights for Victims and Witnesses by holding implementing parties accountable, is approved for inclusion in the 2018 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 VICTIM RIGHTS

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

1 SECTION 1. Section 801D-5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~[+]§801D-5[+]~~ Responsibility for rights and services.

4 (a) Each county is responsible for the enforcement of rights  
5 under section 801D-4. The courts shall fashion all decisions  
6 and orders to enhance the recognition of these rights and the  
7 provision of these services, to the extent that they will not  
8 conflict with the constitutional rights of the defendant.

9 (b) ~~[Neither the]~~ Except as provided in §801D-4(7)(e),  
10 failure of any state or county officer or employee to carry out  
11 the requirements of this ~~[section nor compliance]~~ chapter or  
12 failure to comply with [it shall] any of its provisions, may  
13 subject the state or county officer or employee to liability in  
14 any civil action. ~~[However, such failure]~~ Failure may also  
15 provide a basis for such disciplinary action as may be deemed  
16 appropriate by competent authority."

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

EXHIBIT "A"

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

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

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

# Resolution

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

APPROVING FOR INCLUSION IN THE 2018 MAUI  
COUNTY LEGISLATIVE PACKAGE A STATE BILL  
PROHIBITING THE SALE OF SKIN CARE  
PRODUCTS CONTAINING OXYBENZONE AND  
OCTINOXATE

WHEREAS, Oxybenzone and Octinoxate have significant impacts on the environment and especially to the marine environment, including, causing mortality in coral planula and gametes; increasing the susceptibility of coral to undergo coral bleaching at temperatures lower than 87.8 degrees Fahrenheit; and causing potential damage to coral and other marine organisms' genomic integrity; and

WHEREAS, Oxybenzone and Octinoxate act as pseudo-persistent pollutants in Hawaii coastal waters, meaning their environmental contamination levels are constantly refreshed and renewed daily by swimmers and beachgoers; and

WHEREAS, swimming and other water activities will pollute Hawaii waters with these chemicals continuously unless actively mitigated; and

WHEREAS, to preserve the health, safety, welfare, and scenic underwater and natural beauty of Hawaii, the use of personal care products containing Oxybenzone and Octinoxate, must be regulated; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to prohibit the sale of skin care products containing Oxybenzone and Octinoxate, is approved for inclusion in the 2018 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 OXYBENZONE AND OCTINOXATE.

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

1           SECTION 1. Oxybenzone and octinoxate have significant  
2 impacts on the environment and especially to the marine  
3 environment, including, but not limited to: causing mortality in  
4 coral planula and gametes; increasing the susceptibility of  
5 coral to undergo coral bleaching at temperatures lower than 87.8  
6 degrees Fahrenheit; and causing potential damage to coral and  
7 other marine organisms' genomic integrity. These compounds have  
8 also been shown to degrade coral physiology and coral reef  
9 community integrity so as to reduce acclimation and resiliency  
10 to climate change factors, and to degrade coral reefs by  
11 inhibiting recruitment. Increased probability of endocrine  
12 disruption, either causing demographic feminization in fish or  
13 other types of reproductive diseases, has been observed in  
14 marine invertebrate species (e.g. sea urchins), and vertebrate  
15 species (e.g. fish such as wrasses, eels, and parrotfish), and  
16 in marine mammals (in species similar to the Hawaiian Monk  
17 Seal).

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

1           Oxybenzone and octinoxate act as pseudo-persistent  
2 pollutants in Hawaii coastal waters, meaning their environmental  
3 contamination levels are constantly refreshed and renewed daily  
4 by swimmers and beachgoers. Swimming and other water activities  
5 will pollute Hawaii waters with these chemicals unless actively  
6 mitigated.

7           The purpose of this Act is to promote ocean health by  
8 prohibiting the sale, offer for sale, or distribution for sale  
9 of sunscreen or personal care products containing oxybenzone and  
10 octinoxate.

11           SECTION 2. Chapter 328, Hawaii Revised Statutes, is amended  
12 by adding a new section to part I to be appropriately designated  
13 and to read as follows:

14           "§328-   Sale of sunscreen and personal care products  
15 containing oxybenzone or octinoxate; prohibited. (a) It shall  
16 be unlawful to sell, offer for sale, or distribute for sale  
17 sunscreen or personal care products that contain oxybenzone or  
18 octinoxate, unless the product is a prescription drug as defined  
19 in section 328-112.

20           (b) For purposes of this section, "oxybenzone" means the  
21 chemical (2-Hydroxy-4-methoxyphenyl)-phenylmethanone under the  
22 International Union of Pure and Applied Chemistry chemical

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

1 nomenclature registry, has a chemical abstract service registry  
2 number 131-57-7, and whose synonyms include benzophenone-3,  
3 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, 4-methoxy-2-  
4 hydroxybenzophenone and Milestab 9, and is intended to be used  
5 as protection against ultraviolet light radiation with a  
6 spectrum wavelength from 370 nanometers to 220 nanometers in an  
7 epidermal sunscreen-protection personal-care product.

8 (c) For purposes of this section, "octinoxate" means the  
9 chemical ((RS)-2-Ethylhexyl (2E)-3-(4-methoxyphenyl)prop-2-  
10 enoate under the International Union of Pure and Applied  
11 Chemistry chemical nomenclature registry, has a chemical  
12 abstract service registry number 5466-77-3, and whose synonyms  
13 include ethylhexylmethoxycinnamate, octyl methoxycinnamate,  
14 Eusolex 2292, and Uvinul MC80, and is intended to be used as  
15 protection against ultraviolet light radiation with a spectrum  
16 wavelength from 370 nanometers to 220 nanometers in an epidermal  
17 sunscreen-protection personal-care product."

18 SECTION 3. New statutory material is underscored.

19

20 SECTION 4. This Act shall take effect on July 1, 2019.

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



# Resolution

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

APPROVING FOR INCLUSION IN THE 2018  
MAUI COUNTY LEGISLATIVE PACKAGE A  
STATE BILL TO INCREASE REVENUE FOR  
EACH COUNTY'S AFFORDABLE HOUSING  
FUND THROUGH AN ADDITIONAL ONE  
PERCENT CONVEYANCE TAX ON PROPERTIES  
VALUED AT MORE THAN \$2 MILLION

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 an additional one percent conveyance tax on the sale of residential properties valued at over \$2,000,000, is approved for inclusion in the 2018 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 paragraphs (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 \$2,000,000,

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

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

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

8 "§247-7 **Disposition of taxes.** All taxes collected under  
9 this chapter shall be paid into the state treasury to the credit  
10 of the general fund of the State, to be used and expended for  
11 the purposes for which the general fund was created and exists  
12 by law; provided that of the taxes collected each fiscal year:

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

18 (2) Fifty per cent of the revenue from application of the  
19 rates established in paragraph (1) and (2) of section  
20 247-2, or \$38,000,000, whichever is less, shall be  
21 paid into the rental housing revolving fund  
22 established by section 201H-202[-]; and

1       (3) One hundred percent of the revenue generated in each  
2       county from application of the rate established in  
3       paragraph (3) of section 247-2 shall be paid into the  
4       respective county's affordable housing fund and shall  
5       only be used to increase the supply of affordable  
6       housing by the following means:

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

9       (B) the planning, design, or construction of housing  
10      units;

11      (C) making grants or loans to nonprofit  
12      organizations, including community land trusts;  
13      or

14      (D) investment in public infrastructure."

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

17       SECTION 4. This Act shall take effect upon its approval;  
18 provided that this Act shall be repealed on June 30, 2023.

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

# Resolution

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

APPROVING FOR INCLUSION IN THE 2018 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE STATE MINIMUM WAGE TO \$15.00 PER HOUR FOR EMPLOYERS WITH 26 EMPLOYEES OR MORE BEGINNING JANUARY 1, 2021 AND FOR EMPLOYERS WITH 25 EMPLOYEES OR LESS BEGINNING JANUARY 1, 2023

WHEREAS, per Act 82, Session Laws of Hawaii (2014), under the guidelines of Chapter 387, Hawaii Revised Statutes, and Chapter 12-20, Hawaii Administrative Rules, the State of Hawaii Department of Labor and Industrial Relations oversees minimum wage rates in Hawaii; and

WHEREAS, the State of Hawaii minimum wage rose to \$9.25 per hour, effective January 1, 2017, the third increase in the minimum wage since 2015, where previously the minimum wage stayed the same for eight years from January 1, 2007 to January 1, 2015; and

WHEREAS, the seasonally adjusted unemployment rate in the State of Hawaii for February 2017 was 2.8 percent, considerably down from 4.0 percent in February 2015, which is reflective of a healthy State economy; and

WHEREAS, minimum wage increases for employers with 25 employees or less will be on a graduated 5-step scale to \$15.00 per hour on January 1, 2023, taking into consideration the cost impacts on family-owned and other small businesses, especially those in rural areas; and

WHEREAS, minimum wage increases for employers with 26 employees or more will be on a graduated 3-step scale to \$15.00 per hour on January 1, 2021; and

WHEREAS, tip-eligible employees will receive a credit of \$1.25 per hour if the combined amount the employee receives in wages and tips is at least \$7.00 more than the applicable minimum wage on January 1, 2021 for employers with 26 employees or more, and January 1, 2023 for employers with 25 employees or less; and

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

WHEREAS, increasing the minimum wage will continue to boost consumer demand and jobs because minimum and low-wage workers spend most, if not all, of their increased wages generating economic activity and contributing to strengthening Hawaii's economy; 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 the State minimum wage to \$15.00 per hour for employers with 26 employees or more beginning January 1, 2021, and for employers with 25 employees or less beginning January 1, 2023, is approved for inclusion in the 2018 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 THE MINIMUM WAGE.

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

1           SECTION 1. Section 387-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§387-2 Minimum wages.** (a) Except as provided in section  
4 387-9 and this section, every employer shall pay to each employee  
5 employed by the employer, wages at the rate of not less than:

- 6           (1) \$6.25 per hour beginning January 1, 2003;
- 7           (2) \$6.75 per hour beginning January 1, 2006;
- 8           (3) \$7.25 per hour beginning January 1, 2007;
- 9           (4) \$7.75 per hour beginning January 1, 2015;
- 10          (5) \$8.50 per hour beginning January 1, 2016;
- 11          (6) \$9.25 per hour beginning January 1, 2017; [~~and~~]
- 12          (7) \$10.10 per hour beginning January 1, 2018[-];
- 13          (8) \$11.10 per hour for employers with 25 employees
- 14             or less, and \$12.00 per hour for employers with
- 15             26 employees or more, beginning January 1, 2019;
- 16          (9) \$12.25 per hour for employers with 25 employees
- 17             or less, and \$13.50 per hour for employers with
- 18             26 employees or more, beginning January 1, 2020;

**EXHIBIT "A"**

**.B. NO.**           

- 1           (10) \$13.35 per hour for employers with 25 employees
- 2                   or less, and \$15.00 per hour for employers with
- 3                   26 employees or more, beginning January 1, 2021;
- 4           (11) \$14.25 per hour for employers with 25 employees
- 5                   or less, beginning January 1, 2022; and
- 6           (12) \$15.00 per hour for employers with 25 employees
- 7                   or less, beginning January 1, 2023.

8           (b) The hourly wage of a tipped employee may be deemed to  
9 be increased [~~on account of~~] by tips if the employee is paid not  
10 less than:

- 11           (1) 25 cents;
- 12           (2) 50 cents per hour beginning January 1, 2015; [~~and~~]
- 13           (3) 75 cents per hour beginning January 1, 2016[~~7~~];
- 14                   and
- 15           (4) \$1.25 per hour beginning January 1, 2021 for
- 16                   employers with 26 employees or more, and January
- 17                   1, 2023 for employers with 25 employees or less,

18 below the applicable minimum wage by [~~the employee's~~] their  
19 employer and the combined amount the employee receives from [~~the~~  
20 ~~employee's~~] their employer in wages and [~~in~~] tips is at least  
21 [50] 75 cents more than the applicable minimum wage; provided  
22 that beginning January 1, [~~2015-7~~] 2019, the combined amount the  
23 employee receives from [~~the employee's~~] their employer in wages

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

1 and [~~in~~] tips is at least \$7.00 more than the applicable minimum  
2 wage."

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

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

6

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