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OFFICE OF THE
COUNTY COUNCIL

MEMO TO: PEA-3(2) File

F R O M: Mike White, Council Chair



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
2019 HSAC LEGISLATIVE PACKAGE** (PEA-3(2))

The attached legislative proposal pertains to Item 3(2) on the Committee's agenda.

ocs:proj:HSAC:FY2019:19Reso:HSACpackageltr

Attachment

Resolution

No. _____

APPROVING PROPOSALS FOR INCLUSION IN THE 2019 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

WHEREAS, the Hawaii State Association of Counties' bylaws provide for the submittal to the State Legislature of an annual HSAC Legislative Package composed of measures approved for inclusion by all four county councils; and

WHEREAS, one proposal was submitted by HSAC for inclusion in the 2019 HSAC Legislative Package, entitled:

“A RESOLUTION URGING THE LEGISLATURE TO APPROPRIATE FUNDS TO EMPLOY LIFEGUARDS AND TO PURCHASE A LIFEGUARD TOWER AND RESCUE EQUIPMENT FOR KUA BAY AT KEKAHA KAI STATE PARK”; and

WHEREAS, two proposals were submitted by the City and County of Honolulu for inclusion in the 2019 HSAC Legislative Package, entitled:

“A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSES AND CIVIL IDENTIFICATION CARDS”;

“A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS”; and

WHEREAS, five proposals were submitted by the County of Kauai for inclusion in the 2019 HSAC Legislative Package, entitled:

“A BILL FOR AN ACT RELATING TO TORT LIABILITY”;

“A BILL FOR AN ACT RELATING TO TAXATION” (Income Tax Credit for Hiring an Individual with a Disability);

“A BILL FOR AN ACT RELATING TO TAXATION” (Income Tax Credit for Hiring an Elderly Individual);

“A BILL FOR AN ACT RELATING TO ZONING”;

Resolution No. _____

“A BILL FOR AN ACT RELATING TO UNADJUDICATED TRAFFIC FINES”; and

WHEREAS, by correspondence dated September 18, 2018, attached as Exhibit “A,” HSAC President Dru Kanuha informed the Council of the eight proposals that have been submitted for possible inclusion in the 2019 HSAC Legislative Package; and

WHEREAS, the purpose of this resolution is to approve the eight proposals; now, therefore,

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

1. That it hereby approves the following proposals, described in Exhibit “A,” for inclusion in the 2019 Hawaii State Association of Counties Legislative Package:
 - A. “A RESOLUTION URGING THE LEGISLATURE TO APPROPRIATE FUNDS TO EMPLOY LIFEGUARDS AND TO PURCHASE A LIFEGUARD TOWER AND RESCUE EQUIPMENT FOR KUA BAY AT KEKAHA KAI STATE PARK” (proposed by HSAC), attached as Exhibit “1”;
 - B. “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER’S LICENSES AND CIVIL IDENTIFICATION CARDS” (proposed by City and County of Honolulu), attached as Exhibit “2”;
 - C. “A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS” (proposed by City and County of Honolulu) attached as Exhibit “3”;
 - D. “A BILL FOR AN ACT RELATING TO TORT LIABILITY” (proposed by County of Kauai), attached as Exhibit “4”;
 - E. “A BILL FOR AN ACT RELATING TO TAXATION” (Income Tax Credit for Hiring an Individual with a Disability) (proposed by County of Kauai), attached as Exhibit “5”;

Resolution No. _____

- F. "A BILL FOR AN ACT RELATING TO TAXATION" (Income Tax Credit for Hiring an Elderly Individual) (proposed by the County of Kauai), attached as Exhibit "6";
 - G. "A BILL FOR AN ACT RELATING TO ZONING" (proposed by the County of Kauai), attached as Exhibit "7";
 - H. "A BILL FOR AN ACT RELATING TO UNADJUDICATED TRAFFIC FINES" (proposed by the County of Kauai), attached as Exhibit "8"; and
2. That a certified copy of this resolution be transmitted to the HSAC Executive Committee.

ocs:proj:HSAC:FY2019:19Reso:HSACpackage

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu



September 18, 2018

Council Chair Mike White and Members of the Maui County Council
200 South High Street, Room 703
Wailuku, HI 96793

Aloha Council Chair White and Members of the Maui County Council:

Attached for your consideration are proposals to be included in the 2019 Hawai'i State Association of Counties (HSAC) Legislative Package, which were approved by the HSAC Executive Committee on September 17, 2018. Please note that pursuant to Section 13C of the Bylaws of the Hawai'i State Association of Counties, Inc., proposals must be approved by all four County Counties in order to be included in the final package.

2019 HSAC LEGISLATIVE PACKAGE

1. A Resolution urging the State Legislature to appropriate funding for lifeguards at Kua Bay, submitted by Hawai'i State Association of Counties (HSAC)
2. A Bill for an act relating to motor vehicle driver's license and civil identification cards, submitted by Honolulu City Council
3. A bill for an act relating to tobacco products, submitted by Honolulu City Council
4. A bill for an act relating to tort liability, submitted by Kauai County
5. A bill for an act relating to taxation, disability hire tax credit, submitted by Kauai County
6. A bill for an act relating to taxation, elderly individual hire tax credit, submitted by Kauai County
7. A bill for an act related to zoning, submitted by Kauai County
8. A bill for an act related to unadjudicated traffic fines, submitted by Kauai County

Your attention to this matter is greatly appreciated. Should you have any questions, please feel free to call HSAC President Dru Kanuha's office at 808-323-4267.

Sincerely,

Dru Kanuha
HSAC President

EXHIBIT "A"

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu



RESOLUTION

A RESOLUTION URGING THE LEGISLATURE TO APPROPRIATE FUNDS TO EMPLOY LIFEGUARDS AND TO PURCHASE A LIFEGUARD TOWER AND RESCUE EQUIPMENT FOR KUA BAY AT KEKAHA KAI STATE PARK.

WHEREAS, Kua Bay at Kekaha Kai State Park (Kua Bay) in North Kona, is under the jurisdiction of the Department of Land and Natural Resources (DLNR), and currently does not provide lifeguard protection; and

WHEREAS, lifeguards (water safety officers) act as primary responders for onshore emergencies, provide injury control, and dispatch ocean rescue services to address dangerous incidents in nearshore waters, where the majority of ocean recreation activity takes places; and

WHEREAS, the Hawai'i State Department of Health, Injury Prevention and Control Division and the Hawai'i Fire Department, Ocean Safety Division, have reported that from 2008 through 2018, there have been more than three fatal drownings, three near drownings, 10 spinal cord injuries, as well as cardiac arrests, shark sightings, other serious and minor injuries, and numerous distressed swimmers at Kua Bay; and

WHEREAS, skilled-lifeguards, appropriate rescue equipment, and a lifeguard tower to provide adequate field of sight, are all essential to save lives and prevent injuries a the heavily-visited Kua Bay; and

WHEREAS, West Hawai'i residents have repeatedly voiced strong concerns regarding the alarming number of reported and unreported incidents which have occurred at Kua Bay; and

WHEREAS, annual operational costs to employ four lifeguards at Kua Bay as estimated by the Hawai'i Fire Department, Ocean Safety Division, would total \$321,696 (salary and benefits of \$80,424 per lifeguard, to staff a two person lifeguard tower, seven days per week); and

WHEREAS, the start-up costs for equipment as estimated by the Hawai'i Fire Department, Ocean Safety Division, for Kua Bay for the first year would total \$80,000: \$60,000 for a lifeguard tower (one-time, start-up costs); \$8,000 for an all-terrain vehicle (to be replaced every four years); \$8,000 for radios (to be replaced every four years); \$3,000 for rescue equipment (bi-annually); \$1,000 for personal protective equipment (annually); and

WHEREAS, the total for operational costs, together with start-up costs of equipment for the first year is \$401,696, with an annual budgeted amount of \$325,696 for three years thereafter; and

EXHIBIT "1"



WHEREAS, this resolution supports the intent of Hawai'i County Resolution No. 49-17, adopted on January 25, 2017, that urges the Hawai'i State Legislature to appropriate funds to employ lifeguards and to purchase a lifeguard tower and rescue equipment for Kua Bay at Kekaha Kai State Park, as well as HB14 and HB2044 introduced in January 2017 and January 2018, respectively, which State bills were referred to the Senate Committee on Ways and Means, however, were not scheduled for hearing; now, therefore,

BE IT RESOLVED BY THE Hawai'i State Association of Counties that it urges the legislature to appropriate funds to employ lifeguards and to purchase a lifeguard tower and rescue equipment for Kua Bay at Kekaha Kai State Park.

BE IT FINALLY RESOLVED that certified copies of this resolution be transmitted to State Senate President Ronald D. Kouchi, Speaker of the State House of Representatives, Scott K. Saiki, the Honorable Harry Kim, Mayor of Hawai'i County, and Council Member Karen Eoff, County of Hawai'i.

Dated at: _____, Hawai'i, this _____ day of _____, 20__.

INTRODUCED BY:

HSAC PRESIDENT

HSAC VICE PRESIDENT

HSAC SECRETARY

HSAC TREASURER

.B. NO.

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES AND CIVIL IDENTIFICATION CARDS.

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

1 SECTION 1. Section 286-111, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Every application for an instruction permit,
4 provisional license, driver's license, limited purpose driver's
5 license, limited purpose provisional driver's license, or
6 limited purpose instruction permit shall be made upon a form
7 developed by the director. The director shall develop an
8 application form that consolidates the application under this
9 section and the application under section 286-303. The form
10 shall be furnished by the examiner of drivers and shall be
11 verified by the applicant before a person authorized to
12 administer oaths. The examiner of drivers and officers serving
13 under the examiner may administer the oaths without
14 charge. Each application for an instruction permit for a
15 category (1), (2), (3), or (4) license shall be accompanied by a
16 fee to be determined by the council of each county, and each
17 application for a provisional license or driver's license shall

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EXHIBIT "2"

.B. NO.

1 be accompanied by the fee, unless the applicant has already paid
2 the fee upon application for an instruction permit in the same
3 county, in which event no fee shall be charged. An additional
4 fee to be determined by the council of each county shall be
5 charged and collected upon the issuance of a provisional license
6 or driver's license. All of the foregoing fees shall become
7 county realizations."

8 SECTION 2. Section 286-303, Hawaii Revised Statutes, is
9 amended by amending subsection (c) to read as follows:

10 "(c) Every application for an identification card or
11 duplicate of an identification card shall be made on a form
12 developed by the director pursuant to section 286-111 and
13 furnished by the examiner of drivers, signed by the applicant,
14 and signed by the applicant's parent or guardian if the
15 applicant is under eighteen years of age. The application shall
16 contain the following information:

- 17 (1) Name and complete address, including the number
18 and street name, of the applicant's permanent
19 residence;
- 20 (2) The applicant's occupation and any pertinent data
21 relating thereto;
- 22 (3) The applicant's citizenship status;

.B. NO.

- 1 (4) The applicant's veteran status if applicable and
2 desired by the applicant;
- 3 (5) The applicant's date and place of birth;
- 4 (6) General description of the applicant, including
5 the applicant's gender, height, weight, hair
6 color, and eye color;
- 7 (7) The applicant's left and right index fingerprints
8 or, if clear impressions cannot be obtained,
9 other identifying imprints as specified by rules
10 of the director;
- 11 (8) The social security number of the applicant; and
- 12 (9) A digitized frontal photograph of the applicant's
13 full face.

14 Each applicant shall present documentary evidence as required by
15 the examiner of drivers of the applicant's age and identity, and
16 the applicant shall swear or affirm that all information given
17 is true and correct."

18 SECTION 3. New statutory material is underscored.

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

20

21

INTRODUCED BY: _____

22

____.B. NO. _____

Report Title:

Motor Vehicle; Driver's License; Civil Identification Card;
Application

Description:

Consolidates the application forms for motor vehicle driver's
licenses and civil identification cards.

*The summary description of legislation appearing on this page is for informational
purposes only and is not legislation or evidence of legislative intent.*

___ .B. NO. ___

A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS

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

1 SECTION 1. PREAMBLE

2 SECTION 2. Section 328J-XX, Hawaii Revised Statutes, is
3 repealed:

4 [~~"§328J—Statewide concern. (a) Sales of cigarettes,
5 tobacco products, and electronic smoking devices are a statewide
6 concern. It is the intent of the legislature to regulate the
7 sale of cigarettes, tobacco products, and electronic smoking
8 devices in a uniform and exclusive manner.~~

9 ~~— (b) All local ordinances or regulations that regulate the
10 sale of cigarettes, tobacco products, and electronic smoking
11 devices are preempted, and existing local laws and regulations
12 conflicting with this chapter are null and void.~~

13 ~~— (c) Nothing in this chapter shall be construed to limit a
14 county's authority under section 328J-15."~~]

15 SECTION 3. Section 328J-15, Hawaii Revised Statutes, is
16 amended to read as follows:

17 1. By amending subsection (a) to read:

EXHIBIT 3

.B. NO.

1 "§328J~~15~~15 County ordinances. (a) Nothing in this chapter
2 shall be construed to supersede or in any manner affect a county
3 smoking ordinance and the ability of any county to adopt and
4 enforce additional local laws or ordinances that regulate the
5 sale of cigarettes, tobacco products, and electronic smoking
6 devices; provided that the ordinance is at least as protective
7 of the rights of nonsmokers as this chapter."

8 (b) Nothing in this chapter shall prohibit a county
9 from enacting ordinances more stringent than this chapter.

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

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

13

____.B. NO.____

Report Title:
Tobacco Products.

Description:
Repeals and amends provisions relating to the preemption of local laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1 SECTION 1. The liability protections afforded to lifeguards in Act 170,
2 Session Laws of Hawai'i 2002 (Act 170), was repealed on June 30, 2017. Act 170
3 provided liability protection for lifeguard services on the beach or in the ocean,
4 except for gross negligence or wanton acts or omissions. This limited liability
5 protection was made necessary because some counties would not provide lifeguard
6 services at state beach parks, due to the fear of potential liability that might ensue.
7 The legislature finds that Act 170 created a climate in which lifeguard services
8 could be provided by the counties without fear of liability, and, therefore, is a
9 life-saving measure that should be extended.

10 The purpose of this Act is to make permanent the liability protections for
11 lifeguard services.

12 SECTION 2. Chapter 663, Hawai'i Revised Statutes, is amended by adding a
13 new section to be appropriately designated and to read as follows:

14 "§663- Exception to liability for county lifeguard services. (a) For the
15 purposes of this section:

EXHIBIT "4"

____.B. NO. _____

1 "County lifeguard" means a person employed as a lifeguard by a county of
2 this State.

3 "Employing county" means the county employing a county lifeguard.

4 (b) Notwithstanding any other law to the contrary, a county lifeguard, the
5 employing county, and the State shall not be liable for any civil damages resulting
6 from any act or omission of the lifeguard while providing rescue, resuscitative, or
7 other lifeguard services on the beach or in the ocean in the scope of employment as
8 a county lifeguard. This exception from liability, however, shall not apply when the
9 claim for civil damages results from a county lifeguard's gross negligence or wanton
10 act or omission."

11 SECTION 2. This Act does not affect rights and duties that matured,
12 penalties that were incurred, and proceedings that were begun, before its effective
13 date.

14 SECTION 3. New statutory material is underscored.

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

16

17

18

INTRODUCED BY: _____

____.B. NO. _____

Report Title:

State and County Tort Liability; Lifeguard Services

Description:

Makes an exemption from tort liability for the State and counties arising from lifeguard services, except for gross negligence or wanton acts or omissions.

This summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. Chapter 235, Hawai'i Revised Statutes, is amended by
2 adding a new section to part I to be appropriately designated and to read as follows:

3 "§235- Hiring an individual with a disability; income tax
4 credit. (a) There shall be allowed to each taxpayer subject to the tax
5 imposed by this chapter, a credit for the hiring of an individual with a
6 disability that shall be deductible from the taxpayer's net income tax liability,
7 if any, imposed by this chapter for the taxable year in which the credit is
8 properly claimed.

9 (b) The amount of the credit shall be equal to fifty per cent of the
10 qualified wages for the first six months after an individual with a disability is
11 initially hired. A tax credit that exceeds the taxpayer's income tax liability
12 may be used as a credit against the taxpayer's income tax liability in
13 subsequent years until exhausted; provided that in no taxable year shall the
14 total amount of the tax credit claimed under this section exceed \$ per
15 taxpayer.

EXHIBIT "5"

____.B. NO. _____

1 (c) Certification of an individual with a disability for the purpose of
2 claiming a credit under this section shall be submitted to the department of
3 taxation on forms prescribed by the department of taxation.

4 (d) An individual shall not be treated as an individual with a
5 disability unless, on or before the day on which the individual begins work for
6 the employer, the employer has received certification from a qualified
7 physician. If an individual has been certified as an individual with a
8 disability and the certification is incorrect because it was based on false
9 information provided by the individual, the certification shall be revoked and
10 wages paid by the employer after the date on which notice of revocation is
11 received by the employer shall not be treated as qualified wages.

12 In any request for a certification of an individual as an individual with
13 a disability, the employer shall certify that a good faith effort was made to
14 determine that such individual is an individual with a disability.

15 (e) The following wages paid to an individual with a disability are
16 ineligible to be claimed by the employer for this credit:

- 17 (1) Wages paid to an individual with a disability who:
18 (A) Bears any of the relationships described in
19 section 152(d)(2)(A) through (G) of the Internal
20 Revenue Code to the taxpayer, or, if the taxpayer is a
21 corporation, to an individual who owns, directly or

____.B. NO. _____

1 indirectly, more than fifty per cent in value of the
2 outstanding stock of the corporation (determined with
3 the application of section 267(c) of this Internal
4 Revenue Code);

5 (B) If the taxpayer is an estate or trust, is a grantor,
6 beneficiary, or fiduciary of the estate or trust, or is an
7 individual who bears any of the relationships
8 described in section 152(d)(2)(A) through (G) of the
9 Internal Revenue Code to a grantor, beneficiary or
10 fiduciary of the estate or trust; or

11 (C) Is a dependent (described in section 152(d)(2)(H) of the
12 Internal Revenue Code) of the taxpayer, or, if the
13 taxpayer is an estate or trust, of a grantor, beneficiary,
14 or fiduciary of the estate or trust; and

15 (2) Wages paid to any individual with a disability if, prior to
16 the day the individual is hired by the employer, the individual had
17 been employed by the employer at any time.

18 (f) In the case of a successor employer referred to in
19 section 3306(b)(1) of the Internal Revenue Code, the determination of the
20 amount of the tax credit allowable under this section with respect to wages
21 paid by the successor employer shall be made in the same manner as if the

____.B. NO. _____

1 wages were paid by the predecessor employer referred to in section 3306(b)(1)
2 of the Internal Revenue Code.

3 (g) Claims for the tax credit under this section, including any
4 amended claims, shall be filed on or before the end of the twelfth month
5 following the taxable year for which the credit may be claimed. Failure to
6 comply with the foregoing provision shall constitute a waiver of the right to
7 claim the tax credit.

8 (h) The director of taxation:

9 (1) Shall prepare any forms necessary to claim a credit under
10 this section:

11 (2) May require a taxpayer to furnish reasonable information
12 to ascertain the validity of a claim for credit; and

13 (3) May adopt rules pursuant to chapter 91 to effectuate the
14 purposes of this section.

15 (i) For purposes of this section:

16 “Individual with a disability” means an individual having a
17 physical or intellectual impairment that substantially limits one or
18 more major life activities, having a record of that impairment, or being
19 regarded as having that impairment; provided that the disabling
20 impairment is certified by a qualified physician.

21 “Qualified physician” means:

____.B. NO. _____

1 (1) A physician or osteopathic physician licensed under
2 chapter 453:

3 (2) A qualified out-of-state physician who is currently
4 licensed to practice in the state in which the physician resides;
5 or

6 (3) A commissioned medical officer in the United
7 States Army, Navy, Marine Corps, or Public Health Service,
8 engaged in the discharge of one's official duty.

9 "Qualified wages" means wages attributable to work rendered
10 by an individual with a disability for the six-month period after the
11 individual is initially hired.

12 "Wages" means wages, commissions, fees, salaries, bonuses, and
13 every and all other kinds of remuneration for, or compensation
14 attributable to, services performed by an employee for the employee's
15 employer, including the cash value of all remuneration paid in any
16 medium other than cash and the cost-of-living allowances and other
17 payments included in gross income by section 235-7(b), but excluding
18 income excluded from gross income by section 235-7 or other provisions
19 of this chapter."

20 SECTION 2. New statutory material is underscored.

____.B. NO. ____

1 **SECTION 3.** This Act, upon its approval, shall apply to taxable years
2 beginning after December 31, 2018.

3

4

INTRODUCED BY:

____.B. NO. _____

Report Title:

Individual with a Disability; Employment; Income Tax Credit

Description:

Provides a taxpayer who hires an individual with a disability a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. Chapter 235, Hawai'i Revised Statutes, is amended by
2 adding a new section to part I to be appropriately designated and to read as follows:

3 "§235- Hiring an elderly individual; income tax credit. (a)
4 There shall be allowed to each taxpayer subject to the tax imposed by this
5 chapter, a credit for the hiring of an elderly individual that shall be
6 deductible from the taxpayer's net income tax liability, if any, imposed by this
7 chapter for the taxable year in which the credit is properly claimed.

8 (b) The amount of the credit shall be equal to fifty per cent of the
9 qualified wages for the first six months after the elderly individual is initially
10 hired. A tax credit that exceeds the taxpayer's income tax liability may be
11 used as a credit against the taxpayer's income tax liability in subsequent
12 years until exhausted; provided that in no taxable year shall the total
13 amount of the tax credit claimed under this section exceed \$ per
14 taxpayer.

15 (c) The following wages paid to an elderly individual are ineligible
16 to be claimed by the employer for this credit:

17 (1) Wages paid to an elderly individual who:

EXHIBIT "6"

____.B. NO. _____

1 (A) Bears any of the relationships described in section
2 152(d)(2)(A) through (G) of the Internal Revenue Code
3 to the taxpayer, or, if the taxpayer is a corporation, to
4 an individual who owns, directly or indirectly, more
5 than fifty per cent in value of the outstanding stock of
6 the corporation (determined with the application of
7 section 267(c) of this Internal Revenue Code);

8 (B) If the taxpayer is an estate or trust, is a grantor,
9 beneficiary, or fiduciary of the estate or trust, or is an
10 individual who bears any of the relationships
11 described in section 152(d)(2)(A) through (G) of the
12 Internal Revenue Code to a grantor, beneficiary or
13 fiduciary of the estate or trust; or

14 (C) Is a dependent (described in section 152(d)(2)(H) of the
15 Internal Revenue Code) of the taxpayer, or, if the
16 taxpayer is an estate or trust, of a grantor, beneficiary,
17 or fiduciary of the estate or trust; and

18 (2) Wages paid to any elderly individual if, prior to the day
19 the individual is hired by the employer, the individual had been
20 employed by the employer at any time.

.B. NO.

1 (d) In the case of a successor employer referred to in section
2 3306(b)(1) of the Internal Revenue Code, the determination of the amount of
3 the tax credit allowable under this section with respect to wages paid by the
4 successor employer shall be made in the same manner as if the wages were
5 paid by the predecessor employer referred to in section 3306(b)(1) of the
6 Internal Revenue Code.

7 (e) Claims for the tax credit under this section, including any
8 amended claims, shall be filed on or before the end of the twelfth month
9 following the taxable year for which the credit may be claimed. Failure to
10 comply with the foregoing provision shall constitute a waiver of the right to
11 claim the tax credit.

12 (f) The director of taxation:

13 (1) Shall prepare any forms necessary to claim a credit under
14 this section;

15 (2) May require a taxpayer to furnish reasonable information
16 to ascertain the validity of a claim for credit; and

17 (3) May adopt rules pursuant to chapter 91 to effectuate the
18 purposes of this section.

19 (g) For purposes of this section:

20 "Elderly individual" means an individual who is sixty-seven
21 years of age or older.

____.B. NO. ____

1 “Qualified wages” means wages attributable to work rendered
2 by an elderly individual for the six-month period after the individual is
3 initially hired.

4 “Wages” means wages, commissions, fees, salaries, bonuses, and
5 every and all other kinds of remuneration for, or compensation
6 attributable to, services performed by an employee for the employee’s
7 employer, including the cash value of all remuneration paid in any
8 medium other than cash and the cost-of-living allowances and other
9 payments included in gross income by section 235-7(b), but excluding
10 income excluded from gross income by section 235-7 or other provisions
11 of this chapter.”

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act, upon its approval, shall apply to taxable years
14 beginning after December 31, 2018.

15

16

INTRODUCED BY:

____.B. NO. _____

Report Title:

Taxation; Income Tax Credit; Elderly Persons; Employment

Description:

Provides a taxpayer who hires an elderly individual a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

A BILL FOR AN ACT

RELATING TO ZONING

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

1 SECTION 1. Section 46-4, Hawai'i Revised Statutes, is amended by
2 amending subsection (a) to read as follows:

3 “(a) This section and any ordinance, rule, or regulation adopted in
4 accordance with this section shall apply to lands not contained within the
5 forest reserve boundaries as established on January 31, 1957, or as
6 subsequently amended.

7 Zoning in all counties shall be accomplished within the framework of a
8 long-range, comprehensive general plan prepared or being prepared to guide
9 the overall future development of the county. Zoning shall be one of the tools
10 available to the county to put the general plan into effect in an orderly
11 manner. Zoning in the counties of Hawai'i, Maui, and Kaua'i means the
12 establishment of districts of such number, shape, and area, and the adoption
13 of regulations for each district to carry out the purposes of this section. In
14 establishing or regulating the districts, full consideration shall be given to all
15 available data as to soil classification and physical use capabilities of the land.

EXHIBIT "7"

.B. NO.

1 to allow and encourage the most beneficial use of the land consonant with
2 good zoning practices. The zoning power granted herein shall be exercised by
3 ordinance which may relate to:

4 (1) The areas within which agriculture, forestry, industry,
5 trade, and business may be conducted;

6 (2) The areas in which residential uses may be regulated or
7 prohibited;

8 (3) The areas bordering natural watercourses, channels, and
9 streams, in which trades or industries, filling or dumping, erection of
10 structures, and the location of buildings may be prohibited or
11 restricted;

12 (4) The areas in which particular uses may be subjected to
13 special restrictions;

14 (5) The location of buildings and structures designed for
15 specific uses and designation of uses for which buildings and
16 structures may not be used or altered;

17 (6) The location, height, bulk, number of stories, and size of
18 buildings and other structures;

19 (7) The location of roads, schools, and recreation areas;

20 (8) Building setback lines and future street lines;

21 (9) The density and distribution of population;

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1 (10) The percentage of a lot that may be occupied, size of
2 yards, courts, and other open spaces;

3 (11) Minimum and maximum lot sizes; and

4 (12) Other regulations the boards or city council find necessary
5 and proper to permit and encourage the orderly development of land
6 resources within their jurisdictions.

7 The council of any county shall prescribe rules, regulations, and
8 administrative procedures and provide personnel it finds necessary to enforce
9 this section and any ordinance enacted in accordance with this section. The
10 ordinances may be enforced by appropriate fines and penalties, civil or
11 criminal, or by court order at the suit of the county or the owner or owners of
12 real estate directly affected by the ordinances.

13 Any civil fine or penalty provided by ordinance under this section may
14 be imposed by the district court, or by the zoning agency after an opportunity
15 for a hearing pursuant to chapter 91. The proceeding shall not be a
16 prerequisite for any injunctive relief ordered by the circuit court.

17 Nothing in this section shall invalidate any zoning ordinance or
18 regulation adopted by any county or other agency of government pursuant to
19 the statutes in effect prior to July 1, 1957.

20 The powers granted herein shall be liberally construed in favor of the
21 county exercising them, and in such a manner as to promote the orderly

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1 development of each county or city and county in accordance with a long-
2 range, comprehensive general plan to ensure the greatest benefit for the
3 State as a whole. This section shall not be construed to limit or repeal any
4 powers of any county to achieve these ends through zoning and building
5 regulations, except insofar as forest and water reserve zones are concerned
6 and as provided in subsections (c) and (d).

7 Neither this section nor any ordinance enacted pursuant to this section
8 shall prohibit the continued lawful use of any building or premises for any
9 trade, industrial, residential, agricultural, or other purpose for which the
10 building or premises is used at the time this section or the ordinance takes
11 effect; provided that a zoning ordinance may provide for elimination of
12 nonconforming uses as the uses are discontinued, or for the amortization or
13 phasing out of nonconforming uses or signs over a reasonable period of time
14 in commercial, industrial, resort, and apartment zoned areas only[-]; provided
15 further that only in counties with a population less than one hundred
16 thousand, a zoning ordinance may provide for the amortization or phasing
17 out of nonconforming single-family transient vacation rental units over a
18 reasonable period of time in an area of any zoning classification. In no event
19 shall such amortization or phasing out of nonconforming uses apply to any
20 existing building or premises used for residential (single-family or duplex) or
21 agricultural uses[-] other than nonconforming transient vacation rental units

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1 as provided in this subsection. Nothing in this section shall affect or impair
2 the powers and duties of the director of transportation as set forth in
3 chapter 262.”

4 SECTION 2. Statutory material to be repealed is bracketed and
5 stricken. New statutory material is underscored.

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

7 Introduced by:

8

Report Title:

Zoning; Single-Family Transient Vacation Rental Units

Description:

Allows counties with populations less than one hundred thousand to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

___B. NO. ___

A BILL FOR AN ACT

RELATING TO UNADJUDICATED TRAFFIC FINES.

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

1 SECTION 1. Chapter 291C, Hawai'i Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . TRANSMITTAL OF TRAFFIC FINES**
5 **AND FORFEITURES TO COUNTIES**

6 **§291C-A Definitions.** As used in this part, unless the
7 context clearly requires otherwise:

8 "Traffic infractions" means the same as defined under
9 section 291D-2.

10 "Uncontested traffic infraction" means a traffic infraction
11 for which the person noticed under section 291D-5 does not
12 contest the infraction. A person "does not contest" an
13 infraction if, in accordance with section 291D-6(b)(1), the
14 person admits the commission of the infraction without
15 requesting a hearing to explain mitigating circumstances and

EXHIBIT "8"

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1 pays or remits bail forfeiture by mail, via the Internet, or by
2 telephone within thirty days.

3 **§291C-B Transmittal of fines and forfeitures from July 1,**
4 2017. (a) Beginning July 1, 2017, the director of finance
5 shall transmit to each county, not more than thirty days after
6 the end of each fiscal quarter, all the fines and forfeitures
7 collected for uncontested traffic infractions committed in that
8 county that are in excess of amounts required by the State to
9 pay the administrative costs of the traffic violations bureau.
10 The fines and forfeitures shall be directed to the county in
11 which the citations were issued. This section shall not
12 apply to:

13 (1) Fines and forfeitures for violations that occur on
14 state off-street parking facilities, parks, airports,
15 and harbors that are subject to enforcement by the
16 State; and

17 (2) Fines and forfeitures that are required by law to be
18 paid into a special, revolving, or trust fund.

19 No county shall be entitled to any portion of the fines and
20 forfeitures described in this subsection."

21 SECTION 2. Section 291C-171, Hawai'i Revised Statutes,
22 is amended by amending subsection (a) to read as follows:

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1 “(a) All fines and forfeitures collected upon conviction or
2 upon the forfeiture of bail of any person charged with a
3 violation of any section or provision of the state traffic laws
4 and all assessments collected relating to the commission of
5 traffic infractions shall be paid to the director of finance of
6 the State. The judiciary shall identify those fines paid for
7 uncontested traffic infractions as defined in section 291C-A.
8 The disposition of fines and forfeitures paid to the director of
9 finance shall be subject to sections 291C-B.”

10 SECTION 3. In codifying the new sections added by
11 section 1 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on July 1, 2019.

16

17 INTRODUCED BY: _____

18

Report Title:

Unadjudicated Traffic Fines; Transfer to Counties

Description:

Transfers certain fines and forfeitures collected for uncontested traffic infractions to the counties

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