

Resolution

No. 25-220

APPROVING PROPOSALS FOR INCLUSION IN THE 2026 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

WHEREAS, Section 10C of the Hawai'i State Association of Counties' ("HSAC") Bylaws provide for submittal to the State Legislature an annual HSAC Legislative Package composed of measures approved for inclusion by all four county councils; and

WHEREAS, by correspondence dated October 30, 2025, attached as Exhibit "1," HSAC Executive Director Nahelani Parsons informed the Council Chair of 14 proposals approved by the HSAC Executive Committee for inclusion in the 2026 HSAC Legislative Package, and nine legislative priorities for the Executive Committee to track and testify on, subject to concurrence by all four county councils under Section 10C of the HSAC Bylaws; now, therefore,

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

1. That it approves the following proposals, attached to Exhibit "1," for inclusion in the 2026 Hawai'i State Association of Counties Legislative Package:
 - A. A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES AND OPIOID USE DISORDER TREATMENT (Proposed by the HSAC Executive Committee);
 - B. A BILL FOR AN ACT RELATING TO HOUSING; MIXED USE DEVELOPMENT (Proposed by the HSAC Executive Committee);
 - C. A BILL FOR AN ACT RELATING TO CESSPOOLS (Proposed by the HSAC Executive Committee);
 - D. A RESOLUTION RELATING TO DOE RECREATIONAL FACILITIES (Proposed by the HSAC Executive Committee);

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- E. A BILL FOR AN ACT RELATING TO THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT (Proposed by the County of Maui);
 - F. A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS (Proposed by the City and County of Honolulu and the HSAC Executive Committee);
 - G. A BILL FOR AN ACT RELATING TO HOUSING; REPEALS AMENDMENTS TO SECTION 201H-38 (Proposed by the City and County of Honolulu);
 - H. A BILL FOR AN ACT RELATING TO FAMILY (Proposed by the City and County of Honolulu);
 - I. A BILL FOR AN ACT RELATING TO FIREARMS (Proposed by the City and County of Honolulu);
 - J. A BILL FOR AN ACT RELATING TO GUN VIOLENCE PREVENTION (Proposed by the City and County of Honolulu);
 - K. A BILL FOR AN ACT RELATING TO WATER POLLUTION (Proposed by the City and County of Honolulu);
 - L. A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX (Proposed by the County of Hawai'i);
 - M. A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX (Proposed by the County of Hawai'i); and
 - N. A BILL FOR AN ACT RELATING TO HOUSING; HOUSING FOR STATE OR COUNTY EMPLOYEES (Proposed by the County of Hawai'i).
2. That it approves the following nine legislative priorities, included in Exhibit "1," for inclusion in the 2026 Hawai'i State Association of Counties Legislative Package:
- A. Legislation related to road usage charge on electric vehicles (Proposed by the HSAC Executive Committee);

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- B. Legislation related to opioid use (Proposed by the HSAC Executive Committee);
 - C. Legislation related to increasing funds for emergency preparedness, evacuation routes, notification systems, and community-level emergency planning (Proposed by the County of Hawai‘i);
 - D. Legislation related to workforce development, particularly for green jobs, food systems specialists and county government positions (Proposed by the County of Hawai‘i);
 - E. Legislation related to water viability and usage, and watershed monitoring and stewardship (Proposed by the County of Hawai‘i);
 - F. Legislation related to responsible game management of wild ungulates (Proposed by the County of Hawai‘i);
 - G. Legislation related to promoting producer responsibility for solid waste (Proposed by the County of Hawai‘i);
 - H. Legislation related to wastewater infrastructure, cesspool conversion and related financing (Proposed by the County of Hawai‘i); and
 - I. Legislation related to prioritizing and increasing means and infrastructure for multi-modal transportation and funding for safe routes to school (Proposed by the County of Hawai‘i); and
3. That a certified copy of this Resolution be transmitted to the Hawai‘i State Association of Counties Executive Committee.

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee". The signature is written in black ink and is positioned above a horizontal line.

ALICE L. LEE

Exhibit “1”

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i, and City & County of Honolulu

Website: hawaiicounties.org | Email: hsac@hawaiicounties.org



October 30, 2025

Aloha Council Chair,

Attached for your consideration are proposals to be included in the 2026 Hawai'i State Association of Counties (HSAC) Legislative Package, which were approved by the HSAC Executive Committee on October 30, 2025. Please note that pursuant to Section 10C of the Bylaws of the Hawai'i State Association of Counties, Inc., proposals must be approved by all four County Councils in order to be included in the final package.

2026 HSAC LEGISLATIVE PACKAGE

1. **A Bill For An Act Relating to Emergency Medical Services and Opioid Use Disorder Treatment** *(Proposed by HSAC).*
 - Establishes a pilot program authorizing paramedics, under Department of Health - approved protocols, to administer buprenorphine following naloxone in cases of opioid overdose. Requires the department to verify treatment centers capable of same- or next-day follow-up care, providing training, implement a phased rollout, and submit a report evaluating program outcomes
2. **A Bill For An Act Relating to Housing; Mixed Use Development** *(Proposed by HSAC).*
 - Repeals the sunset provision in Act 45, SLH 2024, related to the counties' authorization to develop, construct, finance, refinance, or otherwise provide mixed-use developments.
3. **A Bill For An Act Relating to Cesspools** *(Proposed by HSAC).*
 - Provides temporary income tax credit for the cost of upgrading or converting a cesspool to a septic system or an aerobic treatment unit system, or connecting to a sewer system. Permits DOH, as a pilot program, to certify no more than two residential large capacity cesspools. Effective 7/1/2027. Sunsets 12/31/2032.
4. **A Resolution Relating to DOE Recreational Facilities** *(Proposed by HSAC).*
 - Requesting the Department of Education to make available recreational facilities to the public during non-peak hours and non-school days. Pursuant to Chapter 39, Hawaii Administrative Rules, Hawaii's public school facilities are required to be available for public use as long as the requested activities do not interfere with normal school operations.



5. **A Bill For An Act Relating to The Psychology Interjurisdictional Compact** *(Proposed by the County of Maui).*
 - Supports include a proposed state bill in the Hawai'i State Association of Counties (HSAC) 2026 Legislative Package to establish the Psychology Interjurisdictional Compact (PSYPACT) in Hawai'i law. The resolution endorses creating a legal framework that allows licensed psychologists from participating states to practice telepsychology (remote practice) and provide temporary in-person services across state lines. By supporting this compact, Maui County aims to expand access to mental health care, reduce workforce shortages, and improve service delivery, particularly in rural and underserved communities throughout Hawai'i.
6. **A Bill For An Act Relating to Tobacco Products** *(Proposed by the City and County of Honolulu; HSAC).*
 - Repeal existing law that provides that all local ordinances or regulations of the sale of cigarettes, tobacco products, and electronic smoking devices are preempted; and that existing local laws and regulations conflicting with the State law on smoking are null and void. Clarify that counties retain authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not conflict with or are more stringent than the State law on smoking.
7. **A Bill For An Act Relating to Housing; Repeals Amendments to Section 201H-38** *(Proposed by the City and County of Honolulu).*
 - Repeals all substantive amendments to Section 201H-38, Hawaii Revised Statutes, that were enacted by Act 294, Session Laws of Hawaii, including provisions that require the Hawaii Housing and Finance and Development Corporation to provide counties with an opportunity to comment on certain housing development projects, and prohibit county legislative bodies from imposing stricter conditions than the Hawaii Housing Finance and Development Corporation, stricter area median income requirements, or a reduction in fee waivers to housing development proposals that would increase the cost of the project.
8. **A Bill For An Act Relating to Family** *(Proposed by the City and County of Honolulu).*
 - Establishes an exemption from mediation in paternity proceedings where there are allegations of domestic abuse. Clarifies the exemption from medication in divorce proceedings as it relates to domestic abuse.
9. **A Bill For An Act Relating to Firearms** *(Proposed by the City and County of Honolulu).*



- Appropriates funds to the Department of Law Enforcement for the establishment and implementation of a State Gun Buyback Program. Takes effect 7/1/2026.
- 10. A Bill For An Act Relating to Gun Violence Prevention** *(Proposed by the City and County of Honolulu).*
- Appropriates funds to the Judiciary for the enforcement of gun violence protective orders. Appropriates funds to the Department of Law Enforcement to conduct public awareness campaigns on gun violence protective orders. Takes effect 7/1/2026.
- 11. A Bill For An Act Relating to Water Pollution** *(Proposed by the City and County of Honolulu).*
- Appropriates funds to the Department of Health to further capitalize the Water Pollution Control Revolving Fund for purposes of providing additional low interest loans to eligible projects. Takes effect 7/1/2026.
- 12. A Bill For An Act Relating to General Excise Tax** *(Proposed by the County of Hawai'i).*
- Authorizes each county that has established a surcharge on state tax before 7/1/2015 to extend the surcharge until 12/31/2045 at the same rates, if the county does so before 1/1/2028; provides that no county surcharge on state tax before 7/1/2015 shall be levied before 1/1/2019, or after 12/31/2045; and repeals certain conditions on the use of surcharges received from the State for counties having a population equal to or less than 500,000 that adopt a county surcharge on state tax.
- 13. A Bill For An Act Relating to The Conveyance Tax** *(Proposed by the County of Hawai'i)*
- Established the Homeless Services Special Fund. Allows counties to apply for matching funds from the Affordable Homeownership Revolving Fund for certain housing projects. Increases the conveyance tax rates for certain properties, establishes conveyance tax rates for certain and multifamily residential properties, and establishes new exemptions to the conveyance tax. This bill allocates collected conveyance taxes to the Affordable Homeownership Revolving Fund, Homeless Service Fund, and Dwelling Unit Revolving Fund; and amends allocations to the Land Conservation Fund and Rental Housing Revolving Fund.
- 14. A Bill For An Act Relating to Housing; Housing for State or County Employees** *(Proposed by the County of Hawai'i).*
- This bill requires the Hawaii Housing Finance and Development Corporation (HHFDC) to consider the proximity between the housing location and the applicant's place of



employment; whether the applicant is a state or county employee; and whether the applicant is a returning resident within the past two years. This bill requires for any project developed or administered by the HHFDC, to set aside a percent of available units for state or county employees, when feasible. Authorizes HHFDC to adopt rules to establish additional eligibility criteria.

Legislative Priorities:

Proposed by HSAC:

1. Legislation related to road usage charge on electric vehicles.
2. Legislation related to opioid use.

Proposed by the County of Hawai'i.

1. Legislation related to increasing funds for emergency preparedness, evacuation routes, notification systems, and community-level emergency planning;
2. Legislation related to workforce development, particularly for green jobs, food systems specialists and county government positions;
3. Legislation related to water viability and usage, and watershed monitoring and stewardship;
4. Legislation related to responsible game management of wild ungulates;
5. Legislation related to promoting producer responsibility for solid waste;
6. Legislation related to wastewater infrastructure, cesspool conversion and related financing; and
7. Legislation related to prioritizing and increasing means and infrastructure for multi-modal transportation and funding for safe routes to school.

Your attention to this matter is greatly appreciated. Should you have any questions please contact Nahelani Parsons, hsac@hawaiicounties.org

Mahalo,

Nahelani Parsons

HSAC Executive Director

.B. NO.

STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES AND OPIOID USE DISORDER
TREATMENT.

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

SECTION 1. The legislature finds that Hawai'i continues to face a growing opioid crisis, with rising rates of overdose and opioid-related emergency department visits. Paramedics are often the first health care providers to encounter these patients, providing a critical opportunity to connect them to evidence-based treatment.

The legislature further finds that national data—including a 2023 study published in the *Annals of Emergency Medicine*—demonstrates that the administration of buprenorphine by trained emergency medical services (EMS) personnel following naloxone can significantly reduce withdrawal symptoms and

increase the likelihood of patients engaging in opioid use disorder (OUD) treatment within thirty days.

The legislature recognizes the Department of Health's concern that it is essential to ensure that patients who receive buprenorphine in the field have access to follow-up treatment within twenty-four to forty-eight hours. The legislature therefore intends to establish a phased pilot program, limited initially to paramedics and counties with identified treatment linkage capacity.

The purpose of this Act is to:

1. Authorize paramedics, under Department of Health-approved protocols, to administer buprenorphine following naloxone in cases of suspected opioid overdose;
2. Require the Department of Health to verify and designate treatment centers that can accept patients within twenty-four to forty-eight hours of an EMS encounter;
3. Implement the program as a phased pilot in one or more counties; and
4. Require the department to evaluate and report outcomes to the legislature.

SECTION 2. Section 329E-3, Hawaii Revised Statutes, is amended to read as follows:

"[+]§329E-3[+] Opioid antagonist and buprenorphine administration; emergency personnel and first responders." (a) Beginning on January 1, 2017, every emergency medical technician licensed and registered in ~~[Hawaii]~~ the State and all law enforcement officers, firefighters, and lifeguards shall be authorized to administer an opioid antagonist as clinically indicated.

(b) Beginning July 1, 2026, paramedics licensed and registered in the State may, under protocols established by the Department of Health and approved by the state EMS medical director, administer buprenorphine after administration of an opioid antagonist to a patient experiencing an opioid-related overdose, provided that:

1. The paramedic has completed department-approved training in opioid withdrawal assessment and buprenorphine administration;
2. The patient is alert, has regained decision-making capacity, and meets the clinical criteria for buprenorphine field initiation as defined by the protocol;

3. A same-day or next-day referral is made to a designated treatment provider authorized by the Department of Health; and
4. Documentation of the administration, withdrawal assessment, and referral is submitted to the department for program evaluation.

(c) The department of health shall:

1. Adopt rules pursuant to chapter 91 to:
 - (A) Establish clinical and operational protocols for paramedic administration of buprenorphine in the field;
 - (B) Designate and maintain a list of treatment centers and providers capable of accepting referred patients within twenty-four to forty-eight hours; and
 - (C) Ensure coordination between emergency medical services, emergency departments, and substance use disorder treatment programs.
2. Implement a phased pilot program beginning in at least one county with verified linkage-to-care capacity and expand statewide as additional treatment resources become available.

3. Provide or contract for training of paramedics in the assessment, administration, and documentation of buprenorphine field initiation.
4. Submit a report to the legislature no later than twenty months after the program's start date, evaluating:
 - (A) Number of patients treated;
 - (B) Withdrawal symptom outcomes;
 - (C) Rates of engagement with follow-up treatment; and
 - (D) Any operational challenges or recommendations for statewide expansion.

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

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

INTRODUCED BY: _____

Report Title:

Department of Health; Paramedics; Buprenorphine; Opioid
Overdose; Pilot Program; Treatment Linkage; Training; Rules

Description:

Establishes a pilot program authorizing paramedics, under Department of Health-approved protocols, to administer buprenorphine following naloxone in cases of opioid overdose. Requires the department to verify treatment centers capable of same- or next-day follow-up care, provide training, implement a phased rollout, and submit a report evaluating program outcomes.

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 HOUSING.

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

SECTION 1. Act 45, Session Laws of Hawaii 2024, is amended
by amending section 4 to read as follows:

"SECTION 4. This Act shall take effect upon its approval,
and shall apply to bond proceeds expended by a county after
December 31, 2023~~[, and shall be repealed on June 30, 2028,~~
~~provided that section 46-15.1, Hawaii Revised Statutes, shall be~~
~~reenacted in the form in which it read on the day before the~~
~~effective date of this Act.];~~ provided that the amendments made
to section 46-15.1 by section 2 of this Act shall not be
repealed when that section is reenacted on:

(1) July 1, 2030, pursuant to:

(A) Section 3 of Act 141, Session Laws of Hawaii
2009, as amended by section 3 of Act 102, Session
Laws of Hawaii 2015, as amended by section 1 of
Act 80, Session Laws of Hawaii 2019, as amended
by section 2 of Act 90, Session Laws of Hawaii
2023; and

(2) July 1, 2031, pursuant to section 4 of Act 31, Session
Laws of Hawaii 2024."

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

INTRODUCED BY:

Report Title:

City and County of Honolulu; HHFDC; Housing; County Powers;
Mixed-Use Development; Bond Proceeds

Description:

Repeals the sunset provision in Act 45, SLH 2024, related to the counties' authorization to develop, construct, finance, refinance, or otherwise provide mixed-use developments.

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 CESSPOOLS.

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

1 SECTION 1. The purpose of this Act is to offer financial
2 assistance to owners of cesspools who:

3 (1) Upgrade or convert a cesspool into a septic system or
4 an aerobic treatment unit system; or

5 (2) Connect a cesspool to a sewer system,
6 by establishing a cesspool upgrade, conversion, or connection
7 income tax credit.

8 SECTION 2. Chapter 235, Hawaii Revised Statutes, is
9 amended by adding a new section to part I to be appropriately
10 designated and to read as follows:

11 "§235- Cesspool upgrade, conversion, or connection;
12 income tax credit. (a) There shall be allowed to each taxpayer
13 subject to the tax imposed under this chapter, a cesspool
14 upgrade, conversion, or connection income tax credit that shall
15 be deductible from the taxpayer's net income tax liability, if
16 any, imposed by this chapter for the taxable year in which the
17 credit is properly claimed.

____.B. NO. _____

1 (b) In the case of a partnership, S corporation, estate,
2 or trust, the tax credit allowable is for qualified expenses
3 incurred by the entity for the taxable year. The expenses upon
4 which the tax credit is computed shall be determined at the
5 entity level. Distribution and share of credit shall be
6 determined by rule.

7 (c) The cesspool upgrade, conversion, or connection income
8 tax credit shall be equal to the qualified expenses of the
9 taxpayer, up to a maximum of \$10,000; provided that, in the case
10 of a residential large capacity cesspool, the amount of the
11 credit shall be equal to the qualified expenses of the taxpayer,
12 up to a maximum of \$10,000 per residential dwelling connected to
13 the cesspool, as certified by the department of health pursuant
14 to subsection (e). There shall be allowed a maximum of one
15 cesspool upgrade, conversion, or connection income tax credit
16 per cesspool. The cesspool upgrade, conversion, or connection
17 income tax credit shall be available only for the taxable year
18 in which the taxpayer's qualified expenses are certified by the
19 appropriate government agency.

20 (d) The total amount of tax credits allowed under this
21 section shall not exceed \$5,000,000 for all taxpayers in any
22 taxable year; provided that any taxpayer who is not eligible to

.B. NO.

1 claim the credit in a taxable year due to the \$5,000,000 cap
2 having been exceeded for that taxable year shall be eligible to
3 claim the credit in the subsequent taxable year.

4 (e) The department of health shall:

5 (1) Certify all cesspools for the purposes of this
6 section; provided that, as a pilot program, the
7 department of health, in its discretion, may certify
8 no more than two residential large capacity cesspools;

9 (2) Collect and maintain a record of all qualified
10 expenses certified by an appropriate government agency
11 for the taxable year; and

12 (3) Certify to each taxpayer the amount of credit the
13 taxpayer may claim; provided that if, in any year, the
14 annual amount of certified credits reaches \$5,000,000
15 in the aggregate, the department of health shall
16 immediately discontinue certifying credits and notify
17 the department of taxation.

18 The director of health may adopt rules under Chapter 91 as
19 necessary to implement the certification requirements under this
20 section.

21 (f) The director of taxation:

____.B. NO. _____

1 (1) Shall prepare any forms that may be necessary to claim
2 a tax credit under this section;

3 (2) May require the taxpayer to furnish reasonable
4 information to ascertain the validity of the claim for
5 the tax credit made under this section; and

6 (3) May adopt rules under chapter 91 necessary to
7 effectuate the purposes of this section.

8 (g) If the tax credit under this section exceeds the
9 taxpayer's income tax liability, the excess of the credit over
10 liability may be used as a credit against the taxpayer's income
11 tax liability in subsequent years until exhausted. All claims
12 for the tax credit under this section, including amended claims,
13 shall be filed on or before the end of the twelfth month
14 following the close of the taxable year for which the credit may
15 be claimed. Failure to comply with the foregoing provision
16 shall constitute a waiver of the right to claim the credit.

17 (h) This section shall not apply to taxable years
18 beginning after December 31, 2032.

19 (i) As used in this section:

20 "Aerobic treatment unit system" means an individual
21 wastewater system that consists of an aerobic treatment unit
22 tank, aeration device, piping, and a discharge method that is in

.B. NO.

1 accordance with rules adopted by the department of health
2 relating to household aerobic units.

3 "Cesspool" means an individual wastewater system consisting
4 of an excavation in the ground whose depth is greater than its
5 widest surface dimension, which receives untreated wastewater,
6 and retains or is designed to retain the organic matter and
7 solids discharged into it, but permits the liquid to seep
8 through its bottom or sides to gain access to the underground
9 geographic formation.

10 "Qualified expenses" means costs that are necessary and
11 directly incurred by the taxpayer for upgrading or converting a
12 cesspool into a septic system or an aerobic treatment unit
13 system, or connecting a cesspool to a sewer system, and that are
14 certified as such by the appropriate government agency.

15 "Residential large capacity cesspool" means a cesspool that
16 is connected to more than one residential dwelling.

17 "Septic system" means an individual wastewater system that
18 typically consists of a septic tank, piping, and a drainage
19 field where there is natural biological decontamination as
20 wastewater discharged into the system is filtered through soil.

____.B. NO. _____

1 "Sewer system" means a system of piping, with
2 appurtenances, for collecting and conveying wastewater from
3 source to discharge following treatment.

4 "Wastewater" means any liquid waste, whether or not treated
5 and whether animal, mineral, or vegetable, including
6 agricultural, industrial, and thermal wastes."

7 SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2027, and shall apply to taxable years beginning after December 31, 2027; provided that this Act shall be repealed on December 31, 2032.

11

12 INTRODUCED BY: _____

13

Report Title:

Department of Health ("DOH"); Director of Taxation; Income Tax Credit; Cesspool Upgrade, Conversion, or Connection

Description:

Provides a temporary income tax credit for the cost of upgrading or converting a cesspool to a septic system or an aerobic treatment unit system, or connecting to a sewer system. Permits DOH, as a pilot program, to certify no more than two residential large capacity cesspools. Defines terms. Effective 7/1/2027. Sunsets 12/31/2032.

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

HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION TO MAKE AVAILABLE
RECREATIONAL FACILITIES TO THE PUBLIC DURING NON-PEAK HOURS
AND NON-SCHOOL DAYS.

1 WHEREAS, as of 2021, twenty-nine percent of United States
2 residents do not live within walkable distance of a recreational
3 amenity or local park; and
4

5 WHEREAS, according to a recent survey, eighty-seven percent
6 of people want their local and state governments to ensure
7 equitable access to park and recreation amenities; and
8

9 WHEREAS, residents of Hawaii face similar challenges
10 accessing public recreational facilities including pools, gyms,
11 and fields; and
12

13 WHEREAS, the lack of access to public recreational
14 facilities directly mirrors income inequality, with rural and
15 low-income communities within the State facing the greatest
16 barriers to participating in physical activities; and
17

18 WHEREAS, pursuant to chapter 39, Hawaii Administrative
19 Rules, Hawaii's public school facilities are required to be
20 available for public use as long as the requested activities do
21 not interfere with normal school operations, and require an
22 online application to be completed at least ten days prior to
23 the requested date of use; and
24

25 WHEREAS, this body finds that the State should expand
26 access for unrestricted use of public school facilities to
27 address inequity in public recreation facility access; now,
28 therefore,
29

30 BE IT RESOLVED by the House of Representatives of the
31 Thirty-third Legislature of the State of Hawaii, Regular Session
32 of 2025, the Senate concurring, that the Department of Education



1 is requested to open public school recreational facilities for
2 public use during non-peak hours and non-school use days; and
3

4 BE IT FURTHER RESOLVED that a certified copy of this
5 Concurrent Resolution be transmitted to the Superintendent of
6 Education.
7
8
9

OFFERED BY:

Wish La Chica

MAR - 4 2025



____.B. NO. ____

A BILL FOR AN ACT

RELATING TO THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

6 § -1. **Short title.** This chapter may be cited as the
7 Psychology Interjurisdictional Compact.

8 § -2. **Terms and provisions of compact; authorization;**
9 **governor.** The legislature hereby authorizes the governor to
10 enter into a compact on behalf of the State of Hawaii with any
11 other state legally joining therein, in the form substantially
12 as follows:

13 **PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)**

14 **ARTICLE I**

15 **PURPOSE**

16 Whereas, states license psychologists, in order to protect
17 the public through verification of education, training and

____.B. NO. _____

1 experience and ensure accountability for professional practice;
2 and

3 Whereas, this Compact is intended to regulate the day to
4 day practice of telepsychology (i.e., the provision of
5 psychological services using telecommunication technologies) by
6 psychologists across state boundaries in the performance of
7 their psychological practice as assigned by an appropriate
8 authority; and

9 Whereas, this Compact is intended to regulate the temporary
10 in-person, face-to-face practice of psychology by psychologists
11 across state boundaries for 30 days within a calendar year in
12 the performance of their psychological practice as assigned by
13 an appropriate authority; and

14 Whereas, this Compact is intended to authorize State
15 Psychology Regulatory Authorities to afford legal recognition,
16 in a manner consistent with the terms of the Compact, to
17 psychologists licensed in another state; and

18 Whereas, this Compact recognizes that states have a vested
19 interest in protecting the public's health and safety through
20 their licensing and regulation of psychologists and that such
21 state regulation will best protect public health and safety; and

____.B. NO. _____

1 Whereas, this Compact does not apply when a psychologist is
2 licensed in both the Home and Receiving States; and

3 Whereas, this Compact does not apply to permanent in-
4 person, face-to-face practice, it does allow for authorization
5 of temporary psychological practice.

6 Consistent with these principles, this Compact is designed
7 to achieve the following purposes and objectives:

- 8 1. Increase public access to professional psychological
9 services by allowing for telepsychological practice
10 across state lines as well as temporary in-person, face-
11 to-face services into a state which the psychologist is
12 not licensed to practice psychology;
- 13 2. Enhance the states' ability to protect the public's
14 health and safety, especially client/patient safety;
- 15 3. Encourage the cooperation of Compact States in the
16 areas of psychology licensure and regulation;
- 17 4. Facilitate the exchange of information between Compact
18 States regarding psychologist licensure, adverse actions
19 and disciplinary history;
- 20 5. Promote compliance with the laws governing
21 psychological practice in each Compact State; and

____.B. NO. _____

1 6. Invest all Compact States with the authority to hold
2 licensed psychologists accountable through the mutual
3 recognition of Compact State licenses.

4 **ARTICLE II**

5 **DEFINITIONS**

6 A. "Adverse Action" means: Any action taken by a State
7 Psychology Regulatory Authority which finds a violation of a
8 statute or regulation that is identified by the State Psychology
9 Regulatory Authority as discipline and is a matter of public
10 record.

11 B. "Association of State and Provincial Psychology Boards
12 (ASPPB)" means: the recognized membership organization composed
13 of State and Provincial Psychology Regulatory Authorities
14 responsible for the licensure and registration of psychologists
15 throughout the United States and Canada.

16 C. "Authority to Practice Interjurisdictional
17 Telepsychology" means: a licensed psychologist's authority to
18 practice telepsychology, within the limits authorized under this
19 Compact, in another Compact State.

20 D. "Bylaws" means: those Bylaws established by the
21 Psychology Interjurisdictional Compact Commission pursuant to

___.B. NO. _____

1 Article X for its governance, or for directing and controlling
2 its actions and conduct.

3 E. "Client/Patient" means: the recipient of psychological
4 services, whether psychological services are delivered in the
5 context of healthcare, corporate, supervision, and/or consulting
6 services.

7 F. "Commissioner" means: the voting representative
8 appointed by each State Psychology Regulatory Authority pursuant
9 to Article X.

10 G. "Compact State" means: a state, the District of
11 Columbia, or United States territory that has enacted this
12 Compact legislation and which has not withdrawn pursuant to
13 Article XIII, Section C or been terminated pursuant to Article
14 XII, Section B.

15 H. "Coordinated Licensure Information System" also
16 referred to as "Coordinated Database" means: an integrated
17 process for collecting, storing, and sharing information on
18 psychologists' licensure and enforcement activities related to
19 psychology licensure laws, which is administered by the
20 recognized membership organization composed of State and
21 Provincial Psychology Regulatory Authorities.

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1 I. "Confidentiality" means: the principle that data or
2 information is not made available or disclosed to unauthorized
3 persons and/or processes.

4 J. "Day" means: any part of a day in which psychological
5 work is performed.

6 K. "Distant State" means: the Compact State where a
7 psychologist is physically present (not through the use of
8 telecommunications technologies), to provide temporary in-
9 person, face-to-face psychological services.

10 L. "E.Passport" means: a certificate issued by the
11 Association of State and Provincial Psychology Boards (ASPPB)
12 that promotes the standardization in the criteria of
13 interjurisdictional telepsychology practice and facilitates the
14 process for licensed psychologists to provide telepsychological
15 services across state lines.

16 M. "Executive Board" means: a group of directors elected
17 or appointed to act on behalf of, and within the powers granted
18 to them by, the Commission.

19 N. "Home State" means: a Compact State where a
20 psychologist is licensed to practice psychology. If the
21 psychologist is licensed in more than one Compact State and is
22 practicing under the Authorization to Practice

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1 Interjurisdictional Telepsychology, the Home State is the
2 Compact State where the psychologist is physically present when
3 the telepsychological services are delivered. If the
4 psychologist is licensed in more than one Compact State and is
5 practicing under the Temporary Authorization to Practice, the
6 Home State is any Compact State where the psychologist is
7 licensed.

8 O. "Identity History Summary" means: a summary of
9 information retained by the FBI, or other designee with similar
10 authority, in connection with arrests and, in some instances,
11 federal employment, naturalization, or military service.

12 P. "In-Person, Face-to-Face" means: interactions in which
13 the psychologist and the client/patient are in the same physical
14 space and which does not include interactions that may occur
15 through the use of telecommunication technologies.

16 Q. "Interjurisdictional Practice Certificate (IPC)"
17 means: a certificate issued by the Association of State and
18 Provincial Psychology Boards (ASPPB) that grants temporary
19 authority to practice based on notification to the State
20 Psychology Regulatory Authority of intention to practice
21 temporarily, and verification of one's qualifications for such
22 practice.

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1 R. "License" means: authorization by a State Psychology
2 Regulatory Authority to engage in the independent practice of
3 psychology, which would be unlawful without the authorization.

4 S. "Non-Compact State" means: any State which is not at
5 the time a Compact State.

6 T. "Psychologist" means: an individual licensed for the
7 independent practice of psychology.

8 U. "Psychology Interjurisdictional Compact Commission"
9 also referred to as "Commission" means: the national
10 administration of which all Compact States are members.

11 V. "Receiving State" means: a Compact State where the
12 client/patient is physically located when the telepsychological
13 services are delivered.

14 W. "Rule" means: a written statement by the Psychology
15 Interjurisdictional Compact Commission promulgated pursuant to
16 Article XI of the Compact that is of general applicability,
17 implements, interprets, or prescribes a policy or provision of
18 the Compact, or an organizational, procedural, or practice
19 requirement of the Commission and has the force and effect of
20 statutory law in a Compact State, and includes the amendment,
21 repeal or suspension of an existing rule.

22 X. "Significant Investigatory Information" means:

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1 1. Investigative information that a State Psychology
2 Regulatory Authority, after a preliminary inquiry that
3 includes notification and an opportunity to respond if
4 required by state law, has reason to believe, if proven
5 true, would indicate more than a violation of state
6 statute or ethics code that would be considered more
7 substantial than minor infraction; or

8 2. Investigative information that indicates that the
9 psychologist represents an immediate threat to public
10 health and safety regardless of whether the psychologist
11 has been notified and/or had an opportunity to respond.

12 Y. "State" means: a state, commonwealth, territory, or
13 possession of the United States, the District of Columbia.

14 Z. "State Psychology Regulatory Authority" means: the
15 Board, office or other agency with the legislative mandate to
16 license and regulate the practice of psychology.

17 AA. "Telepsychology" means: the provision of
18 psychological services using telecommunication technologies.

19 BB. "Temporary Authorization to Practice" means: a
20 licensed psychologist's authority to conduct temporary in-
21 person, face-to-face practice, within the limits authorized
22 under this Compact, in another Compact State.

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1 CC. "Temporary In-Person, Face-to-Face Practice"
2 means: where a psychologist is physically present (not through
3 the use of telecommunications technologies), in the Distant
4 State to provide for the practice of psychology for 30 days
5 within a calendar year and based on notification to the Distant
6 State.

7 **ARTICLE III**

8 **HOME STATE LICENSURE**

9 A. The Home State shall be a Compact State where a
10 psychologist is licensed to practice psychology.

11 B. A psychologist may hold one or more Compact State
12 licenses at a time. If the psychologist is licensed in more
13 than one Compact State, the Home State is the Compact State
14 where the psychologist is physically present when the services
15 are delivered as authorized by the Authority to Practice
16 Interjurisdictional Telepsychology under the terms of this
17 Compact.

18 C. Any Compact State may require a psychologist not
19 previously licensed in a Compact State to obtain and retain a
20 license to be authorized to practice in the Compact State under
21 circumstances not authorized by the Authority to Practice

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1 Interjurisdictional Telepsychology under the terms of this
2 Compact.

3 D. Any Compact State may require a psychologist to obtain
4 and retain a license to be authorized to practice in a Compact
5 State under circumstances not authorized by Temporary
6 Authorization to Practice under the terms of this Compact.

7 E. A Home State's license authorizes a psychologist to
8 practice in a Receiving State under the Authority to Practice
9 Interjurisdictional Telepsychology only if the Compact State:

- 10 1. Currently requires the psychologist to hold an active
11 E.Passport;
- 12 2. Has a mechanism in place for receiving and
13 investigating complaints about licensed individuals;
- 14 3. Notifies the Commission, in compliance with the terms
15 herein, of any adverse action or significant
16 investigatory information regarding a licensed
17 individual;
- 18 4. Requires an Identity History Summary of all applicants
19 at initial licensure, including the use of the results
20 of fingerprints or other biometric data checks compliant
21 with the requirements of the Federal Bureau of
22 Investigation (FBI), or other designee with similar

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1 authority, no later than ten years after activation of
2 the Compact; and

3 5. Complies with the Bylaws and Rules of the Commission.

4 F. A Home State's license grants Temporary Authorization
5 to Practice to a psychologist in a Distant State only if the
6 Compact State:

7 1. Currently requires the psychologist to hold an active
8 IPC;

9 2. Has a mechanism in place for receiving and
10 investigating complaints about licensed individuals;

11 3. Notifies the Commission, in compliance with the terms
12 herein, of any adverse action or significant
13 investigatory information regarding a licensed
14 individual;

15 4. Requires an Identity History Summary of all applicants
16 at initial licensure, including the use of the results
17 of fingerprints or other biometric data checks compliant
18 with the requirements of the Federal Bureau of
19 Investigation (FBI), or other designee with similar
20 authority, no later than ten years after activation of
21 the Compact; and

22 5. Complies with the Bylaws and Rules of the Commission.

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ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to 1(a) above by a foreign credential

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- 1 evaluation service that is a member of the National
2 Association of Credential Evaluation Services (NACES)
3 or by a recognized foreign credential evaluation
4 service; and
- 5 2. Hold a graduate degree in psychology that meets the
6 following criteria:
- 7 a. The program, wherever it may be administratively
8 housed, must be clearly identified and labeled as a
9 psychology program. Such a program must specify in
10 pertinent institutional catalogues and brochures its
11 intent to educate and train professional
12 psychologists;
- 13 b. The psychology program must stand as a recognizable,
14 coherent, organizational entity within the
15 institution;
- 16 c. There must be a clear authority and primary
17 responsibility for the core and specialty areas
18 whether or not the program cuts across administrative
19 lines;
- 20 d. The program must consist of an integrated, organized
21 sequence of study;

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- 1 e. There must be an identifiable psychology faculty
- 2 sufficient in size and breadth to carry out its
- 3 responsibilities;
- 4 f. The designated director of the program must be a
- 5 psychologist and a member of the core faculty;
- 6 g. The program must have an identifiable body of
- 7 students who are matriculated in that program for a
- 8 degree;
- 9 h. The program must include supervised practicum,
- 10 internship, or field training appropriate to the
- 11 practice of psychology;
- 12 i. The curriculum shall encompass a minimum of three
- 13 academic years of full-time graduate study for
- 14 doctoral degree and a minimum of one academic year of
- 15 full-time graduate study for master's degree; and
- 16 j. The program includes an acceptable residency as
- 17 defined by the Rules of the Commission.
- 18 3. Possess a current, full and unrestricted license to
- 19 practice psychology in a Home State which is a Compact
- 20 State;
- 21 4. Have no history of adverse action that violate the
- 22 Rules of the Commission;

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- 1 5. Have no criminal record history reported on an Identity
2 History Summary that violates the Rules of the
3 Commission;
- 4 6. Possess a current, active E.Passport;
- 5 7. Provide attestations in regard to areas of intended
6 practice, conformity with standards of practice,
7 competence in telepsychology technology; criminal
8 background; and knowledge and adherence to legal
9 requirements in the Home and Receiving States, and
10 provide a release of information to allow for primary
11 source verification in a manner specified by the
12 Commission; and
- 13 8. Meet other criteria as defined by the Rules of the
14 Commission.
- 15 C. The Home State maintains authority over the license of
16 any psychologist practicing into a Receiving State under the
17 Authority to Practice Interjurisdictional Telepsychology.
- 18 D. A psychologist practicing into a Receiving State under
19 the Authority to Practice Interjurisdictional Telepsychology
20 will be subject to the Receiving State's scope of practice. A
21 Receiving State may, in accordance with that state's due process
22 law, limit or revoke a psychologist's Authority to Practice

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1 Interjurisdictional Telepsychology in the Receiving State and
2 may take any other necessary actions under the Receiving State's
3 applicable law to protect the health and safety of the Receiving
4 State's citizens. If a Receiving State takes action, the state
5 shall promptly notify the Home State and the Commission.

6 E. If a psychologist's license in any Home State, another
7 Compact State, or any Authority to Practice Interjurisdictional
8 Telepsychology in any Receiving State, is restricted, suspended
9 or otherwise limited, the E.Passport shall be revoked and
10 therefore the psychologist shall not be eligible to practice
11 telepsychology in a Compact State under the Authority to
12 Practice Interjurisdictional Telepsychology.

13 **ARTICLE V**

14 **COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

15 A. Compact States shall also recognize the right of a
16 psychologist, licensed in a Compact State in conformance with
17 Article III, to practice temporarily in other Compact States
18 (Distant States) in which the psychologist is not licensed, as
19 provided in the Compact.

20 B. To exercise the Temporary Authorization to Practice
21 under the terms and provisions of this Compact, a psychologist
22 licensed to practice in a Compact State must:

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- 1 1. Hold a graduate degree in psychology from an institute
2 of higher education that was, at the time the degree was
3 awarded:
 - 4 a. Regionally accredited by an accrediting body
5 recognized by the U.S. Department of Education to
6 grant graduate degrees, or authorized by Provincial
7 Statute or Royal Charter to grant doctoral degrees;
8 or
9 b. A foreign college or university deemed to be
10 equivalent to 1(a) above by a foreign credential
11 evaluation service that is a member of the National
12 Association of Credential Evaluation Services (NACES)
13 or by a recognized foreign credential evaluation
14 service; and
- 15 2. Hold a graduate degree in psychology that meets the
16 following criteria:
 - 17 a. The program, wherever it may be administratively
18 housed, must be clearly identified and labeled as a
19 psychology program. Such a program must specify in
20 pertinent institutional catalogues and brochures its
21 intent to educate and train professional
22 psychologists;

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- 1 b. The psychology program must stand as a recognizable,
2 coherent, organizational entity within the
3 institution;
- 4 c. There must be a clear authority and primary
5 responsibility for the core and specialty areas
6 whether or not the program cuts across administrative
7 lines;
- 8 d. The program must consist of an integrated, organized
9 sequence of study;
- 10 e. There must be an identifiable psychology faculty
11 sufficient in size and breadth to carry out its
12 responsibilities;
- 13 f. The designated director of the program must be a
14 psychologist and a member of the core faculty;
- 15 g. The program must have an identifiable body of
16 students who are matriculated in that program for a
17 degree;
- 18 h. The program must include supervised practicum,
19 internship, or field training appropriate to the
20 practice of psychology;
- 21 i. The curriculum shall encompass a minimum of three
22 academic years of full-time graduate study for

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1 doctoral degrees and a minimum of one academic year
2 of full-time graduate study for master's degrees; and
3 j. The program includes an acceptable residency as
4 defined by the Rules of the Commission;

- 5 3. Possess a current, full and unrestricted license to
6 practice psychology in a Home State which is a Compact
7 State;
8 4. Have no history of adverse action that violates the
9 Rules of the Commission;
10 5. Have no criminal record history that violates the Rules
11 of the Commission;
12 6. Possess a current, active IPC;
13 7. Provide attestations in regard to areas of intended
14 practice and work experience and provide a release of
15 information to allow for primary source verification in
16 a manner specified by the Commission; and
17 8. Meet other criteria as defined by the Rules of the
18 Commission.

19 C. A psychologist practicing into a Distant State under
20 the Temporary Authorization to Practice shall practice within
21 the scope of practice authorized by the Distant State.

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1 D. A psychologist practicing into a Distant State under
2 the Temporary Authorization to Practice will be subject to the
3 Distant State's authority and law. A Distant State may, in
4 accordance with that state's due process law, limit or revoke a
5 psychologist's Temporary Authorization to Practice in the
6 Distant State and may take any other necessary actions under the
7 Distant State's applicable law to protect the health and safety
8 of the Distant State's citizens. If a Distant State takes
9 action, the state shall promptly notify the Home State and the
10 Commission.

11 E. If a psychologist's license in any Home State, another
12 Compact State, or any Temporary Authorization to Practice in any
13 Distant State, is restricted, suspended or otherwise limited,
14 the IPC shall be revoked and therefore the psychologist shall
15 not be eligible to practice in a Compact State under the
16 Temporary Authorization to Practice.

17 **ARTICLE VI**

18 **CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE**

19 A. A psychologist may practice in a Receiving State under
20 the Authority to Practice Interjurisdictional Telepsychology
21 only in the performance of the scope of practice for psychology
22 as assigned by an appropriate State Psychology Regulatory

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1 Authority, as defined in the Rules of the Commission, and under
2 the following circumstances:

- 3 1. The psychologist initiates a client/patient contact in
4 a Home State via telecommunications technologies with a
5 client/patient in a Receiving State; and
6 2. Other conditions regarding telepsychology as determined
7 by Rules promulgated by the Commission.

8 **ARTICLE VII**

9 **ADVERSE ACTIONS**

10 A. A Home State shall have the power to impose adverse
11 action against a psychologist's license issued by the Home
12 State. A Distant State shall have the power to take adverse
13 action on a psychologist's Temporary Authorization to Practice
14 within that Distant State.

15 B. A Receiving State may take adverse action on a
16 psychologist's Authority to Practice Interjurisdictional
17 Telepsychology within that Receiving State. A Home State may
18 take adverse action against a psychologist based on an adverse
19 action taken by a Distant State regarding temporary in-person,
20 face-to-face practice.

21 C. If a Home State takes adverse action against a
22 psychologist's license, that psychologist's Authority to

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1 Practice Interjurisdictional Telepsychology is terminated and
2 the E.Passport is revoked. Furthermore, that psychologist's
3 Temporary Authorization to Practice is terminated and the IPC is
4 revoked.

5 1. All Home State disciplinary orders which impose adverse
6 action shall be reported to the Commission in accordance
7 with the Rules promulgated by the Commission. A Compact
8 State shall report adverse actions in accordance with
9 the Rules of the Commission;

10 2. In the event discipline is reported on a psychologist,
11 the psychologist will not be eligible for telepsychology
12 or temporary in-person, face-to-face practice in
13 accordance with the Rules of the Commission; and

14 3. Other actions may be imposed as determined by the Rules
15 promulgated by the Commission.

16 D. A Home State's Psychology Regulatory Authority shall
17 investigate and take appropriate action with respect to reported
18 inappropriate conduct engaged in by a licensee which occurred in
19 a Receiving State as it would if such conduct had been engaged
20 in by a licensee within the Home State. In such cases, the Home
21 State's law shall control in determining any adverse action
22 against a psychologist's license.

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1 E. A Distant State's Psychology Regulatory Authority shall
2 investigate and take appropriate action with respect to reported
3 inappropriate conduct engaged in by a psychologist practicing
4 under Temporary Authorization to Practice which occurred in that
5 Distant State as it would if such conduct had been engaged in by
6 a licensee within the Home State. In such cases, the Distant
7 State's law shall control in determining any adverse action
8 against a psychologist's Temporary Authorization to Practice.

9 F. Nothing in this Compact shall override a Compact
10 State's decision that a psychologist's participation in an
11 alternative program may be used in lieu of adverse action and
12 that such participation shall remain non-public if required by
13 the Compact State's law. Compact States must require
14 psychologists who enter any alternative programs to not provide
15 telepsychology services under the Authority to Practice
16 Interjurisdictional Telepsychology or provide temporary
17 psychological services under the Temporary Authorization to
18 Practice in any other Compact State during the term of the
19 alternative program.

20 G. No other judicial or administrative remedies shall be
21 available to a psychologist in the event a Compact State imposes
22 an adverse action pursuant to subsection C, above.

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ARTICLE VIII

**ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY
REGULATORY AUTHORITY**

- A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:
1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located;
 2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice

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1 Interjurisdictional Telepsychology and/or Temporary
2 Authorization to Practice; and

3 3. During the course of any investigation, a psychologist
4 may not change his/her Home State licensure. A Home
5 State Psychology Regulatory Authority is authorized to
6 complete any pending investigations of a psychologist
7 and to take any actions appropriate under its law. The
8 Home State Psychology Regulatory Authority shall
9 promptly report the conclusions of such investigations
10 to the Commission. Once an investigation has been
11 completed, and pending the outcome of said
12 investigation, the psychologist may change his/her Home
13 State licensure. The Commission shall promptly notify
14 the new Home State of any such decisions as provided in
15 the Rules of the Commission. All information provided
16 to the Commission or distributed by Compact States
17 pursuant to the psychologist shall be confidential,
18 filed under seal and used for investigatory or
19 disciplinary matters. The Commission may create
20 additional rules for mandated or discretionary sharing
21 of information by Compact States.

22 **ARTICLE IX**

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1 **COORDINATED LICENSURE INFORMATION SYSTEM**

2 A. The Commission shall provide for the development and
3 maintenance of a Coordinated Licensure Information System
4 (Coordinated Database) and reporting system containing licensure
5 and disciplinary action information on all psychologists and
6 individuals to whom this Compact is applicable in all Compact
7 States as defined by the Rules of the Commission.

8 B. Notwithstanding any other provision of state law to the
9 contrary, a Compact State shall submit a uniform data set to the
10 Coordinated Database on all licensees as required by the Rules
11 of the Commission, including:

- 12 1. Identifying information;
- 13 2. Licensure data;
- 14 3. Significant investigatory information;
- 15 4. Adverse actions against a psychologist's license;
- 16 5. An indicator that a psychologist's Authority to
17 Practice Interjurisdictional Telepsychology and/or
18 Temporary Authorization to Practice is revoked;
- 19 6. Non-confidential information related to alternative
20 program participation information;
- 21 7. Any denial of application for licensure, and the
22 reasons for such denial; and

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- 1 1. The Commission is a body politic and an instrumentality
- 2 of the Compact States;
- 3 2. Venue is proper and judicial proceedings by or against
- 4 the Commission shall be brought solely and exclusively
- 5 in a court of competent jurisdiction where the principal
- 6 office of the Commission is located. The Commission may
- 7 waive venue and jurisdictional defenses to the extent it
- 8 adopts or consents to participate in alternative dispute
- 9 resolution proceedings; and
- 10 3. Nothing in this Compact shall be construed to be a
- 11 waiver of sovereign immunity.
- 12 B. Membership, Voting, and Meetings:
- 13 1. The Commission shall consist of one voting
- 14 representative appointed by each Compact State who shall
- 15 serve as that state's Commissioner. The State
- 16 Psychology Regulatory Authority shall appoint its
- 17 delegate. This delegate shall be empowered to act on
- 18 behalf of the Compact State. This delegate shall be
- 19 limited to:
- 20 a. Executive Director, Executive Secretary or similar
- 21 executive;

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- 1 b. Current member of the State Psychology Regulatory
- 2 Authority of a Compact State; or
- 3 c. Designee empowered with the appropriate delegate
- 4 authority to act on behalf of the Compact State;
- 5 2. Any Commissioner may be removed or suspended from
- 6 office as provided by the law of the state from which
- 7 the Commissioner is appointed. Any vacancy occurring in
- 8 the Commission shall be filled in accordance with the
- 9 laws of the Compact State in which the vacancy exists;
- 10 3. Each Commissioner shall be entitled to one (1) vote
- 11 with regard to the promulgation of Rules and creation of
- 12 Bylaws and shall otherwise have an opportunity to
- 13 participate in the business and affairs of the
- 14 Commission. A Commissioner shall vote in person or by
- 15 such other means as provided in the Bylaws. The Bylaws
- 16 may provide for Commissioners' participation in meetings
- 17 by telephone or other means of communication;
- 18 4. The Commission shall meet at least once during each
- 19 calendar year. Additional meetings shall be held as set
- 20 forth in the Bylaws;

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- 1 5. All meetings shall be open to the public, and public
- 2 notice of meetings shall be given in the same manner as
- 3 required under the rulemaking provisions in Article XI;
- 4 6. The Commission may convene in a closed, non-public
- 5 meeting if the Commission must discuss:
- 6 a. Non-compliance of a Compact State with its
- 7 obligations under the Compact;
- 8 b. The employment, compensation, discipline or other
- 9 personnel matters, practices or procedures related to
- 10 specific employees or other matters related to the
- 11 Commission's internal personnel practices and
- 12 procedures;
- 13 c. Current, threatened, or reasonably anticipated
- 14 litigation against the Commission;
- 15 d. Negotiation of contracts for the purchase or sale of
- 16 goods, services or real estate;
- 17 e. Accusation against any person of a crime or formally
- 18 censuring any person;
- 19 f. Disclosure of trade secrets or commercial or
- 20 financial information which is privileged or
- 21 confidential;

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- 1 g. Disclosure of information of a personal nature where
- 2 disclosure would constitute a clearly unwarranted
- 3 invasion of personal privacy;
- 4 h. Disclosure of investigatory records compiled for law
- 5 enforcement purposes;
- 6 i. Disclosure of information related to any
- 7 investigatory reports prepared by or on behalf of or
- 8 for use of the Commission or other committee charged
- 9 with responsibility for investigation or
- 10 determination of compliance issues pursuant to the
- 11 Compact; or
- 12 j. Matters specifically exempted from disclosure by
- 13 federal and state statute; and
- 14 7. If a meeting, or portion of a meeting, is closed
- 15 pursuant to this provision, the Commission's legal
- 16 counsel or designee shall certify that the meeting may
- 17 be closed and shall reference each relevant exempting
- 18 provision. The Commission shall keep minutes which
- 19 fully and clearly describe all matters discussed in a
- 20 meeting and shall provide a full and accurate summary of
- 21 actions taken, of any person participating in the
- 22 meeting, and the reasons therefore, including a

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1 description of the views expressed. All documents
2 considered in connection with an action shall be
3 identified in such minutes. All minutes and documents
4 of a closed meeting shall remain under seal, subject to
5 release only by a majority vote of the Commission or
6 order of a court of competent jurisdiction.

7 C. The Commission shall, by a majority vote of the
8 Commissioners, prescribe Bylaws and/or Rules to govern its
9 conduct as may be necessary or appropriate to carry out the
10 purposes and exercise the powers of the Compact, including but
11 not limited to:

- 12 1. Establishing the fiscal year of the Commission;
- 13 2. Providing reasonable standards and procedures:
 - 14 a. For the establishment and meetings of other
 - 15 committees; and
 - 16 b. Governing any general or specific delegation of any
 - 17 authority or function of the Commission;
- 18 3. Providing reasonable procedures for calling and
19 conducting meetings of the Commission, ensuring
20 reasonable advance notice of all meetings and providing
21 an opportunity for attendance of such meetings by
22 interested parties, with enumerated exceptions designed

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1 to protect the public's interest, the privacy of
2 individuals of such proceedings, and proprietary
3 information, including trade secrets. The Commission
4 may meet in closed session only after a majority of the
5 Commissioners vote to close a meeting to the public in
6 whole or in part. As soon as practicable, the
7 Commission must make public a copy of the vote to close
8 the meeting revealing the vote of each Commissioner with
9 no proxy votes allowed;

10 4. Establishing the titles, duties and authority and
11 reasonable procedures for the election of the officers
12 of the Commission;

13 5. Providing reasonable standards and procedures for the
14 establishment of the personnel policies and programs of
15 the Commission. Notwithstanding any civil service or
16 other similar law of any Compact State, the Bylaws shall
17 exclusively govern the personnel policies and programs
18 of the Commission;

19 6. Promulgating a Code of Ethics to address permissible
20 and prohibited activities of Commission members and
21 employees;

____.B. NO. _____

- 1 7. Providing a mechanism for concluding the operations of
- 2 the Commission and the equitable disposition of any
- 3 surplus funds that may exist after the termination of
- 4 the Compact after the payment and/or reserving of all of
- 5 its debts and obligations;
- 6 8. The Commission shall publish its Bylaws in a convenient
- 7 form and file a copy thereof and a copy of any amendment
- 8 thereto, with the appropriate agency or officer in each
- 9 of the Compact States;
- 10 9. The Commission shall maintain its financial records in
- 11 accordance with the Bylaws; and
- 12 10. The Commission shall meet and take such actions as are
- 13 consistent with the provisions of this Compact and the
- 14 Bylaws.
- 15 D. The Commission shall have the following powers:
- 16 1. The authority to promulgate uniform rules to facilitate
- 17 and coordinate implementation and administration of this
- 18 Compact. The rule shall have the force and effect of
- 19 law and shall be binding in all Compact States;
- 20 2. To bring and prosecute legal proceedings or actions in
- 21 the name of the Commission, provided that the standing
- 22 of any State Psychology Regulatory Authority or other

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- 1 regulatory body responsible for psychology licensure to
2 sue or be sued under applicable law shall not be
3 affected;
- 4 3. To purchase and maintain insurance and bonds;
- 5 4. To borrow, accept or contract for services of
6 personnel, including, but not limited to, employees of a
7 Compact State;
- 8 5. To hire employees, elect or appoint officers, fix
9 compensation, define duties, grant such individuals
10 appropriate authority to carry out the purposes of the
11 Compact, and to establish the Commission's personnel
12 policies and programs relating to conflicts of interest,
13 qualifications of personnel, and other related personnel
14 matters;
- 15 6. To accept any and all appropriate donations and grants
16 of money, equipment, supplies, materials and services,
17 and to receive, utilize and dispose of the same;
18 provided that at all times the Commission shall strive
19 to avoid any appearance of impropriety and/or conflict
20 of interest;
- 21 7. To lease, purchase, accept appropriate gifts or
22 donations of, or otherwise to own, hold, improve or use,

____.B. NO. _____

1 any property, real, personal or mixed; provided that at
2 all times the Commission shall strive to avoid any
3 appearance of impropriety;

4 8. To sell, convey, mortgage, pledge, lease, exchange,
5 abandon or otherwise dispose of any property real,
6 personal or mixed;

7 9. To establish a budget and make expenditures;

8 10. To borrow money;

9 11. To appoint committees, including advisory committees
10 comprised of Members, State regulators, State
11 legislators or their representatives, and consumer
12 representatives, and such other interested persons as
13 may be designated in this Compact and the Bylaws;

14 12. To provide and receive information from, and to
15 cooperate with, law enforcement agencies;

16 13. To adopt and use an official seal; and

17 14. To perform such other functions as may be necessary or
18 appropriate to achieve the purposes of this Compact
19 consistent with the state regulation of psychology
20 licensure, temporary in-person, face-to-face practice
21 and telepsychology practice.

22 E. The Executive Board

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1 The elected officers shall serve as the Executive Board,
2 which shall have the power to act on behalf of the Commission
3 according to the terms of this Compact.

4 1. The Executive Board shall be comprised of six members:

5 a. Five voting members who are elected from the current
6 membership of the Commission by the Commission;

7 b. One ex-officio, nonvoting member from the recognized
8 membership organization composed of State and
9 Provincial Psychology Regulatory Authorities;

10 2. The ex-officio member must have served as staff or
11 member on a State Psychology Regulatory Authority and
12 will be selected by its respective organization;

13 3. The Commission may remove any member of the Executive
14 Board as provided in Bylaws;

15 4. The Executive Board shall meet at least annually; and

16 5. The Executive Board shall have the following duties and
17 responsibilities:

18 a. Recommend to the entire Commission changes to the
19 Rules or Bylaws, changes to this Compact legislation,
20 fees paid by Compact States such as annual dues, and
21 any other applicable fees;

____.B. NO. _____

- 1 b. Ensure Compact administration services are
- 2 appropriately provided, contractual or otherwise;
- 3 c. Prepare and recommend the budget;
- 4 d. Maintain financial records on behalf of the
- 5 Commission;
- 6 e. Monitor Compact compliance of member states and
- 7 provide compliance reports to the Commission;
- 8 f. Establish additional committees as necessary; and
- 9 g. Other duties as provided in Rules or Bylaws.
- 10 F. Financing of the Commission:
- 11 1. The Commission shall pay, or provide for the payment of
- 12 the reasonable expenses of its establishment,
- 13 organization and ongoing activities;
- 14 2. The Commission may accept any and all appropriate
- 15 revenue sources, donations and grants of money,
- 16 equipment, supplies, materials and services;
- 17 3. The Commission may levy on and collect an annual
- 18 assessment from each Compact State or impose fees on
- 19 other parties to cover the cost of the operations and
- 20 activities of the Commission and its staff which must be
- 21 in a total amount sufficient to cover its annual budget
- 22 as approved each year for which revenue is not provided

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1 by other sources. The aggregate annual assessment
2 amount shall be allocated based upon a formula to be
3 determined by the Commission which shall promulgate a
4 rule binding upon all Compact States;

5 4. The Commission shall not incur obligations of any kind
6 prior to securing the funds adequate to meet the same;
7 nor shall the Commission pledge the credit of any of the
8 Compact States, except by and with the authority of the
9 Compact State; and

10 5. The Commission shall keep accurate accounts of all
11 receipts and disbursements. The receipts and
12 disbursements of the Commission shall be subject to the
13 audit and accounting procedures established under its
14 Bylaws. However, all receipts and disbursements of
15 funds handled by the Commission shall be audited yearly
16 by a certified or licensed public accountant and the
17 report of the audit shall be included in and become part
18 of the annual report of the Commission.

19 G. Qualified Immunity, Defense, and Indemnification

20 1. The members, officers, Executive Director, employees
21 and representatives of the Commission shall be immune
22 from suit and liability, either personally or in their

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1 official capacity, for any claim for damage to or loss
2 of property or personal injury or other civil liability
3 caused by or arising out of any actual or alleged act,
4 error or omission that occurred, or that the person
5 against whom the claim is made had a reasonable basis
6 for believing occurred within the scope of Commission
7 employment, duties or responsibilities; provided that
8 nothing in this paragraph shall be construed to protect
9 any such person from suit and/or liability for any
10 damage, loss, injury or liability caused by the
11 intentional or willful or wanton misconduct of that
12 person;

- 13 2. The Commission shall defend any member, officer,
14 Executive Director, employee or representative of the
15 Commission in any civil action seeking to impose
16 liability arising out of any actual or alleged act,
17 error or omission that occurred within the scope of
18 Commission employment, duties or responsibilities, or
19 that the person against whom the claim is made had a
20 reasonable basis for believing occurred within the scope
21 of Commission employment, duties or responsibilities;
22 provided that nothing herein shall be construed to

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1 prohibit that person from retaining his or her own
2 counsel; and provided further, that the actual or
3 alleged act, error or omission did not result from that
4 person's intentional or willful or wanton misconduct;
5 and

6 3. The Commission shall indemnify and hold harmless any
7 member, officer, Executive Director, employee or
8 representative of the Commission for the amount of any
9 settlement or judgment obtained against that person
10 arising out of any actual or alleged act, error or
11 omission that occurred within the scope of Commission
12 employment, duties or responsibilities, or that such
13 person had a reasonable basis for believing occurred
14 within the scope of Commission employment, duties or
15 responsibilities; provided that the actual or alleged
16 act, error or omission did not result from the
17 intentional or willful or wanton misconduct of that
18 person.

19 **ARTICLE XI**

20 **RULEMAKING**

21 A. The Commission shall exercise its rulemaking powers
22 pursuant to the criteria set forth in this Article and the Rules

____.B. NO. _____

1 adopted thereunder. Rules and amendments shall become binding
2 as of the date specified in each rule or amendment.

3 B. If a majority of the legislatures of the Compact States
4 rejects a rule, by enactment of a statute or resolution in the
5 same manner used to adopt the Compact, then such rule shall have
6 no further force and effect in any Compact State.

7 C. Rules or amendments to the rules shall be adopted at a
8 regular or special meeting of the Commission.

9 D. Prior to promulgation and adoption of a final rule or
10 Rules by the Commission, and at least sixty (60) days in advance
11 of the meeting at which the rule will be considered and voted
12 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 13 1. On the website of the Commission; and
14 2. On the website of each Compact State's Psychology
15 Regulatory Authority or the publication in which each
16 state would otherwise publish proposed rules.

17 E. The Notice of Proposed Rulemaking shall include:

- 18 1. The proposed time, date, and location of the meeting in
19 which the rule will be considered and voted upon;
20 2. The text of the proposed rule or amendment and the
21 reason for the proposed rule;

____.B. NO. _____

1 3. A request for comments on the proposed rule from any
2 interested person; and

3 4. The manner in which interested persons may submit
4 notice to the Commission of their intention to attend
5 the public hearing and any written comments.

6 F. Prior to adoption of a proposed rule, the Commission
7 shall allow persons to submit written data, facts, opinions and
8 arguments, which shall be made available to the public.

9 G. The Commission shall grant an opportunity for a public
10 hearing before it adopts a rule or amendment if a hearing is
11 requested by:

12 1. At least twenty-five (25) persons who submit comments
13 independently of each other;

14 2. A governmental subdivision or agency; or

15 3. A duly appointed person in an association that has at
16 least twenty-five (25) members.

17 H. If a hearing is held on the proposed rule or amendment,
18 the Commission shall publish the place, time, and date of the
19 scheduled public hearing.

20 1. All persons wishing to be heard at the hearing shall
21 notify the Executive Director of the Commission or other
22 designated member in writing of their desire to appear

____.B. NO. _____

- 1 and testify at the hearing not less than five (5)
2 business days before the scheduled date of the hearing;
- 3 2. Hearings shall be conducted in a manner providing each
4 person who wishes to comment a fair and reasonable
5 opportunity to comment orally or in writing;
- 6 3. No transcript of the hearing is required, unless a
7 written request for a transcript is made, in which case
8 the person requesting the transcript shall bear the cost
9 of producing the transcript. A recording may be made in
10 lieu of a transcript under the same terms and conditions
11 as a transcript. This subsection shall not preclude the
12 Commission from making a transcript or recording of the
13 hearing if it so chooses; and
- 14 4. Nothing in this section shall be construed as requiring
15 a separate hearing on each rule. Rules may be grouped
16 for the convenience of the Commission at hearings
17 required by this section.
- 18 I. Following the scheduled hearing date, or by the close
19 of business on the scheduled hearing date if the hearing was not
20 held, the Commission shall consider all written and oral
21 comments received.

____.B. NO. _____

1 J. The Commission shall, by majority vote of all members,
2 take final action on the proposed rule and shall determine the
3 effective date of the rule, if any, based on the rulemaking
4 record and the full text of the rule.

5 K. If no written notice of intent to attend the public
6 hearing by interested parties is received, the Commission may
7 proceed with promulgation of the proposed rule without a public
8 hearing.

9 L. Upon determination that an emergency exists, the
10 Commission may consider and adopt an emergency rule without
11 prior notice, opportunity for comment, or hearing, provided that
12 the usual rulemaking procedures provided in the Compact and in
13 this section shall be retroactively applied to the rule as soon
14 as reasonably possible, in no event later than ninety (90) days
15 after the effective date of the rule. For the purposes of this
16 provision, an emergency rule is one that must be adopted
17 immediately in order to:

- 18 1. Meet an imminent threat to public health, safety, or
19 welfare;
- 20 2. Prevent a loss of Commission or Compact State funds;

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1 3. Meet a deadline for the promulgation of an
2 administrative rule that is established by federal law or
3 rule; or

4 4. Protect public health and safety.

5 M. The Commission or an authorized committee of the
6 Commission may direct revisions to a previously adopted rule or
7 amendment for purposes of correcting typographical errors,
8 errors in format, errors in consistency, or grammatical
9 errors. Public notice of any revisions shall be posted on the
10 website of the Commission. The revision shall be subject to
11 challenge by any person for a period of thirty (30) days after
12 posting. The revision may be challenged only on grounds that
13 the revision results in a material change to a rule. A
14 challenge shall be made in writing, and delivered to the Chair
15 of the Commission prior to the end of the notice period. If no
16 challenge is made, the revision will take effect without further
17 action. If the revision is challenged, the revision may not
18 take effect without the approval of the Commission.

19 **ARTICLE XII**

20 **OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**

21 A. Oversight:

____.B. NO. _____

- 1 1. The Executive, Legislative and Judicial branches of
2 state government in each Compact State shall enforce
3 this Compact and take all actions necessary and
4 appropriate to effectuate the Compact's purposes and
5 intent. The provisions of this Compact and the rules
6 promulgated hereunder shall have standing as statutory
7 law;
- 8 2. All courts shall take judicial notice of the Compact
9 and the rules in any judicial or administrative
10 proceeding in a Compact State pertaining to the subject
11 matter of this Compact which may affect the powers,
12 responsibilities or actions of the Commission; and
- 13 3. The Commission shall be entitled to receive service of
14 process in any such proceeding, and shall have standing
15 to intervene in such a proceeding for all
16 purposes. Failure to provide service of process to the
17 Commission shall render a judgment or order void as to
18 the Commission, this Compact or promulgated rules.
- 19 B. Default, Technical Assistance, and Termination:
- 20 1. If the Commission determines that a Compact State has
21 defaulted in the performance of its obligations or

____.B. NO. _____

- 1 responsibilities under this Compact or the promulgated
2 rules, the Commission shall:
- 3 a. Provide written notice to the defaulting state and
4 other Compact States of the nature of the default,
5 the proposed means of remedying the default and/or
6 any other action to be taken by the Commission; and
7 b. Provide remedial training and specific technical
8 assistance regarding the default;
- 9 2. If a state in default fails to remedy the default, the
10 defaulting state may be terminated from the Compact upon
11 an affirmative vote of a majority of the Compact States,
12 and all rights, privileges and benefits conferred by
13 this Compact shall be terminated on the effective date
14 of termination. A remedy of the default does not
15 relieve the offending state of obligations or
16 liabilities incurred during the period of default;
- 17 3. Termination of membership in the Compact shall be
18 imposed only after all other means of securing
19 compliance have been exhausted. Notice of intent to
20 suspend or terminate shall be submitted by the
21 Commission to the Governor, the majority and minority

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1 leaders of the defaulting state's legislature, and each
2 of the Compact States;

3 4. A Compact State which has been terminated is
4 responsible for all assessments, obligations and
5 liabilities incurred through the effective date of
6 termination, including obligations which extend beyond
7 the effective date of termination;

8 5. The Commission shall not bear any costs incurred by the
9 state which is found to be in default or which has been
10 terminated from the Compact, unless agreed upon in
11 writing between the Commission and the defaulting state;
12 and

13 6. The defaulting state may appeal the action of the
14 Commission by petitioning the U.S. District Court for
15 the state of Georgia or the federal district where the
16 Compact has its principal offices. The prevailing
17 member shall be awarded all costs of such litigation,
18 including reasonable attorney's fees.

19 C. Dispute Resolution:

20 1. Upon request by a Compact State, the Commission shall
21 attempt to resolve disputes related to the Compact which

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1 arise among Compact States and between Compact and Non-
2 Compact States; and

3 2. The Commission shall promulgate a rule providing for
4 both mediation and binding dispute resolution for
5 disputes that arise before the Commission.

6 D. Enforcement:

7 1. The Commission, in the reasonable exercise of its
8 discretion, shall enforce the provisions and Rules of
9 this Compact;

10 2. By majority vote, the Commission may initiate legal
11 action in the United States District Court for the State
12 of Georgia or the federal district where the Compact has
13 its principal offices against a Compact State in default
14 to enforce compliance with the provisions of the Compact
15 and its promulgated Rules and Bylaws. The relief sought
16 may include both injunctive relief and damages. In the
17 event judicial enforcement is necessary, the prevailing
18 member shall be awarded all costs of such litigation,
19 including reasonable attorney's fees; and

20 3. The remedies herein shall not be the exclusive remedies
21 of the Commission. The Commission may pursue any other
22 remedies available under federal or state law.

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ARTICLE XIII
DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL
COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND
AMENDMENTS

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

1. A Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute; and

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1 § -3. Rules. The department of commerce and consumer
2 affairs shall adopt rules pursuant to chapter 91 for the
3 purposes of implementing and administering this chapter."

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

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6 INTRODUCED BY: _____

7 paf:clm:25-068d

____.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. The legislature finds that tobacco use remains
2 the leading cause of preventable death in the United States,
3 including Hawaii. The legislature further finds that there has
4 been a precipitous increase in recent consumer sales of
5 electronic smoking devices, sometimes called "vapes" or "e-
6 cigarettes," which contain significantly higher levels of
7 nicotine per inhalation compared to conventional cigarettes.
8 These devices have been linked to severe lung disease, potential
9 harm to brain development, and acute nicotine poisoning.

10 The legislature finds that counties are uniquely positioned
11 to quickly address the health habits of their communities, such
12 as youth vaping, and have been utilizing that ability to great
13 success. Historically, Hawaii has passed forward-thinking
14 legislation to address the high usage of tobacco products.
15 These policies were first adopted at the county level to quickly

____.B. NO.____

1 address the counties' need to protect their communities from the
2 relentless promotional targeting by tobacco companies.
3 Regulations to raise the minimum age for the purchase of tobacco
4 products to twenty-one years of age was first passed in the
5 county of Hawaii, followed by other counties, and finally by the
6 State to create uniformity. Likewise, laws that prohibit
7 smoking in certain locations, as well as in motor vehicles when
8 a keiki is present, were also initially adopted at the county
9 level before the State took action.

10 The legislature acknowledges that section 328J-11.5(a),
11 Hawaii Revised Statutes, provides that "[s]ales of cigarettes,
12 tobacco products, and electronic smoking devices are a statewide
13 concern" and that it is "the intent of the legislature to
14 regulate the sale of cigarettes, tobacco products, and
15 electronic smoking devices in a uniform and exclusive manner."
16 Section 328J-11.5(b), Hawaii Revised Statutes, preempts "[a]ll
17 local ordinances or regulations that regulate the sale of
18 cigarettes, tobacco products, and electronic smoking devices"
19 and voids "existing local laws and regulations conflicting with"
20 chapter 328J, Hawaii Revised Statutes, which is the State law
21 that regulates smoking. The tobacco industry has historically

____.B. NO.____

1 used preemption as a tactic to prevent local governments from
2 adopting stronger tobacco control measures, thereby protecting
3 its interests at the expense of public health.

4 Section 328J-11.5(c), Hawaii Revised Statutes, carves out
5 an exception to the exclusivity of state regulations by setting
6 forth that nothing in chapter 328J, Hawaii Revised Statutes,
7 "shall be construed to limit a county's authority" to adopt
8 ordinances; provided that the ordinance is more stringent than
9 state law. The legislature acknowledges that the language in
10 section 328J-11.5, Hawaii Revised Statutes, read together with
11 section 328J-15, Hawaii Revised Statutes, may create an
12 ambiguity in the effectiveness of county ordinances that are not
13 in conflict with chapter 328J, Hawaii Revised Statutes, and the
14 authority given to the counties in adopting ordinances that
15 regulate the sale of cigarettes, tobacco products, and
16 electronic smoking devices in their communities.

17 The legislature finds that an adaptive regulation system is
18 needed to address the multibillion-dollar marketing campaigns of
19 tobacco companies focused on our youth. All levels of
20 government, including counties, need to collaborate to quickly
21 address the tobacco companies' predatory practices through the

____.B. NO.____

1 implementation of reasonable restrictions on the sale of and
2 access to these addictive products.

3 Accordingly, the purpose of this Act is to:

4 (1) Repeal existing law that provides that all local
5 ordinances or regulations that regulate the sale of cigarettes,
6 tobacco products, and electronic smoking devices are preempted
7 and that existing local laws and regulations conflicting with
8 the State law on smoking are null and void; and

9 (2) Clarify that counties retain the authority to adopt
10 ordinances that regulate the sale of cigarettes, tobacco
11 products, and electronic smoking devices, as long as the
12 ordinances do not conflict with and are more stringent than the
13 State law on smoking.

14 SECTION 2. Section 328J-11.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[~~+~~]**\$328J-11.5**[~~+~~] **Statewide concern.** (a) Sales of
17 cigarettes, tobacco products, and electronic smoking devices are
18 a statewide concern. It is the intent of the legislature to
19 regulate the sale of cigarettes, tobacco products, and
20 electronic smoking devices in a uniform [~~and-exclusive~~]
21 manner[~~-~~] to the extent reasonably possible.

____.B. NO.____

1 ~~[(b) All local ordinances or regulations that regulate the~~
2 ~~sale of cigarettes, tobacco products, and electronic smoking~~
3 ~~devices are preempted, and existing local laws and regulations~~
4 ~~conflicting with this chapter are null and void.~~

5 ~~(e)]~~ (b) Nothing in this chapter shall be construed to
6 limit a county's authority [~~under~~] to enact ordinances that
7 regulate the sale of cigarettes, tobacco products, and
8 electronic smoking devices within the county in accordance with
9 section 328J-15."

10 SECTION 3. Section 328J-15, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Nothing in this chapter shall prohibit a county from
13 enacting ordinances that regulate the sale of cigarettes,
14 tobacco products, and electronic smoking devices within the
15 county; provided that the ordinances do not directly conflict
16 with and are more stringent than the provisions of this
17 chapter."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

____.B. NO.____

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

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

4

5 INTRODUCED BY:_____

6

Report Title:

Hawai'i State Association of Counties ("HSAC"); Hawaii State Association of Counties; HSAC Legislative Package; Cigarettes; Tobacco; Electronic Smoking Devices; Vaping; Counties

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



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 25 - 272

RESOLUTION

RELATING TO THE INCLUSION OF A PROPOSAL IN THE 2026 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE TO AFFIRM THE AUTHORITY OF THE COUNTIES TO REGULATE THE DEVELOPMENT OF AFFORDABLE HOUSING.

WHEREAS, the Hawai'i State Association of Counties ("HSAC") is composed of the members of all four county councils of the State of Hawai'i ("State"); and

WHEREAS, each year, HSAC considers, adopts, and transmits legislative priorities to the Hawai'i State Legislature ("Legislature") for consideration; and

WHEREAS, the current median single family home price in the State has increased to just under \$1 million, far surpassing the national average and resulting in fewer local residents who are able to afford to buy a home; and

WHEREAS, the lack of affordable housing continues to be one of the most significant and challenging problems faced by all four counties; and

WHEREAS, the 2024 Hawai'i Housing Planning Study (the "Study") found that the Hawai'i housing market is in crisis and conditions continue to worsen for residents across all four counties; and

WHEREAS, the Study further reported that the number of vacant available housing units in the State dropped 20.7 percent between 2017 and 2022, with an estimated need of an additional 64,490 units needed through 2027, in order to meet current and projected housing demand; and

WHEREAS, the Study also found that of the units needed to meet demand, 65 percent must be at levels affordable for households earning 80 percent of the area median income and below; and

WHEREAS, the Hawai'i Housing Finance and Development Corporation ("HHFDC") was established in 2006 and is the primary agency charged with carrying out the State's affordable housing finance and development functions; and

WHEREAS, the HHFDC collaborates with private developers, other State agencies, the four counties, and the federal government to develop affordable housing across the State; and



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 25 - 272

RESOLUTION

WHEREAS, Act 294, Session Laws of Hawaii 2025 ("Act 294"), was signed into law by the Governor on July 3, 2025, and, among other things, amends Section 201H-38, Hawaii Revised Statutes, to stipulate that county legislative bodies are prohibited from the following:

- (1) Imposing stricter conditions than the HHFDC;
- (2) Imposing stricter median income requirements than the HHFDC; or
- (3) Reducing fee waivers that will increase the cost of the project beyond those approved by the HHFDC; and

WHEREAS, this amendment significantly restricts the counties' ability to make substantive changes to housing projects approved by the HHFDC that may better reflect the needs of the local community; and

WHEREAS, the Department of Planning and Permitting ("DPP") submitted written testimony in opposition to Act 294, then Senate Bill 38, SD2, HD1 (2025), at the April 2, 2025, Hawai'i State House of Representatives' Committee on Judiciary and Hawaiian Affairs hearing; and

WHEREAS, in its testimony, the DPP expressed concern that prohibiting county legislative bodies from imposing necessary conditions on the development of affordable housing may negate the quality of the counties' review and places the HHFDC as a higher authority than the county legislative bodies; and

WHEREAS, the DPP also highlighted that the HHFDC does not hold public hearings for its proposed affordable housing projects and thus, the HHFDC may lack critical information and be unaware of issues and community concerns that frequently arise during county legislative hearings; and

WHEREAS, further, the DPP questioned whether the HHFDC has jurisdiction to determine what fee waivers, if any, are applicable to a proposed affordable housing project and noted that if HHFDC grants a fee waiver that is not legally supportable, the entire project may be denied rather than simply modified; and



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 25 - 272

RESOLUTION

WHEREAS, the City Council ("Council") strongly believes that the counties' legislative processes are critical to ensure the transparency, legitimacy, and suitability of HHFDC proposed affordable housing projects in all four counties; and

WHEREAS, the Council further believes that counties should be empowered to make significant, substantive amendments to HHFDC proposed housing projects in order to best reflect the unique needs and concerns of local communities where these housing projects are proposed for development; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it hereby approves for inclusion in the 2026 Hawai'i State Association of Counties legislative package, proposed legislation to affirm the authority of the counties to regulate the development of affordable housing, attached hereto as Exhibit A; and

BE IT FINALLY RESOLVED that a copy of this resolution be transmitted to the President of the Hawai'i State Association of Counties.

INTRODUCED BY:



DATE OF INTRODUCTION:

SEP 24 2025

Honolulu, Hawai'i

Councilmembers

EXHIBIT A

____.B. NO.____

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. Section 201H-38, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

11 (1) The housing projects meet the following conditions:

12 (A) The corporation finds the housing project is
13 consistent with the purpose and intent of this
14 chapter, and meets minimum requirements of health

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1 and safety [~~and provides the county an~~
2 ~~opportunity to comment~~];

3 (B) The development of the proposed housing project
4 does not contravene any safety standards,
5 tariffs, or rates and fees approved by the public
6 utilities commission for public utilities or of
7 the various boards of water supply authorized
8 under chapter 54;

9 (C) The legislative body of the county in which the
10 housing project is to be situated has approved
11 the project with or without modifications:

12 (i) The legislative body shall approve, approve
13 with modification, or disapprove the project
14 by resolution within forty-five days after
15 the corporation has submitted the
16 preliminary plans and specifications for the
17 project to the legislative body [~~provided~~
18 ~~further that the legislative body shall not~~
19 ~~impose stricter conditions, impose stricter~~
20 ~~median income requirements, or reduce fee~~
21 ~~waivers that will increase the cost of the~~

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1 ~~project beyond those approved by the~~
2 ~~corporation~~]. If, on the forty-sixth day, a
3 project is not disapproved, it shall be
4 deemed approved by the legislative body;

5 (ii) No action shall be prosecuted or maintained
6 against any county, its officials, or
7 employees on account of actions taken by
8 them in reviewing, approving, modifying, or
9 disapproving the plans and specifications;
10 and

11 (iii) The final plans and specifications for the
12 project shall be deemed approved by the
13 legislative body if the final plans and
14 specifications do not substantially deviate
15 from the preliminary plans and
16 specifications. The final plans and
17 specifications for the project shall
18 constitute the zoning, building,
19 construction, and subdivision standards for
20 that project. For purposes of sections 501-
21 85 and 502-17, the executive director of the

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1 corporation or the responsible county
2 official may certify maps and plans of lands
3 connected with the project as having
4 complied with applicable laws and ordinances
5 relating to consolidation and subdivision of
6 lands, and the maps and plans shall be
7 accepted for registration or recordation by
8 the land court and registrar; and

9 (D) The land use commission has approved, approved
10 with modification, or disapproved a boundary
11 change within forty-five days after the
12 corporation has submitted a petition to the
13 commission as provided in section 205-4. If, on
14 the forty-sixth day, the petition is not
15 disapproved, it shall be deemed approved by the
16 commission; or

17 (2) The housing projects:

18 (A) Meet the conditions of paragraph (1);

19 (B) Do not impose stricter income requirements
20 than those adopted or established by the
21 State; and

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1 (C) For the lifetime of the project, require
2 that one hundred per cent of the units in
3 the project be exclusively for qualified
4 residents."

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

7 SECTION 3. This Act shall take effect upon approval.

8

9 INTRODUCED BY: _____

10

Report Title:

HHFDC; Housing Development; Counties; Stricter Conditions; Fee Waivers

Description:

Repeals all substantive amendments to Section 201H-38, Hawaii Revised Statutes, that were enacted by Act 294, Session Laws of Hawaii 2025, including provisions that require the Hawaii Housing Finance and Development Corporation to provide counties with an opportunity to comment on certain housing development projects, and prohibit county legislative bodies from imposing stricter conditions than the Hawaii Housing Finance and Development Corporation, stricter area median income requirements, or a reduction in fee waivers to housing development proposals that would increase the cost of the project.

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

Report Title:

Hawai'i State Association of Counties ("HSAC"); Hawaii State Association of Counties;
HSAC Legislative Package; Act 294, Session Laws of Hawaii 2025; Affordable Housing;
Hawaii Housing Finance and Development Corporation ("HHFDC"); 201H Projects;
County Authority

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

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A BILL FOR AN ACT

RELATING TO FAMILY.

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

1 SECTION 1. Chapter 584, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "**\$584- Domestic abuse; exemption from mediation in**
5 **paternity proceedings.** (a) In contested paternity proceedings
6 where there are allegations of domestic abuse, or a temporary
7 restraining order or a protective order is in effect with
8 respect to the parties, the court shall not require a party
9 alleging the domestic abuse to participate in any component of
10 any mediation program against the wishes of that party.

11 (b) If a party has alleged domestic abuse or if a
12 temporary restraining order or a protective order is in effect
13 with respect to the parties, the court may order mediation or
14 refer either party to mediation only if:

15 (1) Mediation is authorized by the alleged victim of the
16 domestic abuse; and

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1 (2) Mediation is provided, in a specialized manner that
2 protects the safety of the alleged victim, by a
3 mediator who is trained in the field of domestic
4 abuse.

5 (c) A mediator who receives a referral or an order from a
6 court to conduct mediation shall screen for the occurrence of
7 domestic abuse between the parties. A mediator shall not engage
8 in mediation when it appears to the mediator, or when either
9 party asserts, that domestic abuse has occurred, unless:

10 (1) Mediation is authorized by the alleged victim of the
11 domestic abuse; and

12 (2) Mediation is provided, in a specialized manner that
13 protects the safety of the alleged victim, by a
14 mediator who is trained in the field of domestic
15 abuse.

16 (d) As used in this section, "domestic abuse" has the same
17 meaning as in section 586-1."

18 SECTION 2. Section 580-41.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§580-41.5 [~~Battered spouses,~~] Domestic abuse; exemption**
21 **from mediation in divorce proceedings.** (a) In contested
22 divorce proceedings where there are allegations of [~~spousal~~]

____.B. NO. _____

1 domestic abuse, the court shall not require a party alleging the
2 ~~[spousal]~~ domestic abuse to participate in any component of any
3 mediation program against the wishes of that party.

4 (b) A mediator who receives a referral or order from a
5 court to conduct mediation shall screen for the occurrence of
6 ~~[family violence]~~ domestic abuse between the parties. A
7 mediator shall not engage in mediation when it appears to the
8 mediator, or when either party asserts, that ~~[family violence]~~
9 domestic abuse has occurred, unless:

10 (1) Mediation is authorized by the alleged victim of the
11 ~~[alleged family violence,]~~ domestic abuse; and

12 (2) Mediation is provided, in a specialized manner that
13 protects the safety of the alleged victim, by a
14 mediator who is trained in ~~[family violence, and~~

15 ~~(3) The victim is permitted to have in attendance at~~
16 ~~mediation, a supporting person of the victim's choice~~
17 ~~including but not limited to an attorney or advocate.~~
18 ~~If the victim chooses to exercise such option, any~~
19 ~~other party to the mediation will be permitted to have~~
20 ~~in attendance at mediation, a supporting person of the~~
21 ~~party's choice including but not limited to an~~
22 ~~attorney or advocate.]~~ the field of domestic abuse.

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1 (c) In a proceeding concerning the custody or visitation
2 of a child, if a temporary restraining order or a protective
3 order is in effect[7] with regard to the parties, the court
4 shall not require a party alleging [~~family violence~~] domestic
5 abuse to participate in any component of any mediation program
6 against the wishes of that party.

7 (d) In a proceeding concerning the custody or visitation
8 of a child, if [~~there is an allegation of family violence~~] a
9 party has alleged domestic abuse and a temporary restraining
10 order or a protective order is not in effect[7] with regard to
11 the parties, the court may order mediation or refer either party
12 to mediation only if:

13 (1) Mediation is authorized by the alleged victim of the
14 [~~alleged family violence,~~] domestic abuse; and

15 (2) Mediation is provided, in a specialized manner that
16 protects the safety of the alleged victim, by a
17 mediator who is trained in [~~family violence,~~ and

18 ~~(3) The victim is permitted to have in attendance at~~
19 ~~mediation, a supporting person of the victim's choice~~
20 ~~including but not limited to an attorney or advocate.~~
21 ~~If the victim chooses to exercise such option, any~~
22 ~~other party to the mediation will be permitted to have~~

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1 ~~in attendance at mediation, a supporting person of the~~
2 ~~party's choice including but not limited to an~~
3 ~~attorney or advocate.]~~ the field of domestic abuse.

4 (e) As used in this section, "domestic abuse" has the same
5 meaning as in section 586-1."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

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

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

12

13 INTRODUCED BY: _____

14

Report Title:

Paternity Proceedings; Divorce Proceedings; Domestic Abuse;
Mediation

Description:

Establishes an exemption from mediation in paternity proceedings where there are allegations of domestic abuse. Clarifies the exemption from mediation in divorce proceedings as it relates to domestic abuse.

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

Report Title:

Hawai'i State Association of Counties ("HSAC"); Hawaii State Association of Counties;
HSAC Legislative Package; Mediation Exemption; Paternity Proceedings; Domestic
Abuse; Counties

*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 FIREARMS.

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

1 SECTION 1. The legislature finds that the State's gun
2 buyback program offers residents a safe way to dispose of
3 unwanted or unlawful firearms, including automatic firearms;
4 semi-automatic rifles; and unregulated, unserialized "ghost
5 guns." The program offers participants up to \$200 in Foodland
6 Farms gift cards in exchange for each firearm and allows the
7 firearm owner to remain anonymous. The program's goal is to
8 allow law enforcement officers to properly dispose of the
9 weapons and to reduce the number of firearms in the State that
10 could be used for criminal activities. In April 2025, a gun
11 buyback event on the island of Oahu collected an estimated three
12 hundred sixty-seven firearms of all types in exchange for
13 \$37,900 in Foodland gift cards distributed by the department of
14 law enforcement; and in August 2025, the Honolulu police
15 department, in partnership with the department of law
16 enforcement, collected eighty-three firearms, including five
17 unregistered ghost guns and eleven replica guns, and distributed

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1 seventy-nine gift cards valued at \$100 each. The program also
2 offers free gun locks to help support the safe storage of guns
3 in the home. The legislature believes that the gun buyback
4 program helps reduce firearm-related assaults and suicides, and
5 gun-related accidents involving children.

6 Accordingly, the purpose of this Act is to appropriate
7 funds to the department of law enforcement for the establishment
8 of a gun buyback program to enable gun buyback events to be held
9 in each county of the State at least twice a year.

10 SECTION 2. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2026-2027 to
13 establish and implement a gun buyback program to encourage the
14 voluntary surrender of firearms in the State; provided that gun
15 buyback events shall be held in each of the four counties at
16 least twice a year.

17 The sum appropriated shall be expended by the department of
18 law enforcement for the purposes of this Act.

19 SECTION 3. This Act shall take effect on July 1, 2026.
20
21

22 INTRODUCED BY: _____

Report Title:

DLE; Gun Buyback; Appropriation

Description:

Appropriates funds to the Department of Law Enforcement for the establishment and implementation of a State Gun Buyback Program. Takes effect 7/1/2026.

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

Report Title:

**Hawai'i State Association of Counties ("HSAC"); Hawaii State Association of Counties;
HSAC Legislative Package; Guns; Firearms; Gun Buyback; Counties**

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 GUN VIOLENCE PREVENTION.

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

1 SECTION 1. The legislature finds that gun violence in the
2 United States is on the rise and is among the leading causes of
3 premature and preventable death in the United States. The
4 legislature finds that while Hawaii has one of the strongest gun
5 safety laws and one of the lowest rates of gun deaths in the
6 nation, the State is not immune to a rising incidence of gun
7 violence, including gun homicides and gun suicides.

8 The legislature finds that Act 150, Session Laws of Hawaii
9 2019 (Act 150), establishes a preventative gun violence
10 protective order law that authorizes a law enforcement officer,
11 family or household member, medical professional, educator, or
12 colleague to petition a court to temporarily prevent or remove
13 an individual's access to firearms if the individual poses a
14 danger to themselves or others. Act 150 requires county police
15 departments to take temporary custody of any and all firearms

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1 and ammunition for safekeeping from an individual that is the
2 subject of a gun violence protective order.

3 The legislature additionally finds that since the
4 implementation of Act 150, the use and effectiveness of the law
5 will be greatly improved through sufficient funding for
6 community-based gun violence intervention initiatives to allow
7 State and county law enforcement agencies and stakeholders to
8 conduct public awareness campaigns and improve public access to
9 information through educational and informational opportunities
10 for Hawaii residents on the use of gun violence protective
11 orders.

12 The legislature finds that State and county law enforcement
13 agencies are uniquely positioned to provide community outreach
14 and community-based gun violence intervention initiatives.
15 Training on gun violence protective orders is necessary to
16 assist county police departments in taking preventative action
17 by assessing whether a gun violence protective order or a
18 referral to mental health resources is appropriate for a person
19 exhibiting warning signs or threatening behavior who is at risk
20 of committing gun violence.

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1 safety, intervention, and prevention through gun
2 violence protective order laws and recognizing the
3 rights of individuals to take action to protect
4 themselves and others from situations that may
5 escalate or result in gun violence.

6 SECTION 2. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2026-2027 to
9 carry out the purposes of this Act, for staffing and
10 administrative costs, including the hiring of personnel, to
11 effectuate enforcement of gun violence protective orders in
12 accordance with part IV of chapter 134, Hawaii Revised Statutes.

13 The sum appropriated shall be expended by the judiciary.

14 SECTION 3. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2026-2027 to
17 carry out the purposes of this Act, to conduct community-based
18 gun violence intervention initiatives, including public
19 awareness campaigns on gun violence protective orders.

20 The sum appropriated shall be expended by the department of
21 law enforcement.

____.B. NO.____

1 SECTION 4. This Act shall take effect on July 1, 2026.

2

3 INTRODUCED BY:_____

Report Title:

Gun Violence Protective Orders; Public Awareness Campaigns;
Appropriation

Description:

Appropriates funds to the Judiciary for the enforcement of gun violence protective orders. Appropriates funds to the Department of Law Enforcement to conduct public awareness campaigns on gun violence protective orders. Takes effect 7/1/2026.

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

Report Title:

Hawai'i State Association of Counties ("HSAC"); Hawaii State Association of Counties; HSAC Legislative Package; Red Flag Laws; Gun Violence; Public Awareness Campaigns; Honolulu Police Department; Act 150, Session Laws of Hawaii 2019; Enforcement; Fund

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 WATER POLLUTION.

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

1 SECTION 1. The legislature finds that the water pollution
2 control revolving fund loan program is a federal-state
3 partnership that assists in financing the construction of water
4 pollution control projects necessary to prevent contamination of
5 groundwater and coastal resources, and to protect the health,
6 safety, and welfare of the State. To achieve these purposes,
7 the program provides low-interest loans to state and county
8 agencies to construct water pollution control projects. Since
9 1991, this program has provided approximately \$1.3 billion in
10 low-interest loans to 132 water pollution control projects.

11 The legislature further finds that the quality of the
12 environment and the economy of the State are both of utmost
13 importance to the welfare of the people of Hawaii and that there
14 is increasing demand for the improvement of wastewater system

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1 infrastructure in the State, the delay of which could pose
2 health hazards for residents statewide.

3 The legislature additionally finds that further
4 capitalization of this program will advance water pollution
5 prevention and control projects in the State.

6 Accordingly, the purpose of this Act is to appropriate
7 additional capitalization funds to the Water Pollution Control
8 Revolving Fund.

9 SECTION 2. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2026-2027 to
12 carry out the purposes of this Act.

13 The sum appropriated shall be expended by the department of
14 health for the purposes of this Act.

15 SECTION 3. This Act shall take effect on July 1, 2026.

16

17 INTRODUCED BY: _____

Report Title:

Department of Health; Water Pollution Control Revolving Fund;
Wastewater; Water Pollution; Appropriation

Description:

Appropriates funds to the Department of Health to further capitalize the Water Pollution Control Revolving Fund for purposes of providing additional low-interest loans to eligible projects. Takes effect 7/1/2026.

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

Report Title:

Hawai'i State Association of Counties ("HSAC"); Hawaii State Association of Counties; HSAC Legislative Package; Water Pollution Control Revolving Fund; Water; Pollution; Fund; Counties

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 GENERAL EXCISE TAX.

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

1 SECTION 1. The legislature finds the need to extend the
2 county surcharge on state general excise taxes, which was
3 enacted by Act 247, Session Laws of Hawaii 2005.

4 SECTION 2. Section 46-16.8, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsections (b) and (c) to read:

7 "(b) Each county that has established a surcharge on state
8 tax before July 1, 2015, under authority of subsection (a) may
9 extend the surcharge until December 31, [~~2030~~] 2045, at the
10 same rates. A county electing to extend this surcharge shall do
11 so by ordinance; provided that:

12 (1) No ordinance shall be adopted until the county has
13 conducted a public hearing on the proposed ordinance;
14 and

15 (2) The ordinance shall be adopted before January 1,
16 [~~2018~~] 2028.



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1 A county electing to exercise the authority granted under
2 this subsection shall notify the director of taxation within ten
3 days after the county has adopted an ordinance extending the
4 surcharge on state tax. The director of taxation shall levy,
5 assess, collect, and otherwise administer the extended surcharge
6 on state tax.

7 (c) Each county that has not established a surcharge
8 pursuant to subsection (a) on state tax before July 1, 2015, may
9 establish the surcharge at the rates enumerated in sections 237-
10 8.6 and 238-2.6. A county electing to establish this surcharge
11 shall do so by ordinance; provided that:

12 (1) No ordinance shall be adopted until the county has
13 conducted a public hearing on the proposed ordinance;

14 (2) The ordinance shall be adopted before December 31,
15 2023; and

16 (3) No county surcharge on state tax that may be
17 authorized under this subsection shall be levied
18 before January 1, 2019, or after December 31, [~~2030-~~]
19 2045.

20 A county electing to exercise the authority granted under
21 this subsection shall notify the director of taxation within ten



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1 days after the county has adopted a surcharge on state tax
2 ordinance. Beginning on January 1, 2019, January 1, 2020,
3 January 1, 2024, or January 1, 2025, as applicable pursuant to
4 sections 237-8.6 and 238-2.6, the director of taxation shall
5 levy, assess, collect, and otherwise administer the county
6 surcharge on state tax."

7 2. By amending subsection (g) to read:

8 "(g) Each county having a population equal to or less than
9 five hundred thousand that adopts a county surcharge on state
10 tax ordinance pursuant to this section shall use the surcharges
11 received from the State for:

12 (1) Operating or capital costs of public transportation
13 within each county for public transportation systems,
14 including:

15 (A) Public roadways or highways;

16 (B) Public buses;

17 (C) Trains;

18 (D) Ferries;

19 (E) Pedestrian paths or sidewalks; or

20 (F) Bicycle paths;



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1 (2) Expenses in complying with the Americans with
2 Disabilities Act of 1990 with respect to paragraph
3 (1); and
4 (3) Housing infrastructure costs; provided that a county
5 that uses surcharge revenues for housing
6 infrastructure shall not pass on those housing
7 infrastructure costs to the developer of a housing
8 project[; ~~provided further that this paragraph shall~~
9 ~~apply only if a county amended its surcharge ordinance~~
10 ~~pursuant to subsection (d) or adopts a county~~
11 ~~surcharge on state tax ordinance after December 31,~~
12 ~~2022;~~
13 ~~provided that each county having a population equal to or less~~
14 ~~than five hundred thousand that adopts a county surcharge on~~
15 ~~state tax ordinance pursuant to this section after December 31,~~
16 ~~2022, shall use the surcharge revenues received from the State~~
17 ~~only for the purposes described in paragraph (3) for county~~
18 ~~appropriated housing infrastructure costs]."~~

19 SECTION 3. Section 237-8.6, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:



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"(b) Each county surcharge on state tax that may be adopted, extended, or amended pursuant to section 46-16.8 shall be levied beginning in a taxable year after the adoption of the relevant county ordinance; provided that no surcharge on state tax may be levied:

(1) Before:

(A) January 1, 2007, if the county surcharge on state tax was established by an ordinance adopted before December 31, 2005;

(B) January 1, 2019, if the county surcharge on state tax was established by the adoption of an ordinance after June 30, 2015, but before June 30, 2018;

(C) January 1, 2020, if the county surcharge on state tax was established by the adoption of an ordinance on or after June 30, 2018, but before March 31, 2019;

(D) January 1, 2024, if the county surcharge on state tax was established by the adoption of an ordinance on or after March 31, 2019, but before August 1, 2023; or



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(E) January 1, 2025, if the county surcharge on state tax was established by the adoption of an ordinance on or after August 1, 2023, but before December 31, 2023; and

(2) After December 31, ~~[2030-]~~ 2045."

SECTION 4. Act 247, Session Laws of Hawaii 2005, as amended by Act 240, Session Laws of Hawaii 2015, as amended by Act 1, Special Session Laws of 2017, is amended by amending section 9 to read as follows:

"SECTION 9. This Act shall take effect upon its approval; provided that:

(1) If none of the counties of the State adopt an ordinance to levy a county surcharge on state tax by December 31, 2005, this Act shall be repealed and section 437D-8.4, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act;

(2) If any county does not adopt an ordinance to levy a county surcharge on state tax by December 31, 2005, it shall be prohibited from adopting such an ordinance



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1 pursuant to this Act, unless otherwise authorized by
2 the legislature through a separate legislative act;

3 (3) If an ordinance to levy a county surcharge on state
4 tax is adopted by December 31, 2005:

5 (A) The ordinance shall be repealed on December 31,
6 2022; provided that the repeal of the ordinance
7 shall not affect the validity or effect of an
8 ordinance to extend a surcharge on state tax
9 adopted pursuant to an act of the legislature;
10 and

11 (B) This Act shall be repealed on December 31,
12 ~~[2030-]~~ 2045; and section 437D-8.4, Hawaii
13 Revised Statutes, shall be reenacted in the form
14 in which it read on the day prior to the
15 effective date of this Act; provided that the
16 amendments made to section 437D-8.4, Hawaii
17 Revised Statutes by Act 226, Session Laws of
18 Hawaii 2008, as amended by Act 11, Session Laws
19 of Hawaii 2009, and Act 110, Session Laws of
20 Hawaii 2014, shall not be repealed."



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

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

4

INTRODUCED BY: _____



S.B. NO.



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Report Title:

County Surcharge on State Tax; General Excise Tax Law; Extension

Description:

Authorizes each county that has established a surcharge on state tax before 7/1/2015 to extend the surcharge until 12/31/2045, at the same rates, if the county does so before 1/1/2028; Provides that no county surcharge on state tax authorized for a county that has not established a surcharge on state tax before 7/1/2015, shall be levied before 1/1/2019, or after 12/31/2045; and Repeals certain conditions on the use of surcharges received from the State for counties having a population equal to or less than 500,000 that adopt a county surcharge on state tax.

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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:

SECTION 1. The legislature finds that the health, happiness, and well-being of Hawaii's people depends on the State's ability to address the high cost of living, particularly the high cost of housing, that is fueling the homelessness crisis and forcing local families to move out of the State. The sustainability of the State's unique and irreplaceable natural resources is critical to its residents' quality of life. To address these problems and secure a prosperous future for the State's children, greater investment into public resources from a sustainable revenue source is needed to reduce the cost of housing for residents, preserve the State's natural resources, and provide solutions for community members experiencing houselessness.

The legislature also finds that the conveyance tax, a one-time tax at the time of real property sales, is an appropriate revenue source for affordable housing, land conservation, and homeless services. Although housing prices in the State have risen dramatically over the past thirteen years, the State's conveyance tax rates have not been updated since Act 59, Session Laws of Hawaii 2009. Presently, the State's conveyance tax is

significantly lower than the rates of other high-cost areas in the country.

Cities across the country are increasing their conveyance tax rates to fund affordable housing. San Francisco increased the tax rate to 5.5 per cent on homes valued over \$10,000,000 in 2020, and two years ago Los Angeles increased the real property transfer tax to 4.5 per cent on any residential or commercial property over \$5,000,000 in value and six per cent on property sales over \$10,000,000 in value. Smaller cities with high housing costs are also increasing the taxes on real estate sales to mitigate the impacts of housing costs. Crested Butte and Telluride in Colorado, which attract wealthy buyers due to access to world class ski opportunities, have a tax of three per cent on home sales regardless of price. Aspen, Colorado, which has the most well-developed workforce housing program in the country where almost forty per cent of the housing total housing stock is reserved as permanently affordable housing for full-time residents, has largely funded their workforce housing program through a 1.5 per cent tax on property sales that has been in place since 1989.

Presently, it is common practice to tax property sales as a means to mitigate the impacts of high home costs and the loss of land due to housing development. Furthermore, a conveyance tax of 0.5 per cent on homes valued at less than \$5,000,000, a rate of four per cent on homes valued between \$5,000,000 and \$10,000,000, and six per cent on homes valued at over

\$10,000,000 conforms to tax rates that other cities are assessing to fund their various housing programs.

The legislature additionally finds that increases in tax rates on homes over \$5,000,000 is unlikely to have any negative impact on local full-time residents as the vast majority of buyers who purchase these homes do so as an investment and not as their full-time residence. The monthly mortgage costs of a \$5,000,000 home are approximately \$32,600 a month, which would be considered affordable for an individual or a couple earning \$81,500 per month, or roughly \$978,000 a year. Very few families in Hawaii would fall within these income categories, and those that do most likely already own a home and are not impacted by rising rents or the lack of affordable housing. Accordingly, it is appropriate for out-of-state investors of real estate to assist in mitigating the impacts for residents who are not benefiting from the current market dynamics. Renters, houseless residents, and the local workforce are struggling with the rising cost of housing, thus a tax on real estate at the time of sale to help mitigate those costs is appropriate and fair.

The legislature recognizes that the increases in housing prices, residential rent, and the homeless population over the past several years has accelerated the urgent need to sustainably fund affordable housing and homeless services in Hawaii. The 2023 point in time count estimates that there are currently 6,223 individuals living unsheltered in the State, not including the greater number of "hidden homeless" individuals

temporarily living with friends or relatives because they cannot afford to live on their own. Investing in affordable housing and homeless services, including supportive housing, is key to addressing homelessness and ensuring that everyone in the State has an affordable place to live.

Accordingly, the purpose of this Act is to:

- (1) Establish the homeless services special fund;
- (2) Allow counties to apply for matching funds from the homeless services special fund and the affordable homeownership revolving fund for housing projects that are subject to a perpetual affordability requirement;
- (3) Increase the conveyance tax rates for certain properties;
- (4) Establish conveyance tax rates for multifamily residential properties;
- (5) Exempt from conveyance taxes the conveyances of real property to:
 - (A) Organizations with certain affordability requirements;
 - (B) Certain nonprofit organizations; and
 - (C) An owner-occupant or renter-occupant of the property; and
- (6) Allocate collected conveyance taxes to the affordable homeownership revolving fund, homeless services special fund, and dwelling unit revolving fund and amend allocations to the land conservation fund and rental housing revolving fund.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part XVII to be appropriately designated and to read as follows:

"§346- Homeless services special fund. (a) There is established within the state treasury a homeless services special fund, to be administered and managed by the department and into which shall be deposited:

(1) Ten per cent of the conveyance tax collected and allocated to the homeless services fund pursuant to section 247-7;

(2) Appropriations made by the legislature; and

(3) Interest earned upon any moneys in the fund.

(b) Moneys from any other private or public source may be deposited in or credited to the fund; provided that any mandates, regulations, or conditions on these funds do not conflict with the use of the fund under this section. Moneys received as a deposit or private contribution shall be deposited, used, and accounted for in accordance with the conditions established by the agency or person making the contribution.

(c) Moneys in the homeless services special fund shall be used by the department for homeless services and supportive housing, including homeless facilities programs for the homeless authorized by the department.

(d) The department shall submit a report to the legislature providing an accounting of the fund no later than twenty days prior to the convening of each regular session. The report shall include, at minimum:

(1) A detailed account of all funds received; and

(2) All moneys expended from the homeless services special fund."

SECTION 3. Section 201H-206, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~201H-206[~~§~~] **Affordable homeownership revolving fund.** (a) There is established an affordable homeownership revolving fund to be administered by the corporation for the purpose of providing, in whole or in part, loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects.

(b) Loans shall be awarded in the following descending order of priority:

(1) Projects or units in projects that are funded by programs of the United States Department of Housing and Urban Development, United States Department of Agriculture Rural Development, and United States Department of the Treasury Community Development Financial Institutions Fund, wherein:

- (A) At least fifty per cent of the available units are reserved for persons and families having incomes at or below eighty per cent of the median family income and of which at least five per cent of the available units are for persons and families having incomes at or below fifty per cent of the median family income; and
- (B) The remaining units are reserved for persons and families having incomes at or below one hundred twenty per cent of the median family income; and

(2) Mixed-income affordable for-sale housing projects or units in a mixed-income affordable for-sale housing project wherein all of the available units are reserved for persons and families having incomes at or below one hundred per cent of the median family income.

(c) Moneys in the fund shall be used to provide loans for the development, pre-development, construction, acquisition, preservation, and substantial rehabilitation of affordable for-sale housing units. Uses of moneys in the fund may include but are not limited to planning, design, and land acquisition, including the costs of options, agreements of sale, and down payments; equity financing as matching funds for nonprofit community development financial institutions; or other housing development services or activities as provided in rules adopted by the corporation pursuant to chapter 91. The rules may provide that money from the fund shall be leveraged with other financial resources to the extent possible.

(d) The fund may include ~~[sums]~~:

(1) Sums appropriated by the legislature~~[-private]~~;

(2) Private contributions~~[-proceeds]~~;

(3) Proceeds from repayment of loans~~[-interest]~~;

(4) Interests and other returns~~[-]~~;

(5) Conveyance taxes collected under chapter 247 and allocated to the affordable homeownership revolving fund pursuant to section 247-7; and [moneys]

(6) Moneys from other sources.

(e) An amount from the fund, to be set by the corporation and authorized by the legislature, may be used for

administrative expenses incurred by the corporation in administering the fund; provided that moneys in the fund shall not be used to finance day-to-day administrative expenses of the projects allotted moneys from the fund.

(f) The corporation may provide loans under this section as provided in rules adopted by the corporation pursuant to chapter 91.

(g) The corporation may contract with nonprofit community development financial institutions to fund loans under this section. The corporation may contract for the service and custody of its loans.

(h) The corporation may establish, revise, charge, and collect a reasonable service fee, as necessary, in connection with its loans, services, and approvals under this part. The fees shall be deposited into the affordable homeownership revolving fund.

(i) Counties may apply for matching funds from the fund; provided that prior to applying for any matching funds, the counties shall have an approved comprehensive affordable housing plan that:

(1) Identifies available lands for affordable housing;

(2) Identifies infrastructure needs and availability; and

(3) Requires housing projects developed using moneys from the fund to be subject to an affordability clause that keeps the property affordable in perpetuity, also known as a "deed-restricted property";

provided further that costs for the development of or an update to an existing county comprehensive affordable housing plan may, upon application, be paid out of these funds.

~~[(i)]~~ (j) The corporation shall submit a report to the legislature no later than twenty days prior to the convening of each regular session describing the projects funded using moneys from the affordable homeownership revolving fund."

SECTION 4. Section 247-2, Hawaii Revised Statutes, is amended to read as follows:

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

(1) Except as provided in ~~[paragraph (2):]~~ paragraphs (2) and (3):

(A) ~~[Ten cents per \$100 for]~~ For properties with a value of less than \$600,000~~[+]~~: 10 cents per \$100;

(B) ~~[Twenty cents per \$100 for]~~ For properties with a value of at least \$600,000, but less than \$1,000,000~~[+]~~: 20 cents per \$100;

- (C) ~~[Thirty cents per \$100 for]~~ For properties with a value of at least \$1,000,000, but less than \$2,000,000~~[+]~~: 30 cents per \$100;
- (D) ~~[Fifty cents per \$100 for]~~ For properties with a value of at least \$2,000,000, but less than \$4,000,000~~[+]~~: 50 cents per \$100;
- (E) ~~[Seventy cents per \$100 for]~~ For properties with a value of at least \$4,000,000, but less than \$6,000,000~~[+]~~: 70 cents per \$100;
- (F) ~~[Ninety cents per \$100 for]~~ For properties with a value of at least \$6,000,000, but less than \$10,000,000~~[+ and]~~: \$1.10 per \$100;
- (G) ~~[One dollar per \$100 for]~~ For properties with a value of at least \$10,000,000 ~~[or greater; and]~~, but less than \$14,000,000: \$1.40 per \$100;
- (H) For properties with a value of at least \$14,000,000, but less than \$18,000,000: \$2.00 per \$100;
- (I) For properties with a value of at least \$18,000,000, but less than \$22,000,000: \$3.00 per \$100;
- (J) For properties with a value of at least \$22,000,000, but less than \$26,000,000: \$4.00 per \$100; and
- (K) For properties with a value of \$26,000,000 or greater: \$6.00 per \$100;

(2) For the sale of a multifamily residential property:

- (A) For properties with a value of less than \$600,000: 10 cents per \$100;
- (B) For properties with a value of at least \$600,000, but less than \$1,000,000: 20 cents per \$100;
- (C) For properties with a value of at least \$1,000,000, but less than \$2,000,000: 30 cents per \$100;
- (D) For properties with a value of at least \$2,000,000, but less than \$4,000,000: 50 cents per \$100;
- (E) For properties with a value of at least \$4,000,000, but less than \$6,000,000: 70 cents per \$100;
- (F) For properties with a value of at least \$6,000,000, but less than \$10,000,000: 90 cents per \$100;
- (G) For properties with a value of at least \$10,000,000, but less than \$20,000,000: \$1 per \$100;
- (H) For properties with a value of at least \$20,000,000, but less than \$50,000,000: \$1.25 per \$100;
- (I) For properties with a value of at least \$50,000,000, but less than \$100,000,000: \$1.50 per \$100; and

(J) For properties with a value of \$100,000,000 or greater: \$2.00 per \$100; and

~~[(2)]~~ (3) For the sale of a condominium or single family residence for which the purchaser is ineligible for a county homeowner's exemption on property tax:

- (A) ~~[Fifteen cents per \$100 fee]~~ For properties with a value of less than \$600,000~~[+]~~: 15 cents per \$100;
- (B) ~~[Twenty five cents per \$100 fee]~~ For properties with a value of at least \$600,000, but less than \$1,000,000~~[+]~~: 25 cents per \$100;
- (C) ~~[Forty cents per \$100 fee]~~ For properties with a value of at least \$1,000,000, but less than \$2,000,000~~[+]~~: 40 cents per \$100;
- (D) ~~[Sixty cents per \$100 fee]~~ For properties with a value of at least \$2,000,000, but less than \$4,000,000~~[+]~~: \$1.00 per \$100;
- (E) ~~[Eighty five cents per \$100 fee]~~ For properties with a value of at least \$4,000,000, but less than \$6,000,000~~[+]~~: \$1.50 per \$100;
- (F) ~~[One dollar and ten cents per \$100 fee]~~ For properties with a value of at least \$6,000,000, but less than \$10,000,000~~[+]~~ and]: \$2.00 per \$100;
- (G) ~~[One dollar and twenty five cents per \$100 fee]~~ For properties with a value of at

least \$10,000,000 [~~or greater,~~], but less than \$14,000,000: \$3.00 per \$100;

(H) For properties with a value of at least \$14,000,000, but less than \$18,000,000: \$4.00 per \$100;

(I) For properties with a value of at least \$18,000,000, but less than \$22,000,000: \$5.00 per \$100;

(J) For properties with a value of at least \$22,000,000, but less than \$26,000,000: \$6.00 per \$100; and

(K) For properties with a value of \$26,000,000 or greater: \$7.00 per \$100,

of [~~such~~] the actual and full consideration; provided that in the case of a lease or sublease, this chapter shall apply only to a lease or sublease whose full unexpired term is for a period of five years or more~~[, and in those cases, including (where appropriate) those cases where the]~~; provided further that if a lease has been extended or amended, the tax in this chapter shall be based on the cash value of the lease rentals discounted to present day value and capitalized at the rate of six per cent, plus the actual and full consideration paid or to be paid for any and all improvements, if any, that shall include on-site as well as off-site improvements, applicable to the leased premises; and provided further that the tax imposed for each transaction shall be not less than \$1.

For purposes of this section, "multifamily residential property" means a structure that is located within the state urban land use district and divided into five or more dwelling units."

SECTION 5. Section 247-3, Hawaii Revised Statutes, is amended to read as follows:

"§247-3 Exemptions. The tax imposed by section 247-1 shall not apply to:

- (1) Any document or instrument that is executed prior to January 1, 1967;
- (2) Any document or instrument that is given to secure a debt or obligation;
- (3) Any document or instrument that only confirms or corrects a deed, lease, sublease, assignment, transfer, or conveyance previously recorded or filed;
- (4) Any document or instrument between husband and wife, reciprocal beneficiaries, or parent and child, in which only a nominal consideration is paid;
- (5) Any document or instrument in which there is a consideration of \$100 or less paid or to be paid;
- (6) Any document or instrument conveying real property that is executed pursuant to an agreement of sale, and where applicable, any assignment of the agreement of sale, or assignments thereof; provided that the taxes under this chapter have been fully paid upon the agreement of sale, and where applicable, upon such assignment or assignments of agreements of sale;
- (7) Any deed, lease, sublease, assignment of lease, agreement of sale, assignment of agreement of sale, instrument or writing in which the United States or any agency or instrumentality thereof or the State or any agency, instrumentality, or governmental or political subdivision thereof are the only parties thereto;
- (8) Any document or instrument executed pursuant to a tax sale conducted by the United States or any agency or instrumentality thereof or the State or any agency, instrumentality, or governmental or political subdivision thereof for delinquent taxes or assessments;

(9) Any document or instrument conveying real property to the United States or any agency or instrumentality thereof or the State or any agency, instrumentality, or governmental or political subdivision thereof pursuant to the threat of the exercise or the exercise of the power of eminent domain;

(10) Any document or instrument that solely conveys or grants an easement or easements;

(11) Any document or instrument whereby owners partition their property, whether by mutual agreement or judicial action; provided that the value of each owner's interest in the property after partition is equal in value to that owner's interest before partition;

(12) Any document or instrument between marital partners or reciprocal beneficiaries who are parties to a divorce action or termination of reciprocal beneficiary relationship that is executed pursuant to an order of the court in the divorce action or termination of reciprocal beneficiary relationship;

(13) Any document or instrument conveying real property from a testamentary trust to a beneficiary under the trust;

(14) Any document or instrument conveying real property from a grantor to the grantor's revocable living trust, or from a grantor's revocable living trust to the grantor as beneficiary of the trust;

(15) Any document or instrument conveying real property, or any interest therein, from an entity that is a party to a merger or consolidation under chapter 414, 414D, 415A, 421, 421C, 425, 425E, or 428 to the surviving or new entity;

(16) Any document or instrument conveying real property, or any interest therein, from a dissolving limited partnership to its corporate general partner that owns, directly or indirectly, at least a ninety per cent interest in the partnership, determined by applying section 318 (with respect to constructive ownership of stock) of the federal Internal Revenue Code of 1986, as amended, to the constructive ownership of interests in the partnership; [and]

[~~(17)~~]Any document or instrument that conforms to the transfer on death deed as authorized under chapter 527[~~-~~];

(18) Any document or instrument conveying real property to an organization that:

- (A) Has a minimum of thirty years remaining of a price-restricted affordability period; or
- (B) Places a deed restriction on the property to maintain permanent affordability.

For purposes of this paragraph:

"Permanent affordability" means a requirement that a residential real property remain affordable to households with incomes at or below one hundred twenty per cent of the area median income as determined by the United States Department of Housing and Urban Development for the life of the property.

"Price-restricted affordability period" means the period for which a residential real property is restricted to renter households with incomes at or below one hundred twenty per cent of the area median income as determined by the United States Department of Housing and Urban Development applicable to the location of the real property for the applicable federal fiscal year;

(19) Any document or instrument conveying real property to a nonprofit organization that:

- (A) Is exempt from federal income tax by the Internal Revenue Services; and
- (B) Will hold the property in an undeveloped state and for conservation purposes in perpetuity through a deed restriction on the property; and

(20) Any document or instrument conveying real property to an individual who is an owner-occupant or renter-occupant of the property; provided the individual does not have a direct or indirect ownership interest in any other real property, including through ownership interest in a trust, partnership, corporation, limited liability company, or other entity."

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

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

(1) ~~[Ten]~~ Eight per cent ~~[or \$5,100,000, whichever is less,]~~ shall be paid into the land conservation fund established pursuant to section 173A-5; ~~[and]~~

(2) ~~[Fifty per cent or \$38,000,000, whichever is less,]~~ Thirty-eight per cent shall be paid into the rental housing revolving fund established by section 201H-202[-];

(3) Eight per cent shall be paid into the affordable homeownership revolving fund established pursuant to section 201H-206;

(4) Eight per cent shall be paid into the homeless services special fund established pursuant to section 346- ; and

(5) Eight per cent shall be paid into the dwelling unit revolving fund established pursuant to section 201H-191 for the purposes of funding infrastructure programs in transit-oriented development areas."

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

SECTION 8. This Act shall take effect on July 1, 3000.

Report Title:

DHS; Affordable Housing; Conveyance Tax; Rates; Exemption; Homeless Services Fund; Affordable Homeownership Revolving Fund; Land Conservation Fund; Rental Housing Revolving Fund; Dwelling Unit Revolving Fund

Description:

Establishes the Homeless Services Special Fund. Allows counties to apply for matching funds from the Affordable Homeownership Revolving Fund for certain housing projects. Increases the conveyance tax rates for certain properties. Establishes conveyance tax rates for multifamily residential properties. Establishes new exemptions to the conveyance tax. Allocates collected conveyance taxes to the Affordable Homeownership Revolving Fund, Homeless Services Fund and, and Dwelling Unit Revolving Fund. Amends allocations to the Land Conservation Fund and Rental Housing Revolving Fund. Effective 7/1/3000. (HD2)

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 HOUSING.

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

1 SECTION 1. Section 201H-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~201H-31~~§~~ Criteria. (a) In administering this
4 chapter and other laws of the State applicable to the supplying
5 of housing or the assistance in obtaining housing, the
6 corporation shall give preference to those applicants most in
7 need of assistance in obtaining housing, in light of the amount
8 of moneys available for the various programs. In doing so, the
9 corporation shall take into consideration the applicant's
10 household income and number of dependents; the age of the
11 applicant; the physical disabilities of the applicant or those
12 living with the applicant; whether or not the present housing of
13 the applicant is below standard; whether or not the applicant's
14 need for housing has arisen by reason of displacement of the
15 applicant by governmental actions; the proximity between the
16 housing location and the applicant's place of employment;
17 whether the applicant is a state or county employee; whether the

.B. NO.

1 applicant is a returning resident that left the State to attend
2 a university, college, or trade school and has graduated within
3 the past two years; and other factors as it may deem pertinent.
4 The corporation may allow households with incomes up to twenty
5 per cent greater than the income on which the maximum sales
6 price was based to be qualified to purchase a unit.

7 (b) For any project developed or administered by the
8 corporation under this chapter, the corporation shall, when
9 feasible, set aside as a matter of preference no fewer
10 than _____ per cent of the available units for state or county
11 employees.

12 (c) The corporation shall:

13 (1) Determine the order of preferences as outlined in this
14 section and rank all applicants accordingly;

15 (2) Select applicants based on application date within the
16 pool of similarly ranked applicants; and

17 (3) Validate the preference status of an applicant before
18 occupancy of an affordable unit.

19 (d) The corporation may establish additional eligibility
20 criteria in administrative rules adopted pursuant to
21 chapter 91."

B. NO.

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

3 SECTION 3. This Act shall take effect upon its approval.
4

INTRODUCED BY: _____

S.B. NO.

Report Title:

HHFDC; Housing Development Programs; Criteria; Preferences;
Ranking; Housing Location Proximity; State and County Employees;
Returning Resident Graduates; Reserved Units; Rules

Description:

Requires the Hawaii Housing Finance and Development Corporation (HHFDC) to consider as a preference under chapter 201H, HRS, the proximity between the housing location and the applicant's place of employment; whether the applicant is a state or county employee; and whether the applicant is a returning resident that left the State to attend a university, college, or trade school and has graduated within the past two years. Requires, for any project developed or administered by the HHFDC under chapter 201, HRS, the HHFDC to set aside as a matter of preference an undetermined per cent of available units for state or county employees, when feasible. Requires HHFDC to determine the order of preferences and rank applicants accordingly, select applicants based on application date within the pool of similarly ranked applicants, and validate the preference status of applicants before occupancy of a unit. Authorizes HHFDC to adopt rules to establish additional eligibility criteria.

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