

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

October 7, 2016

Committee
Report No. _____

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

Chair and Members:

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

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

Disability ID Cards Proposal

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 2

Committee
Report No. _____

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

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

Government Records Proposal

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

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

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 3

Committee
Report No. _____

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

TAT Proposal

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

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

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

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

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 4

Committee
Report No. _____

Sunshine Law Proposal

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

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

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

Important Agricultural Lands Proposal

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 5

Committee
Report No. _____

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

Reclassification of Land Proposal

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

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

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

Fast-Track Affordable Housing Proposal

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 6

Committee
Report No. _____

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

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

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

Proposal for a Conveyance Tax to Fund Affordable Housing

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 7

Committee
Report No. _____

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

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

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

Collective Bargaining Negotiations Proposal

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

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 8

Committee
Report No. _____

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

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

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

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 9

Committee
Report No. _____

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

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 10

Committee
Report No. _____

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

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



MICHAEL P. VICTORINO, Chair

Resolution

No. _____

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

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

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

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

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

____.B. NO.____

A BILL FOR AN ACT

RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES.

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

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

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

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

EXHIBIT "A"

____.B. NO. _____

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

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

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

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

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

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

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

____.B. NO. _____

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

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

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

13 "STATE OF HAWAII IDENTIFICATION CARD"

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

____.B. NO. _____

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

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

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

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

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

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

____.B. NO. _____

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

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

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

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

____.B. NO. _____

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

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

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

INTRODUCED BY: _____

paf:mkz:16-151a

Resolution

No. _____

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

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

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

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

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

____.B. NO.____

A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS

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

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

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

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

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

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

EXHIBIT "A"

____.B. NO. _____

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

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

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

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

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

_____.B. NO. _____

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

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

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

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

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

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

____.B. NO. ____

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

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

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

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

____.B. NO. _____

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

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

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

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

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

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

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

INTRODUCED BY: _____

Resolution

No. _____

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

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

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

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

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

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

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

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

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

Resolution No. _____

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

pia:misc:004(2)areso08:kcw

____.B. NO.____

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS TAX.

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

1 PART I

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

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

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

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

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

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

EXHIBIT "A"

_____.B. NO. _____

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

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

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

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

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

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

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

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

____.B. NO. _____

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

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

7
8 (4) Provide flexibility to the tourism special fund,
9 State, and counties in the utilization of their respective
10 allocations.

11
12 PART II

13
14 SECTION 2. Section 237D-6.5, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16
17 "(b) Revenues collected under this chapter shall be
18 distributed in the following priority, with the excess revenues
19 to be deposited into the general fund:

20
21 ~~[(1) \$1,500,000 shall be allocated to the Turtle Bay~~
22 ~~conservation easement special fund beginning July 1, 2015, for~~
23 ~~the reimbursement to the state general fund of debt service on~~
24 ~~reimbursable general obligation bonds, including ongoing~~
25 ~~expenses related to the issuance of the bonds, the proceeds of~~
26 ~~which were used to acquire the conservation easement and other~~
27 ~~real property interests in Turtle Bay, Oahu, for the protection,~~
28 ~~preservation, and enhancement of natural resources important to~~
29 ~~the State, until the bonds are fully amortized,]~~

30
31 (1) \$82,000,000 shall be allocated to the tourism special
32 fund established under section 201B-11; provided that, beginning
33 July 1, 2017, and in each fiscal year thereafter, the dollar
34 amount of revenues allocated to the tourism special fund under
35 this paragraph shall be adjusted by an amount equal to the
36 dollar amount multiplied by the percentage, if any, by which the
37 Honolulu region consumer price index for all urban consumers
38 (CPI-U), or a successor index, as calculated by the United
39 States Department of Labor, for the preceding calendar year
40 exceeds the consumer price index for the calendar year 2016;
41 provided further that:

42
43 (A) Of the revenues allocated to the tourism special
44 fund:

____.B. NO. _____

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

6
7 (ii) 0.5 percent shall be transferred to a sub-account
8 in the tourism special fund to provide funding
9 for a safety and security budget, in accordance
10 with the Hawaii tourism strategic plan; and

11
12 (B) Of the revenues remaining in the tourism special
13 fund after revenues have been deposited as provided in this
14 paragraph and except for any sum authorized by the
15 legislature for expenditure from revenues subject to this
16 paragraph, beginning July 1, 2007, funds shall be deposited
17 into the tourism emergency special fund, established in
18 section 201B-10, in a manner sufficient to maintain a fund
19 balance of \$5,000,000 in the tourism emergency special
20 fund;

21
22 (2) \$26,500,000 shall be allocated to the convention
23 center enterprise special fund established under section 201B-8;

24
25 ~~[(3) \$82,000,000 shall be allocated to the tourism special~~
26 ~~fund established under section 201B-11; provided that:~~

27
28 ~~(A) Beginning on July 1, 2012, and ending on June 30,~~
29 ~~2015, \$2,000,000 shall be expended from the tourism special fund~~
30 ~~for development and implementation of initiatives to take~~
31 ~~advantage of expanded visa programs and increased travel~~
32 ~~opportunities for international visitors to Hawaii;~~

33
34 ~~(B) Of the \$82,000,000 allocated:~~

35
36 ~~(i) \$1,000,000 shall be allocated for the~~
37 ~~operation of a Hawaiian center and the museum of Hawaiian music~~
38 ~~and dance at the Hawaii convention center; and~~

39
40 ~~(ii) 0.5 per cent of the \$82,000,000 shall be~~
41 ~~transferred to a sub-account in the tourism special fund to~~
42 ~~provide funding for a safety and security budget, in accordance~~
43 ~~with the Hawaii tourism strategic plan 2005-2015; and~~
44

____.B. NO. _____

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

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

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

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

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

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

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

____.B. NO. _____

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

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

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

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

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

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

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

38 PART III

39

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

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

____.B. NO. _____

1 fund are less than the amount of the annual required
2 contribution, the amount that represents the excess of the
3 annual required contribution over the county public employer's
4 contributions shall be deposited into the fund from a portion of
5 all transient accommodations tax revenues collected by the
6 department of taxation under section [~~237D-6.5(b)(4)~~]. 237D-
7 6.5(b)(5). The director of finance shall deduct the amount
8 necessary to meet the county public employer's annual required
9 contribution from the revenues derived under section [~~237D-~~
10 ~~6.5(b)(4)~~] 237D-6.5(b)(5) and transfer the amount to the board
11 for deposit into the appropriate account of the separate trust
12 fund."
13

14 SECTION 4. Section 171-19, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:
16

17 "(a) There is created in the department a special fund to
18 be designated as the "special land and development fund".
19 Subject to the Hawaiian Homes Commission Act of 1920, as
20 amended, and section 5(f) of the Admission Act of 1959, all
21 proceeds of sale of public lands, including interest on deferred
22 payments; all moneys collected under section 171-58 for mineral
23 and water rights; all rents from leases, licenses, and permits
24 derived from public lands; all moneys collected from lessees of
25 public lands within industrial parks; all fees, fines, and other
26 administrative charges collected under this chapter and chapter
27 183C; a portion of the highway fuel tax collected under chapter
28 243; all moneys collected by the department for the commercial
29 use of public trails and trail accesses under the jurisdiction
30 of the department; transient accommodations tax revenues
31 collected pursuant to section [~~237D-6.5(b)(5)~~]; 237D-6.5(b)(3);
32 and private contributions for the management, maintenance, and
33 development of trails and accesses shall be set apart in the
34 fund and shall be used only as authorized by the legislature for
35 the following purposes:
36

37 (1) To reimburse the general fund of the State for
38 advances made that are required to be reimbursed from the
39 proceeds derived from sales, leases, licenses, or permits of
40 public lands;
41

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

_____.B. NO. _____

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

7 (3) To repurchase any land, including improvements, in the
8 exercise by the board of any right of repurchase specifically
9 reserved in any patent, deed, lease, or other documents or as
10 provided by law;
11

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

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

20 (6) For the management, maintenance, and development of
21 trails and trail accesses under the jurisdiction of the
22 department;
23

24 (7) For the payment to private land developers who have
25 contracted with the board for development of public lands under
26 section 171-60;
27

28 (8) For the payment of debt service on revenue bonds
29 issued by the department, and the establishment of debt service
30 and other reserves deemed necessary by the board;
31

32 (9) To reimburse the general fund for debt service on
33 general obligation bonds issued to finance departmental
34 projects, where the bonds are designated to be reimbursed from
35 the special land and development fund;
36

37 (10) For the protection, planning, management, and
38 regulation of water resources under chapter 174C; and
39

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

____.B. NO. _____

1 PART IV

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

4

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

6

7

8 INTRODUCED BY: _____

9

10 pia:misc:004(2)abill08:kcw

Resolution

No. _____

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

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

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

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

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

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

____.B. NO.____

A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

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

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

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

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

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

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

EXHIBIT "A"

____.B. NO. _____

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

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

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

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

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

_____.B. NO. _____

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

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

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

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

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

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

____.B. NO. _____

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

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

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

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

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

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

13

pia:misc:004 (2) abill07:kcw

Resolution

No. _____

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

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

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

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

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

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

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

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

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

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

Resolution No. _____

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

pia:misc:004(2)areso06:kcw

____.B. NO.____

A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

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

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

EXHIBIT "A"

____.B. NO. _____

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

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

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

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

____.B. NO. _____

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

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

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

INTRODUCED BY: _____

pia:misc:004(2)abill06:kcw

Resolution

No. _____

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

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

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

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

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

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

____.B. NO.____

A BILL FOR AN ACT

RELATING TO LAND USE.

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

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

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

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

EXHIBIT "A"

004(2)abill05

____.B. NO. _____

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

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

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

____.B. NO. _____

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

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

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

____.B. NO. _____

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

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

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

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

____.B. NO. _____

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

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

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

6

7

8 INTRODUCED BY: _____

9

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

Resolution

No. _____

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

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

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

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

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

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

____.B. NO.____

A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

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

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

EXHIBIT "A"

_____.B. NO. _____

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

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

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

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

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

_____.B. NO. _____

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

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

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

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

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

____.B. NO. _____

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

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

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

____.B. NO. ____

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

2

3 INTRODUCED BY: _____

4

5 paf:cmn:16-011a

Resolution

No. _____

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

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

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

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

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

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

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE CONVEYANCE TAX.

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

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

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

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

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

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

EXHIBIT "A"

____.B. NO. _____

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

____.B. NO. _____

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

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

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

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

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

of such 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 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

____.B. NO. _____

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

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

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

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

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

____.B. NO. _____

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

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

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

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

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

18 (D) investment in public infrastructure."

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

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

____.B. NO. ____

INTRODUCED BY: _____

paf:kcw:16-159b

Resolution

No. _____

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

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

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

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

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

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

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

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

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

Resolution No. _____

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

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

____.B. NO.____

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

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

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

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

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

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

EXHIBIT "A"

____.B. NO. _____

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

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

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

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

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

____.B. NO. _____

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

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

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

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

INTRODUCED BY: _____