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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

November 26, 2019

Director of Council Services
Traci N. T. Fujita, Esq.

RECEIVED

2019 NOV 29 AM 11: 58

OFFICE OF THE
COUNTY CLERK

Mr. Josiah K. Nishita, County Clerk
Office of the County Clerk
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Nishita:

**SUBJECT: 2020 HAWAII STATE ASSOCIATION OF
COUNTIES LEGISLATIVE PACKAGE**

May I request the attached proposed resolution, entitled
"APPROVING PROPOSALS FOR INCLUSION IN THE 2020 HAWAII STATE
ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE," be placed on the
next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Kelly T. King".

KELLY T. KING
Council Chair

ocs:proj:hsac:fy2020:letters:hsacpackage

Enclosure

COUNTY COMMUNICATION NO. 19-491

Resolution

No. _____

APPROVING PROPOSALS FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

WHEREAS, Section 13C of the Hawaii State Association of Counties' bylaws provide for the submittal to the State Legislature of an annual HSAC Legislative Package composed of measures approved for inclusion by all four county councils; and

WHEREAS, two proposals were submitted by the County of Hawaii entitled:

“A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT”;

“A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX”; and

WHEREAS, one proposal was submitted by the City and County of Honolulu entitled:

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

WHEREAS, three proposals were submitted by the County of Kauai entitled:

“A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES”
(Outstanding Charges);

“A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES”
(U-Drive Additional Fee);

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

WHEREAS, nine proposals were submitted by the County of Maui, as reflected in the following resolutions:

Resolution No. _____

Resolution 19-150, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE FUNDING FOR AGRICULTURE”;

Resolution 19-151, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE SUPPLEMENTAL CATEGORICAL FUNDING FOR REMOTE SCHOOLS AND APPROPRIATE FUNDS”;

Resolution 19-162, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO AMEND ACT 132, SESSION LAWS OF HAWAII 2018 RELATING TO CESSPOOL CONVERSION WORKING GROUP”;

Resolution 19-163, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL ALLOWING COUNTY COUNCILMEMBERS TO ATTEND INFORMATIONAL MEETINGS OR PRESENTATIONS WITHOUT LIMITATION ON THE NUMBER OF ATTENDEES”;

Resolution 19-164, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW THE COUNTIES TO REGULATE HOSTING PLATFORMS”;

Resolution 19-165, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO CREATE A PAID RESPONSE MECHANISM FOR INVASIVE SPECIES”;

Resolution 19-166, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE FUNDING AND DIRECT THE HAWAII CLIMATE CHANGE MITIGATION AND ADAPTATION COMMISSION”;

Resolution No. _____

Resolution 19-167, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO LOWER THE THRESHOLD OF BLOOD ALCOHOL CONCENTRATION TO 0.05”;

Resolution 19-168, entitled “APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO OFFER FINANCIAL ASSISTANCE TO OWNERS OF CESSPOOLS SEEKING TO UPGRADE OR CONVERT THEIR CESSPOOLS”; and

WHEREAS, by correspondence dated November 26, 2019, attached as Exhibit “A,” HSAC President Joey Manahan informed the Council of the eight proposals submitted by the HSAC Executive Committee for possible inclusion in the 2020 HSAC Legislative Package; now, therefore,

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

1. That it reiterates its approval for inclusion in the 2020 Hawaii State Association of Counties Legislative Package the State bills referenced in Resolutions 19-150, 19-151, 19-162, 19-163, 19-164, 19-165, 19-166, 19-167, and 19-168;
2. That it approves the following proposals, attached as Exhibit “A,” for inclusion in the 2020 Hawaii State Association of Counties Legislative Package:
 - A. “A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT” (Exhibit “1”);
 - B. “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX” (Exhibit “2”);
 - C. “A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS” (Exhibit “3”);
 - D. “A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES” (Outstanding Charges) (Exhibit “4”);
 - E. “A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES” (U-Drive Additional Fee) (Exhibit “5”);

Resolution No. _____

- F. "A BILL FOR AN ACT RELATING TO TORT LIABILITY"
(Exhibit "6");
 - G. "A BILL FOR AN ACT RELATING TO THE USE OF
INTOXICANTS WHILE OPERATING A VEHICLE"
(Exhibit "7"); and
 - H. "A BILL FOR AN ACT RELATING TO CESSPOOLS"
(Exhibit "8"); and
3. That a certified copy of this resolution be transmitted to the
HSAC Executive Committee.

ocs:proj:hsac:fy2020:reso:hsacpackage

Hawai'i State Association of Counties (HSAC)

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

530 South King St., Honolulu, Hawaii 96713 (808) 768-5007 www.hawaiicounties.com



November 26, 2019

The Honorable Kelly King
Council Chair, Maui County Council
200 S. High Street, Room 703
Wailuku, HI 96793

Aloha Chair King,

Attached for your consideration are proposals to be included in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package, which were approved by the HSAC Executive Committee on November 25, 2019. Please note that pursuant to Section 13C of the Bylaws of the Hawai'i State Association of Counties, Inc., proposals must be approved by all four County Councils in order to be included in the final package.

2020 HSAC LEGISLATIVE PACKAGE


1. A Bill For An Act Relating to Housing Development *(Proposed by the County of Hawai'i)*
2. A Bill For An Act Relating to County's Transient Accommodations Tax (TAT) *(Proposed by the County of Hawai'i)*
3. A Bill For An Act Relating to County Authority on the Sale of Tobacco Products *(Proposed by the City & County of Honolulu)*
4. A Bill For An Act Relating to Registration of Vehicles; Outstanding Charges *(Proposed by the County of Kaua'i)*
5. A Bill For An Act Relating to Registration of Vehicles; U-Drive Additional Fee *(Proposed by the County of Kaua'i)*
6. A Bill For An Act Relating to Tort Liability *(Proposed by the County of Kaua'i)*
7. A Bill For An Act Relating to the Use of Intoxicants While Operating a Vehicle *(Proposed by the County of Maui)*
8. A Bill For An Act Relating to Cesspools; Tax Credits *(Proposed by the County of Maui)*

EXHIBIT " A "



Your attention to this matter is greatly appreciated. Should you have any questions, please feel free to contact Anela Kekoolani at (808) 768-5007.

Mahalo,



Joey Manahan
HSAC President

2020 HSAC Legislative Packet

- 1. Proposal Relating to Housing Development**
- 2. Proposal Relating to County's Transient Accommodations Tax (TAT)**
- 3. Proposal Relating to County Authority on the Sale of Tobacco Products**
- 4. Proposal Relating to Registration of Vehicles; Outstanding Charges**
- 5. Proposal Relating to Registration of Vehicles; U-Drive Additional Fee**
- 6. Proposal Relating to Tort Liability**
- 7. Proposal Relating to the Use of Intoxicants While Operating a Vehicle**
- 8. Proposal Relating to Cesspools; Tax Credits**

County of Hawai'i

HSAC 2020 H-01

A Bill for an Act Relating to Housing Development.

Amends section 201H-38, which provides for the exemption of housing development projects from certain statutes, ordinances, and rules, etc. relating to development and construction, to allow the legislative body of the county to approve a district boundary amendment for a housing project involving land less than fifteen acres or less, notwithstanding section 205-3.1(c) authorizing the county land use decision-making authority to determine boundary amendments involving land areas less than fifteen acres.

HSAC 2020 H-02

A Bill for an Act Relating to Transient Accommodations Tax.

City and County of Honolulu

SMOKING BILLS – HB 177/SB 159 – carry-over to 2020 CCH-01

A Bill for an Act Relating to Tobacco Products.

Repeals the Stat's preemptory powers over the regulation of tobacco products. Clarifies the county powers to adopt and enforce ordinances and rules.

County of Kaua'i

HSAC 2020 K-01

A Bill for an Act Relating to Registration of Vehicles.

When a county director of finance ascertains that an applicant for registration of a motor vehicle owes the county outstanding charges for the towing, removal, or disposal of an abandoned or derelict vehicle, the director is authorized to require the payment of the outstanding charges as a condition for the registration of the motor vehicle.

HSAC 2020 K-02

A Bill for an Act Relating to Registration of Vehicles.

Changes the fee for a certificate of registration for a U-drive motor vehicle from \$1 to \$2, similar to the fee paid for all other vehicles. This will allow the fee to be increased by a county by ordinance up to \$10, with amounts received from the increase to be used only for:

- For the disposition of abandoned or derelict vehicles; and
- Related costs such as storage fees of a towing company contracted by the county for the removal and disposition of abandoned or derelict vehicles.

Note: Act 274, SLH 1999, increased the registration fee to \$2 for all motor vehicles, but retained the \$1 fee for U-drive vehicles, because the Legislature determined that the increase would be a burden to the rental car industry.

HSAC 2020 K-03

A Bill for an Act Relating to Tort Liability.

Exempts lifeguards, their employing counties, or the State from tort liability arising from the providing of lifeguard services except for civil damages arising from the lifeguard's gross negligence or wanton act or omission.

County of Maui

HSAC 2020 M-01

A Bill for an Act Relating to the Use of Intoxicants While Operating a Vehicle. Lowers the blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant to .05 from .08.

Makes conforming amendments to section 291E-3, evidence of intoxication, which were not included in the earlier version, and conforms to the definition of "measurable amount of alcohol."

HSAC 2020 M-02

A Bill for an Act Relating to Cesspools.

Extends the tax credits for the upgrade, conversion, or connection of qualified cesspools to a sewer system, and eliminates the requirements that the cesspools are: located within 500 feet of a shoreline, perennial stream or wetland, or a source of water assessment program area; or are shown to impact drinking water supplies.

REVISED:
1ST DRAFT DATE:

___.B. NO._____

A BILL FOR AN ACT

RELATING TO HOUSING DEVELOPMENT.

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, ordinances, charter
7 provisions, 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:

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

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

XXX-00(12)

EXHIBIT "1"

____.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~~
5 ~~approved the project with or without modifications.]~~

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

15 (B) Notwithstanding section 205-3.1(c), shall approve
16 a district boundary amendment for a housing
17 project involving a land area of fifteen acres or
18 less.

19 No action shall be prosecuted or maintained against
20 any county, its officials, or employees on account of
21 actions taken by them in reviewing, approving,

____.B. NO.____

1 modifying, or disapproving the plans and
2 specifications [~~and~~
3 ~~(C)~~]. The final plans and specifications for the
4 project shall be deemed approved by the legislative
5 body if the final plans and specifications do not
6 substantially deviate from the preliminary plans and
7 specifications. The final plans and specifications
8 for the project shall constitute the zoning, building,
9 construction, and subdivision standards for that
10 project. For purposes of sections 501-85 and 502-17,
11 the executive director of the corporation or the
12 responsible county official may certify maps and plans
13 of lands connected with the project as having complied
14 with applicable laws and ordinances relating to
15 consolidation and subdivision of lands, and the maps
16 and plans shall be accepted for registration or
17 recordation by the land court and registrar [~~and~~
18 ~~(4) The land use commission shall approve, approve with~~
19 ~~modification, or disapprove a boundary change within~~
20 ~~forty five days after the corporation has submitted a~~
21 ~~petition to the commission as provided in section 205-~~
22 ~~4. If, on the forty sixth day, the petition is not~~

____.B. NO. _____

1 ~~disapproved, it shall be deemed approved by the~~
2 ~~commission]."~~

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

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

6 INTRODUCED BY: _____

7 **BY REQUEST**

8

____.B. NO.____

Report Title:

**Housing Development; Affordable housing land use district
boundary amendment.**

Description:

**Provides a county's legislative body the ability to review and
approve land use district boundary amendments for affordable
housing projects that are on fifteen acres or less.**

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

REVISED:
1ST DRAFT DATE:

____.B. NO.____

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS TAX.

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

1 SECTION 1. Section 237D-6.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§237D-6.5 Remittances; distribution to counties. (a) All
4 remittances of taxes imposed under this chapter shall be made by
5 cash, bank drafts, cashier's check, money order, or certificate
6 of deposit to the office of the taxation district to which the
7 return was transmitted.

8 (b) Except for the revenues collected pursuant to section
9 237D-2(e), revenues collected under this chapter shall be
10 distributed in the following priority, with the excess revenues
11 to be deposited into the general fund:

12 (1) \$1,500,000 shall be allocated to the Turtle Bay
13 conservation easement special fund beginning July 1,
14 2015, for the reimbursement to the state general fund
15 of debt service on reimbursable general obligation
16 bonds, including ongoing expenses related to the
17 issuance of the bonds, the proceeds of which were used
18 to acquire the conservation easement and other real

XXX-00(12)

EXHIBIT "2"

____.B. NO. _____

1 property interests in Turtle Bay, Oahu, for the
2 protection, preservation, and enhancement of natural
3 resources important to the State, until the bonds are
4 fully amortized;

5 (2) \$16,500,000 shall be allocated to the convention
6 center enterprise special fund established under
7 section 201B-8;

8 (3) \$79,000,000 shall be allocated to the tourism special
9 fund established under section 201B-11; provided that:

10 (A) ~~(Beginning on July 1, 2012, and ending on June~~
11 ~~30, 2015, \$2,000,000 shall be expended from the~~
12 ~~tourism special fund for development and~~
13 ~~implementation of initiatives to take advantage~~
14 ~~of expanded visa programs and increased travel~~
15 ~~opportunities for international visitors to~~
16 ~~Hawaii;~~

17 ~~(B)]~~ Of the \$79,000,000 allocated:

18 (i) \$1,000,000 shall be allocated for the
19 operation of a Hawaiian center and the
20 museum of Hawaiian music and dance; and

21 (ii) 0.5 per cent of the \$79,000,000 shall be
22 transferred to a sub-account in the tourism

____.B. NO.____

1 special fund to provide funding for a safety
2 and security budget, in accordance with the
3 Hawaii tourism strategic plan 2005-2015; and
4 ~~[-C-]~~ (B) Of the revenues remaining in the tourism special
5 fund after revenues have been deposited as
6 provided in this paragraph and except for any sum
7 authorized by the legislature for expenditure
8 from revenues subject to this paragraph,
9 beginning July 1, 2007, funds shall be deposited
10 into the tourism emergency special fund,
11 established in section 201B-10, in a manner
12 sufficient to maintain a fund balance of
13 \$5,000,000 in the tourism emergency special fund;
14 (4) Of the excess revenues collected under this chapter:
15 (A) \$103,000,000 shall be allocated as
16 follows: Kauai county shall receive 14.5 per
17 cent, Hawaii county shall receive 18.6 per cent,
18 city and county of Honolulu shall receive 44.1
19 per cent, and Maui county shall receive 22.8 per
20 cent; provided that commencing with fiscal year
21 2018-2019, a sum that represents the difference
22 between a county public employer's annual

____.B. NO.____

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

13 (B) Except for the revenues collected pursuant to
14 section 237D-2(e), of the total revenues
15 collected under this chapter, 3.5 per cent shall
16 be distributed to the counties and allocated
17 pursuant to section 237D-6.5(b)(4)(A), for the
18 maintenance and repair of parks and recreation
19 facilities;

20 (5) \$3,000,000 shall be allocated to the special land and
21 development fund established under section 171-19;
22 provided that the allocation shall be expended in

____.B. NO.____

1 accordance with the Hawaii tourism authority strategic
2 plan for:

3 (A) The protection, preservation, maintenance, and
4 enhancement of natural resources, including
5 beaches, important to the visitor industry;

6 (B) Planning, construction, and repair of facilities;
7 and

8 (C) Operation and maintenance costs of public lands,
9 including beaches, connected with enhancing the
10 visitor experience.

11 All transient accommodations taxes shall be paid into the
12 state treasury each month within ten days after collection and
13 shall be kept by the state director of finance in special
14 accounts for distribution as provided in this subsection.

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

18 (c) On or before January or July 1 of each year or after
19 the disposition of any tax appeal with respect to an assessment
20 for periods after June 30, 1990, the state director of finance
21 shall compute and pay the amount due as provided in subsection
22 (b) to the director of finance of each county to become a

____.B. NO.____

1 general realization of the county expendable as such, except as
2 otherwise provided by law."

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

5 SECTION 3. This Act shall effect July 1, 2020.

6 INTRODUCED BY: _____

7 BY REQUEST

8

____.B. NO. _____

Report Title:

Transient Accommodations Tax; allocations.

Description:

Amends the allocation of transient accommodations tax revenues based upon the recommendations of the State-County Functions Working Group established by Act 174, Session Laws of Hawaii 2014, to consider the distribution of duties and responsibilities for public services between the State and the counties and to recommend a model for the allocation of TAT revenues.

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

JAN 18 2019

A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

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

1 SECTION 1. Section 328J-15, Hawaii Revised Statutes, is
2 amended to read as follows:

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

10 (b) Nothing in this chapter shall prohibit a county from
11 enacting ordinances or rules more stringent than this chapter."

12 SECTION 2. Section 328J-11.5, Hawaii Revised Statutes, is
13 repealed.

14 "~~{}~~~~§328J-11.5~~ ~~Statewide concern.~~ (a) ~~Sales of~~
15 ~~cigarettes, tobacco products, and electronic smoking devices are~~
16 ~~a statewide concern. It is the intent of the legislature to~~



S.B. NO. 159

1 ~~regulate the sale of cigarettes, tobacco products, and~~
2 ~~electronic smoking devices in a uniform and exclusive manner.~~
3 ~~(b) All local ordinances or regulations that regulate the~~
4 ~~sale of cigarettes, tobacco products, and electronic smoking~~
5 ~~devices are preempted, and existing local laws and regulations~~
6 ~~conflicting with this chapter are null and void.~~
7 ~~(c) Nothing in this chapter shall be construed to limit a~~
8 ~~county's authority under section 328J 15."]~~

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

11 SECTION 4. This Act shall take effect upon its approval.
12

INTRODUCED BY: MUN. M.
By Request



S.B. NO. 159

Report Title:

HSAC Package; Hawaii State Association of Counties; Tobacco Products; State and County

Description:

Repeals the State's preemptory powers over the regulation of tobacco products. Clarifies the county powers to adopt and enforce ordinances and rules.

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



REVISED:
1ST DRAFT DATE:

___.B. NO._____

A BILL FOR AN ACT

RELATING TO REGISTRATION OF VEHICLES.

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

1 SECTION 1. The legislature finds that some individuals and
2 entities intentionally abandon vehicles on roads and highways
3 throughout the State, and that it is difficult for the counties
4 to recoup the costs of towing and disposal. The legislature
5 finds that if the counties are able to require that the costs of
6 towing and disposal are paid as a condition precedent to
7 registration of vehicles that the counties would have an easier
8 time recouping their costs.

9 SECTION 2. Section 286-51, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 “(a) The certificate of registration for each motor vehicle
12 in the counties of the State shall be renewed on a staggered
13 basis as established by each county. The director of finance of
14 each county may adopt rules to carry out the purposes stated in
15 this section and shall expend the necessary funds from the
16 director's operating funds as may be necessary for these
17 purposes; provided that the director of finance, if the director
18 has ascertained as of the date of the application that the

XXX-00(12)

EXHIBIT "4"

____.B. NO.____

1 registered owner has not deposited or paid bail with respect to
2 any summons or citation issued to the registered owner for
3 stopping, standing, or parking in violation of traffic
4 ordinances within the county, or has outstanding charges owed to
5 the county for the towing, removal, or disposal of an abandoned
6 or derelict vehicle within the county, may require, as a
7 condition precedent to the renewal, that the registered owner
8 deposit or pay bail with respect to all such summonses, ~~(or)~~
9 citations ~~(-)~~, or outstanding charges. The certificates of
10 registration issued hereunder shall show, in addition to all
11 information required under section 286-47, the serial number of
12 the tag or emblem and shall be valid during the registration
13 year only for which they are issued. The certificates of
14 ownership need not be renewed annually but shall remain valid as
15 to any interest shown therein until canceled by the director of
16 finance as provided by law or replaced by new certificates of
17 ownership as hereinafter provided."

18 SECTION 3. Section 286-52, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) Subsection (b), requiring a transferee to forward the
21 certificate of ownership after endorsement to the director of
22 finance, shall not apply to the transferee of a vehicle who was

____.B. NO.____

1 not intending to and does not drive the vehicle or permit the
2 vehicle to be driven upon the public highways, but every such
3 transferee, upon transferring the transferee's interest or title
4 to another, shall give notice of the transfer to the director of
5 finance and endorse the certificate of ownership to the new
6 legal owner and the certificate of registration to the new
7 owner; provided that if the director of finance has ascertained
8 as of the date of the application that the registered owner has
9 not deposited or paid bail with respect to any summons or
10 citation issued to the registered owner for stopping, standing,
11 or parking in violation of traffic ordinances within the county,
12 or has outstanding charges owed to the county for the towing,
13 removal, or disposal of an abandoned or derelict vehicle within
14 the county, the director may require, as a condition precedent
15 to the transfer, that the registered owner deposit or pay bail
16 with respect to all such summons, [~~ex~~] citations[~~-~~], or
17 outstanding charges."

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

20 SECTION 5. This Act shall take effect on July 1, 2020.

21 INTRODUCED BY: _____

22 BY REQUEST

____.B. NO.____

Report Title:

Motor Vehicle Registration; Director of Finance; Outstanding Charges

Description:

Allows the director of finance of a county to require payment of outstanding charges owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle within the county before issuing a motor vehicle certificate of registration.

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

REVISED:
1ST DRAFT DATE:

____.B. NO.____

A BILL FOR AN ACT

RELATING TO REGISTRATION OF VEHICLES.

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

1 SECTION 1. Section 286-51, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) This part shall be administered by the director of
4 finance in conjunction with the requirements of sections 249-1
5 to 249-13 and shall entail no additional expense or charge to
6 the person registering the ownership of a motor vehicle other
7 than as provided by this section or by other laws; provided that
8 for each new certificate of ownership issued by the director of
9 finance under section 286-52, the director of finance may charge
10 a fee which shall be deposited in the general fund. The fees
11 charged to issue a new certificate of ownership shall be
12 established by the county's legislative body.

13 Notwithstanding any other law to the contrary, an
14 additional fee of not more than [~~\$1 for each certificate of~~
15 ~~registration for a U-drive motor vehicle and~~] \$2 for each
16 certificate of registration for all [ether] motor vehicles may
17 be established by ordinance and collected annually by the

EXHIBIT "5"

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1 director of finance of each county, to be used and administered
2 by each county:

3 (1) For the purpose of beautification and other related
4 activities of highways under the ownership, control,
5 and jurisdiction of each county; and

6 (2) To defray the additional cost in the disposition and
7 other related activities of abandoned or derelict
8 vehicles as prescribed in chapter 290. For the
9 purposes of this paragraph, other related activities
10 shall include but need not be limited to any and all
11 storage fees that are negotiated between each county
12 and a towing company contracted by the county to
13 remove and dispose of abandoned or derelict vehicles.

14 The \$2 fee established pursuant to this subsection for
15 certificates of registration for all motor vehicles [~~either than~~
16 ~~U-drive motor vehicles~~] may be increased by ordinance up to a
17 maximum of \$10; provided that all amounts received from any fee
18 increase over \$2 shall be expended only for the purposes of
19 paragraph (2). The moneys so assessed and collected shall be
20 placed in a revolving fund entitled, "the highway beautification
21 and disposal of abandoned or derelict vehicles revolving fund".

____.B. NO.____

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

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

4
5 SECTION 3. Section 286-52, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) Subsection (b), requiring a transferee to forward the
8 certificate of ownership after endorsement to the director of
9 finance, shall not apply to the transferee of a vehicle who was
10 not intending to and does not drive the vehicle or permit the
11 vehicle to be driven upon the public highways, but every such
12 transferee, upon transferring the transferee's interest or title
13 to another, shall give notice of the transfer to the director of
14 finance and endorse the certificate of ownership to the new
15 legal owner and the certificate of registration to the new
16 owner; provided that if the director of finance has ascertained
17 as of the date of the application that the registered owner has
18 not deposited or paid bail with respect to any summons or
19 citation issued to the registered owner for stopping, standing,
20 or parking in violation of traffic ordinances within the county,
21 or has outstanding charges owed to the county for the towing,
22 removal, or disposal of an abandoned or derelict vehicle within

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1 the county, the director may require, as a condition precedent
2 to the transfer, that the registered owner deposit or pay bail
3 with respect to all such summons, ~~[or]~~ citations~~[-]~~, or
4 outstanding charges."

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

7 SECTION 5. This Act shall take effect on July 1, 2020.

8

9 INTRODUCED BY: _____

10

BY REQUEST

11

____.B. NO.____

Report Title:

Motor Vehicle Registration; U-drive additional fee.

Description:

Modifies the amount of the additional fee that a county may assess U-drive motor vehicles for each certificate of registration, and establishes a single fee with funds deposited into the revolving fund for highway beautification and disposal of abandoned and derelict vehicles.

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____.B. NO.____

A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

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

12 The purpose of this Act is to permanently reinstate the
13 liability protections previously afforded for lifeguard
14 services.

15 SECTION 2. Chapter 663, Hawai'i Revised Statutes, is
16 amended by adding a new section to part I to be appropriately
17 designated and to read as follows:

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EXHIBIT "6"

____.B. NO.____

1 "S663- Exception to liability for county lifeguard
2 services. (a) For the purposes of this section:

3 "County lifeguard" means a person employed as a lifeguard by
4 a county of this State.

5 "Employing county" means the county employing a county
6 lifeguard.

7 (b) Notwithstanding any other law to the contrary, neither a
8 county lifeguard, the employing county, nor the State shall be
9 liable for any civil damages resulting from any act or omission of
10 the lifeguard while providing rescue, resuscitative, or other
11 lifeguard services on the beach or in the ocean in the scope of
12 employment as a county lifeguard; provided that this exception
13 from liability shall not apply when the claim for civil damages
14 arises from a county lifeguard's alleged gross negligence or wanton
15 act or omission."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.

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

21 INTRODUCED BY: _____

22 BY REQUEST

____.B. NO.____

Report Title:

Lifeguard Services exemption from liability

Description:

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

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A BILL FOR AN ACT

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

1 SECTION 1. The legislature finds that in 2013, the
2 National Transportation Safety Board recommended that all fifty
3 states adopt a Blood Alcohol Concentration (BAC) cutoff of 0.05
4 compared to the 0.08 standard. According to the National
5 Transportation Safety Board, lowering the rate to 0.05 would
6 save about five hundred to eight hundred lives annually.

7 According to the National Transportation Safety Board, a
8 driver with a BAC of 0.05 would be affected by exaggerated
9 behavior, loss of small-muscle control and eye focus, impaired
10 judgment, lowered alertness, and release of inhibition. This
11 would result in reduced coordination, reduced ability to track
12 moving objects, difficulty steering, and reduced response to
13 emergency driving situations.

14 The legislature further finds that lowering the threshold
15 of BAC cutoff to 0.05 would save lives, prevent catastrophic
16 injuries, and decrease medical costs.

17

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EXHIBIT "7"

____.B. NO.____

1 The purpose of this Act is to lower the threshold of blood-
2 alcohol content for the offense of operating a vehicle while
3 under the influence of an intoxicant.

4 SECTION 2. Section 291E-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§291E-3 Evidence of intoxication. (a) In any criminal
7 prosecution for a violation of section 291E-61 or 291E-61.5 or
8 in any proceeding under part III:

- 9 (1) [~~-00~~] .05 or more grams of alcohol per one hundred
10 milliliters or cubic centimeters of the person's
11 blood;
- 12 (2) [~~-00~~] .05 or more grams of alcohol per two hundred ten
13 liters of the person's breath; or
- 14 (3) The presence of one or more drugs in an amount
15 sufficient to impair the person's ability to operate a
16 vehicle in a careful and prudent manner,
17 within three hours after the time of the alleged violation as
18 shown by chemical analysis or other approved analytical
19 techniques of the person's blood, breath, or urine shall be
20 competent evidence that the person was under the influence of an
21 intoxicant at the time of the alleged violation.

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1 (b) In any criminal prosecution for a violation of section
2 291E-61 or 291E-61.5, the amount of alcohol found in the
3 defendant's blood or breath within three hours after the time of
4 the alleged violation as shown by chemical analysis or other
5 approved analytical techniques of the defendant's blood or
6 breath shall be competent evidence concerning whether the
7 defendant was under the influence of an intoxicant at the time
8 of the alleged violation and shall give rise to the following
9 presumptions:

- 10 (1) If there were [~~+.05~~] .02 or less grams of alcohol per
11 one hundred milliliters or cubic centimeters of
12 defendant's blood or [~~+.05~~] .02 or less grams of
13 alcohol per two hundred ten liters of defendant's
14 breath, it shall be presumed that the defendant was
15 not under the influence of alcohol at the time of the
16 alleged violation; and
- 17 (2) If there were in excess of [~~+.05~~] .02 grams of alcohol
18 per one hundred milliliters or cubic centimeters of
19 defendant's blood or [~~+.05~~] .02 grams of alcohol per
20 two hundred ten liters of defendant's breath, but less
21 than [~~+.08~~] .05 grams of alcohol per one hundred
22 milliliters or cubic centimeters of defendant's blood

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1 or [~~+.08~~] .05 grams of alcohol per two hundred ten
2 liters of defendant's breath, that fact may be
3 considered with other competent evidence in
4 determining whether the defendant was under the
5 influence of alcohol at the time of the alleged
6 violation, but shall not of itself give rise to any
7 presumption.

8 (c) Nothing in this section shall be construed as limiting
9 the introduction, in any criminal proceeding for a violation
10 under section 291E-61 or 291E-61.5 or in any proceeding under
11 part III, of relevant evidence of a person's alcohol
12 concentration or drug content obtained more than three hours
13 after an alleged violation; provided that the evidence is
14 offered in compliance with the Hawaii rules of evidence."

15 SECTION 3. Section 291E-61, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) A person commits the offense of operating a vehicle
18 under the influence of an intoxicant if the person operates or
19 assumes actual physical control of a vehicle:

20 (1) While under the influence of alcohol in an amount
21 sufficient to impair the person's normal mental

____.B. NO. _____

1 faculties or ability to care for the person and guard
2 against casualty;

3 (2) While under the influence of any drug that impairs the
4 person's ability to operate the vehicle in a careful
5 and prudent manner;

6 (3) With [~~0.08~~] 0.05 or more grams of alcohol per two
7 hundred ten liters of breath; or

8 (4) With [~~0.08~~] 0.05 or more grams of alcohol per one
9 hundred milliliters or cubic centimeters of blood."

10 SECTION 4. Section 291E-61.5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) A person commits the offense of habitually operating a
13 vehicle under the influence of an intoxicant if:

14 (1) The person is a habitual operator of a vehicle while
15 under the influence of an intoxicant; and

16 (2) The person operates or assumes actual physical control
17 of a vehicle:

18 (A) While under the influence of alcohol in an amount
19 sufficient to impair the person's normal mental
20 faculties or ability to care for the person and
21 guard against casualty;

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- 1 (B) While under the influence of any drug that
2 impairs the person's ability to operate the
3 vehicle in a careful and prudent manner;
4 (C) With [~~0.8~~] 0.05 or more grams of alcohol per two
5 hundred ten liters of breath; or
6 (D) With [~~0.8~~] 0.05 or more grams of alcohol per one
7 hundred milliliters or cubic centimeters of
8 blood."

9 SECTION 5. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 6. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect upon its approval.

15 INTRODUCED BY: _____

16 BY REQUEST

17

____.B. NO.____

Report Title:

Lowers the threshold of Blood Alcohol Concentration to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant.

Description:

A driver with a Blood Alcohol Concentration of 0.05 would be affected by exaggerated behavior, loss of small-muscle control and eye focus, impaired judgment, lowered alertness, and release of inhibition, resulting in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations. Lowering the threshold of Blood Alcohol Concentration to 0.05, from 0.08, would save lives, prevent catastrophic injuries, and decrease medical costs.

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REVISED:
1ST DRAFT DATE:

____.B. NO.____

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1 SECTION 1. Section 235-16.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§235-16.5 Cesspool upgrade, conversion, or connection;
4 income tax credit. (a) There shall be allowed to each taxpayer
5 subject to the tax imposed under this chapter, a cesspool
6 upgrade, conversion, or connection income tax credit that shall
7 be deductible from the taxpayer's net income tax liability, if
8 any, imposed by this chapter for the taxable year in which the
9 credit is properly claimed.

10 (b) In the case of a partnership, S corporation, estate,
11 or trust, the tax credit allowable is for qualified expenses
12 incurred by the entity for the taxable year. The expenses upon
13 which the tax credit is computed shall be determined at the
14 entity level. Distribution and share of credit shall be
15 determined by rule.

16 (c) The cesspool upgrade, conversion, or connection income
17 tax credit shall be equal to the qualified expenses of the
18 taxpayer, up to a maximum of \$10,000; provided that, in the case

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EXHIBIT '8"

____.B. NO.____

1 of a qualified cesspool that is a residential large capacity
2 cesspool, the amount of the credit shall be equal to the
3 qualified expenses of the taxpayer, up to a maximum of \$10,000
4 per residential dwelling connected to the cesspool, as certified
5 by the department of health pursuant to subsection (e). There
6 shall be allowed a maximum of one cesspool upgrade, conversion,
7 or connection income tax credit per qualified cesspool or per
8 tax map key number where more than one residence is connected to
9 a residential large-capacity cesspool. The cesspool upgrade,
10 conversion, or connection income tax credit shall be available
11 only for the taxable year in which the taxpayer's qualified
12 expenses are certified by the appropriate government agency.

13 (d) The total amount of tax credits allowed under this
14 section shall not exceed \$5,000,000 for all taxpayers in any
15 taxable year; provided that any taxpayer who is not eligible to
16 claim the credit in a taxable year due to the \$5,000,000 cap
17 having been exceeded for that taxable year shall be eligible to
18 claim the credit in the subsequent taxable year.

19 (e) The department of health shall:

20 (1) Certify all qualified cesspools for the purposes of
21 this section;

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

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

The director of health may adopt rules under chapter 91 as necessary to implement the certification requirements under this section.

(f) The director of taxation:

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

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

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

(g) If the tax credit under this section exceeds the taxpayer's income tax liability, the excess of the credit over

____.B. NO.____

1 liability may be used as a credit against the taxpayer's income
2 tax liability in subsequent years until exhausted. All claims
3 for the tax credit under this section, including amended claims,
4 shall be filed on or before the end of the twelfth month
5 following the close of the taxable year for which the credit may
6 be claimed. Failure to comply with the foregoing provision
7 shall constitute a waiver of the right to claim the credit.

8 (h) This section shall not apply to taxable years
9 beginning after [~~December 31, 2020.~~] December 31, 2025.

10 (i) As used in this section:

11 "Aerobic treatment unit system" means an individual
12 wastewater system that consists of an aerobic treatment unit
13 tank, aeration device, piping, and a discharge method that is in
14 accordance with rules adopted by the department of health
15 relating to household aerobic units.

16 "Cesspool" means an individual wastewater system
17 consisting of an excavation in the ground whose depth is greater
18 than its widest surface dimension, which receives untreated
19 wastewater, and retains or is designed to retain the organic
20 matter and solids discharged into it, but permits the liquid to
21 seep through its bottom or sides to gain access to the
22 underground geographic formation.

____.B. NO.____

- 1 "Qualified cesspool" means a cesspool that is[+
2 ~~(1) Certified by the department of health to be:~~
3 ~~(A) Located within:~~
4 ~~(i) Five hundred feet of a shoreline, perennial~~
5 ~~stream, or wetland, or~~
6 ~~(ii) A source water assessment program area (two~~
7 ~~year time of travel from a cesspool to a~~
8 ~~public drinking water source);~~
9 ~~(B) Shown to impact drinking water supplies or~~
10 ~~recreational waters, or~~
11 ~~(C) A] a residential large capacity cesspool; or~~
12 (2) Certified by a county or private sewer company to be
13 appropriate for connection to its existing sewer
14 system.

15 "Qualified expenses" means costs that are necessary and
16 directly incurred by the taxpayer for upgrading or converting a
17 qualified cesspool into a septic system or an aerobic treatment
18 unit system, or connecting a qualified cesspool to a sewer
19 system, and that are certified as such by the appropriate
20 government agency.

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

SECTION 3. This Act shall take effect upon its approval and shall be repealed on December 31, 2025.

BY REQUEST

____.B. NO.____

Report Title:

Extends the tax credits for the upgrade, conversion, or connection of a qualified cesspool to a sewer system, and eliminates the geographical limitations for qualified cesspools.

Description:

There are cesspools that are not located within five hundred feet of shorelines, perennial streams, or wetlands. Removing these limitations and extending the tax credit to December 31, 2025, will encourage the conversion of more cesspools.

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