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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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September 23, 2021

RECEIVED
2021 SEP 23 AM 11:37
OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **HAWAII STATE ASSOCIATION OF COUNTIES (2022
HSAC LEGISLATIVE PACKAGE)** (GREAT-3(1))

May I request the attached proposed resolutions be placed on the next Council meeting agenda:


1. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO LOWER THE SIZE THRESHOLD FOR HOMES THAT ARE CONSIDERED A "DEVELOPMENT" UNDER THE COASTAL ZONE MANAGEMENT ACT;"
2. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE;"
3. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ASSESS A CLIMATE CHANGE MITIGATION IMPACT FEE FOR TOURISM-RELATED VEHICLES;"

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The Honorable Alice L. Lee
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4. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH A GREEN FEE SURCHARGE ON TRANSIENT ACCOMMODATIONS;"and
5. A proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS."

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Molina".

MICHAEL J. MOLINA, Chair
Government Relations, Ethics, and
Transparency Committee

great:ltr:003(1)ach02:ske

Enclosures

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
LOWER THE SIZE THRESHOLD FOR HOMES
THAT ARE CONSIDERED A “DEVELOPMENT”
UNDER THE COASTAL ZONE MANAGEMENT
ACT

WHEREAS, under the Coastal Zone Management Act, a single-family home of less than 7,500 square feet of floor is not considered a “development” and, therefore, does not require a Special Management Area Major Use Permit; and

WHEREAS, revising the CZMA to lower the size threshold to 5,000 square feet would appropriately make more residential development subject to review by the Planning Commissions for SMA Major Use Permits; and; now, therefore,

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

1. That the proposed State bill, attached as Exhibit “A,” to lower the size threshold for homes that are considered a “development” under the Coastal Zone Management Act, is approved for inclusion in the 2022 Hawai‘i State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

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

1 SECTION 1. Section 205A-22, Hawaii Revised Statutes, is
2 amended by amending the definition of "development" as follows:

3 "**§205A-22- Definitions.** As used in this part:

4 "Development" means any of the uses, activities, or
5 operations on land or in or under water within a special management
6 area that are included below:

7 (1) Placement or erection of any solid material or any
8 gaseous, liquid, solid, or thermal waste;

9 (2) Grading, removing, dredging, mining, or extraction of any
10 materials;

11 (3) Change in the density or intensity of use of land,
12 including but not limited to the division or subdivision of land;

13 (4) Change in the intensity of use of water, ecology related
14 thereto, or of access thereto; and

15 (5) Construction, reconstruction, or alteration of the size
16 of any structure.

17 "Development" does not include the following:

____.B. NO. _____

1 (1) Construction or reconstruction of a single-family
2 residence that is less than [~~seven thousand five hundred~~] five
3 thousand square feet of floor area, is not situated on a shoreline
4 parcel or a parcel that is impacted by waves, storm surges, high
5 tide, or shoreline erosion, and is not part of a larger
6 development;

7 (2) Repair or maintenance of roads and highways within
8 existing rights-of-way;

9 (3) Routine maintenance dredging of existing streams,
10 channels, and drainage ways;

11 (4) Repair and maintenance of underground utility lines,
12 including but not limited to water, sewer, power, and telephone
13 and minor appurtenant structures such as pad mounted transformers
14 and sewer pump stations;

15 (5) Zoning variances, except for height, density, parking,
16 and shoreline setback;

17 (6) Repair, maintenance, or interior alterations to existing
18 structures;

19 (7) Demolition or removal of structures, except those
20 structures located on any historic site as designated in national
21 or state registers;

22 (8) Use of any land for the purpose of cultivating, planting,
23 growing, and harvesting plants, crops, trees, and other

____.B. NO. _____

1 agricultural, horticultural, or forestry products or animal
2 husbandry, or aquaculture or mariculture of plants or animals, or
3 other agricultural purposes;

4 (9) Transfer of title to land;

5 (10) Creation or termination of easements, covenants, or
6 other rights in structures or land;

7 (11) Subdivision of land into lots greater than twenty acres
8 in size;

9 (12) Subdivision of a parcel of land into four or fewer
10 parcels when no associated construction activities are proposed;
11 provided that any land that is so subdivided shall not thereafter
12 qualify for this exception with respect to any subsequent
13 subdivision of any of the resulting parcels;

14 (13) Installation of underground utility lines and
15 appurtenant aboveground fixtures less than four feet in height
16 along existing corridors;

17 (14) Structural and nonstructural improvements to existing
18 single-family residences, where otherwise permissible;

19 (15) Nonstructural improvements to existing commercial or
20 noncommercial structures; and

21 (16) Construction, installation, maintenance, repair, and
22 replacement of emergency management warning or signal devices and
23 sirens;

15 paf:lma:21-276e

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL
RELATING TO THE USE OF INTOXICANTS
WHILE OPERATING A VEHICLE

WHEREAS, according to the National Transportation Safety Board, 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; and

WHEREAS, a Blood Alcohol Concentration of 0.05 would result in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations; and

WHEREAS, lowering the threshold of Blood Alcohol Concentration to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant would save lives, prevent catastrophic injuries, and decrease medical costs; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," relating to the use of intoxicants while operating a vehicle is approved for inclusion in the 2022 Hawai'i State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

____.B. NO. _____

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

____.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) [~~-08~~] .05 or more grams of alcohol per one hundred
10 milliliters or cubic centimeters of the person's
11 blood;

12 (2) [~~-08~~] .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.

____.B. NO.____

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

____.B. NO.____

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 [~~0.8~~] 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;

____.B. NO. _____

- 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

17 paf:dmr:21-282a

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
ASSESS A CLIMATE CHANGE MITIGATION
IMPACT FEE FOR TOURISM-RELATED
VEHICLES

WHEREAS, tourism has a significant impact on Hawaii's environment and public services; and

WHEREAS, a 2019 report from the Travel Foundation, Cornell University, and EplerWood International, "Destinations at Risk: The Invisible Burden of Tourism," states destinations must uncover and account for tourism's hidden costs, referred to as the "invisible burden," to protect and manage vital destination assets worldwide; and

WHEREAS, according to the report, failing to do so puts ecosystems, cultural wonders, and community life at increasing risk and places the tourism industry on a weak foundation; and

WHEREAS, to ensure the quality of life of residents, the health of the environment, and continued value for the visitor experience, management efforts to maintain the State's infrastructure and environment are imperative; and

WHEREAS, fees with an environmental focus and that are designed to manage the impacts of tourism on climate change and the environment are essential to the State's management efforts; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to assess a climate change mitigation impact fee for tourism-related vehicles, is approved for inclusion in the 2022 Hawai'i State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE MITIGATION.

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

1 SECTION 1. Tourism, as the State's primary industry, has a
2 significant impact on Hawaii's environment and public services. A
3 2019 report, "Destinations at Risk: The Invisible Burden of
4 Tourism", commissioned by the Travel Foundation and co-published
5 with Cornell University's Centre for Sustainable Global Enterprise
6 and EplerWood International, describes how destinations must
7 uncover and account for tourism's hidden costs, referred to as the
8 "invisible burden", to protect and manage vital destination assets
9 worldwide. According to the report, failing to do so puts
10 ecosystems, cultural wonders, and community life at increasing
11 risk and places the tourism industry on a weak foundation.

12 The impacts of cars, buses, shuttles, and other road vehicles,
13 which emit carbon dioxide and other greenhouse gases, contribute
14 to climate change. To ensure the quality of life of residents,
15 the health of the environment, and continued value for the visitor
16 experience, management efforts to maintain the State's
17 infrastructure and environment are imperative.

____.B. NO. _____

1 Fees with an environmental focus and that are designed to
2 manage the impacts of tourism on climate change and the environment
3 are essential to the State's management efforts.

4 The purpose of this Act is to assess a climate change
5 mitigation impact fee for persons renting, leasing, or utilizing
6 tourism-related vehicles in the State to be used toward protecting
7 Hawaii's natural resources and environment, which are essential to
8 the quality of life of residents and the State's tourism-based
9 economy.

10 SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended
11 by adding two new sections to be appropriately designated and to
12 read as follows:

13 **"§171-A Climate change mitigation impact fee.** (a) Beginning
14 July 1, 2022, every rental motor vehicle customer shall pay to the
15 department a climate change mitigation impact fee for renting,
16 leasing, or utilizing a rental motor vehicle.

17 (b) The climate change mitigation impact fee shall be
18 assessed to each rental motor vehicle customer at a charge of \$
19 per day, or any portion of a day, that the rental motor vehicle is
20 rented or leased by the rental motor vehicle customer.

21 (c) All fees collected pursuant to subsection (a) shall be
22 deposited to the credit of the general fund; provided that
23 beginning July 1, 2024, all fees collected pursuant to subsection

____.B. NO. _____

1 (a) shall be deposited to the credit of the climate change
2 mitigation special fund established pursuant to section 171-B.

3 (d) The department shall establish rules pursuant to chapter
4 91 necessary for the collection of climate change mitigation impact
5 fees.

6 (e) For the purposes of this section, "rental motor vehicle"
7 means:

8 (1) Any gas powered vehicle that is rented or leased or
9 offered for rent or lease in the State, whether for personal or
10 commercial use, for a period of six months or less;

11 (2) Any vehicle, including vans, minibuses, and buses
12 used for the purpose of transporting persons or luggage for
13 pleasure or sightseeing trips, or transporting persons to pleasure
14 or sightseeing cruises or destinations; and

15 (3) A moped as defined in section 286-2; provided that
16 the moped is rented or leased by a rental motor vehicle customer.

17 "Rental motor vehicle" does not include any vehicle that is
18 used solely for the purposes of transporting individuals to and
19 from a place of work or a public or private school or of
20 transporting persons with disabilities.

21 **§171-B Climate change mitigation special fund.** (a) There
22 is established in the state treasury a special fund to be known as

____.B. NO. _____

1 the climate change mitigation special fund into which shall be
2 deposited, beginning July 1, 2024:

3 (1) All fees collected pursuant to section 171-A;

4 (2) Appropriations made by the legislature for deposit
5 into the special fund; and

6 (3) Donations and contributions made by private
7 individuals or organizations for deposit into the special fund.

8 (b) Moneys in the climate change mitigation special fund
9 shall be used by the department for:

10 (1) Climate change mitigation;

11 (2) Environmental management and planning;

12 (3) Environmental conservation;

13 (4) Management and protection of natural resources and
14 ecosystems;

15 (5) Environmental awareness and education; and

16 (6) Sustainable tourism practices."

17 SECTION 3. In codifying the new sections added by section 2
18 of this Act, the revisor of statutes shall substitute appropriate
19 section numbers for the letters used in designating the new
20 sections in this Act.

21 SECTION 4. New statutory material is underscored.

22 SECTION 5. This Act shall take effect on July 1, 2050.

____.B. NO. _____

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INTRODUCED BY: _____

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paf: kmat: 21-281a

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
ESTABLISH A GREEN FEE SURCHARGE ON
TRANSIENT ACCOMMODATIONS

WHEREAS, each year, Hawaii's reefs, oceans, beaches, and forests provide billions of dollars in value to the economy, supporting the wellbeing of our resident community and visitors alike; and

WHEREAS, these ecosystems are vital to the State's visitor industry and the resident community's cultural identity; and

WHEREAS, our State's vital ecosystems and the resources they harbor continue to decline, due to the lack of adequate investment in conservation approaches and rising pressures of climate change; and

WHEREAS, the COVID-19 pandemic provides the State with an opportunity to build back the tourism sector more sustainably; and

WHEREAS, a visitor green fee could result in economic and environmental benefits, while also providing sustainable and comprehensive funding for green job growth, beyond initial federal stimulus relief; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to establish a green fee surcharge on transient accommodations, is approved for inclusion in the 2022 Hawai'i State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. Each year, Hawaii's reefs, oceans, beaches, and
2 forests provide billions of dollars in value to the economy,
3 supporting the wellbeing of our resident community and visitors
4 alike. These ecosystems are vital to the State's visitor industry
5 and the resident community's cultural identity.

6 Our State's vital ecosystems and the resources they harbor
7 continue to decline, due to the lack of adequate investment in
8 proven and effective conservation approaches and rising pressures
9 of climate change. Data demonstrates growing concern that
10 tourism's positive contribution to the economy may not outweigh
11 the impact that visitors have on the environment. In 2019, ten
12 million visitors enjoyed the benefits of Hawaii's ecosystems and
13 natural environment. The increased demand on our natural resources
14 requires the creation of innovative conservation financing
15 mechanisms focused on reversing the decline in our ecosystems and
16 the associated risks for our visitor industry and resident
17 community.

____.B. NO. _____

1 The COVID-19 pandemic provides the State with an opportunity
2 to build back the tourism sector more sustainably. A visitor green
3 fee could provide sustainable and comprehensive funding for green
4 job growth beyond initial federal stimulus relief. As the
5 frequency of natural disasters and exogenous shocks increase, the
6 legislature finds that diversification and green job growth is
7 invaluable to Hawaii's economic stability, ability to withstand
8 shocks, and reverse brain drain.

9 Innovative financing mechanisms, such as green fees, are
10 trending around the globe as triple bottom-line solutions to better
11 manage visitor impacts on ecosystems and natural resources. Green
12 fees vary from \$1 per night to a \$100 set entrance fee and may be
13 referred to as eco-taxes; tourist taxes; green taxes; and
14 environmental, conservation, and tourism levies. In general,
15 green fees require mandatory payments made by visitors to
16 government or public-private entities for the explicit purpose of
17 supporting conservation and natural resource management. Green
18 fees are typically bundled with a robust conservation fund and
19 associated management system, along with visitor education and
20 engagement strategies, as part of a jurisdiction's conservation
21 strategy.

22 These green fees will provide various economic benefits to
23 the State. Other jurisdictions have found that green stimulus

____.B. NO. _____

1 yields a higher economic multiplier effect. Similarly, studies
2 show impressive returns on conservation investment; for example,
3 The Nature Conservancy's efforts at the Waikamoi Preserve will
4 generate a forty-six per cent return on investment over the one-
5 hundred-year planning period, with a net present value of
6 \$19,100,000.

7 Green fees will provide environmental benefits through the
8 funded conservation efforts, including the prevention of four
9 thousand three hundred tons per year of sediment from washing into
10 the ocean and the recharge of 32.5 billion gallons over the next
11 one hundred years. In addition to watershed conservation, other
12 environmental benefits could include fire road installation, dune
13 restoration, integrated marine monitoring, coral reef restoration,
14 and recreation and trail maintenance.

15 These environmental benefits advance the natural resource
16 management targets established as part of the Aloha+ Challenge,
17 which is the government, business, and community partnership
18 committing to community-based goals across six priority areas:
19 clean energy transportation; local agriculture; natural resource
20 management; solid waste reduction; green workforce and education;
21 and smart sustainable communities. The goals set under the Aloha+
22 Challenge and other environmental initiatives, such as the Hawaii
23 climate change mitigation and adaptation initiative, enacted as

____.B. NO. _____

chapter 225P, Hawaii Revised Statutes, will be advanced by the implementation of a pilot visitor green fee program that will fund a conservation workforce and under the guidance of an advisory committee to ensure fair implementation.

The purpose of this Act is to:

(1) Establish the conservation workforce special fund with the explicit commitment of funding a conservation workforce and advancing the Aloha+ Challenge Natural Resource Management Targets;

(2) Form a public-private advisory committee focused on designing the management and governance structure and funding criteria that safeguards the special fund's fidelity towards conservation; and

(3) Establish a ten-year pilot visitor green fee to go into effect July 1, 2022.

SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended by adding two new sections to part I to be appropriately designated and to read as follows:

"§171-A Conservation workforce special fund. (a) There is established in the state treasury the conservation workforce special fund into which shall be deposited:

(1) All revenues under section 237D- ;

____.B. NO. _____

1 (2) Appropriations made by the legislature to the
2 special fund; and

3 (3) Grants and gifts made to the special fund.

4 (b) Funds in the special may be expended by the department
5 for workforce programs and services with the explicit aim of
6 meeting the goals of the Aloha+ Challenge natural resource
7 management targets and the International Union for Conservation of
8 Nature's 30by30 goals of:

9 (1) Increasing freshwater capacity by one hundred
10 million gallons per day in comparison to the January 1, 2016,
11 baseline;

12 (2) Having thirty per cent of Hawaii's marine waters
13 under active management by 2030;

14 (3) Implementing the biosecurity plan to address
15 priority invasive species by 2030; and

16 (4) Increasing the percentage of threatened and
17 endangered native species managed in Hawaii by 2030.

18 Funds may also support the maintenance or restoration of beaches,
19 parks, and trails.

20 **§171-B Conservation advisory committee.** (a) The department
21 and the office of planning, in consultation with the department of
22 budget and finance and Hawaii tourism authority, shall convene an
23 advisory committee within the department. The advisory committee

____.B. NO. _____

1 shall consist of three or more odd number members who shall
2 comprise conservationists, tourism industry leaders, and youth
3 advisors. The department shall have the authority to appoint
4 members to the advisory committee and to fill any vacancies. The
5 members shall serve on a volunteer basis.

6 (b) The advisory committee shall develop a funding criteria
7 and transparency and governance framework to ensure that
8 management of the conservation workforce special fund established
9 pursuant to section 171-A safeguards the fidelity of the special
10 fund towards natural resource management and conservation job
11 growth."

12 SECTION 3. Chapter 237D, Hawaii Revised Statutes, is amended
13 by adding a new section to be appropriately designated and to read
14 as follows:

15 **"§237D- Green fee surcharge.** (a) In addition to the
16 taxes imposed pursuant to section 237D-2, beginning on July 1,
17 2022, and thereafter; there is levied and shall be assessed and
18 collected a green fee surcharge of \$20 per night on the lodging
19 accommodations facility of each individual in temporary residence
20 at that facility for as many nights as that individual is in
21 residence at that facility; provided that a transient
22 accommodations broker, travel agency, and tour packager who
23 arranges transient accommodations at noncommissioned negotiated

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1 contract rates and every operator shall not pay the surcharge on
2 the same guest more than once in any three hundred and sixty-five
3 day period and, in such cases, shall not charge the guest for the
4 amount of the surcharge.

5 (b) The amount of this nightly fee will be reviewed yearly
6 by administration and Legislature in order to balance revenue
7 generated, effect on the visitor industry, public sentiment, and
8 environmental impact.

9 (c) This fee will be raised or lowered by \$5 to \$10 yearly,
10 in order to achieve the desired balance.

11 (d) Administration and Legislature will be advised by report
12 of a determination of the desirable number of yearly visitors made
13 each year by the 20 member State Climate Commission. This
14 Commission is comprised of the Chair of DLNR, Chair of HTA,
15 Director of DBEDT, Director of Office of Planning, CEO of OHA,
16 Chair of Hawaiian Homes Commission, Chair Board of Education,
17 Director of Department of Agriculture, Director of Department of
18 Health, Director of Department of Transportation, Director of
19 Honolulu Planning and Permitting, Director of Maui Planning
20 Department, Director of County Hawaii Planning Department,
21 Director of Kauai Planning Department, Chair of Senate Committee
22 on Agriculture and Environment, Chair of Senate Committee on Land
23 and Water, Chair of House Committee on Energy and Environmental

____.B. NO. _____

1 Protection, Chair of House Committee on Land and Water, the
2 Adjutant General and the Manager of Coastal Zone Management
3 Program.

4 (e) Notwithstanding sections 237-2(e) and 237D-6.5, the
5 revenues collected pursuant to this section shall be deposited
6 quarterly into the conservation workforce special fund established
7 pursuant to section 171-A."

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2022;
10 provided that this Act shall be repealed on June 30, 2032.

11 INTRODUCED BY: _____

12

13 paf:kmatt:21-280a

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL
RELATING TO TRANSIENT ACCOMMODATIONS
HOSTING PLATFORMS

WHEREAS, illegal and unregulated transient accommodations have caused detrimental impacts to the State's housing supply; and

WHEREAS, it is therefore important to allow the counties to regulate transient accommodation hosting platforms to prevent further proliferation of illegal transient accommodations and preserve residential housing;

WHEREAS, House Bill 504 and Senate Bill 643, both of which are now pending, would fulfill this purpose; now, therefore,

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

1. That House Bill 504 and Senate Bill 643, attached as Exhibits "A" and "B," respectively, relating to transient accommodations hosting platforms, are approved for inclusion in the 2022 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

H.B. NO. 504

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.

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

1 SECTION 1. The legislature finds that illegal and
2 unregulated transient accommodations have caused detrimental
3 impacts to the State's housing supply. Accordingly, the purpose
4 of this Act is to allow the counties to regulate transient
5 accommodation hosting platforms, thereby preventing further
6 proliferation of illegal transient accommodations and preserving
7 residential housing.

8 SECTION 2. Section 46-1.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§46-1.5 General powers and limitation of the counties.**

11 Subject to general law, each county shall have the following
12 powers and shall be subject to the following liabilities and
13 limitations:

14 (1) Each county shall have the power to frame and adopt a
15 charter for its own self-government that shall
16 establish the county executive, administrative, and
17 legislative structure and organization, including but



- 1 not limited to the method of appointment or election
2 of officials, their duties, responsibilities, and
3 compensation, and the terms of their office;
- 4 (2) Each county shall have the power to provide for and
5 regulate the marking and lighting of all buildings and
6 other structures that may be obstructions or hazards
7 to aerial navigation, so far as may be necessary or
8 proper for the protection and safeguarding of life,
9 health, and property;
- 10 (3) Each county shall have the power to enforce all claims
11 on behalf of the county and approve all lawful claims
12 against the county, but shall be prohibited from
13 entering into, granting, or making in any manner any
14 contract, authorization, allowance payment, or
15 liability contrary to the provisions of any county
16 charter or general law;
- 17 (4) Each county shall have the power to make contracts and
18 to do all things necessary and proper to carry into
19 execution all powers vested in the county or any
20 county officer;
- 21 (5) Each county shall have the power to:



- 1 (A) Maintain channels, whether natural or artificial,
2 including their exits to the ocean, in suitable
3 condition to carry off storm waters;
- 4 (B) Remove from the channels, and from the shores and
5 beaches, any debris that is likely to create an
6 unsanitary condition or become a public nuisance;
7 provided that, to the extent any of the foregoing
8 work is a private responsibility, the
9 responsibility may be enforced by the county in
10 lieu of the work being done at public expense;
- 11 (C) Construct, acquire by gift, purchase, or by the
12 exercise of eminent domain, reconstruct, improve,
13 better, extend, and maintain projects or
14 undertakings for the control of and protection
15 against floods and flood waters, including the
16 power to drain and rehabilitate lands already
17 flooded;
- 18 (D) Enact zoning ordinances providing that lands
19 deemed subject to seasonable, periodic, or
20 occasional flooding shall not be used for
21 residence or other purposes in a manner as to



- 1 endanger the health or safety of the occupants
- 2 thereof, as required by the Federal Flood
- 3 Insurance Act of 1956 (chapter 1025, Public Law
- 4 1016); and
- 5 (E) Establish and charge user fees to create and
- 6 maintain any stormwater management system or
- 7 infrastructure;
- 8 (6) Each county shall have the power to exercise the power
- 9 of condemnation by eminent domain when it is in the
- 10 public interest to do so;
- 11 (7) Each county shall have the power to exercise
- 12 regulatory powers over business activity as are
- 13 assigned to them by chapter 445 or other general law;
- 14 (8) Each county shall have the power to fix the fees and
- 15 charges for all official services not otherwise
- 16 provided for;
- 17 (9) Each county shall have the power to provide by
- 18 ordinance assessments for the improvement or
- 19 maintenance of districts within the county;
- 20 (10) Except as otherwise provided, no county shall have the
- 21 power to give or loan credit to, or in aid of, any



1 person or corporation, directly or indirectly, except
2 for a public purpose;

3 (11) Where not within the jurisdiction of the public
4 utilities commission, each county shall have the power
5 to regulate by ordinance the operation of motor
6 vehicle common carriers transporting passengers within
7 the county and adopt and amend rules the county deems
8 necessary for the public convenience and necessity;

9 (12) Each county shall have the power to enact and enforce
10 ordinances necessary to prevent or summarily remove
11 public nuisances and to compel the clearing or removal
12 of any public nuisance, refuse, and uncultivated
13 undergrowth from streets, sidewalks, public places,
14 and unoccupied lots. In connection with these powers,
15 each county may impose and enforce liens upon the
16 property for the cost to the county of removing and
17 completing the necessary work where the property
18 owners fail, after reasonable notice, to comply with
19 the ordinances. The authority provided by this
20 paragraph shall not be self-executing, but shall
21 become fully effective within a county only upon the



H.B. NO. 504

- 1 enactment or adoption by the county of appropriate and
2 particular laws, ordinances, or rules defining "public
3 nuisances" with respect to each county's respective
4 circumstances. The counties shall provide the
5 property owner with the opportunity to contest the
6 summary action and to recover the owner's property;
- 7 (13) Each county shall have the power to enact ordinances
8 deemed necessary to protect health, life, and
9 property, and to preserve the order and security of
10 the county and its inhabitants on any subject or
11 matter not inconsistent with, or tending to defeat,
12 the intent of any state statute where the statute does
13 not disclose an express or implied intent that the
14 statute shall be exclusive or uniform throughout the
15 State;
- 16 (14) Each county shall have the power to:
- 17 (A) Make and enforce within the limits of the county
18 all necessary ordinances covering all:
- 19 (i) Local police matters;
- 20 (ii) Matters of sanitation;
- 21 (iii) Matters of inspection of buildings;



(iv) Matters of condemnation of unsafe
structures, plumbing, sewers, dairies, milk,
fish, and morgues; and

(v) Matters of the collection and disposition of
rubbish and garbage;

(B) Provide exemptions for homeless facilities and
any other program for the homeless authorized by
part XVII of chapter 346, for all matters under
this paragraph;

(C) Appoint county physicians and sanitary and other
inspectors as necessary to carry into effect
ordinances made under this paragraph, who shall
have the same power as given by law to agents of
the department of health, subject only to
limitations placed on them by the terms and
conditions of their appointments; and

(D) Fix a penalty for the violation of any ordinance,
which penalty may be a misdemeanor, petty
misdemeanor, or violation as defined by general
law;



- 1 (15) Each county shall have the power to provide public
2 pounds; to regulate the impounding of stray animals
3 and fowl, and their disposition; and to provide for
4 the appointment, powers, duties, and fees of animal
5 control officers;
- 6 (16) Each county shall have the power to purchase and
7 otherwise acquire, lease, and hold real and personal
8 property within the defined boundaries of the county
9 and to dispose of the real and personal property as
10 the interests of the inhabitants of the county may
11 require, except that:
- 12 (A) Any property held for school purposes may not be
13 disposed of without the consent of the
14 superintendent of education;
- 15 (B) No property bordering the ocean shall be sold or
16 otherwise disposed of; and
- 17 (C) All proceeds from the sale of park lands shall be
18 expended only for the acquisition of property for
19 park or recreational purposes;
- 20 (17) Each county shall have the power to provide by charter
21 for the prosecution of all offenses and to prosecute



- 1 for offenses against the laws of the State under the
2 authority of the attorney general of the State;
- 3 (18) Each county shall have the power to make
4 appropriations in amounts deemed appropriate from any
5 moneys in the treasury, for the purpose of:
- 6 (A) Community promotion and public celebrations;
7 (B) The entertainment of distinguished persons as may
8 from time to time visit the county;
9 (C) The entertainment of other distinguished persons,
10 as well as, public officials when deemed to be in
11 the best interest of the community; and
12 (D) The rendering of civic tribute to individuals
13 who, by virtue of their accomplishments and
14 community service, merit civic commendations,
15 recognition, or remembrance;
- 16 (19) Each county shall have the power to:
- 17 (A) Construct, purchase, take on lease, lease,
18 sublease, or in any other manner acquire, manage,
19 maintain, or dispose of buildings for county
20 purposes, sewers, sewer systems, pumping
21 stations, waterworks, including reservoirs,



1 wells, pipelines, and other conduits for
2 distributing water to the public, lighting
3 plants, and apparatus and appliances for lighting
4 streets and public buildings, and manage,
5 regulate, and control the same;

6 (B) Regulate and control the location and quality of
7 all appliances necessary to the furnishing of
8 water, heat, light, power, telephone, and
9 telecommunications service to the county;

10 (C) Acquire, regulate, and control any and all
11 appliances for the sprinkling and cleaning of the
12 streets and the public ways, and for flushing the
13 sewers; and

14 (D) Open, close, construct, or maintain county
15 highways or charge toll on county highways;
16 provided that all revenues received from a toll
17 charge shall be used for the construction or
18 maintenance of county highways;

19 (20) Each county shall have the power to regulate the
20 renting, subletting, and rental conditions of property
21 for places of abode by ordinance;



- 1 (21) Unless otherwise provided by law, each county shall
2 have the power to establish by ordinance the order of
3 succession of county officials in the event of a
4 military or civil disaster;
- 5 (22) Each county shall have the power to sue and be sued in
6 its corporate name;
- 7 (23) Each county shall have the power to:
- 8 (A) Establish and maintain waterworks and sewer
9 works;
- 10 (B) Implement a sewer monitoring program that
11 includes the inspection of sewer laterals that
12 connect to county sewers, when those laterals are
13 located on public or private property, after
14 providing a property owner not less than ten
15 calendar days' written notice, to detect leaks
16 from laterals, infiltration, and inflow, any
17 other law to the contrary notwithstanding;
- 18 (C) Compel an owner of private property upon which is
19 located any sewer lateral that connects to a
20 county sewer to inspect that lateral for leaks,



- 1 infiltration, and inflow and to perform repairs
2 as necessary;
- 3 (D) Collect rates for water supplied to consumers and
4 for the use of sewers;
- 5 (E) Install water meters whenever deemed expedient;
6 provided that owners of premises having vested
7 water rights under existing laws appurtenant to
8 the premises shall not be charged for the
9 installation or use of the water meters on the
10 premises; and
- 11 (F) Take over from the State existing waterworks
12 systems, including water rights, pipelines, and
13 other appurtenances belonging thereto, and sewer
14 systems, and to enlarge, develop, and improve the
15 same;
- 16 (G) For purposes of subparagraphs (B) and (C):
- 17 (i) "Infiltration" means groundwater, rainwater,
18 and saltwater that enters the county sewer
19 system through cracked, broken, or defective
20 sewer laterals; and



1 (ii) "Inflow" means non-sewage entering the
2 county sewer system via inappropriate or
3 illegal connections;

4 (24) (A) Each county may impose civil fines, in addition
5 to criminal penalties, for any violation of
6 county ordinances or rules after reasonable
7 notice and requests to correct or cease the
8 violation have been made upon the violator. Any
9 administratively imposed civil fine shall not be
10 collected until after an opportunity for a
11 hearing under chapter 91. Any appeal shall be
12 filed within thirty days from the date of the
13 final written decision. These proceedings shall
14 not be a prerequisite for any civil fine or
15 injunctive relief ordered by the circuit court;

16 (B) Each county by ordinance may provide for the
17 addition of any unpaid civil fines, ordered by
18 any court of competent jurisdiction, to any
19 taxes, fees, or charges, with the exception of
20 fees or charges for water for residential use and
21 sewer charges, collected by the county. Each



1 county by ordinance may also provide for the
2 addition of any unpaid administratively imposed
3 civil fines, which remain due after all judicial
4 review rights under section 91-14 are exhausted,
5 to any taxes, fees, or charges, with the
6 exception of water for residential use and sewer
7 charges, collected by the county. The ordinance
8 shall specify the administrative procedures for
9 the addition of the unpaid civil fines to the
10 eligible taxes, fees, or charges and may require
11 hearings or other proceedings. After addition of
12 the unpaid civil fines to the taxes, fees, or
13 charges, the unpaid civil fines shall not become
14 a part of any taxes, fees, or charges. The
15 county by ordinance may condition the issuance or
16 renewal of a license, approval, or permit for
17 which a fee or charge is assessed, except for
18 water for residential use and sewer charges, on
19 payment of the unpaid civil fines. Upon
20 recordation of a notice of unpaid civil fines in
21 the bureau of conveyances, the amount of the



1 civil fines, including any increase in the amount
2 of the fine which the county may assess, shall
3 constitute a lien upon all real property or
4 rights to real property belonging to any person
5 liable for the unpaid civil fines. The lien in
6 favor of the county shall be subordinate to any
7 lien in favor of any person recorded or
8 registered prior to the recordation of the notice
9 of unpaid civil fines and senior to any lien
10 recorded or registered after the recordation of
11 the notice. The lien shall continue until the
12 unpaid civil fines are paid in full or until a
13 certificate of release or partial release of the
14 lien, prepared by the county at the owner's
15 expense, is recorded. The notice of unpaid civil
16 fines shall state the amount of the fine as of
17 the date of the notice and maximum permissible
18 daily increase of the fine. The county shall not
19 be required to include a social security number,
20 state general excise taxpayer identification
21 number, or federal employer identification number



1 on the notice. Recordation of the notice in the
2 bureau of conveyances shall be deemed, at such
3 time, for all purposes and without any further
4 action, to procure a lien on land registered in
5 land court under chapter 501. After the unpaid
6 civil fines are added to the taxes, fees, or
7 charges as specified by county ordinance, the
8 unpaid civil fines shall be deemed immediately
9 due, owing, and delinquent and may be collected
10 in any lawful manner. The procedure for
11 collection of unpaid civil fines authorized in
12 this paragraph shall be in addition to any other
13 procedures for collection available to the State
14 and county by law or rules of the courts;

15 (C) Each county may impose civil fines upon any
16 person who places graffiti on any real or
17 personal property owned, managed, or maintained
18 by the county. The fine may be up to \$1,000 or
19 may be equal to the actual cost of having the
20 damaged property repaired or replaced. The
21 parent or guardian having custody of a minor who



1 places graffiti on any real or personal property
2 owned, managed, or maintained by the county shall
3 be jointly and severally liable with the minor
4 for any civil fines imposed hereunder. Any such
5 fine may be administratively imposed after an
6 opportunity for a hearing under chapter 91, but
7 such a proceeding shall not be a prerequisite for
8 any civil fine ordered by any court. As used in
9 this subparagraph, "graffiti" means any
10 unauthorized drawing, inscription, figure, or
11 mark of any type intentionally created by paint,
12 ink, chalk, dye, or similar substances;

13 (D) At the completion of an appeal in which the
14 county's enforcement action is affirmed and upon
15 correction of the violation if requested by the
16 violator, the case shall be reviewed by the
17 county agency that imposed the civil fines to
18 determine the appropriateness of the amount of
19 the civil fines that accrued while the appeal
20 proceedings were pending. In its review of the



1 amount of the accrued fines, the county agency
2 may consider:
3 (i) The nature and egregiousness of the
4 violation;
5 (ii) The duration of the violation;
6 (iii) The number of recurring and other similar
7 violations;
8 (iv) Any effort taken by the violator to correct
9 the violation;
10 (v) The degree of involvement in causing or
11 continuing the violation;
12 (vi) Reasons for any delay in the completion of
13 the appeal; and
14 (vii) Other extenuating circumstances.
15 The civil fine that is imposed by administrative
16 order after this review is completed and the
17 violation is corrected shall be subject to
18 judicial review, notwithstanding any provisions
19 for administrative review in county charters;
20 (E) After completion of a review of the amount of
21 accrued civil fine by the county agency that



1 imposed the fine, the amount of the civil fine
2 determined appropriate, including both the
3 initial civil fine and any accrued daily civil
4 fine, shall immediately become due and
5 collectible following reasonable notice to the
6 violation. If no review of the accrued civil fine
7 is requested, the amount of the civil fine, not
8 to exceed the total accrual of civil fine prior
9 to correcting the violation, shall immediately
10 become due and collectible following reasonable
11 notice to the violator, at the completion of all
12 appeal proceedings; and

13 (F) If no county agency exists to conduct appeal
14 proceedings for a particular civil fine action
15 taken by the county, then one shall be
16 established by ordinance before the county shall
17 impose the civil fine;

18 (25) Any law to the contrary notwithstanding, any county
19 mayor, by executive order, may exempt donors, provider
20 agencies, homeless facilities, and any other program
21 for the homeless under part XVII of chapter 346 from



1 real property taxes, water and sewer development fees,
2 rates collected for water supplied to consumers and
3 for use of sewers, and any other county taxes,
4 charges, or fees; provided that any county may enact
5 ordinances to regulate and grant the exemptions
6 granted by this paragraph;

7 (26) Any county may establish a captive insurance company
8 pursuant to article 19, chapter 431; ~~and~~

9 (27) Each county shall have the power to enact and enforce
10 ordinances regulating towing operations~~(-)~~; and

11 (28) Notwithstanding any other law to the contrary, any
12 county may adopt an ordinance regulating the operation
13 of hosting platforms that provide booking services for
14 transient accommodation operators conducting business
15 within the county.

16 For purposes of this paragraph:

17 "Booking service" means any reservation or
18 payment service provided by a person who facilitates a
19 transient accommodations transaction between a
20 prospective transient user and a host.

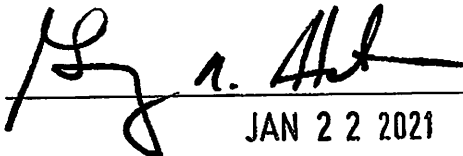


1 "Hosting platform" means a person who
 2 participates in the transient accommodations business
 3 by collecting or receiving a fee, directly or
 4 indirectly through an agent or intermediary, for
 5 conducting a booking service transaction using any
 6 medium of facilitation."

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

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

10

INTRODUCED BY:  r. Alt
 JAN 22 2021



H.B. NO. 504

Report Title:

Transient Accommodations; Booking Services; Hosting Platforms;
County Regulation

Description:

Authorizes the counties to adopt an ordinance regulating the operation of hosting platforms that provide booking services for transient accommodation operators.

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



THE SENATE
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

S.B. NO. 643

JAN 22 2021

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.

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

1 SECTION 1. The legislature finds that illegal and
2 unregulated transient accommodations have caused detrimental
3 impacts to the State's housing supply. Accordingly, the purpose
4 of this Act is to allow the counties to regulate transient
5 accommodation hosting platforms, thereby preventing further
6 proliferation of illegal transient accommodations and preserving
7 residential housing.

8 SECTION 2. Section 46-1.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§46-1.5 General powers and limitation of the counties.
11 Subject to general law, each county shall have the following
12 powers and shall be subject to the following liabilities and
13 limitations:

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15 charter for its own self-government that shall
16 establish the county executive, administrative, and
17 legislative structure and organization, including but



- 1 not limited to the method of appointment or election
2 of officials, their duties, responsibilities, and
3 compensation, and the terms of their office;
- 4 (2) Each county shall have the power to provide for and
5 regulate the marking and lighting of all buildings and
6 other structures that may be obstructions or hazards
7 to aerial navigation, so far as may be necessary or
8 proper for the protection and safeguarding of life,
9 health, and property;
- 10 (3) Each county shall have the power to enforce all claims
11 on behalf of the county and approve all lawful claims
12 against the county, but shall be prohibited from
13 entering into, granting, or making in any manner any
14 contract, authorization, allowance payment, or
15 liability contrary to the provisions of any county
16 charter or general law;
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18 to do all things necessary and proper to carry into
19 execution all powers vested in the county or any
20 county officer;
- 21 (5) Each county shall have the power to:



S.B. NO. 643

1 (A) Maintain channels, whether natural or artificial,
2 including their exits to the ocean, in suitable
3 condition to carry off storm waters;

4 (B) Remove from the channels, and from the shores and
5 beaches, any debris that is likely to create an
6 unsanitary condition or become a public nuisance;
7 provided that, to the extent any of the foregoing
8 work is a private responsibility, the
9 responsibility may be enforced by the county in
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11 (C) Construct, acquire by gift, purchase, or by the
12 exercise of eminent domain, reconstruct, improve,
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18 (D) Enact zoning ordinances providing that lands
19 deemed subject to seasonable, periodic, or
20 occasional flooding shall not be used for
21 residence or other purposes in a manner as to



- 1 endanger the health or safety of the occupants
2 thereof, as required by the Federal Flood
3 Insurance Act of 1956 (chapter 1025, Public Law
4 1016); and
5 (E) Establish and charge user fees to create and
6 maintain any stormwater management system or
7 infrastructure;
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9 of condemnation by eminent domain when it is in the
10 public interest to do so;
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12 regulatory powers over business activity as are
13 assigned to them by chapter 445 or other general law;
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15 charges for all official services not otherwise
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18 ordinance assessments for the improvement or
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21 power to give or loan credit to, or in aid of, any



1 person or corporation, directly or indirectly, except
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3 (11) Where not within the jurisdiction of the public
4 utilities commission, each county shall have the power
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6 vehicle common carriers transporting passengers within
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12 of any public nuisance, refuse, and uncultivated
13 undergrowth from streets, sidewalks, public places,
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4 (v) Matters of the collection and disposition of
5 rubbish and garbage;
6 (B) Provide exemptions for homeless facilities and
7 any other program for the homeless authorized by
8 part XVII of chapter 346, for all matters under
9 this paragraph;
10 (C) Appoint county physicians and sanitary and other
11 inspectors as necessary to carry into effect
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18 which penalty may be a misdemeanor, petty
19 misdemeanor, or violation as defined by general
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3 and fowl, and their disposition; and to provide for
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- 21 stations, waterworks, including reservoirs,



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- 1 wells, pipelines, and other conduits for
- 2 distributing water to the public, lighting
- 3 plants, and apparatus and appliances for lighting
- 4 streets and public buildings, and manage,
- 5 regulate, and control the same;
- 6 (B) Regulate and control the location and quality of
- 7 all appliances necessary to the furnishing of
- 8 water, heat, light, power, telephone, and
- 9 telecommunications service to the county;
- 10 (C) Acquire, regulate, and control any and all
- 11 appliances for the sprinkling and cleaning of the
- 12 streets and the public ways, and for flushing the
- 13 sewers; and
- 14 (D) Open, close, construct, or maintain county
- 15 highways or charge toll on county highways;
- 16 provided that all revenues received from a toll
- 17 charge shall be used for the construction or
- 18 maintenance of county highways;
- 19 (20) Each county shall have the power to regulate the
- 20 renting, subletting, and rental conditions of property
- 21 for places of abode by ordinance;



- 1 (21) Unless otherwise provided by law, each county shall
2 have the power to establish by ordinance the order of
3 succession of county officials in the event of a
4 military or civil disaster;
- 5 (22) Each county shall have the power to sue and be sued in
6 its corporate name;
- 7 (23) Each county shall have the power to:
- 8 (A) Establish and maintain waterworks and sewer
9 works;
- 10 (B) Implement a sewer monitoring program that
11 includes the inspection of sewer laterals that
12 connect to county sewers, when those laterals are
13 located on public or private property, after
14 providing a property owner not less than ten
15 calendar days' written notice, to detect leaks
16 from laterals, infiltration, and inflow, any
17 other law to the contrary notwithstanding;
- 18 (C) Compel an owner of private property upon which is
19 located any sewer lateral that connects to a
20 county sewer to inspect that lateral for leaks,



- 1 infiltration, and inflow and to perform repairs
2 as necessary;
- 3 (D) Collect rates for water supplied to consumers and
4 for the use of sewers;
- 5 (E) Install water meters whenever deemed expedient;
6 provided that owners of premises having vested
7 water rights under existing laws appurtenant to
8 the premises shall not be charged for the
9 installation or use of the water meters on the
10 premises; and
- 11 (F) Take over from the State existing waterworks
12 systems, including water rights, pipelines, and
13 other appurtenances belonging thereto, and sewer
14 systems, and to enlarge, develop, and improve the
15 same;
- 16 (G) For purposes of subparagraphs (B) and (C):
- 17 (i) "Infiltration" means groundwater, rainwater,
18 and saltwater that enters the county sewer
19 system through cracked, broken, or defective
20 sewer laterals; and



(ii) "Inflow" means non-sewage entering the county sewer system via inappropriate or illegal connections;

(24) (A) Each county may impose civil fines, in addition to criminal penalties, for any violation of county ordinances or rules after reasonable notice and requests to correct or cease the violation have been made upon the violator. Any administratively imposed civil fine shall not be collected until after an opportunity for a hearing under chapter 91. Any appeal shall be filed within thirty days from the date of the final written decision. These proceedings shall not be a prerequisite for any civil fine or injunctive relief ordered by the circuit court;

(B) Each county by ordinance may provide for the addition of any unpaid civil fines, ordered by any court of competent jurisdiction, to any taxes, fees, or charges, with the exception of fees or charges for water for residential use and sewer charges, collected by the county. Each



1 county by ordinance may also provide for the
2 addition of any unpaid administratively imposed
3 civil fines, which remain due after all judicial
4 review rights under section 91-14 are exhausted,
5 to any taxes, fees, or charges, with the
6 exception of water for residential use and sewer
7 charges, collected by the county. The ordinance
8 shall specify the administrative procedures for
9 the addition of the unpaid civil fines to the
10 eligible taxes, fees, or charges and may require
11 hearings or other proceedings. After addition of
12 the unpaid civil fines to the taxes, fees, or
13 charges, the unpaid civil fines shall not become
14 a part of any taxes, fees, or charges. The
15 county by ordinance may condition the issuance or
16 renewal of a license, approval, or permit for
17 which a fee or charge is assessed, except for
18 water for residential use and sewer charges, on
19 payment of the unpaid civil fines. Upon
20 recordation of a notice of unpaid civil fines in
21 the bureau of conveyances, the amount of the



1 civil fines, including any increase in the amount
2 of the fine which the county may assess, shall
3 constitute a lien upon all real property or
4 rights to real property belonging to any person
5 liable for the unpaid civil fines. The lien in
6 favor of the county shall be subordinate to any
7 lien in favor of any person recorded or
8 registered prior to the recordation of the notice
9 of unpaid civil fines and senior to any lien
10 recorded or registered after the recordation of
11 the notice. The lien shall continue until the
12 unpaid civil fines are paid in full or until a
13 certificate of release or partial release of the
14 lien, prepared by the county at the owner's
15 expense, is recorded. The notice of unpaid civil
16 fines shall state the amount of the fine as of
17 the date of the notice and maximum permissible
18 daily increase of the fine. The county shall not
19 be required to include a social security number,
20 state general excise taxpayer identification
21 number, or federal employer identification number



1 on the notice. Recordation of the notice in the
2 bureau of conveyances shall be deemed, at such
3 time, for all purposes and without any further
4 action, to procure a lien on land registered in
5 land court under chapter 501. After the unpaid
6 civil fines are added to the taxes, fees, or
7 charges as specified by county ordinance, the
8 unpaid civil fines shall be deemed immediately
9 due, owing, and delinquent and may be collected
10 in any lawful manner. The procedure for
11 collection of unpaid civil fines authorized in
12 this paragraph shall be in addition to any other
13 procedures for collection available to the State
14 and county by law or rules of the courts;

15 (C) Each county may impose civil fines upon any
16 person who places graffiti on any real or
17 personal property owned, managed, or maintained
18 by the county. The fine may be up to \$1,000 or
19 may be equal to the actual cost of having the
20 damaged property repaired or replaced. The
21 parent or guardian having custody of a minor who



1 places graffiti on any real or personal property
2 owned, managed, or maintained by the county shall
3 be jointly and severally liable with the minor
4 for any civil fines imposed hereunder. Any such
5 fine may be administratively imposed after an
6 opportunity for a hearing under chapter 91, but
7 such a proceeding shall not be a prerequisite for
8 any civil fine ordered by any court. As used in
9 this subparagraph, "graffiti" means any
10 unauthorized drawing, inscription, figure, or
11 mark of any type intentionally created by paint,
12 ink, chalk, dye, or similar substances;

13 (D) At the completion of an appeal in which the
14 county's enforcement action is affirmed and upon
15 correction of the violation if requested by the
16 violator, the case shall be reviewed by the
17 county agency that imposed the civil fines to
18 determine the appropriateness of the amount of
19 the civil fines that accrued while the appeal
20 proceedings were pending. In its review of the



amount of the accrued fines, the county agency
may consider:

- (i) The nature and egregiousness of the
violation;
- (ii) The duration of the violation;
- (iii) The number of recurring and other similar
violations;
- (iv) Any effort taken by the violator to correct
the violation;
- (v) The degree of involvement in causing or
continuing the violation;
- (vi) Reasons for any delay in the completion of
the appeal; and
- (vii) Other extenuating circumstances.

The civil fine that is imposed by administrative
order after this review is completed and the
violation is corrected shall be subject to
judicial review, notwithstanding any provisions
for administrative review in county charters;

(E) After completion of a review of the amount of
accrued civil fine by the county agency that



1 imposed the fine, the amount of the civil fine
2 determined appropriate, including both the
3 initial civil fine and any accrued daily civil
4 fine, shall immediately become due and
5 collectible following reasonable notice to the
6 violation. If no review of the accrued civil fine
7 is requested, the amount of the civil fine, not
8 to exceed the total accrual of civil fine prior
9 to correcting the violation, shall immediately
10 become due and collectible following reasonable
11 notice to the violator, at the completion of all
12 appeal proceedings; and

13 (F) If no county agency exists to conduct appeal
14 proceedings for a particular civil fine action
15 taken by the county, then one shall be
16 established by ordinance before the county shall
17 impose the civil fine;

18 (25) Any law to the contrary notwithstanding, any county
19 mayor, by executive order, may exempt donors, provider
20 agencies, homeless facilities, and any other program
21 for the homeless under part XVII of chapter 346 from



1 real property taxes, water and sewer development fees,
2 rates collected for water supplied to consumers and
3 for use of sewers, and any other county taxes,
4 charges, or fees; provided that any county may enact
5 ordinances to regulate and grant the exemptions
6 granted by this paragraph;

7 (26) Any county may establish a captive insurance company
8 pursuant to article 19, chapter 431; ~~and~~

9 (27) Each county shall have the power to enact and enforce
10 ordinances regulating towing operations~~[-]~~; and

11 (28) Notwithstanding any other law to the contrary, any
12 county may adopt an ordinance regulating the operation
13 of hosting platforms that provide booking services for
14 transient accommodation operators conducting business
15 within the county.

16 For purposes of this paragraph:

17 "Booking service" means any reservation or
18 payment service provided by a person who facilitates a
19 transient accommodations transaction between a
20 prospective transient user and a host.



1 "Hosting platform" means a person who
2 participates in the transient accommodations business
3 by collecting or receiving a fee, directly or
4 indirectly through an agent or intermediary, for
5 conducting a booking service transaction using any
6 medium of facilitation."

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

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

10

INTRODUCED BY:

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S.B. NO. 643

Report Title:

Transient Accommodations; Booking Services; Hosting Platforms;
County Regulation

Description:

Authorizes the counties to adopt an ordinance regulating the operation of hosting platforms that provide booking services for transient accommodation operators.

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

