

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



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

November 12, 2021

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

Deputy Director of Council Services
David M. Raatz, Jr., Esq.

RECEIVE

2021 NOV 12 AM 9

OFFICE OF THE
COUNTY CLERK

2021 NOV 12 AM 9:45

RECEIVED

OFFICE OF THE
COUNTY CLERK

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

Dear Chair Lee:

**SUBJECT: APPROVING PROPOSALS FOR INCLUSION IN THE
2022 HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE**

May I request the attached proposed resolution, entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Tamara A. M. Paltin".

TAMARA PALTIN
Councilmember

ocs:proj:hsac:fy2022:ltr:hsacpackage:kmatt

Enclosure

COUNTY COMMUNICATION NO. 21-528

Resolution

No. _____

APPROVING PROPOSALS FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

WHEREAS, Section 13C of the Hawaii State Association of Counties' ("HSAC") 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, seven proposals were submitted by the County of Maui for possible inclusion in the 2022 HSAC Legislative Package, entitled:

"A BILL FOR AN ACT RELATING TO UNLAWFUL CHOP SHOP ACTIVITY";

"A BILL FOR AN ACT RELATING TO THE COASTAL ZONE MANAGEMENT ACT";

"A BILL FOR AN ACT RELATING TO INTOXICANTS WHILE OPERATING A VEHICLE";

"A BILL FOR AN ACT RELATING TO CLIMATE CHANGE MITIGATION";

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION";

"A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS";

"A BILL FOR AN ORDINANCE RELATING TO MINIMUM WAGE"; and

WHEREAS, two proposals were submitted by the City and County of Honolulu for possible inclusion in the 2022 HSAC Legislative Package, entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC FINES";

Resolution No. _____

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

WHEREAS, two proposals were submitted by the HSAC Executive Committee for possible inclusion in the 2022 HSAC Legislative Package, entitled:

“A BILL FOR AN ACT RELATING TO JUNETEENTH DAY”;

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

WHEREAS, one proposal was submitted by the County of Hawaii for possible inclusion in the 2022 HSAC Legislative Package, entitled:

“A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION”; and

WHEREAS, by correspondence dated November 9, 2021, attached as Exhibit “A,” HSAC President Mason Chock informed the Council of the eight proposals approved by the HSAC Executive Committee for possible inclusion in the 2022 HSAC Legislative Package, subject to concurrence by all county councils; now, therefore,

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

1. That it approves the following proposals, attached as Exhibit “A,” for inclusion in the 2022 Hawaii State Association of Counties Legislative Package:
 - A. “A BILL FOR AN ACT RELATING TO UNLAWFUL CHOP SHOP ACTIVITY”;
 - B. “A BILL FOR AN ACT RELATING TO THE COASTAL ZONE MANAGEMENT ACT”;
 - C. “A BILL FOR AN ACT RELATING TO CLIMATE CHANGE MITIGATION”;
 - D. “A BILL FOR AN ACT RELATING TO LIFEGUARDS”;

Resolution No. _____

E. "A BILL FOR AN ACT RELATING TO TRAFFIC FINES";

F. "A BILL FOR AN ACT RELATING TO JUNETEENTH DAY";

G. "A BILL FOR AN ACT RELATING TO COUNTY TRANSIENT
ACCOMMODATIONS TAX";

H. "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE
REGISTRATION"; and

2. That a certified copy of this Resolution be transmitted to the
HSAC Executive Committee.

ocs:proj:hsac:fy2022:reso:hsacpackage

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i, and City & County of Honolulu
Website: hawaiicounties.org | Email: hsac@hawaiicounties.org



November 9, 2021

Aloha Chair,

Attached for your consideration are proposals to be included in the 2022 Hawai'i State Association of Counties (HSAC) Legislative Package, which were approved by the HSAC Executive Committee on October 26, 2021. 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.

2022 HSAC LEGISLATIVE PACKAGE

1. A Bill For An Act Relating to Unlawful Chop Shop Activity (*Proposed by the County of Maui*).
2. A Bill For An Act Relating to the Coastal Zone Management Act (*Proposed by the County of Maui*).
3. A Bill For An Act Relating to Climate Change Mitigation (*Proposed by the County of Maui*).
4. A Bill For An Act Relating to Lifeguards (*Proposed by the County of Maui*).
5. A Bill For An Act Relating to Traffic Fines (*Proposed by the City and County of Honolulu*).
6. A Bill For An Act Relating to Juneteenth Day (*Proposed by the HSAC Executive Committee*).



7. A Bill For An Act Relating to County Transient Accommodations Tax
(Proposed by the HSAC Executive Committee).

8. A Bill For An Act Relating to Motor Vehicle Registration *(Proposed by the
County of Hawai'i).*

Your attention to this matter is greatly appreciated. Should you have any questions
please contact Nahelani Parsons, (808) 265 7830.

Mahalo,

Mason Chock

Mason Chock

HSAC President

Resolution

No. 21-145

APPROVING FOR INCLUSION IN THE 2022
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
ESTABLISH CRIMINAL OFFENSES OF
UNLAWFUL CHOP SHOP ACTIVITY

WHEREAS, a “chop shop” is a place of criminal activity, often mimicking a legitimate auto body or repair shop, where stolen motor vehicles or motor vehicle parts are taken to be altered to conceal their true identity; and

WHEREAS, chop shop activity may include the theft of motor vehicles and motor vehicle parts, defacing vehicle identification numbers, re-stamping false vehicle identification numbers into stolen vehicles, and re-sale of these stolen vehicles to unsuspecting, innocent buyers; and

WHEREAS, according to a “Crime in the U.S. 2019” report by the Federal Bureau of Investigation’s Criminal Justice Information Services Division, Hawai‘i had the third-highest motor vehicle theft rate in the nation at 371.1 per 100,000 people; and

WHEREAS, in 2019, the Maui Police Department reported 661 motor vehicle theft offenses and \$4,421,246 in stolen motor vehicle property; and

WHEREAS, there is no State statute covering the criminal misconduct of chop shop activity, and the need for such a statute has been established through numerous auto theft investigations that led to the discovery of chop shop activity as part of the criminal misconduct; 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 criminal offenses of unlawful chop shop activity, is approved for inclusion in the 2022 Hawai‘i State Association of Counties Legislative Package; and

Resolution No. 21-145

2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

paf:kmat:21-216c

____.B. NO.____

A BILL FOR AN ACT

RELATING TO UNLAWFUL CHOP SHOP ACTIVITY.

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

1 SECTION 1. The legislature finds that a chop shop is street
2 vernacular for a location where stolen motor vehicles or motor
3 vehicle parts are taken to be altered to conceal their true
4 identity. Chop shop activity may include the theft of motor
5 vehicles and motor vehicle parts, defacing vehicle identification
6 numbers, re-stamping false vehicle identification numbers into
7 stolen vehicles, and the re-sale of these stolen vehicles to
8 unsuspecting, innocent buyers.

9 The purpose of this Act is to establish the criminal offenses
10 of unlawful chop shop activity in the first and second degree, and
11 to provide for the forfeiture of property connected with chop shop
12 activity.

13 SECTION 2. Chapter 708, Hawaii Revised Statutes, is amended
14 by adding a new part to be appropriately designated and to read as
15 follows:

16 **"PART**

17 **UNLAWFUL CHOP SHOP ACTIVITY**

18 **§708- Definitions. As used in this part:**

____.B. NO. _____

1 "Chop shop" means:

2 (1) Any building, lot, or other premises that is used to
3 store, destroy, dismantle, disassemble, or reassemble a motor
4 vehicle or two or more motor vehicle parts that the person knows
5 to have been stolen; or

6 (2) Any building lot, or other premises that is used to
7 alter, conceal, disguise, or remove the vehicle identification
8 number of at least one motor vehicle or two or more motor vehicle
9 parts from at least one motor vehicle that the person knows to
10 have been stolen.

11 "Motor vehicle" means any automobile, motorcycle, motorboat,
12 or other motor-propelled vehicle.

13 "Vehicle identification number" means the number that the
14 manufacturer or a governmental agency assigns to a motor vehicle
15 for the purpose of identifying the motor vehicle or a major
16 component part of the motor vehicle. "Vehicle identification
17 number" includes any combination of numbers or letters.

18 **§708- Unlawful chop shop activity.** A person commits
19 unlawful chop shop activity if the person knowingly:

20 (a) Owns or operates a chop shop;

21 (b) Transports a stolen motor vehicle or two or more stolen
22 motor vehicle parts to or from a chop shop;

____.B. NO. _____

1 (c) Sells or transfers to, or purchases or receives from a
2 chop shop a stolen motor vehicle or two or more stolen motor
3 vehicle parts; or

4 (d) Conducts or participates in the conduct of the affairs
5 of any chop shop by:

6 (A) Storing, destroying, dismantling, disassembling, or
7 reassembling a stolen motor vehicle or two or more stolen motor
8 vehicle parts; or

9 (B) Altering, concealing, disguising, or removing the
10 vehicle identification number of at least one stolen motor vehicle
11 or two or more motor vehicle parts from at least one stolen motor
12 vehicle.

13 **\$708- Unlawful chop shop activity in the first degree. (1)**
14 A person commits the offense of unlawful chop shop activity in the
15 first degree if the person commits unlawful chop shop activity and
16 the total value of all stolen motor vehicles or stolen motor
17 vehicle parts stored, transported, sold, transferred, purchased,
18 received, destroyed, dismantled, disassembled, reassembled, or
19 made unidentifiable by altering, concealing, disguising, or
20 removing the vehicle identification number of the motor vehicle or
21 motor vehicle parts by the person is equal to or greater than
22 \$250,000.

____.B. NO. _____

1 (2) Unlawful chop shop activity in the first degree is a
2 class A felony.

3 **\$708- Unlawful chop shop activity in the second degree.**

4 (1) A person commits the offense of unlawful chop shop activity
5 in the second degree if the person commits unlawful chop shop
6 activity and the total value of all stolen motor vehicles or stolen
7 motor vehicle parts stored, transported, sold, transferred,
8 purchased, received, destroyed, dismantled, disassembled,
9 reassembled, or made unidentifiable by altering, concealing,
10 disguising, or removing the vehicle identification number of the
11 motor vehicle or motor vehicle parts by the person is less than
12 \$250,000, but equal to or greater than \$100,000.

13 (2) Unlawful chop shop activity in the second degree is a
14 class B felony.

15 **\$708- Forfeiture of property connected with chop shop**
16 **activity.** Any motor vehicle, motor vehicle part, tool, implement,
17 or real property possessed or used in violation of this part, or
18 any money obtained in violation of this part may be ordered
19 forfeited to the State, subject to the requirements of chapter
20 712A.""

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

____.B. NO. _____

1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

5

6 INTRODUCED BY: _____

7

8 paf:kmatt:21-216a

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 21-145, was adopted by the Council of the County of Maui, State of Hawaii, on the 17th day of September, 2021, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

Resolution

No. 21-148

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" to read as
3 follows:

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;

1 provided that whenever the authority finds that any excluded use,
2 activity, or operation may have a cumulative impact, or a
3 significant environmental or ecological effect on a special
4 management area, that use, activity, or operation shall be defined
5 as "development" for the purpose of this part."

6 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is
7 also amended by adding a definition to be as follows:

8 "Floor area" means the roofed area of all floors of a
9 structure measured from the exterior faces of the exterior walls
10 or from the center line of party walls dividing a structure; the
11 floor area of a structure, or portion of the floor area, that is
12 not enclosed by exterior walls shall be the area under the
13 covering, roof, or floor that is supported by posts, columns,
14 partial walls, or similar structural members that define the wall
15 line. Excluded from the floor area are:

16 (1) Parking structures such as garages and carports,
17 including covered driveways and accessways, porte cocheres, and
18 parking attendant booths.

19 (2) Attic areas with headroom less than seven feet.

20 (3) Projections such as sunshade devices and architectural
21 embellishments that are decorative only.

22 (4) Areas covered by roofing treatment to screen rooftop
23 machinery only.

21 paf:kmat:21-299b

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 21-148, was adopted by the Council of the County of Maui, State of Hawaii, on the 1st day of October, 2021, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Excused	Aye	Excused	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

Resolution

No. 21-150

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.

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. ____

1

INTRODUCED BY: _____

2

3

paf:kmatt:21-281a

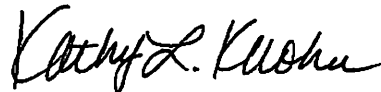
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 21-150, was adopted by the Council of the County of Maui, State of Hawaii, on the 1st day of October, 2021, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shano M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Excused	Aye	Excused	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
PROVIDE LIMITED LIABILITY FOR COUNTY
LIFEGUARDS AND COUNTIES PROVIDING
LIFEGUARD SERVICES ON BEACHES

WHEREAS, Act 170, Session Laws of Hawaii 2007, was enacted to provide immunity for county lifeguards and the State and county that employed them from liability against damages arising from acts or omissions committed while providing rescue or resuscitative actions or other emergency lifeguard services on the beach; and

WHEREAS, Act 170 was enacted with a sunset provision to allow for “evaluation of this measure after sufficient experience has been obtained,” and

WHEREAS, under Act 152 (2007), Act 170 was extended until June 30, 2010, and subsequently, under Act 81 (2009), the Act was extended until June 30, 2014, noting that Act 170 “created a climate in which lifeguard services could be provided by the counties without fear of liability,” and

WHEREAS, sufficient experience has shown that the liability for exemptions for the actions of county lifeguards should be made permanent; now, therefore,

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

1. That the proposed State bill, attached as Exhibit “A,” to provide limited liability for county lifeguards and counties providing lifeguard services on beaches, 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 LIFEGUARDS.

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

1 SECTION 1. Act 170, Session Laws of Hawaii 2007, was
2 enacted to provide immunity for county lifeguards and the State
3 and county that employed them from liability against damages
4 arising from the acts or omissions of lifeguards while rescue,
5 resuscitative, and other lifeguard duties. Act 170 was intended
6 to provide the State and counties with qualified immunity so
7 that lifeguards can be stationed at dangerous beaches, while
8 appropriately limiting the immunity to acts or omissions
9 committed while providing rescue or resuscitative actions or
10 other emergency lifeguard services on the beach.

11 The Hawaii Tort Law Study Group was established in 1997 by
12 S.C.R. 256 to study Hawaii's tort system. Regarding immunity,
13 the Group reported that "immunity is afforded to classes of
14 persons or entities because it is in the public's best interests
15 to do so," and conferring immunity upon a particular class of
16 persons is often based upon whether or not the social values

____.B. NO.____

1 attached to encouraging the behavior of that group are of such
2 great importance as to merit extraordinary protection from suit.

3 Among the criteria established by the Group for reviewing
4 requests for immunity was considering that individuals engaging
5 in inherently dangerous activities need to accept personal
6 responsibility for their actions, and that the Legislature, in
7 determining whether or not to grant immunity, should weigh the
8 costs of not granting immunity to the public in public dollar
9 costs.

10 Act 170 was enacted with a sunset provision to allow for
11 "evaluation of this measure after sufficient experience has been
12 obtained." Act 152, Session Laws of Hawaii 2007, extended the
13 Act until June 30, 2010, and Act 81, Session Laws of Hawaii
14 2009, extended the Act until June 30, 2014, noting that Act 170
15 "created a climate in which lifeguard services could be provided
16 by the counties without fear of liability..."

17 The Legislature finds that sufficient experience has been
18 obtained to allow a determination that the liability for
19 exemptions for the actions of lifeguard should be made
20 permanent.

21 SECTION 2. Section 663-1.5, Hawaii Revised Statutes, is
22 amended to read as follows:

____.B. NO.____

1 **"§663-1.5 Exception to liability.** (a) Any person
2 who in good faith renders emergency care, without
3 remuneration or expectation of remuneration, at the scene
4 of an accident or emergency to a victim of the accident
5 or emergency shall not be liable for any civil damages
6 resulting from the person's acts or omissions, except for
7 such damages as may result from the person's gross
8 negligence or wanton acts or omissions.

9 (b) No act or omission of any rescue team or
10 physician working in direct communication with a rescue
11 team operating in conjunction with a hospital or an
12 authorized emergency vehicle of the hospital or the State
13 or county, while attempting to resuscitate any person who
14 is in immediate danger of loss of life, shall impose any
15 liability upon the rescue team, the physicians, or the
16 owners or operators of such hospital or authorized
17 emergency vehicle, if good faith is exercised.

18 This section shall not relieve the owners or
19 operators of the hospital or authorized emergency vehicle
20 of any other duty imposed upon them by law for the

)

\.

____.B. NO.____

1 designation and training of members of a rescue team or
2 for any provisions regarding maintenance of equipment to
3 be used by the rescue team or any damages resulting from
4 gross negligence or wanton acts or omissions.

5 (c) Any physician or physician assistant licensed to
6 practice under the laws of this State or any other state
7 who in good faith renders emergency medical care in a
8 hospital to a person, who is in immediate danger of loss
9 of life, without remuneration or expectation of
10 remuneration, shall not be liable for any civil damages,
11 if the physician or physician assistant exercises that
12 standard of care expected of similar physicians or
13 physician assistants under similar circumstances. Any
14 physician who supervises a physician assistant providing
15 emergency medical care pursuant to this section shall not
16 be required to meet the requirements set forth in chapter
17 453 regarding supervising physicians.

18 (d) Any person or other entity who as a public
19 service publishes written general first aid information
20 dealing with emergency first aid treatment, without

____.B. NO.____

1 remuneration or expectation of remuneration for providing
2 this public service, shall not be liable for any civil
3 damages resulting from the written publication of such
4 first aid information except as may result from its gross
5 negligence or wanton acts or omissions.

6 (e) Any person who in good faith, without
7 remuneration or expectation of remuneration, attempts to
8 resuscitate a person in immediate danger of loss of life
9 when administering any automated external defibrillator,
10 regardless of where the automated external defibrillator
11 that is used is located, shall not be liable for any
12 civil damages resulting from any act or omission except
13 as may result from the person's gross negligence or
14 wanton acts or omissions.

15 Any person, including an employer, who provides for
16 an automated external defibrillator or an automated
17 external defibrillator training program shall not be
18 vicariously liable for any civil damages resulting from
19 any act or omission of the persons or employees who, in
20 good faith and without remuneration or the expectation of

____.B. NO.____

1 remuneration, attempt to resuscitate a person in
2 immediate danger of loss of life by administering an
3 automated external defibrillator, except as may result
4 from a person's or employer's gross negligence or wanton
5 acts or omissions.

6 (f) Any physician or physician assistant who
7 administers an automated external defibrillator program
8 without remuneration or expectation of remuneration shall
9 not be liable for any civil damages resulting from any
10 act or omission involving the use of an automated
11 external defibrillator, except as may result from the
12 physician's or physician assistant's gross negligence or
13 wanton acts or omissions.

14 (g) Any person who in good faith, without
15 remuneration or expectation of remuneration, attempts to
16 rescue a person in immediate danger of loss of life by
17 use of a rescue tube, regardless of where the rescue tube
18 that is used is located, shall not be liable for any
19 civil damages resulting from any act or omission except

____.B. NO.____

1 as may result from the person's gross negligence or
2 wanton acts or omissions.

3 The owner or operator of any premises, property, or
4 facility that is adjacent to navigable waters, where a
5 rescue tube is located shall not be liable for any civil
6 damages resulting from any act or omission relating to
7 the storage, maintenance, or use of the rescue tube.

8 (h) This section shall not relieve any person,
9 physician, physician assistant, or employer of:

10 (1) Any other duty imposed by law regarding the
11 designation and training of persons or
12 employees;

13 (2) Any other duty imposed by provisions regarding
14 the maintenance of equipment to be used for
15 resuscitation; or

16 (3) Liability for any damages resulting from gross
17 negligence, or wanton acts or omissions.

18 (i) Any person qualified as a county lifeguard,
19 including an employing county, who renders rescue,
20 resuscitative, or other lifeguard services, without

____.B. NO.____

1 remuneration or expectation of remuneration, on a beach
2 or in the ocean in the scope of employment as a county
3 lifeguard shall not be liable for any civil damages
4 resulting from the person's acts or omissions while
5 providing rescue, resuscitative, or other lifeguard
6 services, except for such damages as may result from the
7 person's gross negligence or wanton acts or omissions.

8 (j) For the purposes of this section:

9 "Automated external defibrillator program" means an
10 appropriate training course that includes cardiopulmonary
11 resuscitation and proficiency in the use of an automated
12 external defibrillator.

13 "Good faith" includes but is not limited to a
14 reasonable opinion that the immediacy of the situation is
15 such that the rendering of care should not be postponed.

16 "Rescue team" means a special group of physicians,
17 basic life support personnel, advanced life support
18 personnel, surgeons, nurses, volunteers, or employees of
19 the owners or operators of the hospital or authorized
20 emergency vehicle who have been trained in basic or

____.B. NO.____

1 advanced life support and have been designated by the
2 owners or operators of the hospital or authorized
3 emergency vehicle to attempt to provide such support and
4 resuscitate persons who are in immediate danger of loss
5 of life in cases of emergency.

6 "Rescue tube" means a flotation device used for water
7 rescues that helps support the victim's and rescuer's
8 weight."

9 SECTION 3. This Act does not affect rights and
10 duties that matured, penalties that were incurred, and
11 proceedings that were begun before its effective date.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its
14 approval.

15

16 INTRODUCED BY: _____

17

18 ocs:proj:hsac:fy2022:reso:lifeguards(exhibit a)

____.B. NO.____

Report Title:

County lifeguards; immunity.

Description:

Provides limited liability for county lifeguards and counties providing lifeguard services on beaches.

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



RESOLUTION

RELATING TO THE INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES' LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD AUTHORIZE THE COUNTIES TO IMPOSE ADDITIONAL FINES BEYOND THE FINES PROVIDED BY THE STATEWIDE TRAFFIC CODE AND APPORTION THE REVENUES COLLECTED FROM SUCH FINES TO THE COUNTIES WHERE THE VIOLATIONS OCCURRED.

WHEREAS, the counties are responsible for the enforcement of the Statewide Traffic Code (Chapter 291C, Hawaii Revised Statutes) and county traffic ordinances; and

WHEREAS, despite this enforcement responsibility, all fines and forfeitures relating to the commission of traffic violations are paid to the State of Hawaii; and

WHEREAS, the enforcement of traffic laws is a costly process for the counties that includes personnel costs relating to the detection of violations, issuance of citations, making of arrests, and the administration and adjudication of violators, as well as equipment and various administrative costs; and

WHEREAS, the City Council finds that authorizing the counties to impose additional fines beyond the fines provided by the Statewide Traffic Code and apportioning the revenues collected from such fines to the counties where the violations occurred would assist the counties in offsetting their costs for the enforcement of traffic laws and the management of traffic safety programs; and

WHEREAS, approval by all the counties is required to include a legislative proposal in the Hawaii State Association of Counties legislative package; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves for inclusion in the 2022 Hawaii State Association of Counties' legislative package a proposal to authorize the counties to impose additional fines beyond the fines provided by the Statewide Traffic Code and apportion the revenues collected from such fines to the counties where the violations occurred as set forth in the attached Exhibit A; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-213

RESOLUTION

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

INTRODUCED BY:

Tony Water

DATE OF INTRODUCTION:

SEP 14 2021

Honolulu, Hawaii

Councilmembers

____.B. NO.____

A BILL FOR AN ACT

RELATING TO TRAFFIC FINES.

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

1 SECTION 1. The purpose of this Act is to enable the
2 respective counties to impose and collect fines for violations
3 of the statewide traffic code, in addition to the fines imposed
4 by the State under chapter 291C.

5 SECTION 2. Section 291C-171, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§291C-171 Disposition of fines and forfeitures.** (a) All
8 fines and forfeitures collected upon conviction or upon the
9 forfeiture of bail of any person charged with a violation of any
10 section or provision of the state traffic laws and all
11 assessments collected relating to the commission of traffic
12 infractions shall be paid to the director of finance of the
13 State[+]; provided that each county by ordinance may impose
14 additional fines for the violation of any section or provision
15 of the state traffic laws. Within thirty days after the
16 effective date of such an ordinance, the traffic violations
17 bureau shall prepare citation forms for the police department of
18 that county showing all state and county fines. Persons

____.B. NO. _____

1 receiving the citations with county fines may contest them in
2 the same manner that state fines are contested. The traffic
3 violations bureau shall collect the fines for the counties and
4 shall remit them to the respective director of budget and fiscal
5 services, or finance, of the counties on a semi-annual basis.

6 (b) In addition to any monetary assessment imposed for a
7 traffic infraction, the court may impose penalties on all
8 outstanding traffic citations and judgments. The penalties
9 shall be established pursuant to rules approved by the supreme
10 court; provided that the amounts of the penalties shall be based
11 upon a graduated scale that increases in proportion to the
12 length of the delinquency. Any interest penalty imposed as
13 provided in this section may be waived by the court for good
14 cause. All penalties collected for such outstanding citations
15 and judgments shall be paid to the director of finance of the
16 State[-]; provided that if the county has enacted an ordinance
17 imposing an additional fine for the infraction, the director
18 shall remit the counties' share, if any, of the penalty to the
19 respective director of budget and fiscal services, or finance,
20 of the counties on a semi-annual basis."

____.B. NO. _____

SECTION 3. Section 291C-111 is amended by amending
subsection (a) to read as follows:

"(a) With respect to highways under their respective
jurisdictions, the director of transportation is authorized to
and the counties by ordinance may prohibit or restrict the
stopping, standing, or parking of vehicles where the stopping,
standing, or parking is dangerous to those using the highway or
where the stopping, standing, or parking of vehicles would
interfere unduly with the free movement of traffic; provided
that the violation of any law or any ordinance, regardless of
whether established under this or any other section, prohibiting
or restricting the stopping, standing, or parking of vehicles
shall constitute a traffic infraction. ~~[The]~~ Except as provided
in section 291C-171, the counties shall not provide any other
penalty, civil or criminal, or any other charge, in the form of
rental or otherwise, in place of or in addition to the fine to
be imposed by the district court for any violation of any
ordinance prohibiting or restricting the stopping, standing, or
parking of vehicles.

This section shall not be construed as prohibiting the
authority of the director of transportation or the counties to
allow the stopping, standing, or parking of motor vehicles at a

____.B. NO. _____

1 "T-shaped" intersection on highways under their respective
2 jurisdictions; provided that such stopping, standing, or parking
3 of motor vehicles is not dangerous to those using the highway or
4 where the stopping, standing, or parking of motor vehicles would
5 not unduly interfere with the free movement of traffic.

6 The appropriate police department and county or prosecuting
7 attorney of the various counties shall enforce any law or
8 ordinance prohibiting or restricting the stopping, standing, or
9 parking of vehicles, including but not limited to the issuance
10 of parking tickets. Any person committing a violation of any law
11 or ordinance, regardless of whether established under this or
12 any other section, prohibiting or restricting the stopping,
13 standing, or parking of vehicles shall be subject to a fine to
14 be enforced and collected by the district courts of this State
15 and to be deposited into the state general fund for state use."

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

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

19

20

INTRODUCED BY: _____

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 21-213

Introduced: 09/14/21 By: TOMMY WATERS

Committee: BUDGET (BUD)

Title: RELATING TO THE INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD AUTHORIZE THE COUNTIES TO IMPOSE ADDITIONAL FINES BEYOND THE FINES PROVIDED BY THE STATEWIDE TRAFFIC CODE AND APPORTION THE REVENUES COLLECTED FROM SUCH FINES TO THE COUNTIES WHERE THE VIOLATIONS OCCURRED.

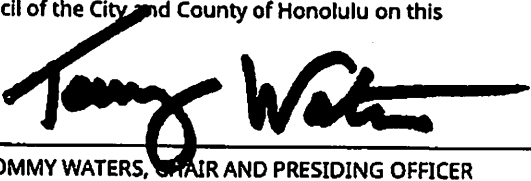
Voting Legend: * = Aye w/Reservations

09/14/21	INTRO	Introduced.
09/22/21	BUD	Reported out for adoption.
		CR-280
		6 AYES: CORDERO, ELEFANTE, KIA'AINA, SAY, TSUNEYOSHI, TUPOLA
10/06/21	CCL	Committee report and Resolution were adopted.
		8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'AINA, SAY, TULBA, TUPOLA, WATERS
		1 ABSENT: TSUNEYOSHI

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER

A BILL FOR AN ACT

RELATING TO JUNETEENTH DAY.

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

1 SECTION 1. The purpose of this Act is to establish June 19
2 of each year as a state holiday, in recognition of the history
3 and legacy of slavery in the United States and in honor of the
4 significant roles, contributions, and achievements of African
5 Americans in the history of the United States and Hawaii, the
6 fundamental importance of equal treatment for all, regardless of
7 race, color, or national origin.

8 SECTION 2. Section 8- , as enacted in Section 2 of Act
9 53, Session Laws of Hawaii 2021, is amended to read as follows:

10 "**§8- Juneteenth.** June 19 of each year shall be known
11 and designated as Juneteenth to commemorate the end of slavery
12 in the United States and in honor and recognition of the
13 significant roles and contributions of African Americans in the
14 history of the United States~~(-)~~and Hawaii. [~~Juneteenth is not~~
15 ~~and shall not be construed to be a state holiday.~~]"

1 SECTION 3. Section 8-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§8-1 Holidays designated.** The following days of each
4 year are set apart and established as state holidays:

5 The first day in January, New Year's Day;

6 The third Monday in January, Dr. Martin Luther King, Jr.,
7 Day;

8 The third Monday in February, Presidents' Day;

9 The twenty-sixth day in March, Prince Jonah Kuhio Kalaniana'ole
10 Day;

11 The Friday preceding Easter Sunday, Good Friday;

12 The last Monday in May, Memorial Day;

13 The eleventh day in June, King Kamehameha I Day;

14 The nineteenth day in June, Juneteenth Day;

15 The fourth day in July, Independence Day;

16 The third Friday in August, Statehood Day;

17 The first Monday in September, Labor Day;

18 The eleventh day in November, Veterans' Day;

19 The fourth Thursday in November, Thanksgiving Day;

20 The twenty-fifth day in December, Christmas Day;

21 All election days, except primary and special election
22 days, in the county wherein the election is held;

____.B. NO.____

1 Any day designated by proclamation by the President of the
2 United States or by the governor as a holiday."

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

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

INTRODUCED BY: _____

____.B. NO.____

Report Title:

Juneteenth Day

Description:

Makes Juneteenth a state holiday.

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

___B. NO. ___

A BILL FOR AN ACT

COUNTY TRANSIENT ACCOMMODATIONS TAX.

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

SECTION 1. Section 46- , Hawaii Revised Statutes, is amended to read as follows:

"§46- County transient accommodations tax. (a) Each county may establish a transient accommodations tax [~~not to exceed the maximum rate set forth in section 237D~~].] by ordinance. The county transient accommodations tax shall be in addition to any state transient accommodations tax. [~~A county electing to establish a transient accommodations tax pursuant to this section shall do so by ordinance.~~]

(b) The revenues received from a transient accommodations tax established pursuant to this section shall be used to address the pressures of the visitor industry on the demand for county services, including police and fire protection, parks and recreation facilities, emergency services, water systems, roads and transportation systems, sewage systems and other

____.B. NO.____

infrastructure; provided that impacted county services and facilities may be further defined by ordinance.

(c) A county electing to exercise the authority granted under this section shall notify the director of taxation within ten days after the county has adopted the county transient accommodations tax ordinance. Beginning no earlier than January 1, following the enactment of the ordinance, the director of taxation shall levy, assess, collect, and otherwise administer the county transient accommodations tax."

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

"§237D- County transient accommodations tax; administration. (a) The county transient accommodations tax, upon the adoption of a county ordinance and in accordance with the requirements of section 46- , shall be levied, assessed, and collected as provided in this section on all gross rental, gross rental proceeds, and fair market rental value taxable under this chapter. ~~[No county shall set its transient accommodations tax at a rate greater than three per cent of all gross rental, gross rental proceeds, and fair market rental value taxable under this chapter.]~~ With respect to the county

____.B. NO.____

transient accommodations tax, the [~~applicable county director of finance~~] director of taxation shall have all the rights and powers of the director of taxation provided under this chapter.

(b) The county transient accommodations tax, if adopted, shall be imposed on the gross rental, gross rental proceeds, and fair market rental value of all written contracts that require the passing on of the taxes imposed under this chapter; provided that if the gross rental, gross rental proceeds, and fair market rental value are received as payments beginning in the taxable year in which the taxes become effective, on contracts entered into prior to the adoption of the ordinance pursuant to section 46- , and the written contracts do not provide for the passing on of increased rates of taxes, the county transient accommodations tax shall not be imposed on the gross rental, gross rental proceeds, and fair market rental value covered under the written contracts. The county transient accommodations tax shall be imposed on the gross rental, gross rental proceeds, and fair market rental value from all contracts entered into on or after the adoption of the ordinance pursuant to section 46- , regardless of whether the contract allows for the passing on of any tax or any tax increases.

____.B. NO.____

(c) No county transient accommodations tax shall be established on any form of accommodation that is exempt from the taxes imposed by this chapter pursuant to section 237D-3.

(d) The director of taxation shall have the exclusive rights and power to determine the county or counties in which a person is engaged in business and, in the case of a person engaged in business in more than one county, the director shall determine, through apportionment or other means, that portion of the surcharge on state tax attributable to business conducted in each county.

(e) The director of taxation shall revise the transient accommodations tax form to provide for the clear and separate designation of the imposition and payment of the county transient accommodation tax.

(f) All taxpayers who file on a fiscal year basis whose fiscal year ends after December 31 of the year prior to the taxable year in which the taxes become effective, shall file a short period annual return for the period preceding January 1 of the taxable year in which the taxes become effective. Each fiscal year taxpayer shall also file a short period annual return for the period starting on January 1 of the taxable year

____.B. NO.____

in which the taxes become effective, and ending before January 1 of the following year.

(g) All county transient accommodations tax collected by the director of taxation shall be paid into the state treasury quarterly, within ten working days after collection, and shall be placed by the director of finance in a special accounts for each county that has adopted the tax by ordinance. Out of the revenues generated by county transient accommodations tax paid into each respective state treasury special account, the director of finance shall deduct _____ per cent of the gross proceeds of a respective county's transient accommodations tax to reimburse the State for the costs of assessment, collection, disposition, and oversight of the county transient accommodations tax incurred by the State. Amounts retained shall be general fund realizations of the State.

The amounts deducted for costs of assessment, collection, disposition, and oversight of county transient accommodations tax shall be withheld from payment to the counties by the State out of the county transient accommodations tax collected for the current calendar year.

_____.B. NO._____

For the purpose of this section, the costs of assessment, collection, disposition, and oversight of the county transient accommodations tax shall include any and all costs, direct or indirect, that are deemed necessary and proper to effectively administer this chapter.

(h) After the deduction and withholding of the costs under subsection (g), the director of finance shall pay the remaining balance on quarterly basis to the director of each county that has adopted a county transient accommodations tax. The quarterly payments shall be made after the county transient accommodations tax have been paid into the state treasury special accounts or after the disposition of any tax appeal, as the case may be. All county transient accommodations tax shall be distributed by the director of finance to the county in which the county transient accommodations tax is generated and shall be a general fund realization of the county."

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

SECTION 4. This Act shall take effect on January 1, 2023.

INTRODUCED BY: _____

____.B. NO.____

BY REQUEST

____.B. NO.____

Report Title:

Description:

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

COUNTY OF HAWAI'I



STATE OF HAWAI'I

RESOLUTION NO. 240 21

A RESOLUTION APPROVING A STATE BILL RELATING TO REGISTRATION OF VEHICLES FOR INCLUSION IN THE 2022 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE.

WHEREAS, the Hawai'i State Association of Counties (HSAC) Executive Committee requests all Counties to approve proposals to be included in the 2022 HSAC Legislative Package; and

WHEREAS, some individuals and entities within each county intentionally abandon vehicles on roads and highways; and

WHEREAS, counties are left with the responsibility and costs associated with towing abandoned and/or derelict vehicles; and

WHEREAS, the current ten dollar cap on highway beautification fees that go into a revolving fund used for supporting the disposal of these abandoned and/or derelict vehicles is not insufficient to cover these costs; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I that it approves a state bill removing the ten dollar cap on fee for the 2022 Hawai'i State Association of Counties Legislative Package, as attached hereto and labeled Exhibit A.

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to the President of the HSAC Executive Committee, the Honorable Mayor Mitchell D. Roth, and Director of Finance Deanna Sako.

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

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on _____.

ATTEST:

COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG				
DAVID				
INABA				
KĀNEALI'I-KLEINFELDER				
KIERKIEWICZ				
KIMBALL				
LEE LOY				
RICHARDS				
VILLEGAS				

Reference: _____ C-440/Waived GOREDC

RESOLUTION NO. **240 21**

REVISED:
1ST DRAFT DATE:

____.B. NO.____

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION.

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 other motor vehicles may be
17 established by ordinance and collected annually by the director

____.B. NO.____

1 of finance of each county, to be used and administered by each
2 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 motor vehicles other than U-
16 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.

3 SECTION 3. This Act shall take effect upon its approval.
4
5
6
7

8 INTRODUCED BY: _____

9 BY REQUEST