CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **11-339, CD1, FD1**
Proposed (TB)

RESOLUTION

RELATING TO THE 2012 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE.

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

WHEREAS, the legislative package proposed by HSAC represents the state legislative priorities of the counties; and

WHEREAS, the HSAC Executive Committee has proposed state legislation listed in this resolution to be part of the Hawaii State Association of Counties' 2012 legislative package; and

WHEREAS, approval by all four councils is required to include proposals in the 2012 HSAC legislative package; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves for inclusion in the 2012 HSAC legislative package as follows:

1. A proposed bill requiring the State Director of Finance to transmit a percentage of all fines and forfeitures for uncontested traffic infractions committed in that county, attached as Exhibit A.

2. A proposed bill increasing the amount of time county councils have to review affordable housing projects submitted pursuant to HRS Section 201H-38 from 45 days to 60 days, attached as Exhibit B.

3. A proposed bill requiring grocers and wholesale clubs to identify any food or raw agricultural commodity that contains a genetically engineered material or was produced with a genetically engineered material, attached as Exhibit C.

4. A proposed bill that would revise and clarify agricultural product branding and country or region of origin labeling laws as provided in HRS Chapter 486, attached as Exhibit D.

5. A proposed bill increasing the gallonage tax on liquor and transferring the additional revenue to the respective counties for the purpose of reimbursing counties for the costs of services, equipment, training,

education, and public service announcements related to driving while under the influence of an intoxicant, attached as Exhibit E.

6. A proposed bill providing the counties with representation on the Employees' Retirement System Board of Trustees, attached as Exhibit F.

7. A bill, H.B. No. 175, H.D. 2 (2011), providing the counties with representation on the Hawaii employer-union health benefits trust fund (EUTF) board, attached as Exhibit G.

8. A proposed bill requiring publication of notice and a public hearing for Type II residential care home applications, attached as Exhibit H.

9. A proposed resolution urging the U.S. government to reimburse the counties for all costs relating to the Asia Pacific Economic Cooperation Leaders Meeting (APEC), attached as Exhibit I.

10. A proposed bill creating a new bargaining unit for water safety officers employed by the state or counties, attached as Exhibit J.

11. A proposed resolution urging the U.S. Department of State, the Department of Homeland Security, and the U.S. Attorney General to ease visa restrictions for the People's Republic of China, attached as Exhibit K.

12. A proposed bill providing the counties with liability protection for natural conditions on or near public beach parks, attached as Exhibit L.

13. A proposed resolution urging the legislature to provide funding for any activities mandated to any of the counties by the State of Hawaii, attached as Exhibit M.

14. A proposed resolution urging the Governor and legislature to maintain the counties' share of the transient accommodations tax, attached as Exhibit N.

and

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 11-339, CD1, FD1

RESOLUTION

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the President of the Hawaii State Association of Counties.

INTRODUCED BY:

Stanley Chang

DATE OF INTRODUCTION:

November 9, 2011
Honolulu, Hawaii

Councilmembers

___.B. NO. _____

A BILL FOR AN ACT

RELATING TO TRAFFIC INFRACTIONS.

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

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

"CHAPTER

TRANSMITTAL OF UNCONTESTED TRAFFIC FINES AND FORFEITURES TO COUNTIES

§ -1 **Definitions**. For purposes of this chapter, unless the context clearly requires otherwise:

"Traffic infraction" means the same as identified under section 291D-2.

"Uncontested traffic infraction" means a traffic infraction for which the person noticed under section 291D-5 does not contest the infraction. A person "does not contest" an infraction if, in accordance with section 291D-6(b)(1), the person admits the commission of the infraction without requesting a hearing to explain mitigating circumstances and pays or remits bail forfeiture by mail within thirty days.

§ - **Transmittal of fines and forfeitures.** (a) The state director of finance shall transmit to each county not more than thirty days after the end of each fiscal quarter _____ per cent of all fines and forfeitures collected for uncontested traffic infractions committed in that county which are in excess of amounts required by the State to pay the administrative cost of the traffic violations bureau.

(b) Subsection (a) shall not apply to:

(1) Fines and forfeitures for violations that occur on state off-street parking facilities, parks, airports, and harbors that are subject to enforcement by the State; and

(2) Fines and forfeitures that are required by law to be paid into a special, revolving, or trust fund.

No county shall be entitled to any portion of the fines and forfeitures described in this subsection"

SECTION 2. Section 291C-171, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of the state traffic laws and all assessments collected relating to the commission of

traffic infractions shall be paid to the state director of finance [~~of the State~~].

The judiciary shall identify those uncontested traffic infractions as defined in section -1. The disposition of fines and forfeitures paid to the state director of finance shall be subject to section -2."

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

SECTION 4. This Act shall take effect on July 1, 2012.

INTRODUCED BY: _____

JUSTIFICATION SHEET

PROPOSER:	County of Maui
TITLE:	A Bill for an Act Relating to Traffic Infractions
PURPOSE:	The purpose of the proposed bill is to require the State director of finance to transmit to the county a percentage of all fines and forfeitures collected for uncontested traffic infractions committed in that county.
MEANS:	Adding a new chapter to the Hawaii Revised Statutes entitled "Transmittal of Uncontested Traffic Fines and Forfeitures to Counties".
JUSTIFICATION:	The counties are responsible for enforcement of the Statewide Traffic Code, yet the fines and forfeitures accruing from violations are paid solely to the State. When traffic violations are uncontested, there is no need to resort to the State courts; therefore, the burden on State-funded personnel and resources is minimized. Enactment of the proposed bill would assist the counties to offset the operational costs of enforcing the Statewide Traffic Code.

paf:kmh:11-205b

__.B. NO. _____

A BILL FOR AN ACT

RELATING TO HOUSING.

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

SECTION 1. The forty-five day window for a legislative body to approve, approve with modification, or disapprove an affordable housing project submitted pursuant to Section 201H-38, Hawaii Revised Statutes, is too short of a timeframe to have any meaningful discussion on a proposed project. Allowing sixty days will still provide for an expedited review while increasing the amount of time the legislative body of a county has to exercise its due diligence in evaluating a proposed project.

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

"(a) The corporation may develop on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions,

development and improvement of land, and the construction of dwelling units thereon; provided that:

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

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

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

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

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

(C) The final plans and specifications for the project shall be deemed approved by the legislative body if the final plans and specifications do not substantially deviate from the preliminary plans and specifications. The final plans and specifications for the project shall constitute the zoning, building, construction, and subdivision standards for that project. For purposes of sections 501-85 and 502-17, the executive director of the corporation or the responsible county official may certify maps and plans of lands connected with the project as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and the maps and plans shall be accepted for registration or recordation by the land court and registrar; and

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

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

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

INTRODUCED BY: _____

JUSTIFICATION SHEET

PROPOSER:	County of Maui
TITLE:	A Bill for an Act Relating to Housing
PURPOSE:	The purpose of the proposed bill is to increase the amount of time the county councils have to review affordable housing projects submitted pursuant to Section 201H-38, Hawaii Revised Statutes ("HRS"), from 45 days to 60 days.
MEANS:	Amending Section 201H-38(a)(3), HRS.
JUSTIFICATION:	The forty-five day window for the county councils to approve, approve with modification, or disapprove an affordable housing project submitted pursuant to Section 201H-38, HRS, is too short of a timeframe to have any meaningful discussion on a proposed project. Allowing sixty days will still provide for an expedited review while increasing the amount of time the county councils have to exercise their due diligence in evaluating a proposed project.

paf:kmh:11-205a

___.B. NO._____

A BILL FOR AN ACT

RELATING TO CONSUMER INFORMATION.

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

SECTION 1. Chapter 328, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

"§328- **Genetically engineered material; signage requirement.** (a) No grocer or wholesale club shall sell or offer to sell any food or raw agricultural commodity in the State if it contains a genetically engineered material, or was produced with a genetically engineered material, unless the grocer or wholesale club posts a sign that:

(1) Identifies that the product sold contains genetically engineered material or was produced with a genetically engineered material;

(2) Is displayed within the establishment at the primary location where the product is sold; and

(3) Displays the words "contains genetically engineered material" or "produced with a genetically engineered material" in wording no less than twenty-four point

EXHIBIT C

font and the name of the product in wording no less than fourteen point font.

All suppliers of food or raw agricultural commodities for resale in the State that contains any genetically engineered material, or was produced with a genetically engineered material shall provide to the grocers or wholesale clubs a listing that identifies by name all food or raw agricultural commodity provided by the supplier; provided that a grocer or wholesaler club shall be deemed to be in compliance with this subsection if the grocer or wholesale club relies upon the listing from the supplier.

(b) A food shall be considered to have been produced with a genetically engineered material if:

(1) The organism from which the food is derived has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for raw agricultural commodities may not be construed to mean that those commodities are produced with a genetically engineered material);

(2) The animal from which the food is derived has been fed genetically engineered material; or

(3) The food contains an ingredient that is a food to which paragraph (1) or (2) applies.

1 "Genetically engineered material" means material derived
2 from any part of a genetically engineered organism, without
3 regard to whether the altered molecular or cellular
4 characteristics of the organism are detectable in the material.
5 "Genetically engineered organism" means:
6 (1) An organism that has been altered at the molecular or
7 cellular level by means that are not possible under
8 natural conditions or processes (including recombinant
9 deoxyribonucleric acid and ribonucleric acid
10 techniques, cell fusion, mircoencapsulation,
11 macroencapsulation, gene deletion and doubling,
12 introducing a foreign gene, and changing the positions
13 of genes), other than a means consisting exclusively
14 of breeding, conjugation, fermentation, hybridization,
15 in vitro fertilization, tissue culture, or
16 mutagenesis; or
17 (2) An organism made through sexual or asexual
18 reproduction, or both, involving an organism described
19 in paragraph (1), if possessing any of the altered
20 molecular or cellular characteristics of the organism
21 so described.
22 (d) This section shall not apply to food that is:
23 (1) Served in restaurants or other establishments in which
24 the food is served for immediate human consumption;

(2) Processed and prepared primarily in a retail establishment and is ready for human consumption, of the type described in paragraph (1), and is offered for sale to consumers but not for immediate human consumption in the establishment and is not offered for sale outside the establishment; or

(3) A medical food as defied in section 346-67.

(e) A violation of any provision of this section, or any rule adopted pursuant to this chapter, shall be punishable by a fine of not more than $1,000 for each violation.

(f) The director of health shall adopt rules, pursuant to chapter 91, necessary for the purposes of this section, including rules for the testing of foods to determine the presence and content of genetically engineered material."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval; provided that section 2 shall take effect on January 1, 2013.

INTRODUCED BY: _____

JUSTIFICATION SHEET

PROPOSER:	City and County of Honolulu
TITLE:	A Bill for an Act Relating to Consumer Information
PURPOSE:	Starting January 1, 2013, to require grocers and wholesale clubs to identify any food or raw agricultural commodity that contains a genetically engineered material, or was produced with a genetically engineered material.
MEANS:	Adds a new section to Chapter 328, Hawaii Revised Statutes
JUSTIFICATION:	The long-term effects of genetically engineered foods are unclear. Requiring signage where such foods are sold will allow consumers to make an informed decision as to whether they wish to purchase genetically engineered foods.

___.B. NO. _____

A BILL FOR AN ACT

RELATING TO AGRICULTURAL PRODUCT BRANDING AND COUNTRY OR REGION OF ORIGIN LABELING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. Hawai'i Revised Statutes, Chapter 486, Measurement Standards, Part V, Measurement Standards, Uniform Packaging and Labeling is amended to add a new section 486-120.7 to read as follows:

"**§486-120.7 Agricultural product branding and country or region of origin labeling.**

(a) All agricultural products grown, packaged, or sold in Hawai'i shall conform to the following conditions:

Honey, macadamia nuts, coffee, tea, vanilla, and any other plant or animal products for which any information or name indicating "Hawai'i", "Hawaiian", or any region of Hawai'i, and where the product is less than 100% grown in Hawai'i, shall after the word "Contains:" list on the front label the country or region of origin and the percentage of each country's or region's portion of the product in descending order of percentage and in font size at least equal to one-half the size of the largest font on the front label. (Spices are exempted unless spice is the major portion of the product.)

(b) All agricultural products claiming to be 100% grown in Hawai'i shall be labeled to conform to the following condition:

(1) A minimum of 100% Hawai'i-grown product shall be included in the package for the front label to say, with or without Hawaiian okinas, in a font size at least equal to one-half the size of the largest font:

"100% Hawai'i (product)" or "Hawai'i (product)"

"100% Hawai'i-Grown (product)" or "Hawai'i-Grown (product)";

"100% Grown in Hawai'i";

"100% Hawai'i-Made (product)" or "Hawai'i-Made (product)";

"100% Hawaiian-Made (product)" or "Hawaiian-Made (product)";

"100% Made in Hawai'i"; or

"100% Hawaiian (product)" or "Hawaiian (product)".

(2) Spices are exempted unless spice is the major portion of the product.

(c) All agricultural products claiming to be 100% grown in a single Hawaiian region shall be labeled to conform to the following conditions:

EXHIBIT D

(1) A minimum of 100% of the Hawaiian regionally-grown product shall be included in the package for the front label to say, with or without Hawaiian okinas, in a font size at least equal to one-half the size of the largest font:

(A) Regional names:

"100% (Region) (product)" or "(Region) (product)";

"100% (Region)-Grown (product)" or "(Region)-Grown (product)";

"100% (Region)-Made (product)" or "(Region)-Made (product)"; or

"100% (Region) (product)".

(B) In the case of a blend that contains 100% products from multiple Hawaiian islands:

"100% Hawaiian Islands (product) Blend" or "100% Hawai'i Islands (product) Blend".

(2) Spices are exempted unless spice is the major portion of the product.

(d) All packaging and labeling for products claiming to contain some but less than 100% Hawai'i-grown product shall conform to the following conditions:

(1) A blended plant or animal product labeled with the words "Hawai'i" "Hawaiian" or the name of any Hawaiian region (e.g. "75% Kona Coffee Blend") shall:

(A) Contain a minimum of 75% of that named region's agricultural or animal product, and shall use the word "Blend" in the identification of the product;

(B) List the percentage number of the majority portion of the product (e.g. "75% (region) (product)"); and

(C) List after the word "Contains:" in descending order, and after the majority content, the remainder of the product by percentage and country or Hawaiian region of origin, with or without okinas, for example:

"15% Argentina (product)" and "10% Congo (product)";

"15% Argentina (product)" and "10% Mau'i (product)"; or

"25% Mau'i and Kaua'i (product)" (The bulk listing of percentages shall be allowed for Hawaiian regions only); and

(D) The labeling required in (1), (2), and (3) above shall be printed on the front label in a font size at least equal to one-half the size of the largest font on the front label.

(2) Any blended product that contains less than 75% of a Hawaiian product shall not use the names "Hawai'i" "Hawaiian" or any Hawaiian regional name on the front label, except in the contents list which shall identify on the front label the countries or geographic regions of origin for the entire product with the percentage for each country's or region's portion of the product in a font size at least equal to one-half the size of the largest font on the front label."

SECTION 2. Nothing stated on side or back labels on any product subject to this section shall be inconsistent with statements appearing on the front label.

SECTION 3. To the extent the provisions of this section are inconsistent with the labeling requirements of HRS Sections 486-120.5, 486-120.6, or 486-119, or any other statutory section, the provisions of this section shall apply.

SECTION 4. New material is underscored. In printing this ordinance, the underscoring need not be included.

SECTION 5. The effective date of this ACT shall be 18 months from the date the legislation is passed by the State Legislature. The passage of this ACT shall begin the 18-month time period for the effective date to take effect.

INTRODUCED BY: _____

JUSTIFICATION SHEET

PROPOSER: Hawai'i State Association of Counties

TITLE: RELATING TO AGRICULTURAL PRODUCT BRANDING AND COUNTRY OR REGION OF ORIGIN LABELING IN HAWAI'I REVISED STATUTES, SECTION 486.

PURPOSE: To amend HRS Chapter 486 on branding agricultural products and labeling with the country or region of origin to protect Hawai'i's regional crops and our growers investment, , provide protection of the consumer, prevent misleading information on labels, be informative to all parties of interest, create an identity for Hawai'i agricultural products, increase the minimum percentage in blends of any product to 75% before a Hawaiian or Hawai'i regional name may be placed on the label, and equalize all agricultural products in the way products are labeled and blended.

MEANS: Amend HRS Chapter 486 to make all agricultural products fairly and accurately labeled with a minimum percentage of Hawaiian products and country or region of origin so the consumer knows exactly what they are buying from the front label.

JUSTIFICATION: Milk products require 90% of the product to be produced in Hawai'i before the name of "Island Fresh" may be allowed on the label. However, other Hawaiian products, coffee, tea, vanilla, and macadamia nuts products are allowed to have as low as 10% Hawaiian product and be labeled with a Hawaiian regional name and the word, "blend". This is discriminatory, disadvantages the growers, confuses the consumer, degrades our Hawaiian products, and makes a mockery of the regional quality of our products. Additionally, HRS 486 specifically and in numerous sections, prohibits unfair or misleading the consumer, or misrepresents the origin of the product. HRS 486-110 specifically states "measure of any commodity for sale reflects accurate information and fair measurement practices to all concerned". Section 486 needs to be amended to protect the growers and consumers.

THE _____ _____.B. NO. _____

TWENTY-_____ LEGISLATURE, 2011

STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO GALLONAGE TAX ON LIQUOR

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. Section 244D-4, Hawaii Revised Statutes, is amended to read as follows:

"**§244D-4 Tax; limitations.** (a) Every person who sells or uses any liquor in the State not taxable under this chapter, in respect of the transaction by which the person or the person's vendor acquired the liquor, shall pay a gallonage tax which is hereby imposed at the following rates for the various liquor categories defined in section 244D-1:

For the period July 1, 1997, to June 30, 1998, the tax rate shall be:

(1) $5.92 per wine gallon on distilled spirits;

(2) $2.09 per wine gallon on sparkling wine;

(3) $1.36 per wine gallon on still wine;

(4) $0.84 per wine gallon on cooler beverages;

(5) $0.92 per wine gallon on beer other than draft beer;

(6) $0.53 per wine gallon on draft beer;

[~~On~~] For the period July 1, 1998, [~~and thereafter,~~] to June 30, 2013, the tax rate shall be:

(1) $5.98 per wine gallon on distilled spirits;

(2) $2.12 per wine gallon on sparkling wine;

(3) $1.38 per wine gallon on still wine;

(4) $0.85 per wine gallon on cooler beverages;

(5) $0.93 per wine gallon on beer other than draft beer;

EXHIBIT E

(6) $0.54 per wine gallon on draft beer;

On July 1, 2013, and thereafter, the tax rate shall be:

(1) $6.03 per wine gallon on distilled spirits;

(2) $2.17 per wine gallon on sparkling wine;

(3) $1.43 per wine gallon on still wine;

(4) $0.90 per wine gallon on cooler beverages;

(5) $0.98 per wine gallon on beer other than draft beer;

(6) $0.59 per wine gallon on draft beer;

and at a proportionate rate for any other quantity so sold or used.

(b) Beginning July 1, 2013, the increase in the gallonage tax shall begin and the additional thirty percent per gallon collected shall be reimbursed to each county by the amount of additional gallonage tax collected from that county; however, fines on the increased tax revenue shall be retained by the State of Hawai'i to compensate it for the expense of collection. Tax revenues from this Act shall be kept by the respective counties in a special fund, and be accounted for as a separate line item in their respective budgets.

(c) The tax collected for the period July 1, 2013 and thereafter as set forth under subparagraph (a) above shall only be used to pay for Police, Fire, Emergency Medical Services, road clean-up, prosecution, and may also be used for training, the purchase of any equipment deemed necessary by the respective county departments, education and public service announcements utilized to reduce driving while under the influence of an intoxicant.

[~~(b)~~] (d) The tax levied pursuant to subsection (a) shall be paid only once upon the same liquor; provided further that the tax shall not apply to:

(1) Liquor held for sale by a permittee but not yet sold;

(2) Liquor sold by one permittee to another permittee;

(3) Liquor which under the Constitution and laws of the United States cannot be legally subjected to the tax imposed by this chapter so long as and to the extent to which the State is without power to impose the tax;

(4) Liquor sold for sacramental purposes or the use of liquor for sacramental purposes, or any liquor imported pursuant to section 281-33; and

(5) Alcohol sold pursuant to section 281-37 to a person holding a purchase permit or prescription therefor, or any sale or use of alcohol, so purchased, for other than beverage purposes."

JUSTIFICATION SHEET

PROPOSER:	Hawai'i State Association of Counties
TITLE:	RELATING TO INCREASED GALLONAGE TAX ON LIQUOR.
PURPOSE:	To increase gallonage tax on liquor by 30%, collect and transfer this additional revenue to the respective counties, and partially reimburse counties for cost of handling crashes and crash fatalities involving driving under the influence of an intoxicant.
MEANS:	Amend HRS Chapter 244D-4 to increase the gallonage tax on liquor by 30%.
JUSTIFICATION:	The high rate of crashes and crash fatalities involving driving under the influence of an intoxicant (alcohol), and the cost of resolving the crash and fatalities falls on the counties which justifies an increase in gallonage tax for liquor. Gallonage tax on liquor has not increased since 1998 while the Consumer Price Index has increased more than 35% in the same period of time. Resolving the crash involves police, fire, EMS, traffic division to clear the wreckage, and prosecution of the case in each county. These costs could be partially covered by an increase in gallonage tax for liquor.

___.B. NO._____

A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

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

1 SECTION 1. The legislature finds that the counties need
2 county representation on the board of trustees of the employees'
3 retirement system of the State. The counties contribute a
4 considerable share to retirement system costs, and their
5 employees and retirees are a significant portion of the system's
6 membership. County representation will ensure that the board
7 possesses expertise about county finances and the county
8 workforce in making benefit decisions. Lack of representation
9 may result in a situation where board members do not fully
10 consider the costs of their actions on the counties, resulting
11 in changes that may not be cost beneficial in the aggregate or
12 may affect the retirement income of county employees and
13 retirees.
14 The purpose of this Act is to include county representation
15 on the membership of the board of trustees of the employees'
16 retirement system.

EXHIBIT F

SECTION 2. Section 88-24, Hawaii Revised Statutes, is amended to read as follows:

"**§88-24 Composition of board.** The board of trustees shall consist of [~~eight~~] ten members as follows:

(1) The director of finance of the State, ex officio;

(2) [~~Four~~] Five members of the system, [~~two~~] three of whom shall be general employees, one of whom shall be a teacher, and one of whom shall be a retirant to be elected by the members and retirants of the system under rules adopted by the board governing the election to serve for terms of six years each, one of the terms to expire on January 1 of each even-numbered year; provided that, if after the close of filing of petitions for candidacy, a member is unopposed for election to a trustee position, the member shall be deemed and declared to be duly and legally elected to the position of trustee without an election; [~~and~~]

(3) Three citizens of the State who are not employees, one of whom shall be a responsible officer of a bank authorized to do business within the State, or a person of similar experience, to be appointed by the governor, with the advice and consent of the senate,

to serve for a term of six years each, one of the terms to expire January 1 of each odd-numbered year[~~.~~]; and

(4) One member appointed by unanimous agreement of the mayors of each of the four counties and approved by the Hawaii State Association of Counties, subject to the advice and consent of the senate in the same manner as trustees appointed by the governor, to serve for a term of six years, with each term to expire on January 1 of an odd-numbered year. The counties shall be responsible for all necessary expenses, including travel, board, and lodging expenses, and any other costs, incurred in the performance of the member's duties.

Each trustee shall serve until the trustee's successor is elected or appointed, as the case may be, and qualified. For the purpose of this section, the term "general employees" includes police officers and firefighters."

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

1 SECTION 4. This Act shall take effect on July 1, 2030.

2

3 INTRODUCED BY:_____

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.B. NO. 175 H.D. 2

A BILL FOR AN ACT

RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND.

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

SECTION 1. The legislature finds that the counties need representation on the board of trustees of the Hawaii employer-union health benefits trust fund. The counties contribute a substantial amount to the fund, and the health and well-being of their employees and retirees depend on the benefit decisions made by the board of trustees. Despite their lack of representation, as public employers, the counties are affected by board decisions. In a recent case brought by retirees objecting to board of trustees benefit decisions, the counties were joined in the lawsuit even though they did not have any part in making the decisions.

The purpose of this Act is to require that one of the five seats on the board allocated to public employers be occupied by a member appointed by the mayors of all four counties and approved by the Hawaii State Association of Counties. That member will provide fiscal expertise and knowledge of county finances and the county workplace. This requirement will enable

EXHIBIT G

the effect of proposed benefit changes on the county's workplace and finances to be adequately considered in board decisions.

SECTION 2. Section 87A-5, Hawaii Revised Statutes, is amended to read as follows:

"**§87A-5 Composition of board.** The board of trustees of the employer-union health benefits trust fund shall consist of ten trustees appointed [~~by the governor~~] in accordance with the following procedure:

(1) Five trustees[~~,~~] appointed by the governor, one of whom shall represent retirees, to represent employee-beneficiaries and to be selected as follows:

(A) Three trustees shall be appointed from a list of two nominees per trustee selected by each of the three exclusive representative organizations that have the largest number of employee-beneficiaries;

(B) One trustee shall be appointed from a list of two nominees selected by mutual agreement of the remaining exclusive employee representative organizations; and

(C) One trustee representing retirees shall be appointed from a list of two nominees selected by mutual agreement of all eligible exclusive representatives; and

(2) Five trustees to represent public employers[~~.~~], four of whom shall be appointed by the governor, and one of whom shall be appointed by unanimous agreement of the mayors of each of the four counties and approved by the Hawaii State Association of Counties to represent the city and county of Honolulu and the counties of Hawaii, Maui, and Kauai; provided that if the counties do not make an appointment within sixty days, the governor may fill the vacancy.

Section 26-34 shall not apply to board member selection and terms. Notwithstanding any other provision of this section, no exclusive representative of a bargaining unit that sponsors or participates in a voluntary employee beneficiary association shall be eligible to select nominees or to be represented by a trustee on the board.

As used in this section, the term "exclusive representative" shall have the same meaning as in section 89-2."

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

SECTION 4. This Act shall take effect on July 1, 2030.

Report Title:
HSAC Package; Employer-Union Health Benefits Trust Fund; Counties

Description:
Requires one member of the Employer-Union Health Benefits Trust Fund board of trustees to be appointed by agreement of the mayors of the four counties and approved by the Hawaii State Association of Counties. Authorizes the governor to fill the vacancy should it not be filled within sixty days. Effective July 1, 2030. (HB175 HD2)

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

___.B. NO._____

A BILL FOR AN ACT

RELATING TO ADULT RESIDENTIAL CARE HOMES.

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

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§321- Type II adult residential care homes; license application; notice to public; informational hearing; notice to county.** (a) Upon submitting an application for a license, each facility proposing to operate as a type II adult residential care home in a residential area shall publish notice of its application for a license in a newspaper of general circulation in the county in which the facility is proposed to be located.

(b) The department shall hold an informational hearing regarding the license application in the district, as defined in section 4-1, in which the proposed facility is to be located.

(c) If the proposed facility is also concurrently applying for a county permit for the proposed facility, the applicant for a license shall notify the department of its county permit application. The department shall then notify the relevant

EXHIBIT H

1 county of the date and venue of the department's informational
2 hearing and invite the county's attendance at the hearing."
3 SECTION 2. New statutory material is underscored.
4 SECTION 3. This Act shall take effect upon its approval.
5

INTRODUCED BY:_____

H.C.R. NO._____

HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES GOVERNMENT TO REIMBURSE THE CITY AND COUNTY OF HONOLULU, HAWAII COUNTY, KAUAI COUNTY AND MAUI COUNTY, FOR ALL COSTS RELATING TO THE ASIA PACIFIC ECONOMIC COOPERATION LEADERS MEETING.

WHEREAS, the Asia Pacific Economic Cooperation Leaders Meeting (APEC) will be held in Honolulu from November 7 to 13, 2011; and

WHEREAS, President Barack Obama will be joined in Honolulu by 20 other heads of state from Pacific Rim nations to address issues of economic growth, trade, and investment; and

WHEREAS, up to 20,000 international delegates are expected in Honolulu for APEC to do business, including finance ministers, diplomats, policy-makers, and top CEOs; and

WHEREAS, the policies and agreements made at APEC will significantly benefit the United States government and the participants at APEC; and

WHEREAS, the City and County of Honolulu has budgeted a total of over $37 million to cover expenses relating to APEC including increased expenses for police, fire and emergency services; and

WHEREAS, it is anticipated that the other counties will also incur expenses relating to APEC; and

WHEREAS, since the United States government will get significant benefits from APEC, the United States should reimburse the counties for the expenses relating to APEC; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session 2012, the Senate concurring, that the Hawaii State Legislature urges the United States government to reimburse the counties for all APEC related expenditures; and

EXHIBIT I

H.C.R. NO. _____

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the President of the United States, the Secretary of the U.S. Department of State, the Secretary of the U.S. Treasury, the Governor, the President of the State Senate, and the Speaker of the State House of Representatives.

OFFERED BY:_____

___.B. NO._____

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Section 89-6, Hawaii Revised Statutes, is
2 amended as follows:
3 1. By amending subsection (a) to read:
4 "(a) All employees throughout the State within any of the
5 following categories shall constitute an appropriate bargaining
6 unit:
7 (1) Nonsupervisory employees in blue collar positions;
8 (2) Supervisory employees in blue collar positions;
9 (3) Nonsupervisory employees in white collar positions;
10 (4) Supervisory employees in white collar positions;
11 (5) Teachers and other personnel of the department of
12 education under the same pay schedule, including
13 part-time employees working less than twenty hours a
14 week who are equal to one-half of a full-time
15 equivalent;
16 (6) Educational officers and other personnel of the
17 department of education under the same pay schedule;

EXHIBIT J

(7) Faculty of the University of Hawaii and the community college system;

(8) Personnel of the University of Hawaii and the community college system, other than faculty;

(9) Registered professional nurses;

(10) Institutional, health, and correctional workers;

(11) Firefighters;

(12) Police officers; [~~and~~]

(13) Professional and scientific employees, who cannot be included in any of the other bargaining units[~~.~~]; and

(14) Water safety officers employed by the State or counties."

2. By amending subsection (d) to read:

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

(1) For bargaining units (1), (2), (3), (4), (9), (10), and (13), the governor shall have six votes and the mayors, the chief justice, and the Hawaii health systems corporation board shall each have one vote if they have employees in the particular bargaining unit;

(2) For bargaining units (11) [~~and~~], (12), and (14), the governor shall have four votes and the mayors shall each have one vote;

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

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

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

SECTION 2. Section 89-11, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) If an impasse exists between a public employer and the exclusive representative of bargaining unit (2), supervisory employees in blue collar positions; bargaining unit (3),

nonsupervisory employees in white collar positions; bargaining unit (4), supervisory employees in white collar positions; bargaining unit (6), educational officers and other personnel of the department of education under the same salary schedule; bargaining unit (8), personnel of the University of Hawaii and the community college system, other than faculty; bargaining unit (9), registered professional nurses; bargaining unit (10), institutional, health, and correctional workers; bargaining unit (11), firefighters; bargaining unit (12), police officers; [~~or~~] bargaining unit (13), professional and scientific employees[~~,~~]; or bargaining unit (14), water safety officers employed by the State or counties, the board shall assist in the resolution of the impasse as follows:

(1) Mediation. During the first twenty days after the date of impasse, the board shall immediately appoint a mediator, representative of the public from a list of qualified persons maintained by the board, to assist the parties in a voluntary resolution of the impasse.

(2) Arbitration. If the impasse continues twenty days after the date of impasse, the board shall immediately notify the employer and the exclusive representative that the impasse shall be submitted to a three-member

1 arbitration panel who shall follow the arbitration
2 procedure provided herein.
3 (A) Arbitration panel. Two members of the arbitration
4 panel shall be selected by the parties; one shall
5 be selected by the employer and one shall be
6 selected by the exclusive representative. The
7 neutral third member of the arbitration panel,
8 who shall chair the arbitration panel, shall be
9 selected by mutual agreement of the parties. In
10 the event that the parties fail to select the
11 neutral third member of the arbitration panel
12 within thirty days from the date of impasse, the
13 board shall request the American Arbitration
14 Association, or its successor in function, to
15 furnish a list of five qualified arbitrators from
16 which the neutral arbitrator shall be selected.
17 Within five days after receipt of such list, the
18 parties shall alternately strike names from the
19 list until a single name is left, who shall be
20 immediately appointed by the board as the neutral
21 arbitrator and chairperson of the arbitration
22 panel.

1 (B) Final positions. Upon the selection and
2 appointment of the arbitration panel, each party
3 shall submit to the panel, in writing, with copy
4 to the other party, a final position which shall
5 include all provisions in any existing collective
6 bargaining agreement not being modified, all
7 provisions already agreed to in negotiations, and
8 all further provisions which each party is
9 proposing for inclusion in the final agreement.
10 (C) Arbitration hearing. Within one hundred twenty
11 days of its appointment, the arbitration panel
12 shall commence a hearing at which time the
13 parties may submit either in writing or through
14 oral testimony, all information or data
15 supporting their respective final positions. The
16 arbitrator, or the chairperson of the arbitration
17 panel together with the other two members, are
18 encouraged to assist the parties in a voluntary
19 resolution of the impasse through mediation, to
20 the extent practicable throughout the entire
21 arbitration period until the date the panel is
22 required to issue its arbitration decision.

1 (D) Arbitration decision. Within thirty days after
2 the conclusion of the hearing, a majority of the
3 arbitration panel shall reach a decision pursuant
4 to subsection (f) on all provisions that each
5 party proposed in its respective final position
6 for inclusion in the final agreement and transmit
7 a preliminary draft of its decision to the
8 parties. The parties shall review the
9 preliminary draft for completeness, technical
10 correctness, and clarity and may mutually submit
11 to the panel any desired changes or adjustments
12 that shall be incorporated in the final draft of
13 its decision. Within fifteen days after the
14 transmittal of the preliminary draft, a majority
15 of the arbitration panel shall issue the
16 arbitration decision."
17 SECTION 3. The employers and public sector unions shall
18 meet and consult to submit to the legislature, no later than
19 twenty days prior to the convening of the 2013 regular session,
20 a report identifying all those workers and corresponding classes
21 of work that would meet the definition of and be migrated over
22 to the newly created bargaining unit (14), water safety officers

1 employed by the State or counties, established under this Act.
2 The report to the legislature shall include any and all
3 statutory amendments required to formalize the creation,
4 establishment, and migration of employees to the new bargaining
5 unit without loss of accrued benefits, seniority, and wages.
6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.
8 SECTION 5. This Act shall take effect upon its approval;
9 provided that the newly established bargaining unit (14) shall
10 take effect no later than July 1, 2013.
11
12 INTRODUCED BY: _____

H.C.R. NO._____

HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES DEPARTMENT OF STATE, THE DEPARTMENT OF HOMELAND SECURITY, AND THE UNITED STATES ATTORNEY GENERAL TO EASE VISA RESTRICTIONS FOR THE PEOPLE'S REPUBLIC OF CHINA.

WHEREAS, China and her people have long been a part of the economy and culture of Hawaii since the first Chinese sugar plantation laborers arrived in the islands in 1852; and

WHEREAS, the first one hundred seventy-five laborers were from Hong Kong bound for Maui—most of them from depression-torn Guangdong and Fujian in southern China; and

WHEREAS, from 1852 to 1876, nearly 4,000 Chinese laborers migrated to Hawaii; and by 1882, these *huaqiao* or migrants made up almost 49 percent of plantation labor, outnumbering Caucasians in the islands; and

WHEREAS, the progeny of these humble but determined Chinese immigrants rose quickly through the ranks of Hawaii's educational, political, and business communities, and would leave lasting impacts on Hawaii and even the world—the most famous of whom is referred to as "The Forerunner of the Revolution," Dr. Sun Yat-sen; and

WHEREAS, Dr. Sun's education at Iolani School and Oahu College inspired him to develop the vision of an educated, strong, and democratic, modern-day China that he would dedicate the rest of his life to building, and would later say that Hawaii was where he "came to know what modern, civilized governments are like and what they mean"; and

WHEREAS, Dr. Sun established the first Chinese revolutionary party, called *Xing Zhong Hui* or Revive China

EXHIBIT K

Society, and returned to Hawaii five more times at which time many Hawaii families contributed financially to his cause; and

WHEREAS, the Counties of Hawaii Sister-Cities Summit held in Honolulu on September 13-15, 2011 highlighted the inextricable and historic ties between China and Hawaii with a particular emphasis on strengthening our relationships with Honolulu's sister cities of Zhongshan, Haikou, Qinhuangdao, and Chengdu; and

WHEREAS, the summit demonstrated that China will continue to embrace our open door policy and fortified our understanding of each other's needs in the areas of cultural exchange, economic development, trade, tourism, and education; and

WHEREAS, recently, members of Hawaii's business and government communities welcomed 271 passengers at Honolulu International Airport from China Eastern Airlines' inaugural direct flight from Shanghai, heralding a new era for Honolulu's economic growth and forging closer ties between the United States and China; and

WHEREAS, the Hawaii Tourism Authority estimates that we will receive over 91,000 Chinese guests in 2011, a 37% increase; and

WHEREAS, the People's Republic of China, with its 1.3 billion people, represents a very large and lucrative pool of visitors, as the average Chinese tourist to Hawaii is expected to spend about $368 per day, compared to $275 daily for every Japanese tourist and just $178 per day, on average, for all tourists to Hawaii; and

WHEREAS, tourism dollars have been identified by the United States Department of Commerce as an *export,* and President Barack Obama's National Export Initiative of May 2010 seeks to double U.S. exports by 2015; and

WHEREAS, China has transformed itself from an impoverished country to the world's second largest economy, and as it grows, continues to have an impact on Hawaii and the globe; and

WHEREAS, China is now a major trade partner with the United States and force for stability and peace in Asia, and has become a world leader in the auto market and the world's largest producer of energy; and

WHEREAS, in spite of the reciprocity between China and Hawaii, the visa application and approval process for Chinese business and tourist travelers is an arduous and often lengthy process which deters many potential visitors to Hawaii and the United States; and

WHEREAS, a Chinese citizen who wishes to visit the United States must appear in person before a U.S. consulate official to obtain the visa but there are only five U.S. consulates in the entire People's Republic of China; and

WHEREAS, due to the small number of consulates and staff to handle the in-person interviews necessary for entry visas, the average wait times for those interviews in China far exceed those wait times in other countries; and

WHEREAS, one solution to ease this problem is for a country to be admitted to the U.S. State Department's Visa Waiver Program, which allows nationals from foreign countries to enter the United States for tourism- or business-related purposes for as long as 90 days without obtaining a visa; and

WHEREAS, both Japan and South Korea qualify for visa waivers; and

WHEREAS, when South Korea became one of the 36 countries in the State Department's Visa Waiver Program in November of 2008, it boosted tourism to Hawaii from that country; and

WHEREAS, in order for a country to qualify for the Visa Waiver Program, the country must satisfy certain conditions, with the United States government retaining the ultimate discretion to admit the country to the program; and

WHEREAS, one condition for entry into the waiver program is the rate of refusal of a country's visa applicants which must be three percent or lower; and

WHEREAS, the refusal rate for Chinese visa applicants was 13.3 percent as of last year; and

WHEREAS, the Travel and Tourism Advisory Board, a newly created industry group appointed by the U.S. Secretary of Commerce, recommended measures that can be taken to increase travel to the U.S. from China, which include: (1) raising the visa refusal rate from three to 10 percent; (2) establishing a maximum wait time for in-person visa interviews of five days; (3) adding four to six visa processing locations and several hundred consulate officers to process visas; and (4) allowing non-immigrant visas to last 10 years for Chinese visitors, which is permitted in other countries; now, therefore

BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2012, the Senate concurring, that it urges the United States Department of State, the Department of Homeland Security, and the United States Attorney General to include the People's Republic of China in the Visa Waiver Program and support the recommendations of the Travel and Tourism Advisory Board to ease visa restrictions and the visa application and approval process for business and tourist travelers from the People's Republic of China; and

H.C.R. NO. _____

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Honorable Hillary Clinton, Secretary of the U.S. Department of State; Secretary Janet Napolitano, Secretary of the Department of Homeland Security; U.S. Attorney General Eric H. Holder Jr.; Secretary Rebecca Blank, Acting Secretary, U.S. Department of Commerce; China's Ambassador to the United States, 2201 Wisconsin Avenue, N.W., Suite 110, Washington, D.C. 20007; the members of Hawaii's Congressional delegation; the Hawaii Tourism Authority; the Director of the Hawaii State Department of Business, Economic Development and Tourism; the Asian American Institute, 4753 North Broadway, Suite 904, Chicago, Illinois 60640; the Organization of Chinese Americans, 1322 18th Street, NW, Washington, D.C. 20036-1803; and the President of the Hawaii State Association of Counties and the Mayors of the counties of Kauai, Hawaii, Honolulu, and Maui.

OFFERED BY: _____

___.B. NO._____

A BILL FOR AN ACT

RELATING TO LIABILITY.

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

SECTION 1. Act 82, Session Laws of Hawaii 2003, as amended by section 3 of Act 81, Session Laws of Hawaii 2009, is amended by amending the definition of "improved public lands" to read as follows:

""Improved public lands" means lands designated as part of the state park system, parks, and parkways under chapter 184, or as part of a county's park system, and lands which are part of the Hawaii statewide trail and access system under chapter 198D, excluding buildings and structures constructed upon such lands. For purposes of this part, "improved public lands" excludes the ocean and submerged lands[~~, and further excludes any public beach park falling within Act 190, Session Laws of Hawaii 1996, as amended by Act 101, Session Laws of Hawaii 1999~~]."

SECTION 2. Act 82, Session Laws of Hawaii 2003, as amended section 5 of Act 152, Session Laws of Hawaii 2007, and as further amended by section 3 of Act 81, Session Laws of Hawaii

EXHIBIT L

2009, is further amended by amending section 8 to read as follows:

"SECTION 8. This Act shall take effect on July 1, 2003[~~, and shall be repealed on June 30, 2014~~]."

SECTION 3. Act 170, Session Laws of Hawaii 2002, as amended by section 4 of Act 152, Session Laws of Hawaii 2007, and as further amended by section 2 of Act 81 Session Laws of Hawaii 2009, is further amended by amending section 5 to read as follows:

"SECTION 5. This Act shall take effect upon its approval[~~; provided that section 1 of the Act shall be repealed o June 30, 2014~~]."

SECTION 4. Statutory material to be repealed is bracketed and stricken.

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

INTRODUCED BY: _____

H.C.R. NO._____

HOUSE CONCURRENT RESOLUTION

URGING THE LEGISLATURE OF THE STATE OF HAWAII TO PROVIDE FUNDING FOR ANY ACTIVITIES MANDATED TO ANY OF THE COUNTIES BY THE STATE OF HAWAII.

WHEREAS, Article VIII, Section 5 of the Hawaii State Constitution requires that if any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, the State shall share in the cost; and

WHEREAS, there are instances where the Hawaii State legislature has not provided adequate funding for State mandated programs; and

WHEREAS, one example of this is Act 56 (2008), which was enacted by the Hawaii State Legislature and approved by the Governor; and

WHEREAS, Act 56 (2008) states that the counties shall enforce Chapters 286 (Highway Safety) and 291C (Statewide Traffic Code) on public streets, roads, or highways whose ownership is in dispute between the State and the counties; and

WHEREAS, the State Attorney General and the Corporation Counsel of the City and County of Honolulu both provided testimony expressing the concern that the law does not provide funding to the counties for the expansion of their current program of highway safety and traffic code enforcement and that such an unfunded mandate may be result in a violation of Article VIII, Section 5 of the Hawaii State Constitution; and

WHEREAS, Act 56 (2008) was enacted without funding from the Hawaii State Legislature for the counties' expansion of their program of highway safety and traffic code enforcement; and

EXHIBIT M

H.C.R. NO. _____

WHEREAS, the counties seek assurances that this type of unfunded mandate will not be enacted by the Hawaii State Legislature in the future; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2012, the Senate concurring, that the Legislature of the State of Hawaii are urged to follow the constitutional requirement that if any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, the legislature shall provide that the State share in the cost; and

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the Governor, the Senate President, and the Speaker of the House.

OFFERED BY: _____

H.R. NO._____

HOUSE RESOLUTION

URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX.

WHEREAS, the transient accommodations tax is a tax levied by the state on the proceeds derived from furnishing transient accommodations; and

WHEREAS, in the 1990 legislative session, the Hawaii state legislature enacted Act 185 which gave the counties a share of the transient accommodations tax; and

WHEREAS, according to Conference Committee Report 207, the purpose of Act 185 was to provide a more equitable method of sharing state revenues with the counties rather than continuing with the system existing at the time whereby the counties requested financial assistance through grants in aid from the state; and

WHEREAS, the county share of the tax also provides more stability to county finances and enables improved budgeting and planning; and

WHEREAS, currently, 44.8% of the total transient accommodations tax collected by the state is distributed to the counties; of this amount, the revenue is allocated as follows:

Kauai County	-	14.5%
Hawaii County	-	18.6%
City and County of Honolulu	-	44.1%
Maui County	-	22.8%
		100.0%

and

EXHIBIT N

WHEREAS, the transient accommodations tax revenues account for a significant portion of the counties' general fund budgets; and

WHEREAS, maintaining the current allocation of the transient accommodations tax would allow the counties to continue providing essential government services to visitors and residents; and

WHEREAS, losing the current allocation of the transient accommodations tax would require counties to significantly raise property taxes; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii, Regular Session 2012, that the Governor and the Legislature are urged to preserve the counties' share of the transient accommodations tax; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, the Senate President, and the Speaker of the House.

OFFERED BY: _____