

REPORT OF THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND HUMAN SERVICES

Voting Members

Kymberly Marcos Pine, Chair; Breene Harimoto, Vice-Chair,
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

Committee Meeting Held
August 22, 2013

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Intergovernmental Affairs and Human Services, which considered Resolution 13-198 entitled:

"RESOLUTION RELATING TO THE APPROVAL OF LEGISLATIVE PROPOSALS FOR INCLUSION IN THE 2014 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE,"

introduced on August 15, 2013, reports as follows:

The purpose of the Resolution is to approves for inclusion in the 2014 Hawaii State Association of Counties (HSAC) legislative package the following proposals:

- Exhibit A A proposed bill creating a cause of action against a person who maintains a property nuisance on residential property.
- Exhibit B A proposed bill requiring all motorcycle and motor scooter drivers to wear a helmet.
- Exhibit C A proposed bill requiring all moped riders to wear a helmet.
- Exhibit D proposed bill allowing voters to register on the day of an election.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON SEP 11 2013

COMMITTEE REPORT NO. 268

REPORT OF THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND HUMAN SERVICES

Voting Members

Kymberly Marcos Pine, Chair; Breene Harimoto, Vice-Chair,
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- Exhibit E A proposed resolution urging the U.S. Department of State, the U.S. Department of Homeland Security and the U.S. Attorney General to ease visa restrictions for the People's Republic of China.
- Exhibit F A proposed bill providing the counties with representation on the Hawaii Employer-Union Health Benefits Trust Fund Board.
- Exhibit G A proposed bill providing the counties with representation on the Employees' Retirement System (ERS) Board of Trustees.
- Exhibit H A proposed bill requiring the state Director of Finance to transmit to the relevant county a percentage of all fines and forfeitures for uncontested traffic infractions committed in that county.

The Director of the Department of Human Resources (DHR) testified in support of exhibit G, but objected to the provision that would require the Counties to assume responsibility for all necessary expenses incurred in the performance of the duties of the member appointed by the counties.

Your Committee heard from public testifiers submitting comments on Exhibit G and supporting Exhibits B and C.

Your Committee amended the Resolution to a CD1 version which makes the following changes:

- Amends Exhibit G by removing the following language on page 3 of the proposed bill, "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."

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON SEP 11 2013

COMMITTEE REPORT NO. 268

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Voting Members

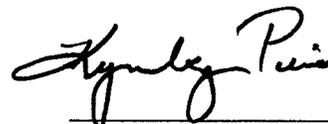
Kymerly Marcos Pine, Chair; Breene Harimoto, Vice-Chair,
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- Adds a final bullet to the BE IT RESOLVED CLAUSE, as follows:
- "A proposed bill reducing the percentage, from ten to two percent, which is automatically deducted from the gross proceeds of a county's surcharge on state tax and earmarked to reimburse the state for costs associated with handling the assessments, collection and disposition of the county surcharge, attached as Exhibit I."
- Attaches an "Exhibit I" to the Resolution.
- Makes technical and nonsubstantive changes.

Your Committee on Intergovernmental Affairs and Human Services is in accord with the intent and purpose of Resolution 13-198, as amended herein, and recommends its adoption in the form attached hereto as Resolution 13-198, CD1. (Ayes: Pine, Fukunaga, Harimoto, Kobayashi - 4; Noes: None; Excused: Manahan - 1.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON SEP 11 2013

COMMITTEE REPORT NO. 268



RESOLUTION

RELATING TO THE APPROVAL OF LEGISLATIVE PROPOSALS FOR INCLUSION IN THE 2014 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 unanimous approval of the county councils is necessary for inclusion of a proposal in the 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 2014 Hawaii State Association of Counties legislative package as follows:

- A proposed bill creating a cause of action against a person who maintains a property nuisance on residential property, attached as Exhibit A.
- A proposed bill requiring all motorcycle and motor scooter drivers to wear a helmet, attached as Exhibit B.
- A proposed bill requiring all moped riders to wear a helmet, attached as Exhibit C.
- A proposed bill allowing voters to register on the day of an election, attached as Exhibit D.
- A proposed resolution urging the U.S. Department of State, the U.S. Department of Homeland Security and the U.S. Attorney General to ease visa restrictions for the People's Republic of China, attached as Exhibit E.
- A proposed bill providing the counties with representation on the Hawaii Employer-Union Health Benefits Trust Fund Board, attached as Exhibit F.
- A proposed bill providing the counties with representation on the Employees' Retirement System Board of Trustees, attached as Exhibit G.

ATTACHMENT TO CR-268



RESOLUTION

- A proposed bill requiring the state Director of Finance to transmit to the relevant county a percentage of all fines and forfeitures for uncontested traffic infractions committed in that county, attached as Exhibit H.
- A proposed bill reducing the percentage, from ten to two percent, which is automatically deducted from the gross proceeds of a county's surcharge on state tax and earmarked to reimburse the state for costs associated with handling the assessments, collection and disposition of the county surcharge, attached as Exhibit I;

and

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:

August 15, 2013
Honolulu, Hawaii

Councilmembers

EXHIBIT A

JUSTIFICATION SHEET

TITLE: RELATING TO LANDOWNER LIABILITY.

PURPOSE: Creates a cause of action against a person who maintains a property nuisance on residential property that results in damage or injury to the person or property of another person.

MEANS: Adds a new section to Chapter 663, Hawaii Revised Statutes.

JUSTIFICATION: The state of Hawaii continues to be one of the most expensive states in the nation to purchase a home and as such, a home will be the largest financial asset for most of Hawaii's citizenry. Real estate investors have purchased large blocks of residential property only to then engage in the blighting of these same properties, as they have no intention of residing in the affected communities. This practice, commonly called "block busting," seeks to lower the neighborhood's overall property value, thereby enabling unscrupulous real estate investors to purchase additional surrounding properties in the same neighborhoods at lowered prices. As a result of "block busting," homeowners in the affected neighborhoods will see the value of their largest financial asset decline through no dereliction on the homeowners' part. The most effective tool to combat "block busting" is the creation and imposition of liability damages to financially deter unscrupulous real estate investors from engaging in property blighting.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- Liability for maintenance of property nuisance.

5 (a) A person may be held personally liable in damages for
6 injury or trespass, whether direct or indirect, including the
7 diminution of property valuation, to another person or the
8 property of the other person proximately caused by the
9 maintenance of a residentially zoned property nuisance.

10 (b) If a person engages in conduct that constitutes the
11 maintenance of a property nuisance involving three or more
12 residentially zoned separate properties within a one mile radius
13 from a claim arising pursuant to this section and judgment is
14 entered for the person who is asserting the claim under this
15 section, the person shall be awarded a sum equal to threefold
16 damages sustained by that person.

____.B. NO. _____

1 (c) For purposes of this section, "maintenance of a
2 property nuisance" means owning, leasing, occupying, or having
3 charge, possession, or control of any property and maintaining
4 that property in a manner in which any one or more of the
5 following conditions or activities is allowed to exist or
6 continue:

7 (1) Keeping, storing, depositing, or accumulating on
8 improved or unimproved real property any personal
9 property that constitutes visual blight.

10 Personal property includes:

11 (A) Abandoned, wrecked, or dismantled motor
12 vehicles or boats or vessels;

13 (B) Automotive parts and equipment, appliances,
14 and furniture;

15 (C) Containers, packing materials, scrap metal,
16 wood, building materials, concrete masonry
17 units, litter, garbage, junk, rubbish, and
18 debris; and

19 (D) Any material that constitutes an offense of
20 displaying indecent matter under section
21 712-1211;

____.B. NO. _____

- 1 (2) Keeping, storing, depositing, or accumulating
2 dirt, sand, gravel, concrete, or other similar
3 materials that constitute visual blight;
- 4 (3) Operating a junk yard or automobile dismantling
5 yard, except as a permitted use;
- 6 (4) Permitting standing or stagnant water to
7 accumulate, allowing vermin and insects to live,
8 breed, and multiply;
- 9 (5) Creating, permitting, or maintaining any
10 dangerous or unsightly condition that constitutes
11 visual blight;
- 12 (6) Attracting and providing a place of temporary
13 abode for vagrants, interlopers, or trespassers;
14 and
- 15 (7) Creating, permitting, or maintaining any
16 condition recognized in law or in equity as
17 constituting a public nuisance.
- 18 (d) Nothing in this section shall be deemed to create
19 liability:
- 20 (1) If the defendant's property or properties are not
21 zoned exclusively for residential use;

____.B. NO. _____

- 1 (2) If the defendant's property use is a permitted
- 2 non-conforming use;
- 3 (3) For any public use or public works;
- 4 (4) For any publicly funded project;
- 5 (5) For agricultural use;
- 6 (6) For vacant property that has never been built on
- 7 that is in a predominantly natural state; and
- 8 (7) For construction and demolition activity pursuant
- 9 to a permit, law, ordinance, regulation, or an
- 10 emergency and for the presence of equipment and
- 11 material for a reasonable time after that
- 12 construction and demolition activity has ceased.
- 13 (e) For purposes of this section, "visual blight" means
- 14 any unreasonable or unlawful condition, or use of premises or of
- 15 a building exterior or interior that by reason of its appearance
- 16 as viewed at ground level from the public right-of-way or from
- 17 the neighboring premises, is detrimental to:
- 18 (1) The surrounding areas and the valuation of the
- 19 property of another; or
- 20 (2) The health, safety, and welfare of individuals
- 21 residing within that community."
- 22

____.B. NO. _____

1 SECTION 2. New statutory material is underscored.

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

3

4

INTRODUCED BY: _____

EXHIBIT B

JUSTIFICATION SHEET

TITLE: RELATING TO HELMETS.

PURPOSE: Requires all motorcycle and motor scooter drivers to wear a helmet.

MEANS: Amends §286-81, Hawaii Revised Statutes.

JUSTIFICATION: According to the National Highway Traffic Safety Administration (NHTSA), a driver who does not wear a safety helmet while operating a motorcycle or motor scooter is 40 percent more likely to suffer a fatal head injury. The NHTSA conducted the Crash Outcomes Data Evaluation System Study (commonly known as CODES) which concluded that motorcycle helmets are 67 percent effective in preventing brain injuries and motorcyclists not wearing helmets involved in crashes were three times more likely to suffer brain injuries than those wearing helmets. The Hawaii State Department of Health (DOH) estimates that hospital charges for head injuries suffered by motorcycle, motor scooters and moped riders in the state of Hawaii totals \$9.9 million per year. Recently, DOH issued its "Hawaii Injury Prevention Plan 2012-2017" which declared that its first traffic safety priority is to increase helmet use by motorcycle and moped riders by strengthening Hawaii's existing moped and motorcycle helmet laws.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO HELMETS.

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

1 Section 1. Section 286-81, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§286-81 Motorcycle, motor scooter, etc.; protective devices.

4 (a) No person shall:

5 (1) Operate a motorcycle or motor scooter, on any highway
6 in the State unless the person and any passenger the
7 person carries on the motorcycle or motor scooter wears:

8 (A) Safety glasses, goggles, or a face shield, in the
9 case of a motorcycle or motor scooter that is not
10 equipped with windscreens or windshields; and

11 (B) [Any]A safety helmet securely fastened with a chin
12 strap and other protective devices~~[other than a~~
13 ~~safety helmet,~~] required by rules adopted by the
14 director.

15 For the purpose of meeting the requirements of this
16 paragraph, a required device shall meet the

____.B. NO. _____

1 specifications and requirements established by rules
2 adopted by the director;

3 (2) Lease or rent a motorcycle or motor scooter to another
4 person unless the person furnishes:

5 (A) Safety glasses, safety helmets, goggles, or a face
6 shield, in the case of a motorcycle or motor scooter
7 that is not equipped with windscreens or windshields;
8 and

9 (B) Any other protective devices required by the rules
10 adopted by the director for the use of the person or
11 persons intending to operate or ride as a passenger on
12 the motorcycle or motor scooter; provided that any
13 person to whom a motorcycle or motor scooter is leased
14 or rented may furnish for the person's own use the
15 protective devices required by this part.

16 For the purposes of meeting the requirements of this
17 paragraph, a required device shall meet the
18 specifications and requirements established by rules
19 adopted by the director; or

20 (3) Sell or offer for sale or furnish any safety helmet,
21 safety glasses, goggles, face shield, windscreen,
22 windshield, or other protective devices represented to

____.B. NO. _____

1 meet the requirements of this part unless the device
2 meets the specifications and requirements established by
3 rules adopted by the director.

4 ~~[(b) No person less than eighteen years of age shall~~
5 ~~operate or ride as a passenger on a motorcycle or motor scooter~~
6 ~~on any highway in the State unless the person wears a safety~~
7 ~~helmet securely fastened with a chin strap.~~

8 ~~(e)]~~ (b) A safety helmet shall not be required for any
9 person who operates, or rides as a passenger on a motorcycle or
10 motor scooter; provided that the motorcycle or motor scooter:

- 11 (1) Has three wheels;
- 12 (2) Is powered by an electric motor;
- 13 (3) Has a full body enclosed cab; and
- 14 (4) Has a seat belt assembly or a child restraint system
- 15 for the driver and passenger;

16 and the operator and passenger uses the seat belt or child
17 restraint system pursuant to sections 291-11.5 and 291-11.6."

18 Section 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun, before its effective date.

21 Section 3. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.

____.B. NO. _____

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Section 4. This Act shall take effect on July 1, 2014.

INTRODUCED BY: _____

EXHIBIT C

JUSTIFICATION SHEET

TITLE: RELATING TO MOPEDS.

PURPOSE: Requires all moped riders to wear a helmet.

MEANS: Amends §291C-195, Hawaii Revised Statutes.

JUSTIFICATION: According to the National Highway Traffic Safety Administration (NHTSA), a driver who does not wear a safety helmet while operating a motorcycle or motor scooter is 40 percent more likely to suffer a fatal head injury. The NHTSA conducted the Crash Outcomes Data Evaluation System Study (commonly known as CODES) which concluded that motorcycle helmets are 67 percent effective in preventing brain injuries and motorcyclists not wearing helmets involved in crashes were three times more likely to suffer brain injuries than those wearing helmets. The Hawaii State Department of Health (DOH) estimates that hospital charges for head injuries suffered by motorcycle, motor scooters and moped riders in the state of Hawaii totals \$9.9 million per year. According to the NHTSA data for Hawaii, between 2005 and 2009, more than 96 percent of fatally injured moped riders were not wearing a helmet at the time of the crash, and of the remaining moped riders who suffered crash injuries; 86 percent were not wearing helmets. Recently, DOH issued its "Hawaii Injury Prevention Plan 2012-2017" which declared that its first traffic safety priority is to increase helmet use by motorcycle and moped riders by strengthening Hawaii's existing moped and motorcycle helmet laws.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO MOPEDS.

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

1 SECTION 1. Section 291C-195, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§291C-195 Driving of mopeds. (a) No person less than
4 fifteen years of age shall drive a moped on a highway, street,
5 roadway, or any other public property in the State.

6 (b) No person [~~less than eighteen years of age~~] shall
7 drive a moped unless the person wears a safety helmet securely
8 fastened with a chin strap. The safety helmet shall meet the
9 specifications and requirements established by rules adopted by
10 the director.

11 [~~(b)~~](c) No person shall drive a moped except while
12 sitting astride the seat, facing forward, with one leg on each
13 side of the moped.

14 [~~(c)~~](d) No person shall drive a moped which is carrying
15 any other person nor shall any person other than the driver ride
16 upon a moped.

.B. NO.

1 ~~[(a)]~~ (e) Subsections ~~[(b)]~~ (c) and ~~[(c)]~~ (d) shall not apply
2 to three-wheeled mopeds designed to carry a driver and passenger
3 seated side by side.

4 ~~[(e)]~~ (f) Three-wheeled mopeds shall be insured for
5 liability and property damage, excluding personal injury
6 protection.

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

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

12 SECTION 4. This Act shall take effect on July 1, 2014.

13

14

INTRODUCED BY: _____

EXHIBIT D

JUSTIFICATION SHEET

TITLE: RELATING TO VOTING.

PURPOSE: Allows citizens to register to vote on election day.

MEANS: Adds a new section to Chapter 11, Hawaii Revised Statutes.

JUSTIFICATION: Hawaii Revised Statutes requires voters to register 30 days in advance to vote in a primary, general or special election. In 2012, only 40% of eligible Hawaii citizens turned out to vote according to the United States Elections Project. California, Connecticut, Colorado, the District of Columbia, Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming currently allow its voters to register and vote on the same day. Removal of the 30 day registration requirement and allowing citizens to register to vote on election day will increase the convenience and ease for Hawaii's citizenry to turn out to vote.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO VOTING.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§11- Election day voter registration.

5 (a) Notwithstanding any law to the contrary, an individual
6 who is eligible to vote may register on the day of an election
7 by:

8 (1) Appearing in person at the polling place for the
9 precinct in which the voter maintains residency;

10 (2) Completing a voter registration application;

11 (3) Making an oath on a form prescribed by the chief
12 election officer; and

13 (4) Providing proof of residency;

14 provided that in the case of an election conducted by mail, an
15 individual who is eligible to vote may register at the walk-in
16 locations in the same manner as prescribed in paragraphs (1)
17 through (4).

EXHIBIT E

JUSTIFICATION SHEET

TITLE: 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.

PURPOSE: Supporting the easing of visa restrictions for the People's Republic of China.

MEANS: Resolution.

JUSTIFICATION: The People's Republic of China (PRC) is now a major trade partner with the United States (U.S.), a world leader in the auto market and the world's largest producer of energy. PRC has approximately 1.3 billion citizens which represents a very large and lucrative pool of visitors, as the average PRC tourist to Hawaii spends on average \$368 per day, compared to the \$275 daily for every Japanese tourist and just \$178 per day for every other tourist to Hawaii. However, despite the reciprocity between China and Hawaii, the visa application and approval process for PRC business and tourist travelers is an arduous and often lengthy process which deters potential visitors to Hawaii and the U.S. A PRC citizen who wishes to visit the U.S. 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 PRC. The average wait time for a PRC visa applicant far exceeds wait times for other countries. The solution to ease this problem is for the PRC to be admitted to the U.S. State Department's Visa Waiver Program which allows nationals from foreign countries to enter the U.S. for tourism or business related purposes for a maximum of 90 days without obtaining a visa. Currently there are 36 countries admitted into the Visa Waiver Program.

____.C.R. NO.____

RESOLUTION

URGING THE U.S. 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.

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

4

5 WHEREAS, the first 175 laborers immigrated from depression-
6 torn Guangdong and Fujian in southern China to work at sugar
7 plantations on Maui; and

8

9 WHEREAS, from 1852 to 1876, nearly 4,000 Chinese laborers
10 migrated to Hawaii; and by 1882, these *huaqiao* or migrants made
11 up almost 49 percent of plantation labor, outnumbering the total
12 Caucasian population residing in the islands; and

13

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

20

21 WHEREAS, Dr. Sun Yat-sen's education at Iolani School and
22 Oahu College inspired him to develop his vision of an educated,

____.C.R. NO. _____

1 strong and democratic, modern-day China that he would dedicate
2 the rest of his life bringing to realization, and
3 Dr. Sun Yat-sen would often say that Hawaii was the place where
4 he "came to know what modern, civilized governments are like and
5 what they mean"; and

6
7 WHEREAS, Dr. Sun Yat-sen established the first Chinese
8 revolutionary party, called *Xing Zhong Hui* or "Revive China
9 Society," and returned to Hawaii five more times to receive the
10 many financial contributions given by Hawaii families to his
11 cause; and

12
13 WHEREAS, the Counties of Hawaii Sister-Cities Summit
14 ("Summit") held in Honolulu on September 13-15, 2011,
15 highlighted the inextricable and historic ties between the
16 People's Republic of China (PRC) and Hawaii, with a particular
17 emphasis on strengthening the relationships between Honolulu's
18 sister cities of Zhongshan, Haikou, Qinhuangdao and Chengdu; and

19
20 WHEREAS, the Summit demonstrated that the PRC will continue
21 to embrace Hawaii's open door policy and fortified the
22 understanding of our mutual needs in the areas of cultural
23 exchange, economic development, trade, tourism and education;
24 and

25
26 WHEREAS, recently, members of Hawaii's business and
27 government communities welcomed 271 passengers at Honolulu
28 International Airport from China Eastern Airlines' inaugural
29 direct flight from Shanghai, heralding a new era for Honolulu's

____.C.R. NO. _____

1 economic growth and forging closer ties between the United
2 States and the PRC; and

3

4 WHEREAS, the PRC, with its 1.3 billion people, represents a
5 very large and lucrative pool of visitors, as Chinese tourists
6 to Hawaii are expected to spend an average of \$368 per day,
7 compared to the \$275 daily average for every Japanese tourist
8 and the \$178 per day averaged for all other tourists to Hawaii;
9 and

10

11 WHEREAS, tourist dollars have been identified by the U. S.
12 Department of Commerce as an export, and President Barack
13 Obama's National Export Initiative of May 2010 seeks to double
14 all U.S. exports by 2015; and

15

16 WHEREAS, the PRC has transformed itself from an
17 impoverished country to the world's second largest economy and
18 as it grows, continues to have a significant impact upon Hawaii
19 and the global arena; and

20

21 WHEREAS, the PRC is now a major trade partner with the
22 United States, a force for stability and peace throughout Asia,
23 a world leader in the auto market and the world's largest
24 producer of energy; and

25

26 WHEREAS, in spite of the many reciprocities between the PRC
27 and Hawaii, the visa application and approval process for PRC
28 business and tourist travelers is an arduous and often lengthy

____.C.R. NO. _____

1 process which deters many potential PRC visitors to Hawaii and
2 the United States; and

3

4 WHEREAS, at the present time, a PRC citizen who wishes to
5 visit the United States must appear in person before a U.S.
6 consulate official to obtain a visa; however, there are only
7 five U.S. consulates to service the entire PRC; and

8

9 WHEREAS, due to the relative small number of consulate
10 locations and staff to process the in-person interviews required
11 to obtain an entry visa, the average interview wait times in the
12 PRC far exceed interview wait times in other countries; and

13

14 WHEREAS, one solution to ease this congestion problem is
15 for the PRC to be admitted into the U.S. State Department's Visa
16 Waiver Program, which allows foreign nationals to enter the
17 United States for tourism- or business-related purposes for a
18 maximum of 90 days without requiring a visa; and

19

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

22

23 WHEREAS, in November 2008, when South Korea was accepted as
24 one of 36 countries participating in the Visa Waiver Program,
25 Hawaii saw a significant boost in tourist visitors and dollars
26 from that country; and

27

28 WHEREAS, in order for a country to qualify for the Visa
29 Waiver Program, the country must satisfy certain conditions,

____.C.R. NO. _____

1 with the United States retaining the final discretion of whether
2 to admit a country into the program; and

3

4 WHEREAS, one condition for entry into the Visa Waiver
5 Program is the rate of refusal of a country's visa applicants
6 which must be three percent or lower; and

7

8 WHEREAS, the refusal rate for PRC visa applicants was 13.3
9 percent as of 2010; and

10

11 WHEREAS, the Travel and Tourism Advisory Board, a newly
12 created industry group appointed by the U.S. Secretary of
13 Commerce, recommended specific measures that could be taken to
14 increase travel to the U.S. from the PRC, which include:
15 (1) Raising the acceptable visa refusal rate from three to 10
16 percent; (2) Establishing a five-day maximum wait time for
17 in-person visa interviews; (3) Adding four to six visa
18 processing locations and several hundred consulate officers to
19 process visas; and (4) Allowing non-immigrant visas to last 10
20 years for PRC visitors, which is currently permitted in other
21 countries; and

22

23 BE IT RESOLVED BY THE House of Representatives/Senate of
24 the Twenty-eighth Legislature of the State of Hawaii, Regular
25 Session of 2014, the Senate/House concurring, that it urges the
26 U.S. Department of State, the Department of Homeland Security
27 and the U.S. Attorney General to include the People's Republic
28 of China in the Visa Waiver Program and support the
29 recommendations made by the U.S. Department of Commerce's Travel

____.C.R. NO. _____

1 and Tourism Advisory Board to ease visa restrictions and the
2 visa application and approval process for business and tourist
3 travelers from the People's Republic of China; and
4

5 BE IT FINALLY RESOLVED that a copy of this Resolution be
6 transmitted to the Honorable John Kerry, Secretary of the U.S.
7 Department of State; Secretary Janet Napolitano, Department of
8 Homeland Security; U.S. Attorney General Eric H. Holder, Jr.;
9 Secretary Penny Pritzler, U.S. Department of Commerce; China's
10 Ambassador to the United States, 2201 Wisconsin Avenue, N.W.,
11 Suite 110, Washington, D.C. 20007; the members of Hawaii's
12 Congressional Delegation; the Hawaii Tourism Authority; the
13 Director of the Hawaii State Department of Business, Economic
14 Development and Tourism; the Asian American Institute, 4753
15 North Broadway, Suite 904, Chicago, Illinois 60640; The
16 Organization of Chinese Americans, 1322 18th Street, NW,
17 Washington, D.C. 20036-183; the President of the Hawaii State
18 Association of Counties; and the Mayors of the counties of
19 Kauai, Hawaii, Honolulu and Maui.

20

21

INTRODUCED BY: _____

____.R. NO.____

RESOLUTION

URGING THE U.S. 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.

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

4

5 WHEREAS, the first 175 laborers immigrated from depression-
6 torn Guangdong and Fujian in southern China to work at sugar
7 plantations on Maui; and

8

9 WHEREAS, from 1852 to 1876, nearly 4,000 Chinese laborers
10 migrated to Hawaii; and by 1882, these huaqiao or migrants made
11 up almost 49 percent of plantation labor, outnumbering the total
12 Caucasian population residing in the islands; and

13

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

20

21 WHEREAS, Dr. Sun Yat-sen's education at Iolani School and
22 Oahu College inspired him to develop his vision of an educated,

____. R. NO. _____

1 strong and democratic, modern-day China that he would dedicate
2 the rest of his life bringing to realization, and
3 Dr. Sun Yat-sen would often say that Hawaii was the place where
4 he "came to know what modern, civilized governments are like and
5 what they mean"; and

6

7 WHEREAS, Dr. Sun Yat-sen established the first Chinese
8 revolutionary party, called *Xing Zhong Hui* or "Revive China
9 Society," and returned to Hawaii five more times to receive the
10 many financial contributions given by Hawaii families to his
11 cause; and

12

13 WHEREAS, the Counties of Hawaii Sister-Cities Summit
14 ("Summit") held in Honolulu on September 13-15, 2011,
15 highlighted the inextricable and historic ties between the
16 People's Republic of China (PRC) and Hawaii, with a particular
17 emphasis on strengthening the relationships between Honolulu's
18 sister cities of Zhongshan, Haikou, Qinhuangdao and Chengdu; and

19

20 WHEREAS, the Summit demonstrated that the PRC will continue
21 to embrace Hawaii's open door policy and fortified the
22 understanding of our mutual needs in the areas of cultural
23 exchange, economic development, trade, tourism and education;
24 and

25

26 WHEREAS, recently, members of Hawaii's business and
27 government communities welcomed 271 passengers at Honolulu
28 International Airport from China Eastern Airlines' inaugural
29 direct flight from Shanghai, heralding a new era for Honolulu's

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1 economic growth and forging closer ties between the United
2 States and the PRC; and

3

4 WHEREAS, the PRC, with its 1.3 billion people, represents a
5 very large and lucrative pool of visitors, as Chinese tourists
6 to Hawaii are expected to spend an average of \$368 per day,
7 compared to the \$275 daily average for every Japanese tourist
8 and the \$178 per day averaged for all other tourists to Hawaii;
9 and

10

11 WHEREAS, tourist dollars have been identified by the U. S.
12 Department of Commerce as an export, and President Barack
13 Obama's National Export Initiative of May 2010 seeks to double
14 all U.S. exports by 2015; and

15

16 WHEREAS, the PRC has transformed itself from an
17 impoverished country to the world's second largest economy and
18 as it grows, continues to have a significant impact upon Hawaii
19 and the global arena; and

20

21 WHEREAS, the PRC is now a major trade partner with the
22 United States, a force for stability and peace throughout Asia,
23 a world leader in the auto market and the world's largest
24 producer of energy; and

25

26 WHEREAS, in spite of the many reciprocities between the PRC
27 and Hawaii, the visa application and approval process for PRC
28 business and tourist travelers is an arduous and often lengthy

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1 process which deters many potential PRC visitors to Hawaii and
2 the United States; and

3

4 WHEREAS, at the present time, a PRC citizen who wishes to
5 visit the United States must appear in person before a U.S.
6 consulate official to obtain a visa; however, there are only
7 five U.S. consulates to service the entire PRC; and

8

9 WHEREAS, due to the relative small number of consulate
10 locations and staff to process the in-person interviews required
11 to obtain an entry visa, the average interview wait times in the
12 PRC far exceed interview wait times in other countries; and

13

14 WHEREAS, one solution to ease this congestion problem is
15 for the PRC to be admitted into the U.S. State Department's Visa
16 Waiver Program, which allows foreign nationals to enter the
17 United States for tourism- or business-related purposes for a
18 maximum of 90 days without requiring a visa; and

19

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

22

23 WHEREAS, in November 2008, when South Korea was accepted as
24 one of 36 countries participating in the Visa Waiver Program,
25 Hawaii saw a significant boost in tourist visitors and dollars
26 from that country; and

27

28 WHEREAS, in order for a country to qualify for the Visa
29 Waiver Program, the country must satisfy certain conditions,

____. R. NO. _____

1 with the United States retaining the final discretion of whether
2 to admit a country into the program; and

3

4 WHEREAS, one condition for entry into the Visa Waiver
5 Program is the rate of refusal of a country's visa applicants
6 which must be three percent or lower; and

7

8 WHEREAS, the refusal rate for PRC visa applicants was 13.3
9 percent as of 2010; and

10

11 WHEREAS, the Travel and Tourism Advisory Board, a newly
12 created industry group appointed by the U.S. Secretary of
13 Commerce, recommended specific measures that could be taken to
14 increase travel to the U.S. from the PRC, which include:
15 (1) Raising the acceptable visa refusal rate from three to 10
16 percent; (2) Establishing a five-day maximum wait time for
17 in-person visa interviews; (3) Adding four to six visa
18 processing locations and several hundred consulate officers to
19 process visas; and (4) Allowing non-immigrant visas to last 10
20 years for PRC visitors, which is currently permitted in other
21 countries; and

22

23 BE IT RESOLVED BY THE House of Representatives/Senate of
24 the Twenty-eighth Legislature of the State of Hawaii, Regular
25 Session of 2014, the Senate/House concurring, that it urges the
26 U.S. Department of State, the Department of Homeland Security
27 and the U.S. Attorney General to include the People's Republic
28 of China in the Visa Waiver Program and support the
29 recommendations made by the U.S. Department of Commerce's Travel

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1 and Tourism Advisory Board to ease visa restrictions and the
2 visa application and approval process for business and tourist
3 travelers from the People's Republic of China; and
4

5 BE IT FINALLY RESOLVED that a copy of this Resolution be
6 transmitted to the Honorable John Kerry, Secretary of the U.S.
7 Department of State; Secretary Janet Napolitano, Department of
8 Homeland Security; U.S. Attorney General Eric H. Holder, Jr.;
9 Secretary Penny Pritzker, U.S. Department of Commerce; China's
10 Ambassador to the United States, 2201 Wisconsin Avenue, N.W.,
11 Suite 110, Washington, D.C. 20007; the members of Hawaii's
12 Congressional Delegation; the Hawaii Tourism Authority; the
13 Director of the Hawaii State Department of Business, Economic
14 Development and Tourism; the Asian American Institute, 4753
15 North Broadway, Suite 904, Chicago, Illinois 60640; The
16 Organization of Chinese Americans, 1322 18th Street, NW,
17 Washington, D.C. 20036-183; the President of the Hawaii State
18 Association of Counties; and the Mayors of the counties of
19 Kauai, Hawaii, Honolulu and Maui.

20

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INTRODUCED BY: _____

EXHIBIT F

JUSTIFICATION SHEET

TITLE: RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND BOARD OF TRUSTEES.

PURPOSE: Designates one of the five seats allocated to represent "public employers" on the Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees to be filled by an individual appointed by the four County Mayors and approved by the Hawaii State Association of Counties.

MEANS: Amends §87A-5, Hawaii Revised Statutes.

JUSTIFICATION: As one of the major public employers in the state of Hawaii, the Counties contribute a substantial amount to the Hawaii Employer-Union Health Benefit Trust Fund (EUTF) and County employees and retirees are deeply affected by the benefit decisions made by the EUTF Board of Trustees. However, the Counties do not have representation on the EUTF Board. A designated County Trustee on the EUTF Board would provide the Board with the needed fiscal expertise and knowledge of County finances and the County workplace.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
BOARD OF TRUSTEES.

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

1 SECTION 1. The legislature finds that the counties need
2 representation on the board of trustees of the Hawaii employer-
3 union health benefits trust fund. The counties contribute a
4 substantial amount to the fund, and the health and well-being of
5 their employees and retirees depend on the benefit decisions
6 made by the board of trustees. Despite their lack of
7 representation as public employers the counties are affected by
8 board decisions.

9 The purpose of this Act is to require that one of the five
10 seats on the board allocated to public employers be occupied by
11 a member appointed by the mayors of all four counties and
12 approved by the Hawaii State Association of Counties.

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

15 "§87A-5 Composition of board.

____.B. NO. _____

1 The board of trustees of the employer-union health benefits
2 trust fund shall consist of ten trustees appointed [~~by the~~
3 ~~governor~~] in accordance with the following procedure:

4 (1) Five trustees[~~7~~] appointed by the governor, one of
5 whom shall represent retirees, to represent employee-
6 beneficiaries and to be selected as follows:

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

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

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

20 (2) Five trustees to represent public employers[~~7~~],
21 four of whom shall be appointed by the governor,
22 and one of whom shall be appointed by unanimous

EXHIBIT G

JUSTIFICATION SHEET

TITLE: RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

PURPOSE: Adds one additional member to the Employees' Retirement System Board of Trustees, specifically designated to represent the Counties.

MEANS: Amends §88-24, Hawaii Revised Statutes.

JUSTIFICATION: As one of the major public employers in the state of Hawaii, the Counties contribute a substantial amount to the Employees' Retirement System (ERS) and County employees and retirees are deeply affected by the benefit decisions made by the ERS Board of Trustees. However, the Counties do not have representation on the ERS Board. A designated County Trustee on the ERS Board would provide the Board with the needed fiscal expertise and knowledge of County finances and the County workplace.

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.

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

3 "§88-24 **Composition of board.** The board of trustees shall
4 consist of [~~eight~~] ten members as follows:

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

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

18 (3) Three citizens of the State who are not employees, two
19 of whom have at least three years of experience
20 providing financial services, including investments,
21 to public, corporate, or private institutional
22 clients, to be appointed by the governor, with the

EXHIBIT H

JUSTIFICATION SHEET

TITLE: RELATING TO TRAFFIC INFRACTIONS.

PURPOSE: Transmits a portion of the fines and forfeitures from uncontested traffic infractions to the counties.

MEANS: Adds a new chapter to Hawaii Revised Statutes.

JUSTIFICATION: Counties are the entities responsible for enforcing both the statewide traffic code and county traffic ordinances. The costs to the counties to enforce the state and county traffic laws and prosecute violators are substantial and presently paid primarily from county general funds. However, all fines and forfeitures from the state and county traffic violations are paid wholly to the state and deposited into the state general fund. None of the revenues derived from fines and forfeitures are transmitted to the county, the enforcement entity. A substantial portion of the traffic fines and forfeitures are uncontested and as such, require minimal fund expenditures by the state Judiciary to administer. As such, transferring a portion of uncontested fines and forfeitures stemming from uncontested traffic infractions would be equitable and assist the counties in covering the costs to enforce state and county traffic laws.

____.B. NO. _____

1 § -2 Transmittal of fines and forfeitures. (a) The state
2 director of finance shall transmit to each county not more than
3 thirty days after the end of each fiscal quarter ____ per cent of
4 all the fines and forfeitures collected for uncontested traffic
5 infractions committed in that county which are in excess of
6 amounts required by the State to pay the administrative costs of
7 the traffic violations bureau.

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

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

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

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

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

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

____.B. NO. _____

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

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

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

9 SECTION 4. This Act shall take effect on July 1, 2014.

10 INTRODUCED BY: _____

11

EXHIBIT I

JUSTIFICATION SHEET

TITLE: RELATING TO COUNTY SURCHARGE ON STATE TAX.

PURPOSE: A proposed bill reducing the percentage, from ten to two percent, which is automatically deducted from the gross proceeds of a county's surcharge on state tax and earmarked to reimburse the state for costs associated with handling the assessments, collection and disposition of the county surcharge.

MEANS: Amends §284-2.6(a), Hawaii Revised Statutes

JUSTIFICATION: Act 247 (2005) authorized the counties to adopt a surcharge on the state general excise tax, provided that ten percent of the gross proceeds are automatically deducted to reimburse the state for associated handling costs. However, the specific percentage amount written into statute was *not* based on the actual administration costs incurred by the state to handle assessments, collection and disposition of a county's surcharge. Essentially, the ten percent automatic deduction has no quantitative basis and does not reflect the true cost of collecting the county surcharge. Additionally, per statute, any such monies collected is retained in the state's *general fund* and not remitted to the state Department of Taxation; even though the state Department of Taxation is the specific agency that administers and collects the surcharge. In 2012, the amount of monies automatically deducted totaled \$21.2 million. In comparison, the state Department of Taxation operating budget totaled \$23.7 million. As such, the amount retained by the state from the county surcharge should be a true reimbursement of the additional costs incurred in administering and collecting the surcharge.

EXHIBIT I

A BILL FOR AN ACT

RELATING TO COUNTY SURCHARGE ON STATE TAX.

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

1 SECTION 1. Section 248-2.6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) If adopted by county ordinance, all county surcharges
4 on state tax collected by the director of taxation shall be paid
5 into the state treasury quarterly, within ten working days after
6 collection, and shall be placed by the director of finance in
7 special accounts. Out of the revenues generated by county
8 surcharges on state tax paid into each respective state treasury
9 special account, the director of finance shall deduct [~~ten~~two
10 percent of the gross proceeds of a respective county's surcharge
11 on state tax to reimburse the State for the costs of assessment,
12 collection, and disposition of the county surcharge on state tax
13 incurred by the State. Amounts retained shall be general fund
14 realizations of the State."

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

____.B. NO. _____

1 SECTION 3. This Act shall take effect on July 1, 2014.

2

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INTRODUCED BY: _____