



RESOLUTION

RELATING TO THE 2017 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

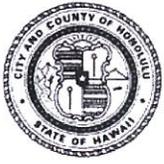
WHEREAS, the legislative package proposed by HSAC represents the state legislative priorities of the counties; and

WHEREAS, the HSAC Executive Committee has proposed state legislation listed in this resolution to be part of the Hawaii State Association of Counties' 2017 legislative package; and

WHEREAS, approval by all four councils is required to include proposals in the 2017 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 2017 Hawaii State Association of Counties legislative package as follows:

- A proposed bill to require the State Department of Health to regulate residential and commercial noise, Exhibit A.
- A proposed bill to allow certain government records to be shared among councilmembers where no commitment to vote on the matter is made or sought, Exhibit B.
- A proposed bill to allocate \$250,000 to the counties in the next two fiscal years for the identification and mapping of Important Agricultural Lands, Exhibit C.
- A proposed bill to allow counties to petition the State Land Use Commission for regional district boundary amendments after adoption of general plan updates, Exhibit D.
- A proposed bill to allow a representative of each county council to participate as a non-voting member in bargaining unit negotiations, to allow each county council to receive updates on relevant bargaining unit negotiations, and to change the allocation of votes for Bargaining Units 11 and 12, Exhibit E.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 16-288

RESOLUTION

- A proposed bill to delete the sunset provision for the statute providing liability protection for county lifeguards, Exhibit F.
- A proposed bill to direct the traffic fines and forfeitures collected for uncontested traffic infractions to the county in which the citation was issued, Exhibit G.
- A proposed bill to appropriate funds to the Department of Health for Fiscal Year 2018 for State certified, 24-hour-a-day emergency medical services for the County of Kauai, Exhibit H.
- A proposed bill to regulate operators of unmanned aircraft systems, also called drones, Exhibit I.
- A proposed bill to enable councilmembers too freely attend community and educational meetings, Exhibit J.
- A proposed bill to allow persons with disabilities to indicate on their identification cards their disability, Exhibit K.
- A proposed bill to implement the recommendations of the State-County Functions Working Group relating to the transient accommodations tax, Exhibit L.
- A proposed bill to increase revenue for each county's affordable housing fund through a 1 percent tax on certain conveyances of real property, Exhibit M.



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:



DATE OF INTRODUCTION:

OCT 27 2016

Honolulu, Hawaii

Councilmembers

____.B. NO.____

A BILL FOR AN ACT

1 RELATING TO NOISE CONTROL.

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

3 SECTION 1. Section 342F-3(a), Hawaii Revised Statutes, is
4 amended to read as follows:

5 "(a) In addition to any other power or duty prescribed by
6 law and in this chapter, the director shall prevent, control,
7 and abate noise pollution in the State. The director shall
8 regulate the control of residential and commercial noise. In
9 the discharge of this duty, the director may make, amend, and
10 repeal state rules controlling and prohibiting noise pollution.
11 All rules shall be adopted pursuant to chapter 91. Any person
12 heard at the public hearing shall be given written notice of the
13 action taken by the department with respect to the rules."

14 SECTION 2. New statutory material is underscored.

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

16

17 INTRODUCED BY: _____

Exhibit A

___ .B. NO. ___

A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS

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

1 SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "Permitted interactions of members. (a) Two members of a
4 board may discuss between themselves matters relating to
5 official board business to enable them to perform their duties
6 faithfully, as long as no commitment to vote is made or sought
7 and the two members do not constitute a quorum of their board.

8 (b) Two or more members of a board, but less than the
9 number of members [~~which~~] that would constitute a quorum for the
10 board, may be assigned to:

11 (1) Investigate a matter relating to the official business
12 of their board; provided that:

13 (A) The scope of the investigation and the scope of
14 each member's authority are defined at a meeting of the
15 board;

Exhibit B

____.B. NO. _____

1 (B) All resulting findings and recommendations are
2 presented to the board at a meeting of the board; and

3 (C) Deliberation and decisionmaking on the matter
4 investigated, if any, occurs only at a duly noticed meeting
5 of the board held subsequent to the meeting at which the
6 findings and recommendations of the investigation were
7 presented to the board; or

8 (2) Present, discuss, or negotiate any position [which]
9 that the board has adopted at a meeting of the board; provided
10 that the assignment is made and the scope of each member's
11 authority is defined at a meeting of the board prior to the
12 presentation, discussion, or negotiation.

13 (c) Discussions between two or more members of a board, but less
14 than the number of members which would constitute a quorum for
15 the board, concerning the selection of the board's officers may
16 be conducted in private without limitation or subsequent
17 reporting.

18 (d) Board members present at a meeting that must be canceled for
19 lack of quorum or terminated pursuant to section 92-3.5(c) may
20 nonetheless receive testimony and presentations on items on the
21 agenda and question the testifiers or presenters; provided that:

____.B. NO. _____

1 (1) Deliberation or decisionmaking on any item, for which
2 testimony or presentations are received, occurs only at a duly
3 noticed meeting of the board held subsequent to the meeting at
4 which the testimony and presentations were received;

5 (2) The members present shall create a record of the oral
6 testimony or presentations in the same manner as would be
7 required by section 92-9 for testimony or presentations heard
8 during a meeting of the board; and

9 (3) Before its deliberation or decisionmaking at a
10 subsequent meeting, the board shall:

11 (A) Provide copies of the testimony and presentations
12 received at the canceled meeting to all members of the
13 board; and

14 (B) Receive a report by the members who were present
15 at the canceled or terminated meeting about the testimony
16 and presentations received.

17 (e) Two or more members of a board, but less than the number of
18 members [~~which~~] that would constitute a quorum for the board,
19 may attend an informational meeting or presentation on matters
20 relating to official board business, including a meeting of
21 another entity, legislative hearing, convention, seminar, or

____.B. NO. _____

1 community meeting; provided that the meeting or presentation is
2 not specifically and exclusively organized for or directed
3 toward members of the board. The board members in attendance may
4 participate in discussions, including discussions among
5 themselves; provided that the discussions occur during and as
6 part of the informational meeting or presentation; and provided
7 further that no commitment relating to a vote on the matter is
8 made or sought.

9 At the next duly noticed meeting of the board, the board members
10 shall report their attendance and the matters presented and
11 discussed that related to official board business at the
12 informational meeting or presentation.

13 (f) Discussions between the governor and one or more members of
14 a board may be conducted in private without limitation or
15 subsequent reporting; provided that the discussion does not
16 relate to a matter over which a board is exercising its
17 adjudicatory function.

18 (g) Discussions between two or more members of a board and the
19 head of a department to which the board is administratively
20 assigned may be conducted in private without limitation;

____.B. NO. _____

1 provided that the discussion is limited to matters specified in
2 section 26-35.

3 (h) A member of a board may provide, by memorandum or other
4 means of transmittal, other members of the board any government
5 record for which disclosure is required by section 92F-12;
6 provided that:

7 (1) No commitment relating to a vote on the matter is made
8 or sought by the board member in the means of transmittal; and

9 (2) No additional discussion other than a statement
10 describing the government record and the issue related to the
11 government record shall be included in the transmittal.

12 ~~(h)~~ (i) Communications, interactions, discussions,
13 investigations, and presentations described in this section are
14 not meetings for purposes of this part."

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

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

INTRODUCED BY: _____

____.B. NO.____

A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1 SECTION 1. Article XI, section 3 of the Hawaii State
2 Constitution establishes the State's duty to "conserve and
3 protect agricultural lands, promote diversified agriculture,
4 increase agricultural self-sufficiency and assure the
5 availability of agriculturally suitable lands" and provides
6 protections for lands identified as important agricultural
7 lands. In service of this duty, the legislature enacted Act
8 183, Session Laws of Hawaii 2005, which was codified in part III
9 of chapter 205, Hawaii Revised Statutes.

10 Act 183 directed each county to work with government and
11 community stakeholders to, within sixty months of receipt of
12 State funds for the purpose, identify and map potential
13 important agricultural lands within its jurisdiction and make
14 recommendations to the State Land Use Commission for the
15 designation of these lands as important agricultural
16 lands. Once designated, agricultural operations on important
17 agricultural lands are eligible for a variety of State and

Exhibit C

1 county assistance and incentive programs including grants and
2 other funding assistance, tax incentives, favorable
3 infrastructure and permit requirements, and farm and business
4 education assistance. The legislature finds that, to date, most
5 counties have not received State funds to assist with their
6 identification and mapping duties under Act 183.

7 The purpose of this Act is to implement Act 183 in
8 accordance with the State's constitutional duty to protect
9 important agricultural lands by providing funds to the counties
10 for the identification and mapping of important agricultural
11 lands.

12 SECTION 2. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$250,000, or so much
14 thereof as may be necessary for fiscal year 2017-2018, and the
15 same sum or so much thereof as may be necessary for fiscal year
16 2018-2019, for grants-in-aid to the counties for the
17 identification and mapping of important agricultural lands
18 pursuant to section 205-47, Hawaii Revised Statutes, to be
19 allocated as follows:

- 20 (1) \$ 62,500 to the County of Hawaii;
21 (2) \$ 62,500 to the City and County of Honolulu;
22 (3) \$ 62,500 to the County of Kauai; and

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1 (4) \$ 62,500 to the County of Maui.

2 The sums appropriated shall be expended by the department
3 of business, economic development, and tourism for the purposes
4 of this Act.

5 SECTION 3. This Act shall take effect on July 1, 2017.

INTRODUCED BY: _____

____.B. NO.____

A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The purpose of this Act is to aid the counties
2 in implementing their general plans by submitting them to the
3 State Land Use Commission for comprehensive redistricting, where
4 appropriate.

5 The State Land Use Law, Act 187, now codified as Chapter
6 205, Hawaii Revised Statutes, was originally adopted in 1961, in
7 part to address inadequate long-term land use planning on the
8 county level. Previously, agricultural land had been converted
9 for residential or other uses in a haphazard manner, without
10 consideration of any cohesive or efficient pattern of using
11 land. Prime agricultural land was being converted to
12 residential use with subdivisions located away from public
13 services.

14 The State Land Use Law identified four land-use districts,
15 each with its own standards and boundaries. To ensure the
16 orderly development of land for the public welfare, the State
17 Land Use Commission was established and charged with setting

____.B. NO. _____

1 standards and determining the boundaries of the urban, rural,
2 agricultural, and conservation districts. The process for
3 redistricting of lands is referred to as a "district boundary
4 amendment" which may be done on petition by private landowners,
5 developers, and State and county agencies.

6 Pursuant to Section 205-18, Hawaii Revised Statutes, the
7 office of planning is required to undertake a review of the
8 classification and districting of all lands in the State, within
9 five years from December 31, 1985, and every fifth year
10 thereafter. However, there have been only three 5-year boundary
11 reviews. The focus of these review efforts by the office of
12 planning has been on the Hawaii State plan, county general
13 plans, and county development and community plans. Although the
14 office of planning may initiate comprehensive, state land use
15 boundary amendments after completion of its five-year boundary
16 review of plans, it has seldom done so. This is a missed
17 opportunity to ensure that state land use districts conform to
18 county plans.

19 Under current practice, district boundary amendments are
20 done, almost exclusively, on a case-by-case basis, driven by
21 landowners and developers. This project-by-project review is
22 not only far from comprehensive, but time-consuming and

1 .expensive, adding to the cost of housing and doing business in
2 the state. With the emphasis on individual amendments, the
3 perspective of regional planning is largely lost.

4 The Hawaii State Planning Act, Chapter 226, Hawaii Revised
5 Statutes, was enacted in 1978, requiring counties to adopt long-
6 range comprehensive plans to identify where growth and
7 preservation should occur. The counties now develop and adopt
8 their general plans in compliance with the Act, taking into
9 account population and demographic projections, infrastructural
10 needs, and conservation of natural and cultural resources. The
11 county adoption process involves public engagement and
12 sophisticated geographical information systems. The plans
13 typically have 20-year time frames with updates every 10 years.

14 Since 1978, each of the counties has developed modern
15 planning departments with capable professionals able to not only
16 prepare detailed plans, but to follow through with implementing
17 them. These plans, however, can be difficult to implement at
18 the state level if district boundaries are determined on a
19 project-by-project basis and not reviewed in a regional,
20 comprehensive manner. Allowing the counties to submit their
21 general plans to the commission for review and to request land
22 use district boundary amendments where appropriate would

.B. NO.

1 accomplish the intent of Act 187 to further efficient land use
2 patterns, aid the counties in implementing their general plans,
3 and reduce the cost of permitting that is passed along to
4 consumers.

5 SECTION 2. Section 205-18, Hawaii Revised Statutes, is
6 amended to read as follows:

7 §205-18 Periodic review of districts. (a) The office of
8 planning shall undertake a review of the classification and
9 districting of all lands in the State, within five years from
10 December 31, 1985, and every fifth year thereafter. The office,
11 in its five-year boundary review, shall focus its efforts on
12 reviewing the Hawaii state plan, county general plans, and
13 county development and community plans. Upon completion of the
14 five-[-]year boundary review, the office shall submit a report
15 of the findings to the commission. The office may initiate
16 state land use boundary amendments which it deems appropriate to
17 conform to these plans. The office may seek assistance of
18 appropriate state and county agencies and may employ consultants
19 and undertake studies in making this review.

20 (b) The counties may submit their general plans to the
21 commission for review and request land use boundary amendments

____.B. NO. _____

1 for those lands designated for urban, rural, agricultural, and
2 conservation uses in conformance with those plans.

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

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

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INTRODUCED BY: _____

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____.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. The purpose of this Act is to allow a
2 representative of each county council to be present as a non-
3 voting participant in negotiations with bargaining units if the
4 relevant county has employees in the particular bargaining unit.

5 County councils have the duty to appropriate funds for
6 their counties. Councils' knowledge of bargaining unit
7 negotiations and associated costs is essential to enable
8 effective financial planning for the counties.

9 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
10 amended by amending subsection (d) to read as follows:

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

15 (1) For bargaining units (1), (2), (3), (4), (9), (10),
16 (13), and (14), the governor shall have six votes and
17 the mayors, the chief justice, and the Hawaii health
18 systems corporation board shall each have one vote if

Exhibit E

____.B. NO. _____

1 they have employees in the particular bargaining unit;
2 and one representative from each county council shall
3 be allowed to attend as a non-voting participant
4 during negotiations if their county has employees in
5 the particular bargaining unit;

6 (2) For bargaining units (11) and (12), the governor shall
7 have [~~four votes~~]one vote and the mayors shall each
8 have one vote; and one representative from each county
9 council shall be allowed to attend as a non-voting
10 participant during negotiations if their county has
11 employees in the particular bargaining unit;

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

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

21 (5) The mayor or the mayor's representative shall provide
22 timely updates relating to bargaining unit

____.B. NO. _____

1 negotiations to the county councils in an executive
2 meeting.

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

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

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

INTRODUCED BY: _____

____.B. NO.____

A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1 SECTION 1. Act 170, Session Laws of Hawai'i 2002, as amended by
2 section 4 of Act 152, Session Laws of Hawaii 2007, as amended by section 2 of
3 Act 81, Session Laws of Hawai'i 2009, as amended by section 1 of Act 98, Session
4 Laws of Hawai'i 2014, is amended by amending section 5 to read as follows:

5 "SECTION 5. This Act shall take effect upon its approval. [~~provided that~~
6 ~~section 1 of this Act shall be repealed on June 30, 2017]."~~

7 SECTION 2. Statutory material to be repealed is bracketed and
8 stricken.

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

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INTRODUCED BY: _____

____.B. NO.____

A BILL FOR AN ACT

RELATING TO UNADJUDICATED TRAFFIC FINES.

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

1 SECTION 1. Chapter 291C, Hawai'i Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . TRANSMITTAL OF TRAFFIC FINES**
5 **AND FORFEITURES TO COUNTIES**

6 **§291C-A Definitions.** As used in this part, unless the
7 context clearly requires otherwise:

8 "Traffic infractions" means the same as defined under
9 section 291D-2.

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

Exhibit G

____.B. NO. _____

1 §291C-B Transmittal of fines and forfeitures from July 1,
2 2017. (a) Beginning July 1, 2017, the director of finance
3 shall transmit to each county, not more than thirty days after
4 the end of each fiscal quarter, all the fines and forfeitures
5 collected for uncontested traffic infractions committed in that
6 county that are in excess of amounts required by the State to
7 pay the administrative costs of the traffic violations bureau.
8 The fines and forfeitures shall be directed to the county in
9 which the citations were issued. This section shall not
10 apply to:

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

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

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

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

21 "(a) All fines and forfeitures collected upon conviction or
22 upon the forfeiture of bail of any person charged with a

.B. NO.

1 violation of any section or provision of the state traffic laws
2 and all assessments collected relating to the commission of
3 traffic infractions shall be paid to the director of finance of
4 the State. The judiciary shall identify those fines paid for
5 uncontested traffic infractions as defined in section 291C-A.
6 The disposition of fines and forfeitures paid to the director of
7 finance shall be subject to sections 291C-B."

8 SECTION 3. In codifying the new sections added by
9 section 1 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2017.

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INTRODUCED BY: _____

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A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES.

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

1 SECTION 1. The purpose of this Act is to appropriate funds
2 to the department of health for the purchase of two ambulance
3 vehicles and the operational costs for two ambulance units,
4 including equipment, supplies, and personnel costs for state-
5 certified emergency medical services personnel, for two twenty-
6 four-hour, seven-days-a-week, ambulance units for the counties
7 of Kaua'i and Hawai'i.

8 SECTION 2. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2017 - 2018 for the
11 purchase of two ambulance vehicles and operational costs for two
12 ambulance units, including equipment, supplies, and personnel
13 costs for state-certified emergency medical services personnel,
14 for two twenty-four-hour, seven-days-a-week, ambulance units for
15 the counties of Kaua'i and Hawai'i.

16 The sum appropriated shall be expended by the department of
17 health for the purposes of this Act.

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____.B. NO. _____

1 SECTION 3. This Act shall take effect on July 1, 2017.

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INTRODUCED BY: _____

S.B. NO.

1 "Department" means the department of commerce and consumer
2 affairs.

3 "Director" means the director of commerce and consumer
4 affairs.

5 "Operator" means any person using or operating an unmanned
6 aerial vehicle.

7 "Personal information" means all information that:

8 (1) Describes, locates, or indexes information or data
9 relating to a person, including but not limited to
10 physical location, social security number, driver's
11 license number, government-issued identification
12 number, student identification number, real or
13 personal property holdings identified in tax filings,
14 educational records, financial transactions, medical
15 history, ancestry, religious affiliation, political
16 ideology or affiliation, criminal record, or
17 employment history;

18 (2) Affords a basis for inferring personal
19 characteristics, such as facial recognition and other
20 biometric identification technology, fingerprints,
21 voiceprints, or photographs; or

S.B. NO.

1 (3) Indicates a person's membership in or association with
2 an organization, participation in an activity, or
3 admission or entrance to an institution or facility.

4 "Unmanned aerial vehicle" means a powered vehicle that does
5 not carry a human operator, uses aerodynamic forces to provide
6 vehicle lift, can fly autonomously or be piloted remotely, and
7 can be expendable or recoverable. "Unmanned aerial vehicle"
8 does not include a remote controlled airplane.

9 § -2 Powers and duties of the director. In addition to
10 any other powers and duties authorized by law, the director
11 shall:

12 (1) Adopt, amend, or repeal rules as the director deems
13 proper to fully effectuate this chapter;

14 (2) Impose a fine on an operator for any cause prescribed
15 by this chapter, or for any violation of this chapter
16 or any rule adopted pursuant to this chapter; and

17 (3) Investigate the use of any unmanned aerial vehicle
18 reported to be in violation of this chapter or any
19 rule adopted pursuant to this chapter.

20 § -3 Prohibited acts; penalty. (a) No person shall
21 operate an unmanned aerial vehicle:

S.B. NO.

- 1 (1) In violation of chapter 263 or any applicable federal
2 law and Federal Aviation Administration regulations
3 relating to the operation of unmanned aerial vehicles;
- 4 (2) Within five miles of an airport;
- 5 (3) Within five hundred feet of an emergency response
6 vehicle or first responder during an emergency, unless
7 the unmanned aerial vehicle is operated pursuant to
8 section -4 (b) ;
- 9 (4) To intentionally collect personal information or
10 intentionally publish or distribute personal
11 information acquired through the operation of an
12 unmanned aerial vehicle without express written
13 consent from the person whose personal information is
14 acquired;
- 15 (5) At an altitude higher than four hundred feet above
16 ground level;
- 17 (6) Outside the visual line of sight of the operator. The
18 operator shall use natural vision to maintain at all
19 times an unobstructed view of the unmanned aerial
20 vehicle without the use of vision enhancing devices,
21 including but not limited to binoculars, night vision

S.B. NO.

- 1 goggles, powered vision magnifying devices, or similar
2 devices;
- 3 (7) .In a manner that interferes with, or fails to give way
4 to, any manned aircraft;
- 5 (8) Whenever weather conditions impair the operator's
6 ability to safely operate the unmanned aerial vehicle;
- 7 (9) Over any open air assembly unit, school, school yard,
8 hospital, place of worship, prison, or police station
9 without the property owner's written consent and
10 subject to any restrictions that the property owner
11 may impose on the operation of the unmanned aerial
12 vehicle;
- 13 (10) (A) Within five hundred feet of any water intake
14 facility or any electric generating facility,
15 substation, or control center;
- 16 (B) Within one hundred feet of any electric
17 transmission facility; or
- 18 (C) Within twenty-five feet of any electric
19 distribution facility or of any overhead cable,
20 wire, conveyor, or similar equipment for the
21 transmission of sounds or signals, or of heat,

S.B. NO.

1 light, or power, or of data, upon or along any
2 public way within the city,
3 without the facility or equipment owner's written
4 consent and subject to any restrictions that the
5 facility or equipment owner may impose on the
6 operation of the unmanned aerial vehicle;

7 (11) While under the influence of any intoxicating liquor
8 as defined in section 281-1, intoxicating compound as
9 defined in section 712-1240, or other drug, or any
10 combination thereof;

11 (12) With the intent to use the unmanned aerial vehicle or
12 anything attached to it to cause harm to persons or
13 property;

14 (13) In a reckless or careless manner; or

15 (14) In violation of any federal or state law.

16 (b) All data and personal information collected through
17 the use of an unmanned aerial vehicle shall not be used or
18 repurposed for any purpose other than the original purpose for
19 which the data or personal information was collected.

S.B. NO.

1 (c) Any person who operates an unmanned aerial vehicle in
2 violation of this chapter shall pay a civil penalty of
3 \$ for each separate offense.

4 (d) All penalties collected by the department shall be
5 deposited into the compliance resolution fund under section
6 26-9(o) for the purpose of enforcing this chapter.

7 § -4 Prohibited uses by law enforcement agencies;
8 exceptions. (a) No law enforcement agency shall use an
9 unmanned aerial vehicle to gather evidence or other information
10 pertaining to criminal conduct or conduct in violation of a
11 statute, ordinance, or administrative rule without first
12 obtaining a warrant.

13 (b) Notwithstanding subsection (a) and in addition to the
14 authorized activities under section -5, a law enforcement or
15 public safety agency may deploy an unmanned aerial vehicle for
16 the following purposes:

17 (1) When there is a reasonable belief that an emergency
18 situation exists, whether or not the situation
19 involves criminal activity, and the use of an unmanned
20 aerial vehicle is necessary to prevent immediate

S.B. NO.

1 danger of death or serious physical injury to any
2 person;

3 (2) To conduct a search and rescue operation where the use
4 of an unmanned aerial vehicle is determined to be
5 necessary to alleviate an immediate danger to any
6 person;

7 (3) To respond to a hostage situation; or

8 (4) To conduct training exercises related to any of the
9 purposes in this subsection.

10 § -5 Public agency exceptions. Nothing in this chapter
11 shall prohibit the use of unmanned aerial vehicles by a public
12 agency:

13 (1) To conduct environmental or disaster response,
14 including but not limited to disaster relief, victim
15 recovery or search and rescue, and monitoring,
16 inspection, underwater repair, or structural damage
17 assessments;

18 (2) To dispose of a suspected or actual explosive device;

19 (3) To monitor plant or animal populations;

20 (4) To conduct atmospheric testing or monitoring;

21 (5) For farming and agricultural uses;

S.B. NO.

- 1 (6) To review traffic congestion and conditions;
- 2 (7) To survey or inspect public lands and property; or
- 3 (8) To survey the ocean and coastline.

4 § -6 Weapons; prohibited. In no case shall a person or
5 public agency equip an unmanned aerial vehicle with a weapon or
6 deploy an unmanned aerial vehicle that is equipped with a
7 weapon.

8 For the purpose of this section, "weapon" means any device
9 designed to harm or incapacitate a human being by use of a
10 projectile, explosive, biological or chemical agent,
11 electricity, visible or invisible directed energy, radiation, or
12 any other means.

13 § -7 Civil cause of action; remedies. (a) An
14 individual shall have a civil cause of action against any person
15 that collects, publishes, or distributes the individual's
16 personal information in violation of this chapter.

17 (b) In any civil action brought under this section, if the
18 court finds a violation, the court may award:

- 19 (1) Injunctive relief;
- 20 (2) Equitable relief;
- 21 (3) Compensatory damages;

S.B. NO.

1 (4) Punitive damages, except as prohibited by section

2 662-2;

3 (5) Costs of the action; and

4 (6) Reasonable attorney's fees."

5 SECTION 3. Chapter 711, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§711- Unmanned aerial vehicles; prohibited acts. (1)
9 It shall be unlawful for any person to intentionally, knowingly,
10 or recklessly use an unmanned aerial vehicle to record or
11 photograph a person in a private place without the consent of
12 the person for the purpose of spying on the person or invading
13 the privacy of another person with an unlawful purpose, under
14 circumstances in which a reasonable person in the private place
15 would not expect to be observed.

16 (2) Violation of this section is a misdemeanor. In
17 addition to any penalties the court may impose, the court may
18 order the destruction of any recording or photograph made in
19 violation of this section."

20 SECTION 4. Section 711-1100, Hawaii Revised Statutes, is
21 amended as follows:

S.B. NO.

1 1. By adding a new definition to be appropriately inserted
2 and to read:

3 "Unmanned aerial vehicle" means a powered vehicle that
4 does not carry a human operator, uses aerodynamic forces to
5 provide vehicle lift, can fly autonomously or be piloted
6 remotely, and can be expendable or recoverable."

7 2. By amending the definition of "record" to read:

8 "Record", for the purposes of sections 711-1110.9 [and],
9 711-1111, and 711-_____, means to videotape, film, photograph, or
10 archive electronically or digitally."

11 SECTION 5. Section 711-1110.9, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "(1) A person commits the offense of violation of privacy
14 in the first degree if, except in the execution of a public duty
15 or as authorized by law:

16 (a) The person intentionally or knowingly installs or
17 uses, or both, in any private place, without consent
18 of the person or persons entitled to privacy therein,
19 any device, including an unmanned aerial vehicle, for
20 observing, recording, amplifying, or broadcasting

S.B. NO.

1 another person in a stage of undress or sexual
2 activity in that place; or
3 (b) The person knowingly discloses an image or video of
4 another identifiable person either in the nude, as
5 defined in section 712-1210, or engaging in sexual
6 conduct, as defined in section 712-1210, without the
7 consent of the depicted person, with intent to harm
8 substantially the depicted person with respect to that
9 person's health, safety, business, calling, career,
10 financial condition, reputation, or personal
11 relationships; provided that:
12 (i) This paragraph shall not apply to images or
13 videos of the depicted person made:
14 (A) When the person was voluntarily nude in
15 public or voluntarily engaging in sexual
16 conduct in public; or
17 (B) Pursuant to a voluntary commercial
18 transaction; and
19 (ii) Nothing in this paragraph shall be construed to
20 impose liability on a provider of "electronic
21 communication service" or "remote computing

S.B. NO.

1 service" as those terms are defined in section
2 803-41, for an image or video disclosed through
3 the electronic communication service or remote
4 computing service by another person."

5 SECTION 6. Section 711-1111, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of violation of privacy
8 in the second degree if, except in the execution of a public
9 duty or as authorized by law, the person intentionally:

10 (a) Trespasses on property for the purpose of subjecting
11 anyone to eavesdropping or other surveillance in a
12 private place;

13 (b) Peers or peeps into a window or other opening of a
14 dwelling or other structure adapted for sojourn or
15 overnight accommodations for the purpose of spying on
16 the occupant thereof or invading the privacy of
17 another person with a lewd or unlawful purpose, under
18 circumstances in which a reasonable person in the
19 dwelling or other structure would not expect to be
20 observed;

S.B. NO.

- 1 (c) Trespasses on property for the sexual gratification of
2 the actor;
- 3 (d) Installs or uses, or both, in any private place,
4 without consent of the person or persons entitled to
5 privacy therein, any means or device, including an
6 unmanned aerial vehicle, for observing, recording,
7 amplifying, or broadcasting sounds or events in that
8 place other than another person in a stage of undress
9 or sexual activity;
- 10 (e) Installs or uses outside a private place any device,
11 including an unmanned aerial vehicle, for hearing,
12 recording, amplifying, or broadcasting sounds
13 originating in that place which would not ordinarily
14 be audible or comprehensible outside, without the
15 consent of the person or persons entitled to privacy
16 therein;
- 17 (f) Covertly records or broadcasts an image of another
18 person's intimate area underneath clothing, by use of
19 any device, including an unmanned aerial vehicle, and
20 that image is taken while that person is in a public
21 place and without that person's consent;

S.B. NO.

- 1 (g) Intercepts, without the consent of the sender or
2 receiver, a message or photographic image by
3 telephone, telegraph, letter, electronic transmission,
4 or other means of communicating privately; but this
5 paragraph does not apply to:
- 6 (i) Overhearing of messages through a regularly
7 installed instrument on a telephone party line or
8 an extension; or
- 9 (ii) Interception by the telephone company, electronic
10 mail account provider, or telephone or electronic
11 mail subscriber incident to enforcement of
12 regulations limiting use of the facilities or
13 incident to other operation and use;
- 14 (h) Divulges, without the consent of the sender or the
15 receiver, the existence or contents of any message or
16 photographic image by telephone, telegraph, letter,
17 electronic transmission, or other means of
18 communicating privately, if the accused knows that the
19 message or photographic image was unlawfully
20 intercepted or if the accused learned of the message

S.B. NO.

1 of photographic image in the course of employment with
2 an agency engaged in transmitting it; or

3 (i) Knowingly possesses materials created under
4 circumstances prohibited in section 711-1110.9."

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

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

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

11

INTRODUCED BY: _____

____.B. NO.____

A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

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

1 SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§92-2.5 Permitted interactions of members. (a) Two
4 members of a board may discuss between themselves matters
5 relating to official board business to enable them to perform
6 their duties faithfully, as long as no commitment to vote is
7 made or sought and the two members do not constitute a quorum of
8 their board.

9 (b) Two or more members of a board, but less than the
10 number of members which would constitute a quorum for the board,
11 may be assigned to:

12 (1) Investigate a matter relating to the official business
13 of their board; provided that:

14 (A) The scope of the investigation and the scope of
15 each member's authority are defined at a meeting of the board;

Exhibit J

____.B. NO. _____

1 (B) All resulting findings and recommendations are
2 presented to the board at a meeting of the board; and

3 (C) Deliberation and decisionmaking on the matter
4 investigated, if any, occurs only at a duly noticed meeting of
5 the board held subsequent to the meeting at which the findings
6 and recommendations of the investigation were presented to the
7 board; or

8 (2) Present, discuss, or negotiate any position which the
9 board has adopted at a meeting of the board; provided that the
10 assignment is made and the scope of each member's authority is
11 defined at a meeting of the board prior to the presentation,
12 discussion, or negotiation.

13 (c) Discussions between two or more members of a board,
14 but less than the number of members which would constitute a
15 quorum for the board, concerning the selection of the board's
16 officers may be conducted in private without limitation or
17 subsequent reporting.

18 (d) Board members present at a meeting that must be
19 canceled for lack of quorum or terminated pursuant to section
20 92-3.5(c) may nonetheless receive testimony and presentations on
21 items on the agenda and question the testifiers or presenters;
22 provided that:

1 (1) Deliberation or decisionmaking on any item, for which
2 testimony or presentations are received, occurs only at a duly
3 noticed meeting of the board held subsequent to the meeting at
4 which the testimony and presentations were received;

5 (2) The members present shall create a record of the oral
6 testimony or presentations in the same manner as would be
7 required by section 92-9 for testimony or presentations heard
8 during a meeting of the board; and

9 (3) Before its deliberation or decisionmaking at a
10 subsequent meeting, the board shall:

11 (A) Provide copies of the testimony and presentations
12 received at the canceled meeting to all members of the board;
13 and

14 (B) Receive a report by the members who were present
15 at the canceled or terminated meeting about the testimony and
16 presentations received.

17 (e) Two or more members of a board, but less than the
18 number of members which would constitute a quorum for the board,
19 may attend an informational meeting or presentation on matters
20 relating to official board business, including a meeting of
21 another entity, legislative hearing, convention, seminar, or
22 community meeting open to the public; provided that the meeting

____.B. NO. _____

1 or presentation is not specifically and exclusively organized
2 for or directed toward members of the board. The board members
3 in attendance may participate in discussions, including
4 discussions among themselves; provided that the discussions
5 occur during and as part of the informational meeting or
6 presentation; and provided further that no commitment relating
7 to a vote on the matter is made or sought.

8 At the next duly noticed meeting of the board, the board
9 members shall report their attendance and the matters presented
10 and discussed that related to official board business at the
11 informational meeting or presentation.

12 (f) Discussions between the governor and one or more
13 members of a board may be conducted in private without
14 limitation or subsequent reporting; provided that the discussion
15 does not relate to a matter over which a board is exercising its
16 adjudicatory function.

17 (g) Discussions between two or more members of a board and
18 the head of a department to which the board is administratively
19 assigned may be conducted in private without limitation;
20 provided that the discussion is limited to matters specified in
21 section 26-35.

____.B. NO. _____

1 (h) Communications, interactions, discussions,
2 investigations, and presentations described in this section are
3 not meetings for purposes of this part.

4 (i) Notwithstanding section 92-3.1(b) of this chapter, for
5 meetings described in subsection (e), the limitation on number
6 of attendees shall not apply to members of a county council."

7 SECTION 2. Statutory material to be deleted is bracketed
8 and in strikethrough. New statutory material is underscored.

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

10

11 INTRODUCED BY: _____

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13 pia:misc:003(2)abill05:scb

A BILL FOR AN ACT

RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES.

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

1 SECTION 1. This legislature finds that persons with
2 disabilities have the desire to indicate on their identification
3 cards, such as the State of Hawaii identification card, driver's
4 license, or an identification card for persons with
5 disabilities, their disability.

6 Because not all disabilities are outwardly visible, the
7 disclosure of a disability on a driver's license or
8 identification card can assist first responders in determining
9 the best way to treat, assist, or communicate with the person.

10 Having a license or identification card clearly indicating
11 a person's disability will allow the person access to certain
12 services such as special seating on public transit or at public
13 events. The "disabled" notification on the card indicates that
14 a person has a disability and does not take the place of
15 existing public service qualification procedures.

____.B. NO. _____

1 To mitigate potential abuse, medical documentation is
2 required to support a person's request for indication of a
3 disability on their identification card.

4 Those who choose to include information about their
5 disability on their driver's license, State identification card,
6 and identification card for persons with disabilities may do so
7 under this Act.

8 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
9 amended by adding new definitions to be appropriately inserted
10 and to read as follows:

11 "Disability" means any physical, mental, or neurological
12 impairment that severely restricts a person's mobility, manual
13 dexterity, or ability to climb stairs; substantial loss of sight
14 or hearing; loss of one or more limbs or use thereof; or
15 significantly diminished reasoning capacity.

16 "Person with disabilities" means any person with a
17 permanent or temporary disability.

18 SECTION 3. Chapter 286, Hawaii Revised Statutes, is amended
19 by adding a new section to part VI to be appropriately
20 designated and to read as follows:

21 "§286- Driver's license for persons with disabilities.

____.B. NO. _____

1 Persons with disabilities may opt to identify their
2 disability on their driver's license upon receipt of the
3 required documentation as stated in this section, from the
4 person requesting its inclusion. The driver's license shall
5 display the "disabled" notation on a location designated by the
6 department."

7 SECTION 4. Section 286-305, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§286-305 Contents and characteristics; form. (a) Each
10 identification card issued by the examiner of drivers shall
11 display a distinguishing number assigned to the cardholder, and
12 shall display the following inscription:

13 "STATE OF HAWAII IDENTIFICATION CARD"

14 (b) The examiner of drivers, after obtaining the
15 fingerprint of the applicant as provided in this part and after
16 obtaining the information required by or pursuant to this part,
17 shall issue to each applicant an identification card in a form
18 and with identifying information that the director deems
19 necessary and appropriate, including a notation of veteran
20 status, if desired by the applicant, on the front of the card
21 where applicable; provided that such notation shall not include
22 any designation other than the term "veteran". As used in this

____.B. NO. _____

1 subsection, "veteran" means any person who served in any of the
2 uniformed services of the United States and was discharged under
3 conditions other than dishonorable.

4 (c) The identification card shall not display the
5 cardholder's social security number.

6 (d) The identification card shall be designed to prevent
7 its reproduction or alteration without ready detection.

8 (e) The identification card for individuals under twenty-
9 one years of age shall have characteristics prescribed by the
10 examiner distinguishing it from that issued to [a] an individual
11 who is twenty-one years of age or older.

12 (f) Persons with disabilities may opt to identify their
13 disability on their identification card upon receipt of the
14 required documentation from the person requesting its inclusion.
15 The identification card shall display a notation of disability
16 status, if desired by the applicant, on the front of the card
17 where applicable; except that such notation shall not include
18 any designation other than the term "disabled."

19 SECTION 5. Chapter 286, Hawaii Revised Statutes, is amended
20 by adding a new section to part XVI to be appropriately
21 designated and to read as follows:

____.B. NO. _____

1 "§286- Identification card for persons with
2 disabilities. (a) The department shall issue identification
3 cards to persons with disabilities pursuant to section 286-305.

4 (b) The identification card for persons with disabilities
5 shall include characteristics and content pursuant to section
6 286-305. On the reverse side of the identification card shall be
7 a space within which the department shall enter such disability
8 information the applicant may request.

9 (c) The department may include a notation of disability
10 status, if desired by the applicant, on the front and may print
11 the disability information on the reverse on any driver's
12 license or identification card issued pursuant to the provisions
13 of this chapter upon receipt of the required documentation from
14 the person requesting its inclusion.

15 (d) Temporary disabilities. An identification card for
16 persons with a temporary disability shall be issued upon
17 presentation of a sworn affidavit of at least one medical doctor
18 attesting to such disability and estimating the duration of the
19 disability. Identification cards indicating temporary
20 disabilities shall be issued for periods of one year, and a
21 current affidavit of a medical doctor attesting to the

____.B. NO. ____

1 continuance of such disability shall be presented at each
2 request thereafter."

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

5 SECTION 7. This Act shall take effect on January 2, 2018.

INTRODUCED BY: _____

paf:mkz:16-151a

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS TAX.

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

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PART I

SECTION 1. (a) The legislature finds that:

(1) Pursuant to Act 174, Session Laws of Hawaii 2014, the state-county functions working group was convened to evaluate the division of duties and responsibilities between the State and counties relating to the provision of public services and to recommend an appropriate allocation of the transient accommodations tax revenues between the State and counties that properly reflects the division of duties and responsibilities relating to the provision of public services;

(2) Though the transient accommodations tax has evolved to meet the needs and purposes of the times, its structure and frequent amendment, combined with the cyclical nature of the visitor industry and the tax revenues it generates, has resulted in ongoing discussions among the various stakeholders, including the State, the counties, the visitor industry, the Hawaii tourism authority, and other recipients or potential recipients of transient accommodations tax revenues;

(3) The state-county functions working group, composed of state, county, and visitor industry representatives and other knowledgeable and concerned citizens, and which has been aided by experts, considered the legislature's assignment for over a year and delivered to the legislature its final unanimous report, inclusive of analysis, findings, conclusions, and recommendations;

(4) In particular, the state-county functions working group found and concluded that:

(A) The application of the transient accommodations tax and the allocation of its revenues should be simplified

Exhibit L

.B. NO.

1 and stabilized so as to be clear, consistent, and
2 predictable over time, in view of the need to invest in
3 tourism as a premier industry;
4

5 (B) The tourism special fund should be provided a
6 priority distribution of the transient accommodations tax
7 revenues at an assured minimum level, adjusted for
8 inflation, and regardless of overall transient
9 accommodations tax collections;
10

11 (C) After the priority distribution of the transient
12 accommodations tax revenues to the tourism special fund,
13 existing allocations to the Turtle Bay conservation
14 easement special fund, convention center enterprise special
15 fund, and special land and development fund should be
16 maintained at their current levels, with any additional
17 state funding of these efforts made out of state general
18 funds by separate appropriation;
19

20 (D) Based on a review of state and county functions,
21 including tourism expenditures, an appropriate allocation
22 of the remaining transient accommodations tax revenues is
23 fifty-five percent to the state general fund and forty-five
24 percent to the counties; and
25

26 (E) There should be no fixed dollar amounts, caps,
27 floors, or similar restrictions on allocations to the State
28 and counties of the remaining revenues; instead, both the
29 State and the county allocations should increase or
30 decrease proportionately with increasing or decreasing
31 transient accommodations tax revenues; and
32

33 (5) The state-county functions working group
34 recommendations reflect a fair, balanced, and reasonable
35 compromise of competing needs for scarce resources and provide a
36 sound policy base for the further administration of the
37 transient accommodations tax and its revenues.
38

39 (b) The purpose of this Act is to:

40
41 (1) Provide a fair, consistent, and predictable priority
42 allocation of transient accommodations tax revenues, of an
43 assured minimum amount, to the tourism special fund;
44

____.B. NO. _____

1 (2) Maintain allocation of transient accommodations tax
2 revenues to existing obligations at present levels;

3
4 (3) Provide a fair, consistent, and predictable allocation
5 of the balance of the transient accommodations tax revenues
6 between the State and the counties; and

7
8 (4) Provide flexibility to the tourism special fund,
9 State, and counties in the utilization of their respective
10 allocations.

11
12 PART II

13
14 SECTION 2. Section 237D-6.5, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16
17 "(b) Revenues collected under this chapter shall be
18 distributed in the following priority, with the excess revenues
19 to be deposited into the general fund:

20
21 ~~[(1) \$1,500,000 shall be allocated to the Turtle Bay~~
22 ~~conservation easement special fund beginning July 1, 2015, for~~
23 ~~the reimbursement to the state general fund of debt service on~~
24 ~~reimbursable general obligation bonds, including ongoing~~
25 ~~expenses related to the issuance of the bonds, the proceeds of~~
26 ~~which were used to acquire the conservation easement and other~~
27 ~~real property interests in Turtle Bay, Oahu, for the protection,~~
28 ~~preservation, and enhancement of natural resources important to~~
29 ~~the State, until the bonds are fully amortized;]~~

30
31 (1) \$82,000,000 shall be allocated to the tourism special
32 fund established under section 201B-11; provided that, beginning
33 July 1, 2017, and in each fiscal year thereafter, the dollar
34 amount of revenues allocated to the tourism special fund under
35 this paragraph shall be adjusted by an amount equal to the
36 dollar amount multiplied by the percentage, if any, by which the
37 Honolulu region consumer price index for all urban consumers
38 (CPI-U), or a successor index, as calculated by the United
39 States Department of Labor, for the preceding calendar year
40 exceeds the consumer price index for the calendar year 2016;
41 provided further that:

42
43 (A) Of the revenues allocated to the tourism special
44 fund:

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(i) \$1,000,000 shall be allocated for the operation of a Hawaiian center and the museum of Hawaiian music and dance at the Hawaii convention center; and

(ii) 0.5 percent shall be transferred to a sub-account in the tourism special fund to provide funding for a safety and security budget, in accordance with the Hawaii tourism strategic plan; and

(B) Of the revenues remaining in the tourism special fund after revenues have been deposited as provided in this paragraph and except for any sum authorized by the legislature for expenditure from revenues subject to this paragraph, beginning July 1, 2007, funds shall be deposited into the tourism emergency special fund, established in section 201B-10, in a manner sufficient to maintain a fund balance of \$5,000,000 in the tourism emergency special fund;

(2) \$26,500,000 shall be allocated to the convention center enterprise special fund established under section 201B-8;

~~[(3) \$82,000,000 shall be allocated to the tourism special fund established under section 201B-11; provided that:~~

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

~~(B) Of the \$82,000,000 allocated:~~

~~(i) \$1,000,000 shall be allocated for the operation of a Hawaiian center and the museum of Hawaiian music and dance at the Hawaii convention center; and~~

~~(ii) 0.5 per cent of the \$82,000,000 shall be transferred to a sub account in the tourism special fund to provide funding for a safety and security budget, in accordance with the Hawaii tourism strategic plan 2005-2015; and~~

1 with fiscal year 2018-2019, a sum that represents the difference
2 between a county public employer's annual required contribution
3 for the separate trust fund established under section 87A-42 and
4 the amount of the county public employer's contributions into
5 that trust fund shall be retained by the state director of
6 finance and deposited to the credit of the county public
7 employer's annual required contribution into that trust fund in
8 each fiscal year, as provided in section 87A-42, if the
9 respective county fails to remit the total amount of the
10 county's required annual contributions, as required under
11 section 87A-43 [; and

12

13 ~~[(5) \$3,000,000 shall be allocated to the special land and~~
14 ~~development fund established under section 171-19, provided that~~
15 ~~the allocation shall be expended in accordance with the Hawaii~~
16 ~~tourism authority strategic plan for:~~

17

18 ~~(A) The protection, preservation, maintenance, and~~
19 ~~enhancement of natural resources, including beaches, important~~
20 ~~to the visitor industry;~~

21

22 ~~(B) Planning, construction, and repair of facilities;~~
23 ~~and~~

24

25 ~~(C) Operation and maintenance costs of public lands,~~
26 ~~including beaches, connected with enhancing the visitor~~
27 ~~experience.]~~

28

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

33

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

37

38

PART III

39

40 SECTION 3. Section 87A-42, Hawaii Revised Statutes, is
41 amended by amending subsection (d) to read as follows:

42

43 "(d) In any fiscal year subsequent to the 2017-2018 fiscal
44 year in which a county public employer's contributions into the

____.B. NO. _____

1 fund are less than the amount of the annual required
2 contribution, the amount that represents the excess of the
3 annual required contribution over the county public employer's
4 contributions shall be deposited into the fund from a portion of
5 all transient accommodations tax revenues collected by the
6 department of taxation under section [~~237D-6.5(b)(4)~~] 237D-
7 6.5(b)(5). The director of finance shall deduct the amount
8 necessary to meet the county public employer's annual required
9 contribution from the revenues derived under section [~~237D-~~
10 ~~6.5(b)(4)~~] 237D-6.5(b)(5) and transfer the amount to the board
11 for deposit into the appropriate account of the separate trust
12 fund."

13

14 SECTION 4. Section 171-19, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16

17 "(a) There is created in the department a special fund to
18 be designated as the "special land and development fund".
19 Subject to the Hawaiian Homes Commission Act of 1920, as
20 amended, and section 5(f) of the Admission Act of 1959, all
21 proceeds of sale of public lands, including interest on deferred
22 payments; all moneys collected under section 171-58 for mineral
23 and water rights; all rents from leases, licenses, and permits
24 derived from public lands; all moneys collected from lessees of
25 public lands within industrial parks; all fees, fines, and other
26 administrative charges collected under this chapter and chapter
27 183C; a portion of the highway fuel tax collected under chapter
28 243; all moneys collected by the department for the commercial
29 use of public trails and trail accesses under the jurisdiction
30 of the department; transient accommodations tax revenues
31 collected pursuant to section [~~237D-6.5(b)(5)~~] 237D-6.5(b)(3);
32 and private contributions for the management, maintenance, and
33 development of trails and accesses shall be set apart in the
34 fund and shall be used only as authorized by the legislature for
35 the following purposes:

36

37 (1) To reimburse the general fund of the State for
38 advances made that are required to be reimbursed from the
39 proceeds derived from sales, leases, licenses, or permits of
40 public lands;

41

42 (2) For the planning, development, management, operations,
43 or maintenance of all lands and improvements under the control
44 and management of the board pursuant to title 12, including but

1 not limited to permanent or temporary staff positions who may be
2 appointed without regard to chapter 76; provided that transient
3 accommodations tax revenues allocated to the fund shall be
4 expended as provided in section [~~237D-6.5(b)-(5)-;~~] 237D-
5 6.5(b)(3);

6
7 (3) To repurchase any land, including improvements, in the
8 exercise by the board of any right of repurchase specifically
9 reserved in any patent, deed, lease, or other documents or as
10 provided by law;

11
12 (4) For the payment of all appraisal fees; provided that
13 all fees reimbursed to the board shall be deposited in the fund;

14
15 (5) For the payment of publication notices as required
16 under this chapter; provided that all or a portion of the
17 expenditures may be charged to the purchaser or lessee of public
18 lands or any interest therein under rules adopted by the board;

19
20 (6) For the management, maintenance, and development of
21 trails and trail accesses under the jurisdiction of the
22 department;

23
24 (7) For the payment to private land developers who have
25 contracted with the board for development of public lands under
26 section 171-60;

27
28 (8) For the payment of debt service on revenue bonds
29 issued by the department, and the establishment of debt service
30 and other reserves deemed necessary by the board;

31
32 (9) To reimburse the general fund for debt service on
33 general obligation bonds issued to finance departmental
34 projects, where the bonds are designated to be reimbursed from
35 the special land and development fund;

36
37 (10) For the protection, planning, management, and
38 regulation of water resources under chapter 174C; and

39
40 (11) For other purposes of this chapter."
41

____.B. NO. _____

1

PART IV

2

SECTION 5. Statutory material to be repealed is bracketed

3

and stricken. New statutory material is underscored.

4

5

SECTION 6. This Act shall take effect on July 1, 2017.

6

7

8

INTRODUCED BY: _____

9

10

pia:misc:003(2)ab1106:kcw

A BILL FOR AN ACT

RELATING TO THE CONVEYANCE TAX.

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

1 SECTION 1. Section 247-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§247-2 Basis and rate of tax. The tax imposed by section
4 247-1 shall be based on the actual and full consideration
5 (whether cash or otherwise, including any promise, act,
6 forbearance, property interest, value, gain, advantage, benefit,
7 or profit), paid or to be paid for all transfers or conveyance
8 of realty or any interest therein, that shall include any liens
9 or encumbrances thereon at the time of sale, lease, sublease,
10 assignment, transfer, or conveyance, and shall be at the
11 following rates:

12 (1) Except as provided in paragraph (2):

13 (A) Ten cents per \$100 for properties with a value of
14 less than \$600,000;

15 (B) Twenty cents per \$100 for properties with a value
16 of at least \$600,000, but less than \$1,000,000;

____.B. NO. _____

- 1 (C) Thirty cents per \$100 for properties with a value
- 2 of at least \$1,000,000, but less than \$2,000,000;
- 3 (D) Fifty cents per \$100 for properties with a value
- 4 of at least \$2,000,000, but less than \$4,000,000;
- 5 (E) Seventy cents per \$100 for properties with a
- 6 value of at least \$4,000,000, but less than
- 7 \$6,000,000;
- 8 (F) Ninety cents per \$100 for properties with a value
- 9 of at least \$6,000,000, but less than
- 10 \$10,000,000; and
- 11 (G) One dollar per \$100 for properties with a value
- 12 of \$10,000,000 or greater; and
- 13 (2) For the sale of a condominium or single family
- 14 residence for which the purchaser is ineligible for a
- 15 county homeowner's exemption on property tax:
- 16 (A) Fifteen cents per \$100 for properties with a
- 17 value of less than \$600,000;
- 18 (B) Twenty-five cents per \$100 for properties with a
- 19 value of at least \$600,000, but less than
- 20 \$1,000,000;
- 21 (C) Forty cents per \$100 for properties with a value
- 22 of at least \$1,000,000, but less than \$2,000,000;

____.B. NO. _____

1 (D) Sixty cents per \$100 for properties with a value
2 of at least \$2,000,000, but less than \$4,000,000;

3 (E) Eighty-five cents per \$100 for properties with a
4 value of at least \$4,000,000, but less than
5 \$6,000,000;

6 (F) One dollar and ten cents per \$100 for properties
7 with a value of at least \$6,000,000, but less
8 than \$10,000,000; and

9 (G) One dollar and twenty-five cents per \$100 for
10 properties with a value of \$10,000,000 or
11 greater [7]; and

12 (3) In addition to the rate established by paragraph (1)
13 or (2), for the sale of a condominium or single family
14 residence: One dollar per \$100 for properties with a
15 value of more than \$1,000,000,

16 of such actual and full consideration; provided that in the
17 case of a lease or sublease, this chapter shall apply only to a
18 lease or sublease whose full unexpired term is for a period of
19 five years or more, and in those cases, including (where
20 appropriate) those cases where the lease has been extended or
21 amended, the tax in this chapter shall be based on the cash
22 value of the lease rentals discounted to present day value and

____.B. NO. _____

1 capitalized at the rate of six per cent, plus the actual and
2 full consideration paid or to be paid for any and all
3 improvements, if any, that shall include on-site as well as off-
4 site improvements, applicable to the leased premises; and
5 provided further that the tax imposed for each transaction shall
6 be not less than \$1."

7 SECTION 2. Section 247-7, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§247-7 Disposition of taxes. All taxes collected under
10 this chapter shall be paid into the state treasury to the credit
11 of the general fund of the State, to be used and expended for
12 the purposes for which the general fund was created and exists
13 by law; provided that of the taxes collected each fiscal year:

14 (1) Ten per cent of the revenue accruing from application
15 of the rates established in paragraph (1) and (2) of
16 section 247-1, or \$6,800,000, whichever is less, shall
17 be paid into the land conservation fund established
18 pursuant to section 173A-5; [and]

19 (2) Fifty per cent of the revenue accruing from the
20 application of the rates established in paragraph (1)
21 and (2) of section 247-1, or \$38,000,000, whichever is
22 less, shall be paid into the rental housing revolving

____.B. NO. _____

1 fund established by section 201H-202. Tax imposed by
2 section 247-1 shall be based on the actual and full
3 consideration[-]; and

4 (3) One hundred percent of the revenue in each
5 county accruing from the rate established in
6 paragraph (3) of section 247-1 shall be
7 allocated to the county's affordable housing
8 fund and shall only be used to increase the
9 supply of affordable housing by the
10 following means:

- 11 (A) the purchase of existing housing units
12 and other interests in real property;
- 13 (B) the planning, design, or construction
14 of housing units;
- 15 (C) making grants or loans to nonprofit
16 organizations, including community land
17 trusts; or
- 18 (D) investment in public infrastructure."

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

21 SECTION 4. This Act shall take effect upon its approval;
22 provided that this Act shall be repealed on June 30, 2022.

____.B. NO. _____

INTRODUCED BY: _____

paf:kcw:16-159b

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 16-288

Introduced: 10/27/16 By: ERNEST MARTIN

Committee: COUNCIL

Title: RESOLUTION RELATING TO THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE.

Voting Legend: * = Aye w/Reservations

11/02/16 COUNCIL

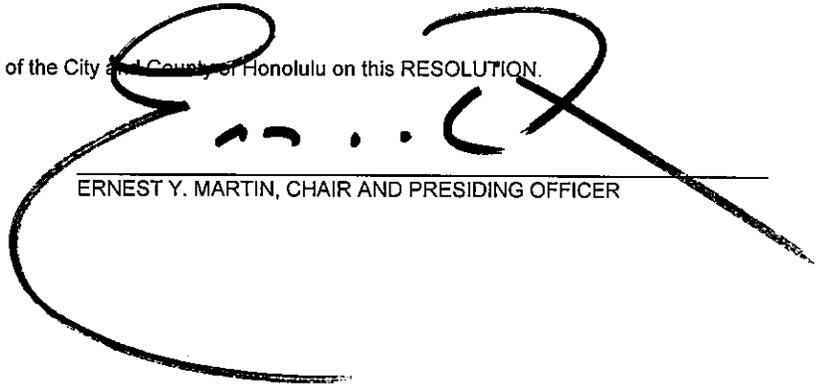
RESOLUTION 16-288 WAS ADOPTED.

9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

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



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER