January 12, 2011

The Honorable David Ige, Chair
and Members
Senate Ways and Means Committee
State Senate
The Honorable Marcus Oshiro, Chair
House Finance Committee
House of Representatives
Twenty-Sixth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ige, Chair Oshiro and Committee Members,

The City and County of Honolulu is in the process of putting together our FY 2012 operating and capital improvement budget which is due to be submitted to the City Council on March 1. We are confronting major fiscal challenges in our efforts to provide and maintain core services to our residents. Increased funding requirements for employee health costs, retirement contributions, and growing debt services are challenges which Honolulu must meet head on. Other challenges and opportunities face us. Collective bargaining is underway and I am committed to ending furloughs as soon as possible. In addition, Honolulu will need to provide services for the Asia Pacific Economic Cooperation conference which it will host in 2011.

My first priority has always been getting Honolulu’s financial house in order. Given this, I am approaching this budget cycle and our current financial circumstances with a commitment to fiscal responsibility and a focus on providing essential services. I would like to emphasize that I am looking not only at the current fiscal crisis, but I am also looking at the opportunities that the current situation provides to enhance the long term financial stability of Honolulu by streamlining operations and making county government more efficient. It is clear to me that we cannot continue to spend as we have in the past and that we must cut government and concentrate on core functions. I also realize that I must consider all options, including politically unpopular options such as imposing or increasing user fees in order to deal with a significant operating budget shortfall.

Our capital improvement budget will be pared down and prioritized to focus on rail, mandated wastewater improvements, and other required projects.
I am hopeful that the State legislature recognizes that revenues from the Transient Accommodations Tax (TAT) are an integral and essential part of the counties’ base budgets. The TAT was created as a more equitable method of sharing state revenues with the counties in recognition of the greater impact of the visitor industry on county services such as police, fire protection, parks, beaches, water, roads, sewage systems and other tourism-related infrastructure. The legislature also noted that the distribution of the TAT to the counties was meant to provide a stable and continuing source of revenue for the counties. We ask you to continue to work with all the counties to help us provide the services and infrastructure necessary to sustain Hawaiʻi’s tourism industry.

I am also hopeful that the State legislature will not disturb Honolulu’s one-half percent surcharge on state general excise tax (GET) revenues. The surcharge was specifically created to finance the rail project by providing a dedicated source of revenue and a stable principal amount whose interest would generate additional revenues for the rail project over the next several years. Borrowing or tampering with the fund may negatively affect federal support and funding of Honolulu’s rail project. Furthermore, since the rail project is underway with Design/Build contractor proposals, the surcharge funds are needed to ensure that Honolulu can proceed into the next stage of the project. In short, I fear that any disruptions with the GET surcharge has the potential to delay the rail project which is a crucial infrastructure improvement that not only will create jobs and stimulate the economy, but will also provide a better quality of life in the City and County.

Thank you for this opportunity to appear before you.

Very truly yours,

[Signature]

PETER B. CARLISLE
Mayor
Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, and Hawai'i, and City & County of Honolulu

The Twenty-Sixth Legislature
Interim 2010/Regular Session 2011
Senate Committee on Ways & Means and House Committee on Finance
Wednesday, January 12, 2011
Informational Briefing
State Capitol Conference Room 309 (9:00 a.m.)

The Honorable David Y. Ige, Chair, Senate Committee on Ways & Means and Committee Members
The Honorable Marcus R. Oshiro, Chair, House Committee on Finance and Committee Members

Aloha Committee Chair Ige, Committee Chair Oshiro, and Members of the Senate Ways & Means and Finance Committees:

My name is Derek Kawakami from the County of Kaua'i, and I am here today, representing the Hawai'i State Association of Counties (HSAC), along with members of the HSAC Executive Committee: Councilmember Angel Pilago from Hawai'i County, Councilmember Joseph Pontanilla from Maui County, and Councilmember Stanley Chang from the City & County of Honolulu.

Thank you for providing us an opportunity to address you on legislation proposed by HSAC and our direction for the upcoming 2011 Legislative Session. HSAC requests your support and input on seven (7) proposals which will be the focus of our efforts this session.

1. A BILL FOR AN ACT RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM (ERS) BOARD OF TRUSTEES
To add a trustee to the board of trustees of the EUTF to represent the interests of the Counties. Currently, EUTF board membership, consists of five employer trustees who are currently representatives of the State Administration. Current law does not include a provision for county representation. As employers, the Counties pay a substantial amount to the EUTF and should have representation on the board of trustees. Recently, decisions have been made by the EUTF that affect the Counties, including the decision to change the prescription drug program, which have caught our members by surprise. By adding a trustee to the EUTF to represent the Counties, members may be better informed of decisions made and changes to the programs that have a direct impact on county interests.

2. A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND (EUTF) BOARD OF TRUSTEES
To add a trustee to the board of trustees of the ERS to represent the interests of the Counties. Counties contribute a considerable share to the retirement system, which their employees and retirees make up a significant portion of the system's membership. The Counties need county membership on the board of the state employees' retirement system to ensure that the board has representation with knowledge and expertise of county finances and the county workforce when making decisions.

3. **A BILL FOR AN ACT RELATING TO HOUSING**

   Extends the forty-five (45) day window for a legislative body to approve, approve with modification, or disapprove an affordable housing project under Section 201H-38, Hawai‘i Revised Statutes, to sixty (60) days. With the authority granted to the County Councils by Act 249 (2007) to modify affordable housing projects, extending the Council's review period to sixty (60) days will produce projects that are better suited to the respective needs of each County while still providing an expedited process.

   The forty-five (45) day deadline is inadequate for a responsible review of a project, partly because a significant amount of time is consumed by notice requirements pursuant to Chapter 92, HRS, regarding scheduling Council and Committee meetings.

   Passage of this measure would reflect the Legislature's recognition scheduling and other limitations imposed on the Councils by the “Sunshine Law.”

   This measure only addresses the Councils' role in the approval process, which historically has not been the source of delays and increased cost for the development of affordable housing projects.

4. **A BILL FOR AN ACT RELATING TO NOMINATION PAPERS**

   To require that candidates for elective county office include with their nomination papers, a sworn certification of compliance with any relevant provision of the County Charter or ordinances pertaining to elected officials, or the nomination papers shall be void and not accepted for filing by the County Clerk. This measure will help to ensure that a candidate for elective county office has complied with county laws, including filing of financial disclosure statements, prior to the candidate's name being placed on the ballot.

5. **A BILL FOR AN ACT RELATING TO THE PENAL CODE (assault against firefighters and water safety officers)**

   To protect firefighters and water safety officers while performing their job duties. The intent of this legislation is to protect firefighters and water safety officers from harm, who may be assaulted by those they assist while performing their job duties. Firefighters and water safety officers are vital to the health and safety of the community they serve; whether it may be a resident or visitor, everyone benefits from their services. When firefighters and water safety officers reach the site of an emergency that is in progress, they must perform their duties while focusing on their own safety. In certain situations, they must work in difficult hostile and volatile situations, which
often stem from drug abuse or domestic violence cases. Water safety officers have been confronted from irate members of the public, upset that the water safety officers are trying to direct them to safer places during high surf or bad conditions. In numerous cases, members of the public become furious as they feel that the water safety officers have no authority to inform them where to go and not to go swimming, etc.

Recently in the state of Illinois, a mob of 300 assaulted police and firefighters with fireworks by aiming fireworks towards them; and in California, a firefighter was assaulted by a suspect who was arrested for burglary as well as a felony battery of a fireman.

6. A BILL FOR AN ACT RELATING TO THE PENAL CODE (replica guns)
To increase the penalty to a felony for use of a replica gun in a robbery or a terroristic threatening case. Federal law requires that replica guns have orange tips on their barrels, but the tips are often removed by their owners, making them difficult to distinguish them from real firearms. Replica guns are often manufactured to look like shotguns, assault rifles, and semi-automatic pistols and are sometimes used in the commission of crimes, including robberies and terroristic threatening cases. When replica guns are used in serious offenses, victims and witnesses often believe the guns are real and are justifiably terrorized when threatened with such a firearm.

Because of this, making the penalty for using replica guns identical to instances where a firearm was used in the commission of these types of crimes is warranted.

7. RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAI'I TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX
The purpose of Act 185 was to provide a more equitable method of sharing state revenues with the counties rather than continuing with the system existing at the time whereby the counties requested financial assistance through “Grants In Aid” from the State. The County’s share of the Transient Accommodations Tax (TAT) also provides a stable revenue source and enables the County to properly plan when developing their budgets. Currently, approximately 44.8% of the total Transient Accommodations Tax collected by the State is distributed to the Counties; of this amount, the revenue is approximately allocated as follows: 14.5% Kaua‘i County (7.8% of Kaua‘i’s general fund budget), 22.8% Maui County (3.9% of Maui’s general fund budget), 18.6% Hawai‘i County (5.5% of Hawai‘i County’s general fund budget), and 44.1% City and County of Honolulu (3.2% of Honolulu’s general fund budget). Maintaining the current allocation of the Transient Accommodations Tax would allow the Counties to continue providing essential government services to visitors and residents. Losing the current allocation of the Transient Accommodations Tax would require the Counties to significantly raise property taxes, increase fees, and cut programs and services that benefit both residents and visitors alike.
As the organization representing all four County Councils, HSAC recognizes the importance of these proposals and we look forward to discussing our priorities with you. The decisions you make during this 2011 Legislative Session will have a resounding impact on the future of all counties, and we would like to serve as the liaison and resource for information that will aid in your decision-making.

Thank you very much for this opportunity to address you, and for your dedication and hard work. We look forward to working with you as we begin crafting solutions and creating opportunities for our wonderful State and its people.

MAHALO NUI LOA,

Derek S.K. Kawakami
HSAC President

Hawaii'i State Association of Counties Executive Committee Members:

President Derek S.K. Kawakami (Kaua'i County Council) Ph.: (808) 241-4188
Vice-President Stanley Chang (Honolulu City Council) Ph.: (808) 768-5001
Treasurer Joseph Pontanilla (Maui County Council) Ph.: (808) 270-5501
Secretary K. Angel Pilago (Hawaii'i County Council) Ph.: (808) 327-3642

3371-A Wilcox Road, Līhu'e, Kaua'i, Hawai'i 96766, (808) 241-4188
Dear President Tsutsui:

Subject: 2011 HSAC Legislative Package

The Hawai‘i State Association of Counties Executive Committee would like to humbly request that you introduce the 2011 Hawai‘i State Association of Counties (HSAC) Legislative Package which contains the following seven (7) proposals that are of importance to all four counties statewide:

1. A BILL FOR AN ACT RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM (ERS) BOARD OF TRUSTEES

2. A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND (EUTF) BOARD OF TRUSTEES

3. A BILL FOR AN ACT RELATING TO HOUSING

4. A BILL FOR AN ACT RELATING TO NOMINATION PAPERS

5. A BILL FOR AN ACT RELATING TO THE PENAL CODE (assault against firefighters and water safety officers)

6. A BILL FOR AN ACT RELATING TO THE PENAL CODE (replica guns)

As the non-profit organization representing all the County Councils, HSAC recognizes the importance of these proposals and are willing to discuss our priorities with you further. We look forward to working with you during the upcoming session.

Thank you very much for your assistance on this matter. If you should have any questions, please contact me or my staff, Lianne Parongao, at (808) 241-4188.

Sincerely,

Derek S. K. Kawakami
HSAC President

Attachments

cc: HSAC Executive Committee Members

LP
PROPOSER: Hawai‘i State Association of Counties (HSAC)

TITLE: A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM (ERS).

PURPOSE: To add a trustee to the board of trustees of the ERS to represent the interests of the counties.

MEANS: Amend section 88-24, Hawai‘i Revised Statutes.

JUSTIFICATION: Counties contribute a considerable share to the retirement system costs, which their employees and retirees include a significant portion of the system's membership. The counties need county membership on the board of trustees' state employees' retirement system to ensure that the board has knowledge and expertise about county finances and the county workforce when making beneficial decisions.
A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. The legislature finds that the counties need county representation on the board of trustees of the employees' retirement system of the State. The counties contribute a considerable share to retirement system costs, and their employees and retirees are a significant portion of the system's membership. County representation will ensure that the board possesses expertise about county finances and the county workforce in making benefit decisions. Lack of representation may result in a situation where board members do not fully consider the costs of their actions on the counties, resulting in changes that may not be cost beneficial in the aggregate or may affect the retirement income of county employees and retirees.

The purpose of this Act is to include county representation on the membership of the board of trustees of the employees' retirement system.
SECTION 2. Section 88-24, Hawai‘i Revised Statutes, is amended to read as follows:

"§88-24 Composition of board. The board of trustees shall consist of ten members as follows:

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

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

(3) Three citizens of the State who are not employees, one of whom shall be a responsible officer of a bank authorized to do business within the State, or a person of similar experience, to be appointed by the governor, with the advice and consent of the senate,
to serve for a term of six years each, one of the
terms to expire January 1 of each odd-numbered year

(4) One member appointed by unanimous agreement of the
mayors of each of the four counties and approved by
the Hawai‘i state association of counties, subject
to confirmation by the Senate in the same manner as
trustees appointed by the governor, to serve for a
term of six years with each term to expire on
January 1 of an odd-numbered year.

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

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

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

INTRODUCED BY: ______________________________
JUSTIFICATION SHEET

PROPOSER: Hawai‘i State Association of Counties (HSAC)

TITLE: A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND (EUTF).

PURPOSE: To add a trustee to the board of trustees of the EUTF to represent the interests of the counties.

MEANS: Amend section 87A-5, Hawai‘i Revised Statutes.

JUSTIFICATION: In 2008, there were 74,300 state workers and 18,550 county workers. For FY 2007-2008, the total amount contributed to the EUTF for health benefit plans was over $550 million, with over $128 million coming from the counties and county water supply agencies. Of the total EUTF board membership, there are five employer trustees on the board who are currently state administration representatives and current law does not include a provision for county representation. As employers, the counties pay a substantial amount to the EUTF and should have some say on the board of trustees.

Recently, decisions have been made by the EUTF that affect the counties, including the decision to change the prescription drug program, and have caught members by surprise. By adding a trustee to the EUTF to represent the counties, members may be better informed of the changes to the programs and decisions may be made that will take county interests into consideration.
A BILL FOR AN ACT

RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND.

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

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

The purpose of this Act is to require that one of the five seats on the board allocated to public employers be occupied by a member appointed by the mayors of all four counties and approved by the Hawai'i State Association of Counties, who will provide fiscal expertise and knowledge of county finances and the county workplace. This requirement will enable the effect
of proposed benefit changes on the county's workplace and finances to be adequately considered in board decisions.

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

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

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

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

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

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

(2) Five trustees to represent public employers[-], four of whom shall be appointed by the governor, and one of whom shall be appointed by unanimous agreement of the mayors of each of the four counties and approved by the Hawaiʻi state association of counties to represent the city and county of Honolulu and the counties of Hawaiʻi, Maui, and Kauaʻi.

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

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

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

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

INTRODUCED BY:____________________
JUSTIFICATION SHEET

PROPOSER: Hawai‘i State Association of Counties (HSAC)

TITLE: A BILL FOR AN ACT RELATING TO HOUSING

PURPOSE: Extends the forty-five (45) day window for a legislative body to approve, approve with modification, or disapprove an affordable housing project under Section 201H-38, Hawai‘i Revised Statues, to sixty (60) days.

MEANS: Amends Section 201H-38, Hawai‘i Revised Statues.

JUSTIFICATION: With the authority granted to the county councils by Act 249 (2007) to modify affordable housing projects, extending the councils’ review period to sixty days will produce projects that are better suited to the counties’ respective needs while still providing an expedited process.

The forty-five day deadline is inadequate for a responsible review of a project, partly because a significant amount of time is consumed by the notice requirements under Chapter 92, HRS, for scheduling Council and committee meetings.

Passage of this measure would reflect the Legislature’s recognition of the scheduling and other limitations imposed on the councils by the Sunshine Law.

This measure only addresses the councils’ role in the approval process, which historically has not been the source of delays and increased cost for good affordable housing projects.
A BILL FOR AN ACT

RELATING TO HOUSING.

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

SECTION 1. The forty-five day window for a legislative body to approve, approve with modification, or disapprove an affordable housing project is too short to have a meaningful discussion of the project. Allowing additional days will provide an expedited review while allowing the legislative body of a county to do its due diligence in evaluating a project.

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

"(a) The corporation may develop on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that:
(1) The corporation finds the housing project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;

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

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

(A) The legislative body shall approve, approve with modification, or disapprove the project by resolution within forty-five days after the corporation has submitted the preliminary plans and specifications for the project to the legislative body[•]; provided that the legislative body may request the corporation to approve an extension to sixty day if the legislative body determines that circumstances
require additional time for review. If on the forty-sixth day, or sixty-first day in the case of an approved extension, a project is not disapproved, it shall be deemed approved by the legislative body;

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

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

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

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

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

INTRODUCED BY: ________________________________
PROPOSER: Hawai‘i State Association of Counties (HSAC)

TITLE: A BILL FOR AN ACT RELATING TO NOMINATION PAPERS

PURPOSE: The purpose of the draft bill is to require that candidates for elective county office include with their nomination paper a sworn certification of compliance with any relevant provision of the county charter or ordinances pertaining to elected officials, or the nomination papers shall be void and not accepted for filing by the county clerk.

MEANS: Amend Section 12-3, Hawai‘i Revised Statutes, to add to the list of information required to be contained in a candidate’s nomination paper the following:

“For candidates seeking elective County office, a sworn certification by self-subscribing oath by the candidate that the candidate has complied with provisions of the relevant County charter and County ordinances pertaining to elected officials.”

JUSTIFICATION: This measure will help to ensure that a candidate for elective County office has complied with any County laws, including the filing of financial disclosure statements, prior to the candidate’s name being placed on the ballot.
A BILL FOR AN ACT

RELATING TO NOMINATION PAPERS.

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

SECTION 1. Section 12-3, Hawaii Revised Statutes, is amended to read as follows:

"(a) No candidate's name shall be printed upon any official ballot to be used at any primary, special primary, or special election unless a nomination paper was filed in the candidate's behalf and in the name by which the candidate is commonly known. The nomination paper shall be in a form prescribed and provided by the chief election officer containing substantially the following information:

(1) A statement by the registered voters signing the form that they are eligible to vote for the candidate;
(2) A statement by the registered voters signing the form that they nominate the candidate for the office identified on the nomination paper issued to the candidate;
(3) The residence address and county in which the candidate resides;"
(4) The legal name of the candidate, the name by which the candidate is commonly known, if different, the office for which the candidate is running, and the candidate's party affiliation or nonpartisanship; all of which are to be placed on the nomination paper by the chief election officer or the clerk prior to releasing the form to the candidate;

(5) Space for the name, signature, date of birth, last four digits of the social security number, and residence address of each registered voter signing the form, and other information as determined by the chief election officer; provided that no more than the last four digits of a voter's social security number shall be required;

(6) A sworn certification by self-subscribing oath by the candidate that the candidate qualifies under the law for the office the candidate is seeking and that the candidate has determined that, except for the information provided by the registered voters signing the nomination papers, all of the information on the nomination papers is true and correct;
A sworn certification by self-subscribing oath by a party candidate that the candidate is a member of the party;

For candidates seeking elective County office, a sworn certification by self-subscribing oath by the candidate that the candidate has complied with provisions of the relevant County charter and County ordinances pertaining to elected officials.

A sworn certification by self-subscribing oath, where applicable, by the candidate that the candidate has complied with the provisions of article II, section 7, of the Constitution of the State of Hawaiʻi;

A sworn certification by self-subscribing oath by the candidate that the candidate is in compliance with section 831-2, dealing with felons, and is eligible to run for office; and

The name the candidate wishes printed on the ballot and the mailing address of the candidate.

(b) Signatures of registered voters shall not be counted, unless they are upon the nomination paper having the format set forth above, written or printed thereon, and if there are
separate sheets to be attached to the nomination paper, the sheets shall have the name of the candidate, the candidate's party affiliation or nonpartisanship, and the office and district for which the candidate is running placed thereon by the chief election officer or the clerk. The nomination paper and separate sheets shall be provided by the chief election officer or the clerk.

(c) Nomination papers shall not be filed in behalf of any person for more than one party or for more than one office; nor shall any person file nomination papers both as a party candidate and as a nonpartisan candidate.

(d) The office and district for which the candidate is running, the candidate's name, and the candidate's party affiliation or nonpartisanship may not be changed from that indicated on the nomination paper and separate sheets. If the candidate wishes to run for an office or district different from that for which the nomination paper states or under a different party affiliation or nonpartisanship, the candidate may request the appropriate nomination paper from the chief election officer or clerk and have it signed by the required number of registered voters.
(e) Nomination papers that contain alterations or changes made by anyone other than the chief election officer or the clerk to the candidate's information, the candidate's party affiliation or nonpartisanship, the office to which the candidate seeks nomination, or the oath of loyalty or affirmation, after the nomination paper was issued by the chief election officer or clerk, shall be void and will not be accepted for filing by the chief election officer or clerk.

(f) Nomination papers which are incomplete and do not contain all of the certifications, signatures, and requirements of this section shall be void and will not be accepted for filing by the chief election officer or clerk."

SECTION 2. Statutory material to be deleted is bracketed. New statutory material is underscored.

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

INTRODUCED BY:______________________________
PROPOSER: Hawai‘i State Association of Counties (HSAC)

TITLE: A BILL FOR AN ACT RELATING TO THE PENAL CODE.

PURPOSE: To protect firefighters and water safety officers while in the line of performing their job duties.

MEANS: Amend sections 707-700, 707-712.5, and 707-712.6, Hawai‘i Revised Statutes.

JUSTIFICATION: The intent of this legislation is to protect firefighters and water safety officers from harm, who may be perpetrated by those they assist while performing their job duties.

Firefighters and water safety officers are vital to the health and safety of the community they serve; whether it may be a resident or visitor, everyone benefits from their services. When firefighters and water safety officers reach the site of an emergency that is in progress, they must perform their duties while focusing on their own safety. In certain situations, they must work in difficult hostile and volatile situations, which often stem from drug abuse or domestic violence cases, to deflate rising levels of emotionalism, often times escalating into violence, and victimizing firefighters and water safety officers. Water safety officers have been confronted from irate members of the public demanding that water safety officers have no right to direct them to safer places during high surf or bad conditions.

Recently in the state of Illinois, a mob of 300 assaulted police and firefighters with fireworks by aiming fireworks towards them; and in California, a firefighter was assaulted by a suspect who was arrested for burglary as well as a felony battery of a fireman.
A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

SECTION 1. Section 707-700, Hawai'i Revised Statutes, is amended by adding new definition to be appropriately inserted and to read as follows:

""Water safety officer" means any public servant employed by the United States, the State or any County as a lifeguard or person authorized to conduct water rescue or ocean safety functions."

SECTION 2. Section 707-700, Hawai'i Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

""Firefighter" shall have the same meaning as set forth in Section 710-1012, Hawai'i Revised Statutes."

SECTION 3. Section 707-712.5, Hawai'i Revised Statutes, is amended to read as follows:

Assault against a law enforcement officer, firefighter, or water safety officer in the first degree.
A person commits the offense of assault against a law enforcement officer, firefighter, or water safety officer in the first degree if the person:

(a) Intentionally or knowingly causes bodily injury to a law enforcement officer, firefighter, or water safety officer who is engaged in the performance of duty; or

(b) Recklessly or negligently causes, with a dangerous instrument, bodily injury to a law enforcement officer, firefighter, or water safety officer who is engaged in the performance of duty.

Assault of a law enforcement officer, firefighter, or water safety officer in the first degree is a class C felony. The court shall, at a minimum, sentence the person who has been convicted of this offense to:

(a) An indeterminate term of imprisonment of five years, pursuant to section 706-660; or

(b) Five years probation, with conditions to include a term of imprisonment of not less than thirty days without possibility of suspension of sentence.
SECTION 4. Section 707-712.6, Hawai‘i Revised Statutes, is amended to read as follows:

Assault against a law enforcement officer, firefighter, or water safety officer in the second degree.

(1) A person commits the offense of assault against a law enforcement officer, firefighter, or water safety officer in the second degree if the person recklessly causes bodily injury to a law enforcement officer, firefighter, or water safety officer who is engaged in the performance of duty.

(2) Assault against a law enforcement officer, firefighter, or water safety officer in the second degree is a misdemeanor. The court shall sentence the person who has been convicted of this offense to a definite term of imprisonment, pursuant to section 706-663, of not less than thirty days without possibility of probation or suspension of sentence.

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

SECTION 6. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY:
PROPOSER: Hawaii State Association of Counties

TITLE: RELATING TO THE PENAL CODE

PURPOSE: To increase the penalty for use of a replica gun in a robbery or a terroristic threatening case to a felony.

MEANS: Amend sections 707-700 and 708-800, Hawaii Revised Statutes, by adding a new definition; amend section 707-716, HRS, by amending subsection (1); amend section 708-840, HRS, by amending subsection (1).

JUSTIFICATION: Federal law requires that replica guns have orange tips on their barrels, but the tips are often removed by their owners, making them difficult to distinguish from real firearms. Replica guns are often manufactured to look like shotguns, assault rifles, and semi-automatic pistols and are sometimes used in the commission of crimes, including robberies and terroristic threatening cases.

When replica guns are used in serious offenses, victims and witnesses often believe the guns are real and are justifiably terrorized when threatened with such a firearm. Because of this, making the penalty for using replica guns identical to instances where a real firearm was used in the commission of these crimes is warranted.
A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

SECTION 1. Section 707-700, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Simulated firearm" means any object that:

1. Substantially resembles a firearm;
2. Can reasonably be perceived to be a firearm; or
3. Is used or brandished as a firearm."

SECTION 2. Section 707-716, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of terrorist threatening in the first degree if the person commits terrorist threatening:

(a) By threatening another person on more than one occasion for the same or a similar purpose;

(b) By threats made in a common scheme against different persons;
(c) Against a public servant arising out of the performance of the public servant's official duties. For the purposes of this paragraph, "public servant" includes but is not limited to an educational worker. "Educational worker" has the same meaning as defined in section 707-711;

(d) Against any emergency medical services personnel who is engaged in the performance of duty. For purposes of this paragraph, "emergency medical services personnel" shall have the same meaning as in section 321-222; or

(e) With the use of a dangerous instrument or a simulated firearm.

SECTION 3. Section 708-800, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Simulated firearm" means any object that:

(1) Substantially resembles a firearm;
(2) Can reasonably be perceived to be a firearm; or
(3) Is used or brandished as a firearm."

SECTION 4. Section 708-840, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:
(1) A person commits the offense of robbery in the first degree if, in the course of committing theft or non-consensual taking of a motor vehicle:

(a) The person attempts to kill another or intentionally or knowingly inflicts or attempts to inflict serious bodily injury upon another;

(b) The person is armed with a dangerous instrument or a simulated firearm and:

(i) The person uses force against the person of anyone present with intent to overcome that person's physical resistance or physical power of resistance; or

(ii) The person threatens the imminent use of force against the person of anyone present with intent to compel acquiescence to the taking of or escaping with the property;

(c) The person uses force against the person of anyone present with the intent to overcome that person's physical resistance or physical power of resistance during the time of a civil defense emergency proclaimed by the governor pursuant to chapter 128, within the area covered by the civil defense emergency
or during the period of disaster relief under chapter 127; or

(d) The person threatens the imminent use of force against the person of anyone present with intent to compel acquiescence to the taking of or escaping with the property during the time of a civil defense emergency proclaimed by the governor pursuant to chapter 128, within the area covered by the civil defense emergency or during the period of disaster relief under chapter 127.

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

SECTION 6. New statutory material is underscored.

SECTION 7. This Act shall take effect on approval.

INTRODUCED BY: ___________________________ BY REQUEST
S.R. NO.____

SENATE RESOLUTION

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>County</th>
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<tbody>
<tr>
<td>Kauai County</td>
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and

WHEREAS, on Kauai the transient accommodations tax accounts for approximately 7.8% of Kauai's general fund budget, on Hawaii
the transient accommodations tax accounts for approximately 5.5% of Hawaii County's general fund budget, on Maui the transient accommodations tax accounts for approximately 3.9% of Maui's general fund budget, and on Oahu the transient accommodations tax accounts for approximately 3.2% of Honolulu's general fund budget; and

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

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

BE IT RESOLVED by the Senate of the Twenty-sixth Legislature of the State of Hawaii, Regular Session 2011, that the Governor and the Legislature are urged to preserve the counties' share of the transient accommodations tax; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, the Speaker of the House, the President of the Hawaii State Association of Counties, and the Mayors of the counties of Kauai, Hawaii, Honolulu, and Maui.

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

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

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

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and
WHEREAS, on Kauai the transient accommodations tax accounts for approximately 7.8% of Kauai’s general fund budget, on Hawaii the transient accommodations tax accounts for approximately 5.5% of Hawaii County’s general fund budget, on Maui the transient accommodations tax accounts for approximately 3.0% of Maui’s general fund budget, and on Oahu the transient accommodations tax accounts for approximately 3.2% of Honolulu’s general fund budget; and

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

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

BE IT RESOLVED by the Senate of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2011, the House of Representatives concurring, that the Governor and the Legislature of the State of Hawaii are urged to preserve the counties’ share of the transient accommodations tax; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, the President of the Hawaii State Association of Counties, and the Mayors of the counties of Kauai, Hawaii, Honolulu, and Maui.

OFFERED BY: ___________________________