



**A BILL FOR AN ORDINANCE**

ESTABLISHING A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE CITY AND COUNTY OF HONOLULU.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. Currently, traffic congestion on Oahu is a major drain on the quality of life for all island residents. Past efforts to implement more comprehensive mass transit solutions have not come to fruition. Future plans to implement transit solutions that might mitigate congestion are tentative at best. There is not yet a consensus on what transportation and transportation system management modes, methods, or combinations thereof, would best serve the island. However, one thing is incontrovertible: any successful transportation solution or system of solutions to Oahu's traffic problems will be expensive, and will require a reliable and significant commitment of local resources to create.

The council finds that the most effective way to proceed to address Oahu's traffic problems is to begin with a firm financial commitment. To this end, the Hawaii State legislature has authorized the counties to enact a surcharge of up to one-half percent on the general excise taxes currently imposed by the state. The council finds that it is vital to the future of Oahu's residents and visitors that it enact the authorized surcharge. Therefore, the purpose of this ordinance is to establish a general excise and use tax surcharge and provide for receipt and expenditure of these monies.

SECTION 2. Chapter 6, Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

**"Article \_\_. Transportation Surcharge—Use of Funds**

**Sec. 6-\_\_\_.1 Establishment of surcharge—Conditions.**

Pursuant to Section 2 of Act 247, Session Laws of Hawaii, Regular Session of 2005, codified as Section 46-\_\_ of the Hawaii Revised Statutes, there is hereby established a one-half percent general excise and use tax surcharge to be used for purposes of funding the operating and capital costs of public transportation within the City and County of Honolulu as specified herein. The excise and use tax surcharge shall be levied beginning January 1, 2007. Prior to the tax surcharge monies being expended as the local match for federal funds, the following shall occur:

- (1) The council has approved by resolution a locally preferred alternative following an Alternatives Analysis and Draft EIS; and



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- (2) The council has received from the director of transportation services an operational, financial, development and route plan for the locally preferred alternative; and
- (3) There is a commitment of federal funds, whether for planning, land acquisition or construction, to further the locally preferred alternative.

**Sec. 6-\_\_2 Use of funds.**

- (a) All moneys received from the state derived from the imposition of the surcharge established under this article shall be deposited into the general fund and expended for the following purposes authorized by state law:
  - (1) Operating or capital costs of a locally preferred alternative for a mass transit project; and
  - (2) Expenses in complying with the Americans with Disabilities Act of 1990 with respect to paragraph (1).
- (b) No moneys received from the surcharge shall be used to build or repair public roads or highways or bicycle paths, or to support public transportation systems already in existence prior to the effective date of Act 247, Session Laws of Hawaii, Regular Session of 2005.

**Sec. 6-\_\_3 Repeal of surcharge.**

Pursuant to Section 9 of Act 247, Session Laws of Hawaii, Regular Session of 2005, Section 6-\_\_1 shall be repealed on December 31, 2022."



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SECTION 3. This ordinance shall take effect upon its approval. The clerk shall transmit a copy of this ordinance to the state director of taxation within ten days of its approval.

INTRODUCED BY:

Nestor Garcia

Romy M. Cachola

Ann Kobayashi

Gary Okino

Donovan Dela Cruz

Rod Tam

Todd Apo

DATE OF INTRODUCTION:

May 4, 2005  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

*David M. Hammar*  
Deputy Corporation Counsel

APPROVED this 23<sup>rd</sup> day of August, 2005.

*Mufi Hannemann*  
MUFU HANNEMANN, Mayor  
City and County of Honolulu

(OCS/080205/ct)

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE **05 - 027**

BILL **40 (2005)**

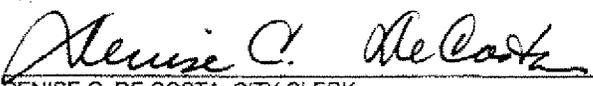
Introduced: 5/4/05 By: NESTOR GARCIA

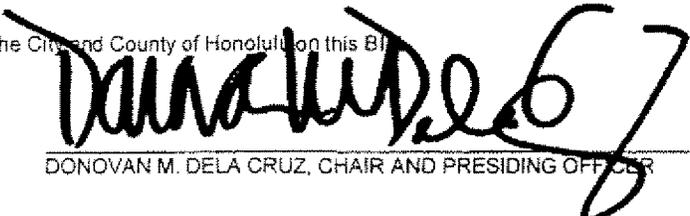
Committee: BUDGET/TRANSP.  
(JOINT REFERRAL)

Title: A BILL FOR AN ORDINANCE ESTABLISHING A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE CITY AND COUNTY OF HONOLULU.

Links: [Bill 40 \(2005\)](#)  
[Bill 40 \(2005\), CD1](#)  
[Bill 40 \(2005\), CD1, FD1](#)  
[Bill 40 \(2005\), FD1, CD2](#)  
[CR-236](#)

Council	5/11/05	Bill passed first reading and referred to Committee on Budget. Apo Y Cachola Y Dela Cruz Y Djou N Garcia Y Kobayashi Y Marshall N Okino Y Tam Y
		Bill re-referred to Budget/Planning and Transportation Committee as a joint committee referral (previously Budget Committee). (CC-81)
Joint Budget/PT	5/17/05	CR-236 – Bill reported out of committee for passage on second reading and scheduling of a public hearing as amended in CD1 form.
Publish	5/27/05 and 6/1/05	Public hearing notices published in the Honolulu Star-Bulletin on 5/27/05 and 6/1/05.
Council/ Public Hearing	6/6/05	Public hearing closed. Action deferred until the July 6, 2005 Council meeting on Bill 40; Bill 40, proposed CD1; Bill 40, proposed CD1, FD1; and CR-236.
Council	7/6/05	CR-236 adopted. Bill 40, CD1, further amended to CD1, FD1, and subsequently passed second reading, as amended (Bill 40, CD1, FD1). Apo Y Cachola Y Dela Cruz Y Djou N Garcia Y Kobayashi Y Marshall N Okino Y Tam Y
Publish	7/15/05	Second reading notice published in the Honolulu Star-Bulletin. Re-referred to Budget/Transportation Committee as a joint referral pursuant to CC-123. (Previously Budget/Planning and Transportation Committee).
Joint Budget/Transp.	8/2/05	CR-374 – Bill reported out of committee for passage on third reading, as amended in FD1, CD2 form.
Council	8/10/05	Bill passed third reading, as amended (FD1, CD2), and CR-374 adopted. (Bill 40, FD1, CD2) Apo Y Cachola Y Dela Cruz Y Djou N Garcia Y Kobayashi Y Marshall N Okino Y Tam Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this Bill.  
  
DENISE C. DE COSTA, CITY CLERK

  
DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

**05 - 027**