

ORDINANCE NO. 5579

BILL NO. 111, FD1 (2023)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.100,
MAUI COUNTY CODE, RELATING TO GENERAL EXCISE
AND USE TAX SURCHARGE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 3.100.020, Maui County Code, is amended to read
as follows:

“3.100.020 General excise tax fund. There is established and created a fund to be known as the “general excise tax fund” to serve as the exclusive depository of 80 percent of all funds that derive from the imposition of the surcharge under this chapter. All money from this fund must be designated and used as described in section 3.100.040.”

SECTION 2. Chapter 3.100, Maui County Code, is amended by adding a
new section to read as follows:

“3.100.021 General excise tax fund – department of Hawaiian home lands. There is established and created a fund to be known as the “general excise tax fund – department of Hawaiian home lands” to serve as the exclusive depository of 20 percent of all funds that derive from the imposition of the surcharge under this chapter. All money from this fund must be designated and used as described in section 3.100.040 for projects that directly support the department of Hawaiian home lands homestead development.”

SECTION 3. Section 3.100.040, Maui County Code, is amended to read
as follows:

“3.100.040 Use of funds. A. The council, in adopting each fiscal year’s budget and capital program, must appropriate any surcharge received from the [state] State in accordance with [Section] section 46-16.8, Hawaii Revised Statutes. Allowable uses of the fund include housing infrastructure; provided that housing

infrastructure costs must not be passed on to the developer of a housing project.

B. For the purpose of this chapter, “housing infrastructure” includes pedestrian paths or sidewalks on a [county] County road near or around a public school, water, drainage, sewer, water reuse, waste disposal, and waste treatment systems that connect to the infrastructure of the [county.] County.

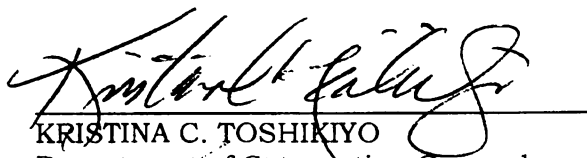
[C. Twenty percent of all revenue generated by this surcharge must be for projects that directly support the Department of Hawaiian Homelands homestead development.

D.]C. Any balance remaining in the general excise tax fund and the general excise tax fund – department of Hawaiian home lands at the end of each fiscal year will not lapse but must remain in the [fund,]funds, accumulating from year to year. The money in [this fund]the funds must not be used for any purpose except those listed in this section.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



KRISTINA C. TOSHIKIYO
Department of Corporation Counsel
County of Maui

LF2022-0187
2023-10-30 BD-BA 24-23 GET Code Amendment

WE HEREBY CERTIFY that the foregoing BILL NO. 111, FD1 (2023)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 1st day of December, 2023, by the following vote:

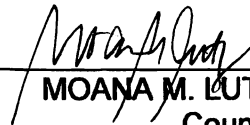
Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS-FERNANDEZ	Shane M. SINENCI	Nohealani U'U-HODGINS
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 4th day of December, 2023.

DATED AT WAILUKU, MAUI, HAWAII, this 4th day of December, 2023.



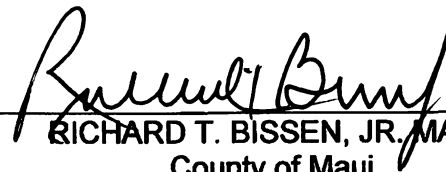
ALICE L. LEE, CHAIR
Council of the County of Maui



MOANA M. LUTEY, COUNTY CLERK
County of Maui

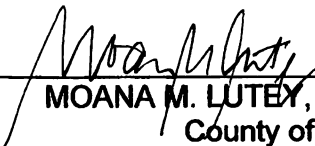
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2023 DEC -4 PM 106
THE FOREGOING BILL IS HEREBY APPROVED THIS

DAY OF December 5, 2023.



RICHARD T. BISSEN, JR. MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5579 of the County of Maui, State of Hawaii.



MOANA M. LUTEY, COUNTY CLERK
County of Maui

Passed First Reading on November 20, 2023
Effective date of Ordinance December 5, 2023

RECEIVED
2023 DEC -6 AM 8:23
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5579, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui