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COUNCILMEMBER DJOU: SUPREME COURT'S SUPERFERRY RULING MAY VOID MULTIPLE STATE LAWS ON THE CITY

Today, Councilmember Charles K. Djou (Waikiki, East Honolulu) announced, unless the Hawaii Supreme Court reconsiders its decision on the Hawaii SuperFerry, his committee would hold hearings on voiding state laws relating specifically to the City and County of Honolulu.

"I respectfully disagree with the Hawaii Supreme Court's SuperFerry decision and I hope they reconsider," stated Councilmember Djou. "While the SuperFerry and harbor operations are exclusive state issues, the Supreme Court's ruling is so broad it brings into question numerous state laws that just relate to Honolulu. The Hawaii Supreme Court oddly pronounced that the SuperFerry special legislation is unconstitutional because it applied to only one entity; that same logic should apply to all state mandates that only apply to the City. If the Supreme Court refuses to reconsider their erroneous ruling, I will push for a hearing on all state laws the City can now legitimately void as similarly unconstitutional."

The Hawaii Supreme Court's SuperFerry ruling, that laws which apply to only one entity are unconstitutional, may now void numerous state laws and bills that apply to only the City and County of Honolulu, including:

- Vehicle towing over-time charges. HRS § 290-11(f);
- Liquor license notification requirements. HRS § 281-57(c)(2);
- Vacation time share operations. HRS § 514E-E(2)(C);
- Rail system general excise tax increase. HRS § 46-16.8(3)(c)(1); and
- Proposed ban on Oahu landfills. SB701, SD2 (2009).

If the Supreme Court refuses to reconsider its SuperFerry decision, Councilmember Djou's legal affairs committee will examine voiding all state laws that apply to just the City and County of Honolulu.

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