



**Hawaii State Association of Counties**  
 Counties of Kauai, Maui, Hawaii and City and County of Honolulu



**MINUTES**  
**HSAC EXECUTIVE COMMITTEE MEETING**  
 August 25, 2014  
 Honolulu Hale, Committee Meeting Room  
 Honolulu, Hawaii

**RECEIVED**

**I. CALL TO ORDER**

'14 SEP -9 P12:58

The HSAC Executive Committee was called to order by President Mel Rapozo at 9:10 a.m. The following members comprising a quorum were present.

- County of Kauai: President Mel Rapozo
- County of Hawaii: Vice President Dennis "Fresh" Onishi
- City and County of Honolulu: Alternate Ikaika Anderson
- County of Maui: Treasurer Michael Victorino
- Others Present:
  - Hawaii Mayor Billy Kenoi
  - Honolulu Mayor Kirk Caldwell
  - Kauai Mayor Bernard Carvalho
  - Maui Mayor Alan Arakawa
  - Hawaii Council Chair J. Yoshimoto
  - Hawaii Councilmember Dru Kanuha
  - Hawaii Councilmember Valerie Poindexter
  - Kauai Council Chair Jay Furfaro
  - Kauai Councilmember JoAnn Yukimura
  - Maui Council Chair Gladys Baisa
  - Honolulu staff Andrew Sekine
  - Honolulu staff Brandon Mitsuda
  - Kauai staff Ashley Bunda
  - Maui staff Kim Willenbrink
  - Maui staff Sharon Brooks
  - Clarysse Kami Nunokawa, Office of Mayor Kenoi
  - Melissa Miranda-Johnson, Office of Mayor Caldwell
  - Ricky Watanabe, Kauai County Clerk
  - Cyndi Ayonon, Office of Mayor Carvalho
  - Mark McGuffie, Enterprise Honolulu



## II. APPROVAL OF AGENDA

The Committee approved the agenda.

## III. MINUTES

The Committee approved the minutes of the July 25, 2014, Executive Committee meeting.

## IV. REPORTS

### A. Treasurer's Report

1. Treasurer's Report for July 2014 as submitted by the HSAC Treasurer

The Committee approved the July 2014 Treasurer's Report.

### B. County Reports

1. Maui County Report. Treasurer Victorino introduced Sharon Brooks, who is the new Maui Office of Council Services Analyst/Attorney and will serve as back-up to Kim Willenbrink for HSAC. Treasurer Victorino reported on industrial hemp, emergency county exercise planning, Maui County legislative priorities, and Maui's GMO initiative petition.
2. Hawaii County Report. Vice President Onishi reported on Hawaii County's legislative package, the Hawaii Council's discussion on "call for the question" rules, and community development planning. Vice President Onishi also announced that his new staff assistant will be Micah Alameda.
3. City and County of Honolulu Report. Alternate Anderson reported on the Honolulu Council's adoption of a resolution approving a sister city relationship with Chigasaki City, Japan, and the Council's consideration of "sit-lie" and "urination/defecation" legislation.
4. Kauai County Report. President Rapozo introduced Kauai Council Chair Jay Furfaro and Kauai County Clerk Ricky Watanabe. Kauai Council Chair Furfaro announced that the Hawaii mayors, county councils, and residents have been invited to an Inter-Island Ferry Conference in Honolulu on October 6, 2014, to discuss the pros and cons of an inter-island ferry system. Council Chair Furfaro requested that HSAC consider a resolution requesting the state

**DOT to prepare appropriate environmental documents and conduct public hearings on all the islands for an inter-island ferry system. Council Chair Furfaro also distributed materials relating to the proposed new Kauai County "pay as you throw" ordinance, which is a volume-based payment system for residential refuse service.**

**At this point, the members discussed the potential benefits and environmental impacts of an inter-island ferry system.**

**President Rapozo reported on the Kauai Council's approval of HSAC legislative package items clarifying county zoning authority by distinguishing single-family residential use from single-family vacation rental use and authorizing the testimony of property crime victims, who may be on the mainland, via teleconferencing.**

**The Committee received the county reports.**

**C. NACo Report**

**Treasurer Victorino reported that the NACo Board of Directors will meet at the Grand Wailea Resort in Maui from December 3-6, 2014, and invited all members to attend. Treasurer Victorino stated that he will work with NACo President Hokama to schedule an HSAC Executive Committee meeting in Maui on December 2<sup>nd</sup> or 3<sup>rd</sup>. Treasurer Victorino also reported that a leadership conference will be held on September 10-12, 2014.**

**The Committee received the NACo report.**

**D. WIR Report**

**Vice President Onishi reported that he and Hawaii Councilmember Kanuha will attend the WIR Board of Directors meeting in Malta, Montana, in October. Treasurer Victorino stated that Maui Councilmember White may attend the meeting.**

**The Committee received the WIR report.**

**V. UNFINISHED BUSINESS**

**There was no unfinished business.**

## **VI. NEW BUSINESS**

- A. Communication (August 1, 2014) from HSAC Treasurer Michael P. Victorino, transmitting for the Executive Committee's consideration a nomination form for the NACo Environment, Energy & Land Use Steering Committee.**

**Treasurer Victorino stated that he has been asked to serve again on the Environment, Energy & Land Use Steering Committee.**

**The Committee approved Treasurer Victorino's nomination.**

- B. Communication (August 18, 2014) from HSAC Treasurer Michael P. Victorino, transmitting for the Executive Committee's consideration a proposed amendment to the Fiscal Year 2014-201 HSAC Annual Operating Budget relating to travel expenses for NACo Board of Directors.**

**President Rapozo stated that Treasurer Victorino's appointment as Chair of the NACo Rural Action Caucus will require amendment of the budget to provide for the payment of additional travel expenses.**

**President Rapozo made a motion to approve the proposed budget amendment.**

**The motion was approved.**

**(Item C. under "New Business" was deferred pending the arrival of the county mayors at 10:00 a.m. or thereafter.)**

- D. Discussion regarding mid-year conferences, pursuant to Section 16 of the Bylaws of the Hawaii State Association of Counties.**

**President Rapozo stated that HSAC bylaws set forth conditions for an HSAC mid-year conference. Treasurer Victorino stated that a mid-year conference was held last year in Honolulu and suggested that another mid-year conference be held in November.**

**Kauai Councilmember Yukimura stated that she favors having a conference for the purpose of working on the HSAC legislative package, but noted that it takes time to process ideas for the package. Treasurer Victorino stated that the HSAC annual conference in June 2015 on Maui will devote some time to the discussion of HSAC legislative priorities.**

**Kauai Councilmember Yukimura suggested that legislative proposals be discussed at the HSAC annual conference and considered by the county**

councils in the fall. President Rapozo responded that legislative proposals should be approved by the respective county councils before they are presented to the HSAC membership.

Maui Council Chair Baisa stated that during council deliberations on a legislative proposal, council members often want to know how the other counties are dealing with the issue. Vice President Onishi stated that annual conferences provide an opportune time for the county councils to exchange ideas on issues.

At this point, Alternate Anderson reported on the HSAC annual conference held in June 2014 in Honolulu. Alternate Anderson reported that approximately 250 people attended the conference, and a final accounting of the conference is expected before the next Committee meeting.

Action on the approval of a mid-year conference was deferred.

President Rapozo announced that a recess will be called, after which New Business, Item C (Discussion with the Hawaii Conference of Mayors), will be taken up.

At 10:00 a.m. a recess was called. At 10:30 a.m. the meeting reconvened.

- C. Discussion with the Hawaii Council of Mayors (HCOM) regarding the counties strategy, legislative priorities and the 2015 HSAC legislative Package for the 2015 Hawaii State Legislative Session.

President Rapozo thanked the Hawaii Council of Mayors for their attendance. President Rapozo stated the purpose of the meeting is for HCOM and HSAC to determine how to be more effective at the state legislature.

Hawaii Mayor Kenoi thanked the mayors and councilmembers for their support with regard to Tropical Storm Iselle. Honolulu Mayor Caldwell acknowledged Mayor Kenoi's leadership in coordinating disaster recovery efforts with the other counties.

Mayor Caldwell stated that HCOM met earlier in the morning to begin discussions on how to coordinate efforts during the coming legislative session. He said he hopes that a legislative package that both HCOM and HSAC supports can be developed before the start of the session. Mayor Caldwell stated that two items were discussed by HCOM. The first item is the general excise tax (GET). The additional 0.5 percent GET implemented for the rail project will expire in 2022, and Honolulu would like the additional tax to continue in perpetuity to provide for future work on

the rail system. Mayor Caldwell stated that he supports the efforts of the other counties to have GET applied to county infrastructure. The second item is the creation of a second major health care center in Maui in the event of a catastrophe on Oahu.

Maui Mayor Arakawa stated that state plans call for a second major medical complex in the state in the event of a catastrophe. Mayor Arakawa indicated that Maui Memorial Medical Center has been suffering from significant losses in finances and personnel, and there should be an impetus for the state to address the need for better medical services. Mayor Arakawa requested that the counties ask the State either to fund adequately its medical facilities or allow the counties to seek private funding to create the needed medical facilities.

Kauai Mayor Carvalho stated that there is a need for Kauai to gain another source of revenue.

Mayor Kenoi stated that he is looking forward to the upcoming session.

President Rapozo stated that proposals for the HSAC legislative package have been received from the counties, and HSAC will consider them in September.

Mayor Arakawa expressed his apologies with regard to TAT deliberations during this past legislative session because the Maui Council's passage of a tax cut undermined the counties' efforts to increase their share of the TAT. He stated that he does not plan to lobby for the TAT this year. Mayor Arakawa stated that it will be hard for counties to make the case for TAT this coming year because state legislators will say the counties are acting prematurely in view of the two-year TAT study and because of Maui County's tax cut decision.

Alternate Anderson suggested that former county councilmembers presently serving at the legislature be specifically approached.

Vice President Onishi stated that the Hawaii County Council held a meeting with state legislators from Hawaii County and encouraged other counties to do likewise prior to the session.

President Rapozo stated that November 14 is the deadline for the councils to approve items for the HSAC legislative package. Until then, HSAC should continue to meet with HCOM and come to a consensus on a legislative package.

**Mayor Caldwell stated that getting a buy-in from the councils is important because legislators would want to know where the councils stand on particular issues, such as extending the 0.5 percent additional GET in perpetuity.**

**Vice President Onishi suggested that HSAC legislative package proposals be sent to the mayors in September. Mayor Caldwell responded that it would be helpful to review proposals, even if they are in draft form.**

**At this point, President Rapozo invited testimony from the members.**

**Kauai Council Chair Furfaro testified that TAT collections will amount to approximately \$370 million, and before the counties commit items to be funded by a GET increase, they need to have an understanding of how far they are willing to step back on the TAT. For Kauai County, \$1.5 billion in GET revenue at 0.5 percent will raise only \$8 million – originally, Kauai County had requested \$23 million in TAT revenue. If Kauai County is provided with \$8 million in GET revenue, it would not make up for the \$23 million in TAT revenues that is needed for ocean rescues, park maintenance, public safety officials, and so forth. Council Chair Furfaro expressed caution regarding a position where the counties will settle for only GET revenues because for a small county like Kauai, a combination of GET and TAT is needed.**

**Maui Council Chair Baisa testified that even though HCOM and HSAC didn't get what they wanted from the legislature this past year, they made an impact and demonstrated that they are a force. Council Chair Baisa stated that the Maui Council was led into a situation where they had to cut taxes, otherwise they would not have been able to balance their budget on time, and that she thinks they will still be able to make a case that additional TAT is needed.**

**Kauai Councilmember Yukimura testified that she agrees with Council Chair Furfaro that the counties should not ask the legislature for only one source of revenue, and they should be clear about the need for TAT monies because of the possibility that the legislature may attempt to trade off tax revenue funding sources. The counties need to be clear that they are requesting a portfolio of taxing powers that they deserve. Councilmember Yukimura proposed receiving GET revenues that are earmarked for public transportation to make it less likely the monies will be used as part of a trade-off. Councilmember Yukimura stated that the counties need to develop a multi-pronged approach this coming year and not be forced by the two-year TAT study to consider only the GET.**

President Rapozo recapitulated HCOM-HSAC legislative action items – drafts of legislative proposals will be circulated to HCOM, communications between HSAC and HCOM will be established, and consensus on key items will be attempted so the organizations may proceed with legislation. Mayor Caldwell stated that the mayors will be back.

Mayor Arakawa stated that he assumes that this has been the first meeting and indicated that the Maui County administration will be putting together a package and will share items that may be of interest to HSAC. Mayor Arakawa also suggested that the counties consider offering to work with the State on issues for which the State has responsibility – for example, the homeless situation, medical facilities, alien species enforcement, and schools.

At 11:40 a.m., a recess was called. At 11:44 a.m., the meeting was reconvened.

#### VII. ANNOUNCEMENTS

A. Schedule next meeting.

September 15, 10:00 a.m., at Honolulu Hale.

President Rapozo stated that the HSAC legislative package will be a standing item on the HSAC agenda.

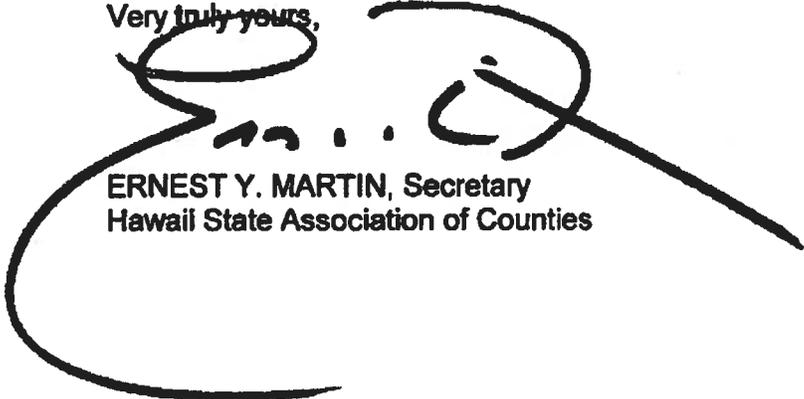
B. Other announcements.

There were no other announcements.

#### VIII. ADJOURNMENT

The meeting was adjourned at 11:49 a.m.

Very truly yours,



ERNEST Y. MARTIN, Secretary  
Hawaii State Association of Counties

DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

RECEIVED

OFFICE OF THE COUNTY CLERK  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

'14 AUG 21 AM 11:14

OFFICE OF  
THE COUNTY CLERK

August 20, 2014

Honorable Mel Rapozo  
Hawaii State Association of Counties  
Executive Committee  
4396 Rice Street, Suite 209  
Lihue, Hawaii 96766

Dear Sir:

Respectfully transmitted are copies of Resolution Nos. 14-89 and 14-90, which was adopted by the Council of the County of Maui at its meeting held on August 19, 2014.

Respectfully,

A handwritten signature in cursive script that reads "Danny A. Mateo".

DANNY A. MATEO  
County Clerk

/lks

Enclosure

H5AC Exec Comm

# Resolution

No. 14-89

APPROVING FOR INCLUSION IN THE 2015 HAWAII  
STATE ASSOCIATION OF COUNTIES LEGISLATIVE  
PACKAGE A STATE BILL RELATING TO THE  
COUNTIES' SHARE OF TRANSIENT  
ACCOMMODATIONS TAX REVENUE

WHEREAS, the transient accommodations tax ("TAT") is a tax levied on the proceeds derived from furnishing hotel rooms and other transient accommodations; and

WHEREAS, Act 185 (1990) gave the counties a share of TAT revenue; and

WHEREAS, according to Conference Committee Report 207 (1990), the purpose of Act 185 was to provide a more equitable method of returning revenue to the county where the revenue was earned; and

WHEREAS, prior to Act 185 the counties received financial assistance from the State through discretionary grants-in-aid; and

WHEREAS, the counties' share of TAT revenue provides more stability to county finances and enables improved budgeting and planning; and

WHEREAS, Act 156 (1998) provided that 44.8 per cent of the TAT revenue collected would be allocated to the counties; and

WHEREAS, Act 103 (2011) placed an annual cap of \$93,000,000 on the counties' share of TAT revenue; and

WHEREAS, Act 161 (2013) made permanent the annual cap of \$93,000,000 on the counties' share of TAT revenue; and

WHEREAS, Act 174 (2014) temporarily raised the cap to \$103,000,000 for both Fiscal Year 2014-2015 and Fiscal Year 2015-2016; and

WHEREAS, the counties request restoration of 44.8 per cent of the revenue collected pursuant to Act 156 (1998); and

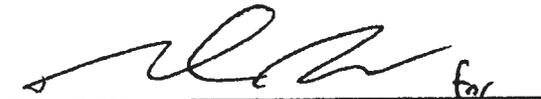
**Resolution No. 14-89**

WHEREAS, based on current projected TAT revenue of \$379,700,000 for Fiscal Year 2015, the counties' 44.8 per cent share would be approximately \$170,100,000; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A", to restore the counties' share of transient accommodations tax revenue to 44.8 per cent, is approved for inclusion in the 2015 Hawaii State Association of Counties ("HSAC") Legislative Package; and
2. That a certified copy of this resolution be transmitted to the HSAC Executive Committee.

APPROVED AS TO FORM AND LEGALITY



Edward S. Kushi, Jr.  
First Deputy Corporation Counsel  
County of Maui

\_\_\_\_.B. NO. \_\_\_\_\_

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## A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS TAX.

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

1       SECTION 1. Section 237D-6.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3       "(b) Revenues collected under this chapter shall be  
4 distributed as follows, with the excess revenues to be deposited  
5 into the general fund:

6       (1) \$33,000,000 shall be allocated to the convention center  
7 enterprise special fund established under section 201B-  
8 8;

9       (2) \$82,000,000 shall be allocated to the tourism special  
10 fund established under section 201B-11; provided that:

11       (A) Beginning on July 1, 2012, and ending on June 30,  
12 2015, \$2,000,000 shall be expended from the tourism  
13 special fund for development and implementation of  
14 initiatives to take advantage of expanded visa  
15 programs and increased travel opportunities for  
16 international visitors to Hawaii;

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

**EXHIBIT "A"**

14-211a

- 1 (i) \$1,000,000 shall be allocated for the  
2 operation of a Hawaiian center and the museum  
3 of Hawaiian music and dance at the Hawaii  
4 convention center; and
- 5 (ii) 0.5 per cent of the \$82,000,000 shall be  
6 transferred to a sub-account in the tourism  
7 special fund to provide funding for a safety  
8 and security budget, in accordance with the  
9 Hawaii tourism strategic plan 2005-2015; and
- 10 (C) Of the revenues remaining in the tourism special  
11 fund after revenues have been deposited as  
12 provided in this paragraph and except for any sum  
13 authorized by the legislature for expenditure from  
14 revenues subject to this paragraph, beginning July  
15 1, 2007, funds shall be deposited into the tourism  
16 emergency trust fund, established in section 201B-  
17 10, in a manner sufficient to maintain a fund  
18 balance of \$5,000,000 in the tourism emergency  
19 trust fund;
- 20 (3) [~~\$103,000,000 for fiscal year 2014-2015, \$103,000,000~~  
21 ~~for fiscal year 2015-2016, and \$93,000,000 for each~~  
22 ~~fiscal year thereafter]~~ 44.8 per cent of the revenues

.B. NO.       

1           collected under this chapter shall be allocated as  
2 follows: Kauai county shall receive 14.5 per cent,  
3 Hawaii county shall receive 18.6 per cent, city and  
4 county of Honolulu shall receive 44.1 per cent, and  
5 Maui county shall receive 22.8 per cent; provided that  
6 commencing with fiscal year 2018-2019, a sum that  
7 represents the difference between a county public  
8 employer's annual required contribution for the  
9 separate trust fund established under section 87A-42  
10 and the amount of the county public employer's  
11 contributions into that trust fund shall be retained by  
12 the state director of finance and deposited to the  
13 credit of the county public employer's annual required  
14 contribution into that trust fund in each fiscal year,  
15 as provided in section 87A-42, if the respective county  
16 fails to remit the total amount of the county's  
17 required annual contributions, as required under  
18 section 87A-43; and

19       (4) Of the excess revenues deposited into the general fund  
20 pursuant to this subsection, \$3,000,000 shall be  
21 allocated subject to the mutual agreement of the board  
22 of land and natural resources and the board of directors

1 of the Hawaii tourism authority in accordance with the  
2 Hawaii tourism authority strategic plan for:

3 (A) The protection, preservation, and enhancement of  
4 natural resources important to the visitor  
5 industry;

6 (B) Planning, construction, and repair of facilities;  
7 and

8 (C) Operation and maintenance costs of public lands  
9 connected with enhancing the visitor experience.

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

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

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

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

21 INTRODUCED BY: \_\_\_\_\_

22 paf:kcw:14-211a

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 14-89 was adopted by the Council of the County of Maui, State of Hawaii, on the 19th day of August, 2014, by the following vote:**

<b>MEMBERS</b>	<b>Gladys C. BAISA Chair</b>	<b>Robert CARROLL Vice-Chair</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRVELLO</b>	<b>Donald S. GUZMAN</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>	<b>Michael B. WHITE</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Excused</b>	<b>Excused</b>	<b>Aye</b>	<b>Aye</b>

  
\_\_\_\_\_  
COUNTY CLERK

# Resolution

No. 14-90

## APPROVING HAWAII STATE ASSOCIATION OF COUNTIES' LEGISLATIVE PRIORITIES FOR THE 2015 STATE LEGISLATIVE SESSION

WHEREAS, the bylaws of the Hawaii State Association of Counties ("HSAC") allow for the adoption of legislative priorities, if approved by the four county councils, prior to or during each Legislative Session; and

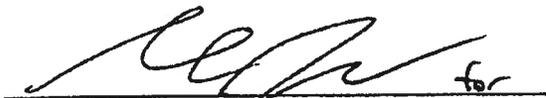
WHEREAS, an HSAC Executive Committee officer or designee may lobby or testify, on HSAC's behalf, on measures relating to HSAC's legislative priorities; and

WHEREAS, legislation relating to the transient accommodations tax, a retail sales tax, the general excise tax, open government (including the Sunshine Law and the Uniform Information Practices Act), transportation, and capital improvement projects are priorities for all four counties; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby urges HSAC to adopt legislative priorities for the 2015 State Legislative Session;
2. That it approves as HSAC's legislative priorities for the 2015 State Legislative Session, legislation relating to the following: the transient accommodations tax, a retail sales tax, the general excise tax, open government (including the Sunshine Law and Uniform Information Practices Act), transportation, and capital improvement projects; and
3. That certified copies of this resolution be transmitted to the HSAC Executive Committee; and Alan M. Arakawa, Mayor, County of Maui.

APPROVED AS TO FORM AND LEGALITY



Edward S. Kushi, Jr.  
First Deputy Corporation Counsel  
County of Maui

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 14-90 was adopted by the Council of the County of Maui, State of Hawaii, on the 19th day of August, 2014, by the following vote:**

<b>MEMBERS</b>	<b>Gledys C. BAISA Chair</b>	<b>Robert CARROLL Vice-Chair</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRIVELLO</b>	<b>Donald S. GUZMAN</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>	<b>Michael B. WHITE</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Excused</b>	<b>Excused</b>	<b>Aye</b>	<b>Aye</b>



**COUNTY CLERK**

**STEWART MAEDA**  
County Clerk



RECEIVED

**MAILE DAVID**  
Deputy County Clerk  
14 AUG 29 19:11

**County of Hawai'i**  
**Office of the County Clerk**  
25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720  
(808) 961-8255 • Fax (808) 961-8912

August 22, 2014

Sent via E-Mail

Mel Rapozo, President  
Hawai'i State Association of Counties  
c/o Kaua'i County Council  
1396 Rice Street, Suite 209  
Lehue, Hawai'i 96766

Dear Mr. Rapozo:

Please find, attached, copies of Resolutions 490-14, 496-14, and 497-14, which were adopted by the Council of the County of Hawai'i on August 20, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Stewart Maeda".

Stewart Maeda  
County Clerk  
County of Hawai'i

SM/dt

Attachments

COUNTY OF HAWAI'I



STATE OF HAWAI'I

RESOLUTION NO. 490 14

**A RESOLUTION REQUESTING THE HAWAI'I STATE ASSOCIATION OF COUNTIES TO INCLUDE IN ITS 2015 LEGISLATIVE PACKAGE A BILL APPROPRIATING OPERATING FUNDS FOR THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS.**

**WHEREAS**, Act 169 (2012) transferred the Pacific International Space Center for Exploration Systems (PISCES) from the University of Hawai'i at Hilo to the Office of Aerospace Development in the Department of Business, Economic Development, and Tourism; and

**WHEREAS**, PISCES is an economic driver for the counties of the State of Hawai'i and will promote the establishment and growth of new sustainable and green industries along with associated jobs, workforce development, and internships, as well as science, technology, engineering, and math education programs; and

**WHEREAS**, PISCES' goal is to develop a world-class research and education/training center in Hawai'i that can facilitate the design, testing, and validation of new technologies to support robotic and human missions to space; and

**WHEREAS**, PISCES is a State agency that relies on annual appropriations from the Legislature for personnel costs, operating expenses, and the purchase of equipment, materials, and services; and

**WHEREAS**, an increase in funds is needed for fiscal year 2015-2016 to allow PISCES to build upon past achievements and to fulfill its mission; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I** that the Hawai'i State Association of Counties is requested to include in its 2015 legislative package a bill appropriating \$1,700,000 in operating funds for PISCES for the 2015-2016 fiscal year as attached hereto.

**BE IT FINALLY RESOLVED** that the County Clerk shall forward a copy of this resolution to the Honorable Mayor William P. Kenoi and to the President and Secretary of the Hawai'i State Association of Counties.

Dated at Kona, Hawai'i, this 20th day of August, 2014.

INTRODUCED BY:

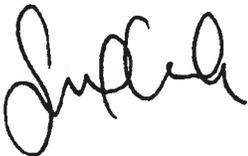


COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL  
County of Hawai'i  
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on August 20, 2014.

ATTEST:



COUNTY CLERK



CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
EOFF	X			
FORD	X			
ILAGAN	X			
KANUHA	X			
KERN	X			
ONISHI	X			
POINDEXTER	X			
WILLE		X		
YOSHIMOTO	X			
	8	1	0	0

Reference: C-982/Waived GREDC

RESOLUTION NO. 490 14

## JUSTIFICATION SHEET

- PROPOSER:** Hawai'i State Association of Counties
- TITLE:** RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS
- PURPOSE:** This proposed Bill for an Act appropriates operating funds for the Pacific International Space Center for Exploration Systems for fiscal year 2015-2016.
- MEANS:** Appropriates \$1,700,000 out of the general revenues of the State of Hawai'i for personnel costs, operating expenses, and the purchase of equipment, materials and services in fiscal year 2015-2016.
- JUSTIFICATION:** The Pacific International Space Center for Exploration Systems has as its goal the development of technologies to support the long-term human presence in space. Under the concept of in situ resource utilization, future astronauts seeking to live on the moon, Mars or asteroids will use the natural environment around them to extract water, oxygen, hydrogen and habitat construction material. The center seeks partnerships with the National Aeronautics and Space Administration, research universities and aerospace corporations. In the short term, the center seeks to carry out its goals of researching a sustainable concrete supply, robotic operator training and certification, and economic development by invigorating presently dormant business sectors in Hawai'i.

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# A BILL FOR AN ACT

RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR  
EXPLORATION STUDIES.

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

1           SECTION 1. The Pacific international space center  
2 for exploration systems seeks to develop a world-class  
3 center of excellence in Hawaii that can facilitate the  
4 design, testing, and validation of new technologies to  
5 support robotic and human missions to space. The center  
6 also aspires to serve as an economic driver for the  
7 island of Hawaii that will promote the establishment and  
8 growth of new sustainable and green industries along with  
9 associated jobs, workforce development, internships, and  
10 science, technology, engineering, and math education  
11 programs.

12           The purpose of this Act, therefore, is to  
13 appropriate funds to provide funding for the Pacific  
14 international space center for exploration systems to  
15 manage and facilitate its work in bringing aerospace  
16 technology and corporations to Hawaii, to expand and  
17 diversify Hawaii-based industry, to provide the training  
18 relevant to prepare Hawaii's workforce for employment in  
19 technology-related fields, and to require the Pacific

\_\_\_\_.B. NO. \_\_\_\_\_

1 international space center for exploration systems to  
2 report to the legislature on its activities.

3 Moneys appropriated through this Act will be used to  
4 fund:

5 (1) Existing employee salaries, including a  
6 marketing officer, a project integration manager, an  
7 information-technology field technician, and two student  
8 internships;

9 (2) Operational expenses, including the rental of  
10 staff offices and warehouse space for Pacific  
11 international space center for exploration systems  
12 hardware and equipment; utilities; intrastate and  
13 interstate travel to meetings and conferences; marketing  
14 costs associated with website creation, graphic design,  
15 and the development of brochures and trade advertising;  
16 travel and lodging expenses for the Pacific international  
17 space center for exploration systems board of directors;  
18 and the Pacific international space center for  
19 exploration systems conferencing contracts; and

20 (3) The purchase of essential equipment, materials,  
21 and services, including electronic test and design  
22 equipment in support of robotics training and education;  
23 mechanical equipment in support of robotics training, the

\_\_\_\_.B. NO. \_\_\_\_\_

1 sustainable concrete project, advanced manufacturing  
2 skills training, and ongoing testing of robotic surface  
3 systems by the Pacific international space center for  
4 exploration systems; command and control equipment for  
5 new and existing robotics hardware; situational awareness  
6 monitoring for robotic operations training; software  
7 licensing; and a data server for archiving project  
8 results, product designs, and online training materials  
9 for a robotics operator training course.

10 SECTION 2. There is appropriated out of the  
11 general revenues of the State of Hawaii the sum of  
12 \$1,700,000 or so much thereof as may be necessary for  
13 fiscal year 2015-2016 for the Pacific international space  
14 center for exploration systems for personnel costs,  
15 operational expenses, and the purchase of equipment,  
16 materials, and services.

17 The sum appropriated shall be expended by the  
18 department of business, economic development, and tourism  
19 for the purposes of this Act.

20 SECTION 3. This Act shall take effect July 1,  
21 2015.

22 INTRODUCED BY: \_\_\_\_\_

COUNTY OF HAWAI'I



STATE OF HAWAI'I

RESOLUTION NO. 496 14

**A RESOLUTION REQUESTING THE HAWAI'I STATE ASSOCIATION OF COUNTIES TO INCLUDE IN ITS 2015 LEGISLATIVE PACKAGE A BILL TO FUND THE HAWAI'I HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM.**

**WHEREAS**, the State of Hawai'i is facing a severe shortage of health care providers, especially in primary care; and

**WHEREAS**, access to quality health care on Hawai'i Island is a critical and growing problem; and

**WHEREAS**, the Hawai'i Physician Workforce Assessment Project reported to the 2014 Legislature that in 2013 the physician supply fell short of the physician demand by 37 percent on Hawai'i County; 35 percent on Kaua'i County; 27 percent on Maui County and 15 percent in the City and County of Honolulu; and

**WHEREAS**, the Hawai'i Health Systems Corporation Primary Care Training Program is a statewide program administered by Hilo Medical Center; and

**WHEREAS**, the Primary Care Training Program includes the Hawai'i Island Family Medicine Residency Program and training for advanced practice nurses from the School of Nursing and Dental Hygiene at the University of Hawai'i at Mānoa and the School of Nursing at the University of Hawai'i at Hilo, clinical pharmacists from the Daniel K. Inouye College of Pharmacy, and post-doctoral fellows from I Ola Lahui, an organization that trains psychologists to meet the needs of those living in rural areas; and

**WHEREAS**, on July 1, 2014, the three-year Hawai'i Island Family Medicine Residency Program achieved full accreditation and began training its first class of four resident physicians; and

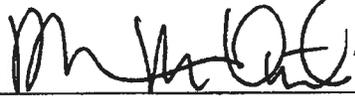
**WHEREAS**, continued access to quality health care in Hawai'i is dependent on the success of programs like the Hawai'i Health Systems Corporation Primary Care Training Program; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I** that the Hawai'i State Association of Counties is requested to include in its 2015 legislative package a bill appropriating \$2,800,000, or funds as may be necessary, out of the general revenue of the State of Hawai'i for a primary care training program at Hilo Medical Center as provided in the bill attached hereto.

**BE IT FINALLY RESOLVED** that the County Clerk shall forward copies of this resolution to the Honorable Mayor William P. Kenoi and to the President and the Secretary of the Hawai'i State Association of Counties.

Dated at Kona, Hawai'i, this 20th day of August, 2014.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL  
County of Hawai'i  
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on August 20, 2014.

ATTEST:



COUNTY CLERK      CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
EOFF	X			
FORD	X			
ILAGAN	X			
KANUHA	X			
KERN	X			
ONISHI	X			
POINDEXTER	X			
WILLE	X			
YOSHIMOTO	X			
	9	0	0	0

Reference: C-990/Waived GREDC

RESOLUTION NO. 496 14

## JUSTIFICATION SHEET

**PROPOSER:** Hawai'i State Association of Counties

**TITLE:** RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM.

**PURPOSE:** This proposed Bill for an Act appropriates operating funds for the Hawai'i Health Systems Corporation Primary Care Training Program.

**MEANS:** Appropriates funds out of the general revenues of the State of Hawai'i.

**JUSTIFICATION:** Access to health care is a critical issue in Hawai'i, especially on the Neighbor Islands. A medical residency program based at Hilo Medical Center will help to ease this shortage by training physicians and providing access to critical rural underserved areas of Hawai'i.

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# A BILL FOR AN ACT

RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM.

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

1           SECTION 1. The legislature finds that the State faces a  
2 severe shortage of healthcare providers. This shortage is  
3 particularly acute in the field of primary care, in which most  
4 of the healthcare cost savings in prevention and early  
5 intervention occur.

6           The legislature further finds that the Hawaii health  
7 systems corporation primary care training program is an  
8 effective way to reduce the impact of the shortage of primary  
9 care providers and improve access to healthcare throughout the  
10 State, especially on the neighbor islands. Administered by Hilo  
11 medical center, this interdisciplinary program is centered at  
12 the Hawaii island family health center, which serves as a  
13 training site for family medicine physicians and medical  
14 students through the Hawaii island family medicine residency;  
15 advanced practice nurses from the school of nursing and dental  
16 hygiene at the University of Hawaii at Manoa and the University  
17 of Hawaii at Hilo; registered nursing students from the  
18 University of Hawaii at Hilo; pharmacy students in clinical  
19 pharmacy practice from the University of Hawaii at Hilo's Daniel  
20 K. Inouye college of pharmacy; health psychologists from I Ola  
21 Lahui, an organization that trains psychologists to meet the  
22 needs of residents of Hawaii's rural areas; and baccalaureate

1 nursing students from the school of nursing at the University of  
2 Hawaii at Hilo.

3       This interdisciplinary training model can be expanded to  
4 other neighbor island health facilities to generate  
5 interdisciplinary teams capable of caring for four times as many  
6 patients as independent practicing physicians could  
7 alone. Hawaii will benefit greatly as the Hawaii health systems  
8 corporation program contributes to training primary care  
9 providers in the emerging model of primary care and patient-  
10 centered medical homes, and attracts healthcare providers to  
11 practice in rural Hawaii, including the neighbor islands.

12       The purpose of this Act is to address the shortage of  
13 primary care providers in the State by appropriating funds for  
14 the interdisciplinary Hawaii health systems corporation primary  
15 care training program at Hilo medical center.

16       SECTION 2. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$2,800,000 or so much  
18 thereof as may be necessary for fiscal year 2015-2016 for the  
19 interdisciplinary Hawaii health systems corporation primary care  
20 training program at Hilo medical center.

21       The sum appropriated shall be expended by the Hawaii health  
22 systems corporation for the purposes of this Act.

23       SECTION 3. This Act shall take effect on July 1, 2015.  
24

COUNTY OF HAWAI'I



STATE OF HAWAI'I

RESOLUTION NO. 497 14

**A RESOLUTION REQUESTING THE HAWAI'I STATE ASSOCIATION OF COUNTIES TO INCLUDE IN ITS 2015 LEGISLATIVE PACKAGE A BILL RELATING TO ABUSE OF A FAMILY OR HOUSEHOLD MEMBER.**

**WHEREAS**, Hawai'i Revised Statutes, Section 709-906, states that in the event of a family violence incident, a police officer, upon making reasonable inquiry of a victim of physical abuse or harm, shall order the person reasonably believed to be the abuser to leave the premises and refrain from contact for 48 hours; and

**WHEREAS**, if the incident occurs after noon on a Friday, or on a Saturday, Sunday or a legal holiday, the 48-hour period is extended until 4:30 p.m. on the first day following the weekend or legal holiday; and

**WHEREAS**, when the abuse occurs at certain times or on certain days, the time frame specified under HRS 709-906 is less than 48 hours and may not give the victim sufficient time to obtain a restraining order or gain access to a shelter; and

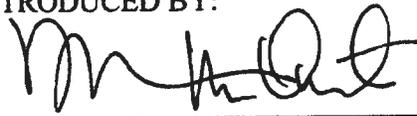
**WHEREAS**, the period of separation should begin when the order is issued and expire at 6:00 p.m. on the second business day following the day the order was issued; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I** that the Hawai'i State Association of Counties is requested to include in its 2015 legislative package a bill to increase the period of separation for incidents of family violence as provided in the bill attached hereto.

**BE IT FINALLY RESOLVED** that the County Clerk shall forward copies of this resolution to the Honorable Mayor William P. Kenoi and to the President and the Secretary of the Hawai'i State Association of Counties.

Dated at Kona, Hawai'i, this 20th day of August, 2014.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL  
County of Hawai'i  
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on August 20, 2014.

ATTEST:




COUNTY CLERK    CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
EOFF	X			
FORD	X			
ILAGAN	X			
KANUHA	X			
KERN	X			
ONISHI	X			
POINDEXTER	X			
WILLE	X			
YOSHIMOTO	X			
	9	0	0	0

Reference: C-992/Waived GREDC

RESOLUTION NO. 497 14

## JUSTIFICATION SHEET

**PROPOSER:** Hawai'i State Association of Counties

**TITLE:** RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

**PURPOSE:** This proposed Bill for an Act gives victims of family violence additional time to get help and legal protection before the order for a period of separation expires.

**MEANS:** Amends Hawai'i Revised Statutes Section 709-906 to specify that a period of separation begins when an order is issued and continues until 6:00 p.m. on the second business day following the day the order is issued. Clarifies the definition of a "business day."

**JUSTIFICATION:** Act 251, Session Laws of Hawai'i 2013, extended the period of separation from 24 hours to 48 hours to address the epidemic of domestic abuse, and until 4:30 p.m. following a weekend or a legal holiday if the incident occurs on such a day. One full business day is not enough time for a victim to obtain a restraining order and to make necessary arrangements. This proposed Bill for an Act extends the period of separation to give a victim extra time.

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# A BILL FOR AN ACT

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

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

1           SECTION 1. Section 709-906, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending subsection (1) to read:

4           "(1) It shall be unlawful for any person, singly or in  
5 concert, to physically abuse a family or household member or to  
6 refuse compliance with the lawful order of a police officer  
7 under subsection (4). The police, in investigating any  
8 complaint of abuse of a family or household member, upon  
9 request, may transport the abused person to a hospital or safe  
10 shelter.

11           For the purposes of this section[, ~~"family~~]:

12           "Family or household member" means spouses or reciprocal  
13 beneficiaries, former spouses or reciprocal beneficiaries,  
14 persons in a dating relationship as defined under section 586-1,  
15 persons who have a child in common, parents, children, persons  
16 related by consanguinity, and persons jointly residing or  
17 formerly residing in the same dwelling unit.

18           "Business day" means any calendar day, except Saturday,  
19 Sunday, or any state holiday."

20           2. By amending subsection (4) to read:

21           "(4) Any police officer, with or without a warrant, shall  
22 take the following course of action, regardless of whether the  
23 physical abuse or harm occurred in the officer's presence:

24           (a) The police officer shall make reasonable inquiry of  
25 the family or household member upon whom the officer believes  
26 physical abuse or harm has been inflicted and other witnesses as  
27 there may be;

28           (b) The police officer lawfully shall order the person who  
29 the police officer reasonably believes to have inflicted the  
30 abuse to leave the premises for a period of separation [~~ef~~  
31 ~~forty eight hours~~], during which time the person shall not  
32 initiate any contact, either by telephone or in person, with the  
33 family or household member; provided that the person is allowed  
34 to enter the premises with police escort to collect any  
35 necessary personal effects. The period of separation shall  
36 commence when the order is issued and expire at 6:00 p.m. on the  
37 second business day following the day the order was issued;

1       ~~[(e) When the incident occurs after 12:00 p.m. on any~~  
2 ~~Friday, or on any Saturday, Sunday, or legal holiday, the order~~  
3 ~~to leave the premises and to initiate no further contact shall~~  
4 ~~commence immediately and be in full force, but the forty eight~~  
5 ~~hour period shall be enlarged and extended until 4:30 p.m. on~~  
6 ~~the first day following the weekend or legal holiday;~~

7       ~~(d)~~ (c) All persons who are ordered to leave as stated  
8 above shall be given a written warning citation stating the  
9 date, time, and location of the warning and stating the  
10 penalties for violating the warning. A copy of the warning  
11 citation shall be retained by the police officer and attached to  
12 a written report which shall be submitted in all cases. A third  
13 copy of the warning citation shall be given to the abused  
14 person;

15       ~~[(e)]~~ (d) If the person so ordered refuses to comply with  
16 the order to leave the premises or returns to the premises  
17 before the expiration of the period of separation, or if the  
18 person so ordered initiates any contact with the abused person,  
19 the person shall be placed under arrest for the purpose of  
20 preventing further physical abuse or harm to the family or  
21 household member; and

22       ~~[(f)]~~ (e) The police officer shall seize all firearms and  
23 ammunition that the police officer has reasonable grounds to  
24 believe were used or threatened to be used in the commission of  
25 an offense under this section."

26       SECTION 2. This Act does not affect rights and duties that  
27 matured, penalties that were incurred, and proceedings that were  
28 begun before its effective date.

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

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

**COUNTY COUNCIL**

Jay Furfaro, Chair  
Mason K. Chock, Sr., Vice Chair  
Tim Bynum  
Gary L. Hooser  
Ross Kagawa  
Mel Rapozo  
JoAnn A. Yukimura



Council Services Division  
4396 Rice Street, Suite 209  
Lihu'e, Kauai, Hawaii 96766

**OFFICE OF THE COUNTY CLERK**

**RECEIVED**  
Rick Watanabe, County Clerk  
Jade K. Fountain-Fahigawa, Deputy County Clerk

'14 AUG 29 Telephone (808) 241-4188  
Fax (808) 241-6349  
Email cokcouncil@kauai.gov

OFFICE OF  
THE COUNTY CLERK

August 28, 2014

Mel Rapozo, President  
Hawai'i State Association of Counties  
4396 Rice Street, Suite 209  
Lihu'e, Hawai'i 96766

Dear President Rapozo:

**RE: PROPOSALS FOR INCLUSION IN THE 2015 HSAC  
LEGISLATIVE PACKAGE**

On August 27, 2014, the Kauai County Council approved two (2) proposals for inclusion in the 2015 Hawai'i State Association of Counties (HSAC) Legislative Package. "A Bill for an Act Relating to Evidence," which amends the Hawai'i Rules of Evidence to authorize non-resident property crime victims to testify in criminal proceedings by a live two-way video connection; and "A Bill for an Act Relating to Zoning," which distinguishes Single-Family residential use from Single-Family vacation rental use and also allows amortization by Ordinance for Single-Family Transient Vacation Rentals over a reasonable period of time.

Your consideration of the attached proposals to be included in the 2015 HSAC Legislative Package is appreciated. Should you have any questions, please feel free to contact the Office of the County Clerk, Council Services Division at 241-4188.

Sincerely,

JAY FURFARO  
Council Chair, Kauai County Council

AB:mn  
Amendments

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# A BILL FOR AN ACT

*RELATING TO EVIDENCE.*

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

1           **SECTION 1.**       The legislature finds that criminals frequently target  
2 tourists for property crimes, as tourists are less likely to testify in a criminal case  
3 because they live elsewhere. Thieves target vacation rental homes and rental cars,  
4 and reports of crimes committed against tourists significantly damage Hawaii's  
5 visitor industry.

6           The legislature further finds that the fundamental constitutional right of  
7 criminal defendants is the opportunity to confront and cross-examine witnesses  
8 against them. The legislature finds that this right may be satisfied absent a  
9 physical, face-to-face confrontation at trial where denial of such confrontation is  
10 necessary to further an important public policy of ensuring public safety for visitors  
11 and residents and where the reliability of the testimony is otherwise assured as  
12 held in *Maryland v. Craig*, 497 U.S. 836 (1990) by the United States Supreme  
13 Court.

14           The purpose of this Act is to authorize a court to allow live video testimony of  
15 a victim of property crime if:

- 16           (1)    The crime is a felony;