

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

www.hicounties.com



A G E N D A

HSAC EXECUTIVE COMMITTEE MEETING

Monday, September 26, 2016, at 9 a.m. or soon thereafter

Mission Memorial Meetings Room

550 South King Street

Honolulu, Hawaii 96813

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. MINUTES

- A. Minutes of the August 22, 2016 HSAC Executive Committee meeting, as submitted by the HSAC Secretary

IV. REPORTS

A. Treasurer's Report

1. Treasurer's Reports for the month of August 2016, as submitted by the HSAC Treasurer

B. County Reports

1. City and County of Honolulu Report
2. County of Hawaii Report
3. County of Kauai Report
4. County of Maui Report

C. National Association of Counties (NACo) Report

D. Western Interstate Region (WIR) Report

V. UNFINISHED BUSINESS

- A. Communication from Kauai County Council Chair Mel Rapozo submitting four State bills for inclusion in the 2017 Hawaii State Association of Counties Legislative Package, as approved by the Council on August 3, 2016. The bills have the following respective purposes:

1. To delete the sunset provision for the liability exceptions for county lifeguards (*previously approved for transmittal to the county councils*)
2. To direct the traffic fines and forfeitures collected for uncontested traffic infractions to the county in which the citation was issued
3. To exempt from civil service positions of non-elected chief executive officers or heads of the executive branch of county government
4. To appropriate funds to the Department of Health for Fiscal Year 2018 for the purchase of an ambulance vehicle and the operational costs for one ambulance unit, including equipment, supplies, and personnel costs for State-certified emergency medical services personnel, for a 24-hour ambulance unit for the County of Kauai.



Invited resources speakers:

- Mark K. Rigg, Director of Emergency Services, City and County of Honolulu
- Ian T. Santee, Deputy Director of Emergency Services, City and County of Honolulu

VI. NEW BUSINESS

- A. Communication from Honolulu City Clerk Glen Takahashi submitting two State bills for inclusion in the 2017 Hawaii State Association of Counties Legislative Package, as approved by the Council on September 7, 2016. The bills have the following respective purposes:
1. To mandate the State Department of Health to adopt and implement administrative rules to enforce residential and commercial noise standards
 - Testimony in support submitted by Honolulu City Councilmember Trevor Ozawa
 2. To regulate operators of unmanned aircraft systems
 - Testimony in support submitted by Honolulu City Councilmember Brandon Elefante
- B. Communication from Maui County Clerk Danny Mateo submitting four State bills for inclusion in the 2017 Hawaii State Association of Counties Legislative Package, as approved by the Council on September 16, 2016. The bills have the following respective purposes:
1. To enable councilmembers to freely attend community and educational meetings
 2. To implement the recommendations of the State-County Functions Working Group relating to the transient accommodations tax
 3. To allow persons with disabilities to indicate on their identification cards their disability
 4. To increase revenue for each county's affordable housing fund through a one percent conveyance tax
- C. 2017 State Legislature update and discussion on lobbying efforts

VII. ANNOUNCEMENTS

- A. Scheduling of the next meeting
- B. Other announcements

VIII. ADJOURNMENT

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

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MINUTES
HSAC EXECUTIVE COMMITTEE MEETING
August 22, 2016
Honolulu Hale, Committee Meeting Room
530 South King Street
Honolulu, Hawai'i 96813

I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President and County of Maui Councilmember Michael Victorino at 10:03 a.m. The following members comprising a quorum were present:

- County of Maui: President Michael Victorino,
County of Maui Councilmember
- County of Hawai'i: Vice President Dennis "Fresh" Onishi,
County of Hawai'i Councilmember
- County of Kaua'i: Secretary Mel Rapozo,
County of Kaua'i Council Chair
- City and County of Honolulu: Treasurer Ikaika Anderson,
City and County of Honolulu Councilmember
- Others Present: Gladys C. Baisa, County of Maui Councilmember
Valerie Poindexter, County of Hawai'i
Councilmember
- Honolulu staff Lisa-Ann Kimura, Staff Attorney,
Office of Council Services;
Honolulu staff Brandon Mitsuda, Council Liaison,
Honolulu City Council Administrative Support
Services;
Honolulu staff Francisco Figueiredo, Legislative
Aide, Office of Councilmember Ikaika Anderson;
Honolulu Intern Nelson Mukai, Office of
Councilmember Ikaika Anderson;
County of Maui staff Kit Zulueta, Communication
Director, Office of Council Services;



Kaua'i staff Aida Kawamura, Legislative Assistant,
Office of Council Services;
Nelissa Asato, Special Assistant to Mayor Kirk
Caldwell, City & County of Honolulu;
Scott Ishikawa, Becker Communications, Inc.

II. APPROVAL OF AGENDA

Secretary Rapozo moved for approval of the Agenda as circulated, seconded by Vice President Onishi, and unanimously carried.

III. MINUTES

- A. Minutes of the July 8, 2016 HSAC Executive Committee meeting, as submitted by the HSAC Secretary.

Secretary Rapozo moved for approval of the Minutes of the July 8, 2016 HSAC Executive Committee Meeting, seconded by Vice President Onishi, and unanimously carried.

IV. REPORTS

A. Treasurer's Report

1. Treasurer's Report for the months of June and July 2016, as submitted by the HSAC Treasurer.

Vice President Onishi moved to approve the HSAC Treasurer's Reports for the Months of June and July 2016, seconded by Treasurer Anderson, and unanimously carried.

B. County Reports

1. City and County of Honolulu Report. Treasurer Anderson reported that the City Council passed on final reading Bill 36, related to private transportation services and drivers, which establishes regulations applicable to drivers of private transportation services, as well as creation of a central database of information pertaining to drivers of private transportation services, which includes both taxicab companies and transportation network companies. In introducing this measure, Councilmember Kobayashi's goal was to ensure the health, safety, and wellbeing of passengers, citizens,



and guests in Honolulu, and that drivers operate vehicles in a safe manner. Mayor Caldwell allowed Bill 36 to become law without his signature for various reasons.

On August 18, 2016, the City Council hosted past members of the City Council at a rededication of the Hall of Members gallery located on the second floor of Honolulu Hale. Pacific Gallery and Trophy House assisted with the retouching and restoration of many of the historic pictures of former councilmembers. Included among these notable members are Governor Neil Abercrombie and Congresswoman Patsy T. Mink.

Honolulu City Council continues its discussion with the Edogawa City Council Members, Japan, towards strengthening relationships between the two cities.

Regarding the cash-strapped rail project stalled at this point to reach Middle Street with available finances, Treasurer Anderson suggested that HART (Honolulu Authority for Rapid Transportation) meet with the Federal Transit Administration (FTA) to request an amendment to the full-funding grant agreement and minimum operable segment (MOS) from East Kapolei to Ala Moana Center to allow the MOS to terminate at Middle Street, with the understanding that the City would then be bound to enter into another agreement with the federal government to extend the rail to UH Mānoa via Ala Moana Center. This would allow the City to remain in compliance with the full-funding agreement. Treasurer Anderson surmised majority support from colleagues on the City Council for the rail going to Ala Moana Center and who do not support an indefinite terminus at Middle Street; indefinite meaning there are no plans to reach Ala Moana Center.

2. County of Hawai'i Report. Vice President Onishi reported that Hawai'i County Council adopted a resolution establishing a task force made up of twenty-plus members (State government, County government, public sector) to look into styrene products. The task force report is due to the Council prior to the first meeting in December 1, 2016.

Vice President Onishi summarized the 2016 HSAC Conference Report (see attachment hereto). He noted some of the problems



they experienced while planning the conference. Beginning in October 2015, they selected the University of Hawai'i at Hilo Conference Center to assist with the conference planning. Unfortunately, the Conference Center was unable to fulfill their commitments of securing speakers, organizing the website and conference registration, and requested to withdraw from their commitment in April 2016. Hawai'i County agreed and both parties came to a compromise on the amount due for the services the Conference Center provided. There were a total of 163 registered conference attendees and 60 golf participants. Vice President Onishi expressed his appreciation to Maui County for registering a number of Maui County staff members for the conference, primarily from the Planning Department. He added that he encouraged various Hawai'i County departments to participate as well. Vice President Onishi reported that a Farm Bureau Conference and a Legislative Leadership Conference were scheduled for the same dates on O'ahu, and were a contributing factor affecting participation at the HSAC Conference. The net profit from the conference is \$14,155.43 (total income was derived as follows: 30% registration, \$10% golf, and 60% sponsors and donations). Vice President Onishi thanked the conference co-sponsors: Big Island Candies, Hawaiian Airlines for the special conference roundtrip airfare, Kohanaiki for their sponsorship of the golf tournament, and Sheraton Kona Resort & Spa at Keauhou Bay, the Hawai'i County Council staff for their work in coordinating the conference and various events, and everyone for their participation and assistance in making the conference successful.

Vice President Onishi also noted that Roberta Chu, Vice President, Bank of Hawai'i Hilo Branch, informed him that at their statewide meeting, Bank of Hawai'i committed their support for HSAC and being an HSAC conference sponsor with a donation of \$5,000 annually.

President Victorino reviewed the conference financial report and recommended that future conference financial reports include information regarding the seed money provided by HSAC, which will accurately reflect moneys coming in and going out, regardless of the seed money being returned to HSAC prior to closing of the conference account.



3. County of Kaua'i Report. Secretary Rapozo reported that the Kaua'i County Council deferred the additional rental unit (ARU) measure in committee because it was limited to the Līhu'e District, and requested that the Planning Department submit a new proposal that would address ARUs islandwide.

Secretary Rapozo requested to be informed if any member has knowledge of any events that are scheduled in the month of June 2017 that would affect attendance at the 2017 HSAC Annual Conference on Kaua'i. This information would help facilitate securing of the conference dates. For the conference hotel, consideration is being given to properties that provide airport shuttle, thereby reducing the need for participants to rent a car. The Kaua'i Marriott Resort and Aqua Kaua'i Beach Resort both offer airport shuttles to/from their properties, but the costs at the Marriott are significantly higher. A conference golf tournament will be included. The topics presented at the conference should be relevant to each county, such as real property taxes, etc. He invited members to voice their interests in any topic that may be a statewide issue, for consideration as part of the conference. One idea is to have a legislative session where key state legislators would be present to speak on the State Legislature's relationship with the counties and how to accomplish goals and objectives.

Vice President Onishi stated that feedback from the HSAC conference in Kona was that it is important that conference topics relate to the fields of planning, land use, etc., to attract participation from landowners, developers, consultants, etc.

Secretary Rapozo added that he met with NOAA (National Oceanic and Atmospheric Administration) representatives, who informed him that NOAA will be seeking protection of spinner dolphins and are looking at establishing restrictions for Maui and the Big Island. Kaua'i has no activities involving spinner dolphins, so there are no protective zones being recommended for Kaua'i. NOAA continues to have a grave effect on the economies of the islands as they become more and more successful at limiting activities in and surrounding the islands. Protective species is a big issue at WIR, and this issue will be considered for presentation at the HSAC conference.



4. County of Maui Report. President Victorino reported that the Budget & Finance Committee recommended the acquisition of 267 acres of north shore property from A&B located in the area of Pe‘ahi, also known as “Jaws.” Uses on this land still need to be decided, but will serve multiple purposes, such as, agriculture, culture, equestrian, possible dirt biking, etc. President Victorino noted that the County of Maui has purchased close to one thousand acres of property since 2006, and Councilmember Baisa has voiced concern over management of the property and liability.

The Water Resources Committee is working on addressing the pending water meter list for upcountry properties, and seeking methodologies to “whittle down” the numbers on the list. One option being considered is increasing the limit on the number of fixtures allowed before requiring an upgrade to the existing meter. This measure would be applicable to other areas of the island and allow some expansion that does not require a meter upgrade.

A proposed Charter amendment is seeking to require Council approval of managing directors for finance, public works, parks and recreation, housing and human concerns, transportation, environmental management, and the managing director; currently, the Council approves the water director, prosecuting attorney, and corporation counsel. This amendment would give the Council more interaction and transparency, and provide the public an opportunity to provide testimony. Another Charter Amendment proposes that county council staff attorneys have the authority to render formal legal opinions to councilmembers.

The access road to Kahului Airport just opened. This is a \$56 million project that is still ongoing. The State Commission on Water Resource Management unanimously rejected a fine for John and Rose Duey for installing a stream diversion in the Wailuku River for growing taro, and instead issued them a permit for the diversion.

Maui County is close to final approval of three hospitals (Maui, Kula, and Lāna‘i) to be under the management of Kaiser Permanente Health System. Recently, the UPW (United Public Workers) challenge was thrown out, and the ERS (Employees Retirement System) issue has been remedied. Smaller issues are close to being resolved, in the hopes that the changeover will be



completed in November 2016. West Maui Hospital had its groundbreaking on August 15, 2016. The West Maui Hospital facility will provide urgent care, ambulatory care, and also long term and senior services. On August 23, 2016, the Maui County Council will honor the life of the late Mayor Elmer Carvalho, who is considered the most influential politician in Maui County's history, and was the Speaker of the House who received the call from Washington, D.C., in 1959 with information that Hawai'i had become a state.

Treasurer Anderson moved to receive the foregoing County Reports for the record, seconded by Vice President Onishi, and unanimously carried.

C. National Association of Counties (NACo) Report

Vice President Onishi stated that the NACo report is being finalized and will be submitted at the next meeting.

There being no objections, the NACo Report was deferred.

D. Western Interstate Region (WIR) Report

There was no WIR report.

V. NEW BUSINESS

A. Communication from Kaua'i County Council Chair Mel Rapozo submitting four State bills for inclusion in the 2017 Hawai'i State Association of Counties Legislative Package, as approved by the Council on August 3, 2016. The bills have the following respective purposes:

1. To delete the sunset provision for the liability exceptions for county lifeguards.
2. To direct the traffic fines and forfeitures collected for uncontested traffic infractions to the county in which the citation was issued.
3. To exempt from civil service positions of non-elected chief executive officers or heads of the executive branch of county government.
4. To appropriate funds to the Department of Health for Fiscal Year 2018 for the purchase of an ambulance vehicle and the operational costs for one ambulance unit, including equipment, supplies, and personnel costs for State-certified emergency medical



services personnel, for a 24-hour ambulance unit for the County of Kauaʻi.

President Victorino clarified that September 9, 2016 is the deadline for all Councils to pass their legislative proposals for recommendation to HSAC. Today's meeting was scheduled to discuss all proposals. He recognized that not all Councils will be able to finalize their recommendations by September 9, and stated that proposals need to be submitted no later than by the end of September, which will provide sufficient time for the package to be finalized in October. President Victorino stated that he will not accept any proposals submitted from that point forward.

Secretary Rapozo stated the importance of item no. 1, which needs to be addressed by the Legislature during the upcoming legislative session because immunity for county lifeguards sunsets on June 30, 2017. Item no. 2 proposes a solution for generating revenue for the counties. Secretary Rapozo hoped the discussion on this proposal would result in some form of recuperation derived from unadjudicated traffic tickets. Item no. 3 is a proposal by Kauaʻi County Councilmember JoAnn A. Yukimura. Secretary Rapozo said that he supported this measure to allow HSAC to have a discussion on the merits of the proposal. This proposal relates to creating a county-manager form of government and would allow the county manager to be appointed by the council rather than be classified as a civil service employee. Item no. 4 was requested by the Kauaʻi Branch of American Medical Response (AMR). At the past legislative session, the Legislature rejected AMR's request for new ambulances for three counties, noting that funds were not available for the requested three new ambulances. AMR submitted another request for a rapid response service that gained traction, but ultimately did not pass. Statewide, the organization agreed to a unified approach of requesting one new ambulance per year that would be awarded on a rotational basis to one of the counties. AMR prioritized the islands based on need, and Kauaʻi was found to have the least number of ambulances at five. AMR agreed that Kauaʻi would be the first to receive an ambulance, which costs approximately \$1.2 million.

The same items were forwarded to Mayor Bernard P. Carvalho, Jr., for concurrence to include in Kauaʻi County's Legislative Package, and the mayor approved of items nos. 1, 2, and 4.



President Victorino stated that although there is no agenda item, he would like a discussion regarding collective bargaining. His research found that there is no law that prohibits the councils from participating in collective bargaining negotiations, and it has just been the “practice” that the Administration represents the counties during these bargaining negotiations. The Councils are responsible for the counties’ budgets and should understand the reasons behind the requests for various increases, rather than being blocked from acquiring a better understanding of the requests by the Administration claiming nondisclosure due to confidentiality.

Councilmember Gladys Baisa, County of Maui, informed of her conversation with Senator Roz Baker, who did not see any reason that prevented the councils from being informed about bargaining negotiations during an executive session meeting. Senator Baker felt that it was just a precedent that the councils should seek to change. Councilmember Baisa stated that more research is needed to determine what the Council can and cannot know. It is not fair that negotiations happen and the council is handed the bill, and now needs to figure out how to fund it. Councilmember Baisa noted that as soon as collective bargaining results in arbitration, negotiations stop. She stated the importance of delaying this occurrence to allow additional discussion towards an agreement. President Victorino added that arbitration was included in the collective bargaining process to prohibit the unions from striking.

President Victorino related collective bargaining to the Transient Accommodations Tax matter stating that a good chunk of the money being requested to be reinstated to the counties needs to be taken into consideration as part of the negotiations. This would behoove the various unions to support the counties’ efforts for an increased share of the TAT. President Victorino stated that the counties need strong partners in the unions. The general public is not educated on how TAT works, and they are only motivated at the mention of raising real property taxes.

President Victorino requested that each county inform him of when the respective counties will be able to consider proposals for the HSAC Legislative Package. He stated his preference of finalizing the HSAC Legislative Package in October, so that HSAC will be ready to move forward with its media plan.



Ambulance Service. Vice President Onishi stated that two years ago, Hawai'i County received an offer to donate an ambulance to West Hawai'i, which required the Department of Health (DOH) to approve the necessary staffing. This one location did not have EMS service, so DOH was required to provide the staffing. Vice President Onishi stated that a State Representative told him to raise real property taxes to fund this need. Secretary Rapozo stated that this request to the Legislature is to fund one ambulance service per year at a cost of \$1.2 million, which includes the ambulance and staff. Vice President Onishi reported that because of the distance involved in Hawai'i County, and depending on the number of calls, ambulances travel about 100,000 miles per year. The lifespan on the ambulance is 200,000 miles, after which it starts to break down and creates other problems. Further discussion revealed that ambulance/emergency services are structured differently in each county. President Victorino recommended that this item be deferred to the next meeting, with a request that AMR/EMS representatives be present to explain and provide information regarding their proposal.

Collective Bargaining. Vice President Onishi stated his understanding that each county has approved special counsel representation for the Hawai'i Fire Fighters Association (HFFA) case. Secretary Rapozo noted that the Administration recommended sending the HFFA matter to court, and the council approved the funding to hire special counsel. Members agreed that the counties cannot sustain HFFA's continued request for increases.

Secretary Rapozo moved to approve item no. 1 for inclusion in the 2017 HSAC Legislative Package, seconded by Vice President Onishi, and unanimously carried.

Unadjudicated Traffic Fines. Secretary Rapozo asked if there were any objections to this measure. President Victorino voiced his objection, noting that he would like to discuss it further. He stated that he gathered information during Maui Council's budget process that shows that it costs approximately \$17-\$18 million to administer Maui County's judicial system, while funds derived from unadjudicated traffic fines were approximately \$5.5-\$6 million. President Victorino stated that members need to research their respective county's judicial administration costs versus the fines collected to understand the disparity, because he is against pushing an issue like this that may result in the responsibility for the court system being given to the counties. Councilmember Baisa mentioned her discussion with Speaker Joe Souki in that he does not



believe the counties would benefit much from it. Councilmember Baisa added that it will cost the counties more than the amount received from unadjudicated fines, as well as there would be that temptation for the State to turn over operations of the court system to the counties. President Victorino noted that the court systems were administered by the counties in the past. Secretary Rapozo requested clarification regarding comments made regarding the State's expenses related to unadjudicated fines. Treasurer Anderson questioned the same comments and stated that it just involves opening the envelope and cashing the check. The county's police officers issue the citations and the county prosecutor charges the violation. Vice President Onishi noted that there have been past unsuccessful attempts requesting for a portion of the fines for the counties and the legislature never moved on it. Secretary Rapozo stated that HSAC acted to remove the measure from the legislative package because Speaker Souki was against it, but it may be time to revisit the issue and try again.

Secretary Rapozo stated that legislators are highly aware that it is difficult to raise the general excise tax in the counties during an election year. He used a scenario where the State approaches the counties recommending a \$2.50 or \$5 surcharge on all unadjudicated fines; he did not feel such a proposal would be opposed by the counties, the realtors, and the general public. The State would not be losing any revenue by creating an additional surcharge on unadjudicated fines, and he went further by saying that a county surcharge should be placed on all tickets written by the police. Secretary Rapozo asserted his belief that the counties should be given authority to establish a county surcharge on rental vehicles or hotel rooms. Vice President Onishi agreed with the idea and asked Secretary Rapozo if he is making such a proposal. Secretary Rapozo stated that the measure on the agenda was written broadly to allow discussion to a point where members agree on what methodology to use. There are many different variations where the counties can benefit and the State will not lose money. President Victorino expressed his willingness to support a county surcharge and discussing it with fellow Maui County Councilmembers. He agreed that if the measure is massaged to ensure that the State loses nothing and the counties receive a benefit, he could support it.

Vice President Onishi moved to defer action on items nos. 2, 3, and 4 to the next HSAC Executive Committee Meeting, seconded by Secretary Rapozo, and unanimously carried.



B. Proposal from Becker Communications relating to public relations and media strategy for the 2017 State Legislature Session.

Scott Ishikawa, Becker Communications, Inc., (BCI) reviewed the proposed Media Communications Strategy/Timeline (September 2016 – May 2017), which is attached hereto and incorporated herein. Mr. Ishikawa explained that staying with three to four priority issues is not only to keep the public focused, but it also keeps the media focused.

President Victorino stated his goal of HSAC coming out of the gate strong, and that HSAC not play a secondary role to the mayors.

Vice President Onishi stated that councilmembers may have other proposals they would like to submit. He was unaware as to whether Hawai'i County would have any proposals for the upcoming legislative session. He asked what experience BCI has with the legislative process. Mr. Ishikawa noted that certain clients do have measures that are before the Legislature, and BCI developed a communications strategy for their needs. Mr. Ishikawa explained that BCI is not licensed to act as a lobbyist for clients, and HSAC would need to secure lobbying services from another entity if that is the direction HSAC decides to take. Vice President Onishi added that it is also vital that the Governor support HSAC's position.

Secretary Rapozo believed that for the transient accommodations tax ("TAT") measure, removal of the cap on 7.25% is preferred because Senate President Ron Kouchi had mentioned his support for this action. Personally, if the Legislature can commit to not opposing the removal of the cap on 7.25%, that should be the strategy for TAT.

President Victorino had no opposition to involving Governor Ige. Mike McCartney has invited President Victorino to talk story on some of these issues, and that meeting will occur this afternoon.

Councilmember Baisa stated that it is very important that HSAC set up and lock in a good plan now, and make commitments now, so that the follow-through by incoming members goes smoothly. The carryover by people knowledgeable of the plan and the reasons therefor is crucial in being able to implement the plan, because several current HSAC representatives will not be in office come January.



Councilmember Valerie Poindexter stated her support for the proposed communications plan, which she believed will get the governor involved because the plan involves the public. Governor Ige is currently campaigning for the upcoming governor's race, and will need to listen to the people. This strategy is very valuable and can work.

President Victorino stated that the key is formulating HSAC's priorities that the four counties can agree with, and focus should be on the top three or four issues. He agreed that the communications plan is the roadmap for HSAC to be successful.

Vice President Onishi requested that HSAC schedule a meeting with Governor Ige during August or September, because the Governor may be in the process of formulating his budget. If HSAC can convince Governor Ige to support HSAC's position regarding the TAT, one-half of the battle is done. Secretary Rapozo stated that Governor Ige opposes any TAT increase for the counties.

Councilmember Baisa questioned whether HSAC had funds available to commit to engaging BCI. She also asked whether HSAC will be considering setting aside funds for a dedicated staff person to work alongside with BCI. President Victorino stated that the matter of an HSAC staff person should be discussed at the next meeting, and that BCI will be submitting a funding proposal for HSAC's consideration.

Vice President Onishi moved to defer action on this matter until the next Executive Committee meeting, seconded by Secretary Rapozo, and unanimously carried.

- C. Two proposed State bills from HSAC President Michael P. Victorino. The bills have the following respective purposes:
1. To allow members of a county council to jointly attend and speak at community meetings where informational presentations are made.
 2. To remove the cap and increase the counties' share of the transient accommodations tax revenue.

Secretary Rapozo noted that Maui County Council has not addressed these measures to forward their recommendation for HSAC's consideration. The measures appear on the agenda for informational purposes only.



VI. ANNOUNCEMENTS

A. Scheduling of the next meeting.

The next Executive Committee meeting is scheduled for Monday, September 26, 2016, from 10 a.m. – 5 p.m. on O‘ahu.

B. Other announcements.

There were no other announcements.

VIII. ADJOURNMENT

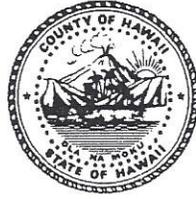
The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mel Rapozo".

MEL RAPOZO, Secretary
Hawai‘i State Association of Counties

DENNIS "FRESH" ONISHI
Council Member
District 3



PHONE: (808) 961-8396
FAX: (808) 961-8912
EMAIL: donishi@hawaiicounty.gov

COPY

HAWAI'I COUNTY COUNCIL

County of Hawai'i
25 Aupuni Street
Hilo, Hawai'i 96720

August 18, 2016

Hawai'i State Association of Counties
200 South High Street
Wailuku, Maui, Hawai'i 96793

Re: 2016 Hawai'i State Association of Counties Annual Conference Report

Aloha HSAC Executive Committee Members:

On behalf of the 2016 HSAC Conference Committee, I would like to extend our sincere appreciation to all of the counties in making this conference a success.

The conference was held at the Sheraton Kona Resort and Spa at Keauhou Bay, on June 22-24, 2016, and the theme was *Wind, Waves, and Fire . . . Counties on the Forefront, Supporting resilient communities in Hawai'i*. The conference featured speakers from the National Weather Service, the Oceanography Department at the University of Hawai'i at Manoa, and the Hawai'i Volcano Observatory; and ended with our county panel of leaders from Civil Defense, Fire, Police, Planning and Public Works.

In addition to the golf tournament, we offered an optional field trip which included a helicopter tour; unfortunately, it was cancelled. The signup in the beginning was very slow and we were not certain if we could meet the minimum requirement before the deadline. It is possible that the cost may have been a factor as to the lack of interest.

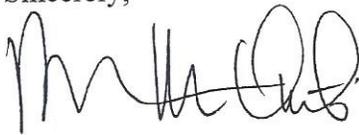
In our attempt to put forward the best conference, we hired conference coordinators from the University of Hawai'i at Hilo Conference Center. Unfortunately, they did not fulfill their responsibilities in a timely manner and they chose to terminate our contract mid-way through. While working with them, we experienced many disappointments - late confirmation of speakers, late online registration/website, lack of commitment and communication. These factors may have resulted in the low attendance.

In total, we had a 163 registered conference attendees and 60 golf participants. The number of conferees included complimentary sponsors and waived registration. A detailed registration report is attached. As a side note, after selected our conference dates, we discovered that there were several other conferences being held during the same time.

We received a total income of \$100,425.31, incurred expenses of \$86,269.88, for a net profit of \$14,155.43. Registration accounted for about 30 percent of the income, golf proceeds about 10 percent, and 60 percent came from sponsorships and donations. A financial report is attached.

Despite the challenges, I believe the conference was a success.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Onishi". The signature is fluid and cursive, with a large initial "D" and "O".

Dennis "Fresh" Onishi

Attachment

2016 HSAC ANNUAL CONFERENCE

REVENUE:

REGISTRATION:

Early Government Registration @ \$250	57	\$14,250.00
Late Government Registration @ \$300	20	\$6,000.00
Early Non-Government Registration @ \$300	20	\$6,000.00
Late Non-Government Registration @ \$350	10	\$3,500.00
One Day Registration @ \$150	5	\$750.00
Guest Reception @ \$70	2	\$140.00
Guest Banquet @ \$110	4	\$440.00
Grand Total		<u>\$31,080.00</u>

LESS REFUNDS:

Refunds Issued for Registration		(\$1,275.00)
ADD PAYPAL FEES REFUND:		\$55.68

SPONSORSHIPS, ADS & DONATIONS:

Sponsorships, Ads, & Donations		\$49,925.00
Hawaii County Advance		\$10,000.00
Refund from Sheraton Kona Resort		\$5,010.93
Carryover from Golf Tournament		<u>\$5,628.70</u>

GRAND TOTAL REVENUE \$100,425.31

EXPENSES:

Hotel Food Services:		\$56,752.83
Hotel Audio Visual:		\$4,157.27
Hotel Fees:		\$622.31
Hotel Initial Deposit		(\$2,500.00)
Program Booklet Graphics Layout:		\$390.00
Conference Supplies - Banners:		\$265.62
Coordination Fee - UH:		\$10,000.00
Program Speaker Expenses:		\$183.94

Miscellaneous Expenses:		\$6,397.91
Hawaii County Reimbursement:		<u>\$10,000.00</u>

Grand Total Expenses: \$86,269.88

PROFIT/LOSS \$14,155.43

PROCEEDS TO HSAC

2016 HSAC GOLF TOURNAMENT

REVENUE:

Green Fees & Sponsorships:	<u>\$7,820.00</u>
Total	<u>\$7,820.00</u>

EXPENSES:

Golf Expenses	\$2,132.50
Golf Supplies	<u>\$58.80</u>
Total	<u>\$2,191.30</u>

Profit/Loss \$5,628.70

Proceeds to HSAC



**HAWAII STATE ASSOCIATION OF COUNTIES (HSAC)
Media Communications Strategy/Timeline
(September 2016 – May 2017)**

OVERARCHING POSITIONING STATEMENT:

During each legislative session, the Hawaii State Association of Counties (HSAC) submits measures in hopes of improving the quality of life for residents across the state. All measures presented before this upcoming legislative session are meant to provide the following:

- Maximize the effectiveness and performance of the county governments;
- Enhance the fiscal health of our county-level governments, and in turn;
- Benefit the taxpayers by avoiding the need for future increased taxes and user fees to make up for unnecessary deficits.

GOALS:

1. Lobby the state Legislature to approve HSAC-related measures
2. Build groundswell of public support using a variety of communications tactics
3. Enable and encourage public advocacy among existing supporters
4. Attain our legislative goals as ONE entity; not allowing outside forces to divide and conquer us

TOP LEGISLATIVE PRIORITIES:

Here are the top four priority issues as determined by HSAC:

1) TAT Distribution Between State and Counties

Over the past several years, HSAC has sought a more equitable distribution of the transient accommodations tax (TAT) between the state and counties. While this past session settled on a \$103 million hotel tax portion for the counties, HSAC is seeking a higher and fairer share for the four counties.

From the start of the next year's legislative session to its conclusion, HSAC needs to educate and update the media and general public on why it is important the four counties receive a larger share of the TAT funding to help subsidize costs as related to tourism.

HSAC needs to show how our local visitor industry rely on the counties to maintain ocean safety, beaches and parks, public safety, public transportation and the overall maintenance of our islands' natural beauty, the costs to those amenities, as well as combined costs for fire and police protection have increased dramatically.

Along with more widespread publicity on the issue, HSAC needs to get across two major points:

- Many of the general public have difficulty differentiating between the two levels of government (state and city) and the services that each provides.
- Refocus on the 2014 working study group on the TAT revenue distribution that recommends the Legislature provide a fairer 55-45 split between the state and counties. Legislature decided not to revive the working group this past session to revisit the issue.

2) Sunset of Beach Liability Law

The purpose of this measure is to ensure the civil liability protection for (1) government agencies regarding their duty to warn of dangers on improved public lands; and (2) county lifeguards by repealing sunset provisions.

While the law has been in effect for more than a decade since the enactment of Act 170 (2002), HSAC would like to see this become permanent.

3) Changes to the Sunshine Law

4) Collective Bargaining

TIMING	ACTIVITY / DESCRIPTION
<p>September 2016</p> <p>(Determination of legislation for submittal during 2017 session)</p>	<p>Legislative Deadlines:</p> <ul style="list-style-type: none"> • Sept. 9 – Counties send proposed legislation to HSAC for review • Sept. 25 – HSAC sends draft legislative package back to counties for review and approval (deadline for final approval of packages by counties on Nov. 25) <p>Press Kit:</p> <p>Begin developing press kit with following items:</p> <ul style="list-style-type: none"> • Fact sheet on organizational background, priorities • Key Message Points (background only) • White papers on key legislative measures • Recent HSAC press coverage • Recent HSAC press releases <p>Community Outreach:</p> <p>Determine organizations/business groups/unions to reach out to regarding speaking engagements and potential support for HSAC-related legislation:</p> <ul style="list-style-type: none"> • Chambers of Commerce (COC) <ul style="list-style-type: none"> ○ COC of Hawaii ○ Hawaii Island COC ○ Maui COC ○ Kauai COC • Major business associations on each island • Hotel industry <ul style="list-style-type: none"> ○ Hawaii Tourism Authority ○ Hawaii Lodging and Tourism Association

	<ul style="list-style-type: none"> • Unions <ul style="list-style-type: none"> ○ HGEA ○ UPW ○ HSTA ○ SHOPO ○ Hawaii Fire Fighters Association <p>Online Marketing and Communications:</p> <ul style="list-style-type: none"> • Monthly E-Blast <ul style="list-style-type: none"> ○ Draft editorial calendar for 2017 legislative session • Website <ul style="list-style-type: none"> ○ Draft text for upcoming legislative session • Facebook <ul style="list-style-type: none"> ○ Work with four counties on social media plan
<p>October 2016</p> <p>(Continual planning and scheduling)</p>	<p>Legislative Deadlines:</p> <p>Editorial Solicitation:</p> <ul style="list-style-type: none"> • Begin scheduling editorial board meetings for December • Confirm speaking engagements to begin in late November/early December <p>Community Outreach:</p> <ul style="list-style-type: none"> • Continue scheduling of speaking engagements prior to session <p>Online Marketing and Communications:</p> <ul style="list-style-type: none"> • Monthly E-Blast • Website • Facebook
<p>November 2016</p>	<p>Legislative Deadlines:</p> <ul style="list-style-type: none"> • Nov. 25 – Deadline for final approval of HSAC legislative package by counties <p>Speaking engagements (late November-early January)</p> <ul style="list-style-type: none"> • Following final approval of legislative agenda, begin speaking engagements with respective Chamber of Commerce, business organizations and unions on each island <p>Editorial Solicitation:</p> <ul style="list-style-type: none"> • Finalize schedule for editorial board meetings/media briefings <p>Online Marketing and Communications:</p> <p>Draft article on HSAC package and how third-parties can show support during session:</p> <ul style="list-style-type: none"> • Monthly E-Blast • Website • Facebook

<p>December 2016</p> <p>(Pre-Legislative Session Coverage)</p>	<p>Legislative Deadlines:</p> <p>Editorial Solicitation/Scheduled Coverage:</p> <p>Interviews with respective neighbor island newspapers before the session (Early January):</p> <ul style="list-style-type: none"> • Big Island (Hawaii Tribune-Herald, West Hawaii Today) • Maui (Maui News) • Kauai (The Garden Island) <p>Line up potential signees for letters to editor throughout session</p> <p>Press Release:</p> <ul style="list-style-type: none"> • Finalize HSAC legislative press release for internal approval <p>Online Marketing and Communications:</p> <ul style="list-style-type: none"> • Monthly E-Blast <ul style="list-style-type: none"> ○ Draft text on upcoming HSAC-related legislation for early January release • Website • Facebook
<p>January 2017</p> <p>(Beginning of Legislative Session)</p>	<p>Legislative Deadlines/Benchmarks:</p> <ul style="list-style-type: none"> • January 18: Opening Day • January 20: Non-Administration Bill Package Cutoff <p>Suggested strategy on county-related legislation NOT submitted by HSAC:</p> <ul style="list-style-type: none"> • Review all bills to identify those that would potentially affect its members and their interests • Determine HSAC's position on all bills. Stances may include support, support with reservations, support the intent, and oppose. • Draft testimony in preparation for bills' first hearings <ul style="list-style-type: none"> ○ Approved testimony for HSAC's submission will serve as the basis for language in advocate call-to-action testimony ○ Testimony will be revised to reflect changes as the bills move through the session • Consider potential external communications needs to support HSAC's legislative priorities or key bills, such as: <ul style="list-style-type: none"> ○ Key message development ○ Draft standby statements to issue proactively or in response to issues ○ Op-Ed placement in select media outlets

Once bills are scheduled for hearing, the following should occur:

- Within 2 hours of receiving hearing notification:
 - Draft advocate testimony in alignment with HSAC's position for group approval
- Within 2 hours of group approval:
 - Approve testimony provided upload into online advocacy tool
 - Distribute email to advocacy database with details including:
 - Bill No. and Title
 - Name of Committee
 - Date and time of hearing
 - HSAC's position on the bill
 - Submission deadline
 - Draft testimony for advocate's use
- Within 24 hours after bill hearing:
 - Email advocates status of bill and next step in process (i.e. Bill No. 123 passes House Finance committee with amendments, Bill No. 234 did not pass out of Senate Ways and Means committee, Bill No. 456 passes House Agriculture committee, moves to floor for 3rd reading, etc.)

Editorial Solicitation:

Hold editorial board meeting/briefings with Oahu media publications covering legislative session (early January):

Suggested Media Organizations for Editorial Board Meetings:

- Honolulu Star-Advertiser (Lucy Young-Oda, Kevin Dayton, Sophie Cocke)
- Hawaii Public Radio (Wayne Yoshioka)
- Civil Beat (Nathan Eagle)
- Pacific Business News (Kam Napier)

Benefits of Meeting with the Editorial Board:

- They could assign a story to a reporter about topics discussed at the meeting.
- They will come away from this meeting with a better understanding of HSAC's priorities.
- It will improve the lines of communication between the two parties and provide an opportunity to gain a better understanding of the media's needs and deadlines.
- They are less likely to publish future stories about the topic without first reaching out to get our reaction.
- The editors might even be motivated to write an editorial about topics discussed.

	<p>Potential appearances on the following media outlets:</p> <ul style="list-style-type: none"> • KHON2 “Wake Up 2Day” • Hawaii Public Radio’s “The Conversation” • Hawaii News Now’s “Sunrise” show <p>Press conference/media availability at HSAC Open House</p> <ul style="list-style-type: none"> • Also make HSAC members available to media during first week of Legislative session (Jan. 16-20) <p>Op-ed on HSAC legislative package to respective island newspapers</p> <ul style="list-style-type: none"> • Distribute op-ed during first week of legislative session, Jan. 16 -20 <p>Press Release:</p> <ul style="list-style-type: none"> • Also release HSAC legislative agenda/objectives release during first week of 2017 legislative session <p>Letters To Editor:</p> <ul style="list-style-type: none"> • Start drafting third-party letters to editors <p>Online Marketing and Communications:</p> <ul style="list-style-type: none"> • E-Blast to HSAC members/constituents/third-party supporters • Website <ul style="list-style-type: none"> ○ Upload legislative package to website • Facebook <ul style="list-style-type: none"> ○ Counties FB link to HSAC website
<p>February 2017</p>	<p>Legislative Deadlines/Benchmarks: Mid-February – First Lateral</p> <p>Editorial Solicitation:</p> <ul style="list-style-type: none"> • Begin assigning letters to editors to third-parties for submission <p>Online Marketing and Communications (Photos of HSAC members testifying):</p> <ul style="list-style-type: none"> • Monthly E-Blast • Website • Facebook
<p>March 2017 (Mid-session)</p>	<p>Legislative Deadlines/Benchmarks:</p> <ul style="list-style-type: none"> • Mid-March – Budget Decking, Budget Crossover <p>Editorial Solicitation:</p> <ul style="list-style-type: none"> • Make HSAC members available to media during committee hearings • Have third-party submit letters to editor during budget crossover <p>Online Marketing and Communications (Mid-Session Update):</p> <ul style="list-style-type: none"> • Monthly E-Blast • Website • Facebook

<p>April 2017 (Crossover periods)</p>	<p>Legislative Deadlines/Benchmarks</p> <ul style="list-style-type: none"> • Early April – First crossover period • Mid-April – Second crossover period <p>Editorial Solicitation:</p> <ul style="list-style-type: none"> • Make HSAC members available to media during committee hearings • Have third-party supporters submit letters to editor during crossover periods <p>Online Marketing and Communications (Legislative Update):</p> <ul style="list-style-type: none"> • Monthly E-Blast • Website • Facebook
<p>May 2017 (Final vote on legislative measures, wrap-up of legislative session)</p>	<p>Legislative Deadlines/Benchmarks:</p> <ul style="list-style-type: none"> • May 3 – Adjournment Sine Die <p>Editorial Solicitation:</p> <ul style="list-style-type: none"> • Provide op-ed to each island daily newspapers at end of 2017 legislative session on HSAC progress report <p>Online Marketing and Communications (Legislative update and thank you to our supporters):</p> <ul style="list-style-type: none"> • Monthly E-Blast • Website • Facebook

#

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

www.hicounties.com



September 19, 2016

Councilmember Michael P. Victorino, President
Hawaii State Association of Counties
200 S. High Street, 8th Floor
Wailuku, HI, 96793

Dear President Victorino:

SUBJECT: TREASURER'S REPORT FOR AUGUST 2016

Attached please find a report of the Association's revenues and expenses for the period of August 1, 2016 to August 31, 2016.

Malama Pono,

Ikaika Anderson
HSAC Treasurer

Attachment

Treasurer's Report for August 2016

HSAC started the month of August with a balance of \$196,270.25, expended \$5,686.52 and we ended the month of August with a balance of \$190,587.03.

Hawaii State Association of Counties
REVENUES COLLECTED AND EXPENSES PAID
 Period: August 1, 2016 through August 31, 2016

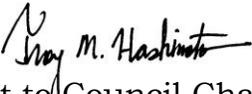
BEGINNING BALANCE				\$196,270.25
	Current Period August	FY 2017 Year to Date	FY 2017 Budget	
REVENUES				
Membership Fees	\$0.00	\$0.00	\$43,680.00	
Conference Income	\$0.00	\$0.00	\$15,000.00	
Interest Income	\$0.00	\$0.00	\$28.00	
Corporate Sponsorship	\$0.00	\$0.00	\$0.00	
Miscellaneous	\$3.30	\$6.64	\$0.00	
NACo Prescription Drug	\$0.00	\$794.00	\$6,000.00	
Fund Balance, prior FY		\$0.00	\$107,164.00	
Total	\$3.30	\$800.64	\$171,872.00	
Total Receipts This Period				\$3.30
EXPENSES				
Executive Committee Travel-Air, Ground, Lodging & Membership	\$225.49	\$1,043.27	\$17,500.00	
Auditing Services	\$0.00	\$0.00	\$5,000.00	
Stationery	\$0.00	\$205.75	\$150.00	
Miscellaneous	\$0.00	\$426.15	\$2,000.00	
Online Quickbooks Monthly Fee	\$41.55	\$83.10	\$500.00	
Special Committees				
Travel	\$0.00	\$0.00	\$500.00	
Miscellaneous	\$0.00	\$0.00	\$100.00	
NACo				
Board Travel-Air, Ground, and Lodging	\$3,906.54	\$3,906.54	\$20,000.00	
Steering Committees Travel-Air ,Ground & Lodging	\$0.00	\$0.00	\$6,000.00	
Promotional	\$0.00	\$0.00	\$250.00	
Dues	\$0.00	\$0.00	\$27,268.00	
Miscellaneous	\$778.09	\$778.09	\$1,000.00	
WIR				
WIR Travel-Air, Ground and Lodging	\$0.00	\$0.00	\$10,500.00	
WIR Promotional	\$0.00	\$0.00	\$0.00	
WIR Dues	\$0.00	\$0.00	\$3,804.00	
WIR Miscellaneous	\$0.00	\$0.00	\$1,000.00	
WIR 2015 Conference	\$0.00	\$0.00	\$0.00	
OTHER				
Adjustments for Travel and Related Expenses	\$0.00	\$0.00	\$6,295.00	
National Conference Fund	\$0.00	\$0.00	\$44,000.00	
Prescription Drug Scholarship Program	\$0.00	\$0.00	\$6,500.00	
County Leadership Institute Attendee	\$0.00	\$0.00	\$3,000.00	
Prescription Drug Promotion	\$0.00	\$0.00	\$5,000.00	
HSAC Promotion	\$734.85	\$734.85	\$11,505.00	
Total	\$5,686.52	\$7,177.75	\$171,872.00	
Total Expenses This Period				\$5,686.52
ENDING BALANCE				\$190,587.03

September 1, 2016

MEMO TO: Mike White
Maui County Council Chair and WIR Board Member

Daniel K. Paleka, Jr.
Hawaii County Councilmember and WIR Board Member

FOR
TRANSMITTAL TO: Hawaii State Association of Counties Executive Committee

F R O M: Troy N. Hashimoto 
Executive Assistant to Council Chair Mike White

SUBJECT: **REPORT ON THE WESTERN INTERSTATE REGION
("WIR") BOARD OF DIRECTORS MEETING AT THE 2016
NACO CONFERENCE**

On your behalf, I attended and observed the Western Interstate Region Board of Directors meeting held at the 2016 NACo Conference.

Various presentations were held focusing on western states. They included:

Introduction to the Western Partnership Center Proposal

- A model to collaborate with Federal, State and Local government officials to work on common issues. The presentation focused on how a community in Oregon identified solutions for rural communities that addressed environmental, economic and social needs. It was emphasized that an assessment should be done beforehand to identify whether federal, state, and local collaboration can have a measurable impact. It was also suggested that collaboration with a University can be key to making collaboration a success, along with reliable staff.

Increasing Intergovernmental Partnerships with Native American Communities

- The New Mexico Association of Counties established a Native American Committee to address the interdependent relationships between counties and Native American communities and broaden the understanding of roles, relationships, responsibilities and resources of counties and tribes. Hawaii may be able to learn from these efforts in the future depending on the recognition of Native Hawaiian governments.

September 1, 2016

Page 2

America's Ports: Taking Western Products to Global Markets

- A presentation was made by the Port of Long Beach on how America's port system works as a part of our nation's transportation infrastructure. 40 percent of all cargo in the United States goes through the Port Los Angeles and the Port of Long Beach. Due to competition and the desire to fill ships to capacity, four alliances were formed to move cargo. The largest exports out of the ports are scrap paper products, scrap metal and agricultural products. The largest import is furniture. Both the Port of Los Angeles and Long Beach operate under their respective city and must continually invest in their infrastructure due to increased worldwide competition.

Economic Development for Western Counties

- Mark Lautman of Lautman Economic Architecture discussed ensuring long-term community economic stability and growth amidst fluctuating markets and resources. He stated that it is important to grow economies faster than the population and that long-term success will not come from growing the service sector. It is important for governments to strategically plan the influence on how economies grow and develop. Data collection is important to drive the development of industries and ultimately jobs.

Western Governors Association

- Jim Ogsbury, Executive Director, provided updates on WGA activities. He reported that Joel Bousman represented WIR at WGA's recent meeting and through discussions, it was determined that WGA and WIR are working on very similar initiatives. Collaboration is the key for the future and they encouraged NACo to become a sponsor of their future conferences. Their new chair is the Montana governor and vice-chair from South Dakota.

Informal discussions continue to take place with various state associations on the expansion of WIR. The state that is most interested is Texas, but no formal proposal has been presented.

If you have any questions, please do not hesitate to contact me.

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura

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OFFICE OF THE
COUNTY CLERK



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

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

August 5, 2016

Michael Victorino, President
and Executive Committee Members
Hawaii State Association of Counties
200 South High Street
Wailuku, Hawaii 96793

Dear President Victorino and Executive Committee Members:

**RE: PROPOSALS FOR INCLUSION IN THE 2017 HSAC
LEGISLATIVE PACKAGE**

At its meeting on August 3, 2016, the Kauai County Council approved the following proposals for inclusion in the 2017 Hawaii State Association of Counties (HSAC) Legislative Package:

1. "A Bill for An Act Relating to Tort Liability," which deletes the sunset provision for the liability exceptions for county lifeguards.
2. "A Bill For An Act Relating to Unadjudicated Traffic Fines," which transfers certain fines and forfeitures collected for uncontested traffic infractions to the counties.
3. "A Bill For An Act Relating to Civil Service and Exemptions," which exempts from civil service, positions of non-elected chief executive officers or heads of the executive branch of county governments.
4. "Making An Appropriation For Emergency Medical Services," which appropriates moneys to the Department of Health for FY 2017-2018 for a 24-hour, 7-days-a-week ambulance unit for the County of Kauai.

Your consideration of the attached proposals for inclusion in the 2017 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 (808) 241-4188.

Sincerely,

MEL RAPOZO
Council Chair, Kauai County Council

AMK:lc
Attachments

____.B. NO. _____

A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1 SECTION 1. Act 170, Session Laws of Hawai'i 2002, as amended by
2 section 4 of Act 152, Session Laws of Hawaii 2007, as amended by section 2 of
3 Act 81, Session Laws of Hawai'i 2009, as amended by section 1 of Act 98, Session
4 Laws of Hawai'i 2014, is amended by amending section 5 to read as follows:

5 "SECTION 5. This Act shall take effect upon its approval. [~~provided that~~
6 ~~section 1 of this Act shall be repealed on June 30, 2017]."~~

7 SECTION 2. Statutory material to be repealed is bracketed and
8 stricken.

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

10

11

INTRODUCED BY: _____

____.B. NO. _____

Report Title:
State and County Tort Liability

Description:
Deletes the sunset provision for the liability exceptions for county lifeguards.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

A BILL FOR AN ACT

RELATING TO UNADJUDICATED TRAFFIC FINES.

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

1 SECTION 1. Chapter 291C, Hawai'i Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . TRANSMITTAL OF TRAFFIC FINES**
5 **AND FORFEITURES TO COUNTIES**

6 **§291C-A Definitions.** As used in this part, unless the
7 context clearly requires otherwise:

8 "Traffic infractions" means the same as defined under
9 section 291D-2.

10 "Uncontested traffic infraction" means a traffic infraction
11 for which the person noticed under section 291D-5 does not
12 contest the infraction. A person "does not contest" an
13 infraction if, in accordance with section 291D-6(b)(1), the
14 person admits the commission of the infraction without
15 requesting a hearing to explain mitigating circumstances and
16 pays or remits bail forfeiture by mail, via the Internet, or by
17 telephone within thirty days.

____.B. NO. _____

1 **§291C-B Transmittal of fines and forfeitures from July 1,**
2 **2017.** (a) Beginning July 1, 2017, the director of finance
3 shall transmit to each county, not more than thirty days after
4 the end of each fiscal quarter, all the fines and forfeitures
5 collected for uncontested traffic infractions committed in that
6 county that are in excess of amounts required by the State to
7 pay the administrative costs of the traffic violations bureau.
8 The fines and forfeitures shall be directed to the county in
9 which the citations were issued. This section shall not
10 apply to:

11 (1) Fines and forfeitures for violations that occur on
12 state off-street parking facilities, parks, airports,
13 and harbors that are subject to enforcement by the
14 State; and

15 (2) Fines and forfeitures that are required by law to be
16 paid into a special, revolving, or trust fund.

17 No county shall be entitled to any portion of the fines and
18 forfeitures described in this subsection."

19 SECTION 2. Section 291C-171, Hawai'i Revised Statutes,
20 is amended by amending subsection (a) to read as follows:

21 "(a) All fines and forfeitures collected upon conviction or
22 upon the forfeiture of bail of any person charged with a

____.B. NO. _____

1 violation of any section or provision of the state traffic laws
2 and all assessments collected relating to the commission of
3 traffic infractions shall be paid to the director of finance of
4 the State. The judiciary shall identify those fines paid for
5 uncontested traffic infractions as defined in section 291C-A.
6 The disposition of fines and forfeitures paid to the director of
7 finance shall be subject to sections 291C-B."

8 SECTION 3. In codifying the new sections added by
9 section 1 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2017.

14

15

INTRODUCED BY: _____

16

Report Title:

Unadjudicated Traffic Fines; Transfer to Counties

Description:

Transfers certain fines and forfeitures collected for uncontested traffic infractions to the counties

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

PROPOSER: Hawai'i State Association of Counties (HSAC) & County of Kaua'i

TITLE: A Bill for an Act Relating to Civil Service and Exemptions

PURPOSE: This proposed Bill for an Act exempts from civil service, positions of non-elected chief executive officers or heads of the executive branch of county government.

MEANS: Amends Section 76-77 of the Hawai'i Revised Statutes (HRS)

JUSTIFICATION: The Kaua'i County Council and Maui County Council have received public testimony requesting the opportunity to vote on a Council-Manager form of government to replace the current "strong mayor" structure. The State Attorney General, Kaua'i County Attorney, and others, have suggested amendments to state law to exempt a county manager or other non-elected executive branch head from the purview of civil service. This would enable the introduction of county charter amendments based on the International City/County Management Association (ICMA) Model Charter best practices for a county manager hired "for an indefinite term" and removed at the discretion of the County Council.

A BILL FOR AN ACT

RELATING TO CIVIL SERVICE AND EXEMPTIONS.

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

1 SECTION 1. Section 76-77, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§76-77 Civil service and exemptions. The civil service to
4 which this part applies comprises all positions in the public
5 service of each county, now existing or hereafter established,
6 and embraces all personal services performed for each county,
7 except the following:

8 (1) Positions in the office of the mayor; provided that the
9 positions shall be included in the classification systems;

10 (2) Positions of officers elected by public vote, positions
11 of non-elected chief executive officers or heads of the
12 executive branch of county government, positions of heads
13 of departments, and positions of one first deputy or first
14 assistant of heads of departments;

15 (3) Positions of deputy county attorneys, deputy
16 corporation counsel, deputy prosecuting attorneys, and law
17 clerks;

____.B. NO. _____

1 (4) Positions of members of any board, commission, or
2 agency;

3 (5) Positions filled by students; positions filled through
4 federally funded programs which provide temporary public
5 service employment such as the federal Comprehensive
6 Employment and Training Act of 1973; and employees engaged
7 in special research or demonstration projects approved by
8 the mayor, for which projects federal funds are available;

9 (6) Positions of district judges, jurors, and witnesses;

10 (7) Positions filled by persons employed by contract where
11 the personnel director has certified that the service is
12 special or unique, is essential to the public interest, and
13 that because of the circumstances surrounding its
14 fulfillment, personnel to perform the service cannot be
15 recruited through normal civil service procedures; provided
16 that no contract pursuant to this paragraph shall be for
17 any period exceeding one year;

18 (8) Positions of a temporary nature needed in the public
19 interest where the need does not exceed ninety days;
20 provided that before any person may be employed to render
21 temporary service pursuant to this paragraph, the director
22 shall certify that the service is of a temporary nature and

____.B. NO. _____

1 that recruitment through normal civil service recruitment
2 procedures is not practicable; and provided further that
3 the employment of any person pursuant to this paragraph may
4 be extended for good cause for an additional period not to
5 exceed ninety days upon similar certification by the
6 director;

7 (9) Positions of temporary election clerks in the office of
8 the county clerk employed during election periods;

9 (10) Positions specifically exempted from this part by any
10 other state statutes;

11 (11) Positions of one private secretary for each department
12 head; provided that the positions shall be included in the
13 classification systems;

14 (12) Positions filled by persons employed on a fee,
15 contract, or piecework basis who may lawfully perform their
16 duties concurrently with their private business or
17 profession or other private employment, if any, and whose
18 duties require only a portion of their time, where it is
19 impracticable to ascertain or anticipate the portion of
20 time devoted to the service of the county and that fact is
21 certified by the director;

____.B. NO. _____

1 (13) Positions filled by persons with a severe disability
2 who are certified by the state vocational rehabilitation
3 office as able to safely perform the duties of the
4 positions;

5 (14) Positions of the housing and community development
6 office or department of each county; provided that this
7 exemption shall not preclude each county from establishing
8 these positions as civil service positions;

9 (15) The following positions in the office of the
10 prosecuting attorney: private secretary to the prosecuting
11 attorney, secretary to the first deputy prosecuting
12 attorney, and administrative or executive assistants to the
13 prosecuting attorney; provided that the positions shall be
14 included in the classification systems; and

15 (16) Positions or contracts for personal services with
16 private persons or entities for services lasting no more
17 than one year and at a cost of no more than \$750,000;
18 provided that the exemption under this paragraph shall
19 apply to contracts for building, custodial, and grounds
20 maintenance services with qualified community
21 rehabilitation programs, as defined in section 103D-1001,

____.B. NO. _____

1 lasting for no more than a year and at a cost of no more
2 than \$850,000.

3
4 The director shall determine the applicability of this
5 section to specific positions and shall determine whether or not
6 positions exempted by paragraphs (7) and (8) shall be included
7 in the classification systems.

8 Nothing in this section shall be deemed to affect the civil
9 service status of any incumbent private secretary of a
10 department head who held that position on May 7, 1977."

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY: _____

Report Title:

Civil Service Law; Civil Service and Exemptions

Description:

Exempts from civil service positions of non-elected chief executive officers or heads of the executive branch of county government.

A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES.

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

1 SECTION 1. The purpose of this Act is to appropriate funds
2 to the department of health for the purchase of an ambulance
3 vehicle and the operational costs for one ambulance unit,
4 including equipment, supplies, and personnel costs for
5 state-certified emergency medical services personnel, for a
6 twenty-four-hour, seven-days-a-week, ambulance unit for the
7 county of Kaua'i.

8 SECTION 2. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2017 - 2018 for the
11 purchase of an ambulance vehicle and the operational costs for
12 one ambulance unit, including equipment, supplies, and personnel
13 costs for state-certified emergency medical services personnel,
14 for a twenty-four-hour, seven-days-a-week, ambulance unit for
15 the county of Kaua'i.

16 The sum appropriated shall be expended by the department of
17 health for the purposes of this Act.

____.B. NO. _____

1 SECTION 3. This Act shall take effect on July 1, 2017.

2

3

INTRODUCED BY: _____

4

Report Title:

Emergency Medical Services; County of Kauai; Appropriation

Description:

Appropriates moneys to the Department of Health for FY 2017-2018 for a 24-hour, 7-days-a-week, ambulance unit for the County of Kaua'i.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 100
HONOLULU, HAWAII 96813-3077
TELEPHONE: (808) 768-3810 • FAX: (808) 768-3835

GLEN I. TAKAHASHI
CITY CLERK

KIMBERLY L. RIBELLIA
DEPUTY CITY CLERK

September 8, 2016

RECEIVED
2016 SEP 16 PM 2:00
OFFICE OF THE
COUNTY COUNCIL

The Honorable Michael P. Victorino, President
Hawaii State Association of Counties, Executive Committee
c/o Kit Zulueta
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear President Victorino:

This is to inform you that the following Resolutions were adopted by the Council of the City and County of Honolulu at its meeting on Wednesday, September 7, 2016. As directed by the Resolutions, copies are attached for your information:

Resolution 16-237 Relating to the inclusion in the 2017 Hawaii State Association of Counties legislative package of a proposal that would mandate the State Department of Health to adopt and implement administrative rules to enforce residential and commercial noise standards, was adopted by the Council of the City and County of Honolulu on Wednesday, September 7, 2016.

Resolution 16-239 Relating to the inclusion in the 2017 Hawaii State Association of Counties legislative package of a proposal that would regulate operators of unmanned aircraft systems.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen I. Takahashi".

GLEN I. TAKAHASHI
City Clerk

mk

Attachments

RECEIVED

SUN FEB 19 6M 31 00

COMPTON COMPANY
OFFICE OF THE



RESOLUTION

RELATING TO THE INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD MANDATE THE STATE DEPARTMENT OF HEALTH TO ADOPT AND IMPLEMENT ADMINISTRATIVE RULES TO ENFORCE RESIDENTIAL AND COMMERCIAL NOISE STANDARDS.

WHEREAS, the Director of the State Department of Health ("DOH") administers Chapter 342F (Noise Pollution) of the Hawaii Revised Statutes ("HRS"); and

WHEREAS, HRS Section 342F-1 defines "pollution," for purposes of HRS Chapter 342F, as "excessive noise; and

WHEREAS, HRS Section 342F-1 further defines the term "excessive noise" as meaning:

[t]he presence of sound as measured by standard testing devices as established by the noise rules adopted by the department [of health] of a volume or in quantities and for durations which endangers human health, welfare or safety, animal life, or property or which unreasonably interferes with the comfortable enjoyment of life and property in the State or in such areas of the State as are affected thereby.

and

WHEREAS, in 1996, the DOH adopted Hawaii Administrative Rules, Title 11, Chapter 46, titled "Community Noise Control," which states that the purpose of the chapter is to:

[d]efine the maximum permissible sound levels, and to provide for the prevention, control, and abatement of noise pollution in the State from the following excessive noise sources: stationary noise sources; and equipment related to agricultural, construction, and industrial activities. It is also the purpose of this chapter to establish noise quality standards to protect public health and welfare, and to prevent the significant degradation of the environment and quality of life.

and



RESOLUTION

WHEREAS, the DOH has not adopted any current administrative rules to regulate residential and commercial noise in the State, except for noise from stationary sources and equipment; and

WHEREAS, the Council is often asked to address noise complaints in the community through legislation on the county level, but none of the county agencies or departments are sufficiently equipped or appropriately trained to respond to community noise control complaints on a local level; and

WHEREAS, the DOH has the authority, skill and equipment to prevent, control, and abate noise complaints in the State; and

WHEREAS, approval of all counties is required to include a proposal in the 2017 Hawaii State Association of Counties (HSAC) legislative package; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves, for inclusion in the 2017 HSAC legislative package, a proposal, attached as Exhibit A, that would, if enacted, mandate the Department of Health to adopt and implement administrative rules to enforce residential and commercial noise standards; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 16-237

RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the President of the Hawaii State Association of Counties.

INTRODUCED BY:

[Handwritten Signature]

DATE OF INTRODUCTION:

AUG 3 1 2016

Honolulu, Hawaii

Councilmembers

EXHIBIT A

____.B. NO.____

A BILL FOR AN ACT

1 RELATING TO NOISE CONTROL.

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

3 SECTION 1. Section 342F-31, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "342F-31 Rules; specific. (a) The director may establish by
6 rule:

7 (1) The control of vehicular noise; and

8 (2) Other specific areas for control of excessive noise,
9 thereby allowing for varying conditions.

10 (b) The director shall establish by rule the control of
11 residential and commercial noise."

12 SECTION 2. New statutory material is underscored.

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

14

15

INTRODUCED BY: _____

16

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Noise Control

PURPOSE: The proposed bill will require the Director of the Department of Health to adopt administrative rules to enforce residential and commercial noise standards.

MEANS: Amends Section 342F-31 of the Hawaii Revised Statutes ("HRS").

JUSTIFICATION: This proposed bill is necessary because the Department of Health has the power and authority under HRS Chapter 342F, to adopt rules to prevent, control, and abate noise complaints in the State, but has failed to do so. Residential and commercial noise complaints have been increasing and the Department of Health is unable to address those complaints since there are no administrative rules in place to address them.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 16-237

Introduced: 08/31/16 By: TREVOR OZAWA

Committee: COUNCIL

Title: RESOLUTION RELATING TO THE INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD MANDATE THE STATE DEPARTMENT OF HEALTH TO ADOPT AND IMPLEMENT ADMINISTRATIVE RULES TO ENFORCE RESIDENTIAL AND COMMERCIAL NOISE STANDARDS.

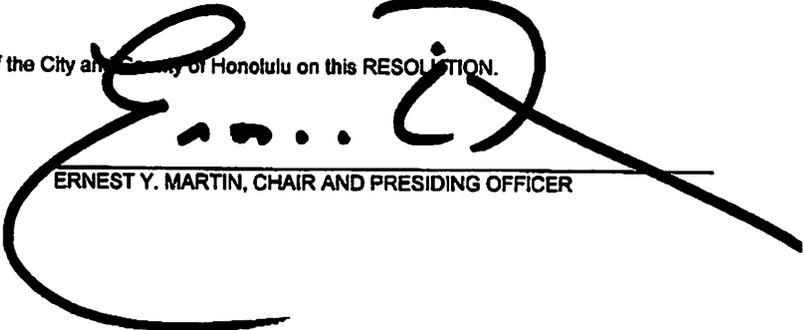
Voting Legend: * = Aye w/Reservations

09/07/16 COUNCIL RESOLUTION 16-237 WAS ADOPTED.
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN,
MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



RESOLUTION

RELATING TO THE INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD REGULATE OPERATORS OF UNMANNED AIRCRAFT SYSTEMS.

WHEREAS, unmanned aircraft systems, are becoming increasingly popular in Hawaii and the rest of the United States; and

WHEREAS, unmanned aircraft systems ("UAS", and hereinafter used in both singular and plural sentence construction), more popularly known as drones, are aircraft that are operated without an onboard human operator and include the aircraft's associated elements, such as communication links and ground-based components that control the unmanned aircraft; and

WHEREAS, UAS have a host of applications that may provide public benefits, including search and rescue operations, land surveillance, wildlife tracking, disaster response, targeted fertilizer application, invasive species detection and control, aerial photography and videography, and motor vehicle traffic management; and

WHEREAS, notwithstanding these benefits, UAS also have the capacity to monitor and track individuals' movements, store images and data, record phone and text communications, and take photographs and film individuals without regard to the distinction between public and private spaces, all of which present potential privacy concerns; and

WHEREAS, the U.S. government has exclusive sovereignty of the navigable airspace in the USA, and the Federal Aviation Administration ("FAA") is authorized to regulate aircraft in navigable airspace; and

WHEREAS, the FAA's Office of Chief Counsel has released a document entitled "State and Local Regulation of Unmanned Aircraft Systems Fact Sheet", dated December 17, 2015, that:

- **Provides guidance regarding the federal regulatory framework for use by states and local governments when considering proposed legislation or ordinances that would affect the use of UAS;**
- **Affirms that UAS are aircraft subject to regulation by the FAA to ensure flight safety and the safety of people and property on the ground; and**



RESOLUTION

- Acknowledges that laws traditionally related to state and local police power, including land use, zoning, privacy, trespass, and law enforcement operations, are generally not subject to federal regulations; and

WHEREAS, the FAA further states that it is within state and local government purview for such governments to enact certain UAS-related legislation, including legislation requiring police to obtain a warrant prior to using a UAS for surveillance, legislation prohibiting attaching firearms or similar weapons to UAS, or legislation specifying that UAS may not be used for voyeurism; and

WHEREAS, the Council finds that unmanned aircraft systems (drones) have already posed safety and privacy issues and concerns within our communities, including a nationally publicized incident on December 28, 2015 where a drone was intercepted flying near a Presidential motorcade on Oahu; and

WHEREAS, approval of all counties is required to include a proposal in the 2017 Hawaii State Association of Counties (HSAC) legislative package; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves, for inclusion in the 2017 HSAC legislative package, a proposal attached as Exhibit A, that would, if enacted, establish laws relating to unmanned aircraft systems that addresses traditional state and local police powers such as privacy, harassment, and voyeurism, which also ensures public safety; and



RESOLUTION

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the President of the Hawaii State Association of Counties.

INTRODUCED BY:

[Handwritten Signature]

DATE OF INTRODUCTION:

SEP 1 2016

Honolulu, Hawaii

Councilmembers

EXHIBIT A

S.B. NO.

1 "Department" means the department of commerce and consumer
2 affairs.

3 "Director" means the director of commerce and consumer
4 affairs.

5 "Operator" means any person using or operating an unmanned
6 aerial vehicle.

7 "Personal information" means all information that:

- 8 (1) Describes, locates, or indexes information or data
9 relating to a person, including but not limited to
10 physical location, social security number, driver's
11 license number, government-issued identification
12 number, student identification number, real or
13 personal property holdings identified in tax filings,
14 educational records, financial transactions, medical
15 history, ancestry, religious affiliation, political
16 ideology or affiliation, criminal record, or
17 employment history;
- 18 (2) Affords a basis for inferring personal
19 characteristics, such as facial recognition and other
20 biometric identification technology, fingerprints,
21 voiceprints, or photographs; or

S.B. NO.

1 (3) Indicates a person's membership in or association with
2 an organization, participation in an activity, or
3 admission or entrance to an institution or facility.

4 "Unmanned aerial vehicle" means a powered vehicle that does
5 not carry a human operator, uses aerodynamic forces to provide
6 vehicle lift, can fly autonomously or be piloted remotely, and
7 can be expendable or recoverable. "Unmanned aerial vehicle"
8 does not include a remote controlled airplane.

9 § -2 Powers and duties of the director. In addition to
10 any other powers and duties authorized by law, the director
11 shall:

- 12 (1) Adopt, amend, or repeal rules as the director deems
13 proper to fully effectuate this chapter;
- 14 (2) Impose a fine on an operator for any cause prescribed
15 by this chapter, or for any violation of this chapter
16 or any rule adopted pursuant to this chapter; and
- 17 (3) Investigate the use of any unmanned aerial vehicle
18 reported to be in violation of this chapter or any
19 rule adopted pursuant to this chapter.

20 § -3 Prohibited acts; penalty. (a) No person shall
21 operate an unmanned aerial vehicle:

S.B. NO.

- 1 (1) In violation of chapter 263 or any applicable federal
2 law and Federal Aviation Administration regulations
3 relating to the operation of unmanned aerial vehicles;
- 4 (2) Within five miles of an airport;
- 5 (3) Within five hundred feet of an emergency response
6 vehicle or first responder during an emergency, unless
7 the unmanned aerial vehicle is operated pursuant to
8 section -4 (b) ;
- 9 (4) To intentionally collect personal information or
10 intentionally publish or distribute personal
11 information acquired through the operation of an
12 unmanned aerial vehicle without express written
13 consent from the person whose personal information is
14 acquired;
- 15 (5) At an altitude higher than four hundred feet above
16 ground level;
- 17 (6) Outside the visual line of sight of the operator. The
18 operator shall use natural vision to maintain at all
19 times an unobstructed view of the unmanned aerial
20 vehicle without the use of vision enhancing devices,
21 including but not limited to binoculars, night vision

S.B. NO.

- 1 goggles, powered vision magnifying devices, or similar
2 devices;
- 3 (7) . In a manner that interferes with, or fails to give way
4 to, any manned aircraft;
- 5 (8) Whenever weather conditions impair the operator's
6 ability to safely operate the unmanned aerial vehicle;
- 7 (9) Over any open air assembly unit, school, school yard,
8 hospital, place of worship, prison, or police station
9 without the property owner's written consent and
10 subject to any restrictions that the property owner
11 may impose on the operation of the unmanned aerial
12 vehicle;
- 13 (10) (A) Within five hundred feet of any water intake
14 facility or any electric generating facility,
15 substation, or control center;
- 16 (B) Within one hundred feet of any electric
17 transmission facility; or
- 18 (C) Within twenty-five feet of any electric
19 distribution facility or of any overhead cable,
20 wire, conveyor, or similar equipment for the
21 transmission of sounds or signals, or of heat,

S.B. NO.

1 light, or power, or of data, upon or along any
2 public way within the city,
3 without the facility or equipment owner's written
4 consent and subject to any restrictions that the
5 facility or equipment owner may impose on the
6 operation of the unmanned aerial vehicle;
7 (11) While under the influence of any intoxicating liquor
8 as defined in section 281-1, intoxicating compound as
9 defined in section 712-1240, or other drug, or any
10 combination thereof;
11 (12) With the intent to use the unmanned aerial vehicle or
12 anything attached to it to cause harm to persons or
13 property;
14 (13) In a reckless or careless manner; or
15 (14) In violation of any federal or state law.
16 (b) All data and personal information collected through
17 the use of an unmanned aerial vehicle shall not be used or
18 repurposed for any purpose other than the original purpose for
19 which the data or personal information was collected.

S.B. NO.

1 (c) Any person who operates an unmanned aerial vehicle in
2 violation of this chapter shall pay a civil penalty of
3 \$ for each separate offense.

4 (d) All penalties collected by the department shall be
5 deposited into the compliance resolution fund under section
6 26-9(o) for the purpose of enforcing this chapter.

7 § -4 Prohibited uses by law enforcement agencies;
8 exceptions. (a) No law enforcement agency shall use an
9 unmanned aerial vehicle to gather evidence or other information
10 pertaining to criminal conduct or conduct in violation of a
11 statute, ordinance, or administrative rule without first
12 obtaining a warrant.

13 (b) Notwithstanding subsection (a) and in addition to the
14 authorized activities under section -5, a law enforcement or
15 public safety agency may deploy an unmanned aerial vehicle for
16 the following purposes:

17 (1) When there is a reasonable belief that an emergency
18 situation exists, whether or not the situation
19 involves criminal activity, and the use of an unmanned
20 aerial vehicle is necessary to prevent immediate

S.B. NO.

1 danger of death or serious physical injury to any
2 person;

3 (2) To conduct a search and rescue operation where the use
4 of an unmanned aerial vehicle is determined to be
5 necessary to alleviate an immediate danger to any
6 person;

7 (3) To respond to a hostage situation; or

8 (4) To conduct training exercises related to any of the
9 purposes in this subsection.

10 § -5 Public agency exceptions. Nothing in this chapter
11 shall prohibit the use of unmanned aerial vehicles by a public
12 agency:

13 (1) To conduct environmental or disaster response,
14 including but not limited to disaster relief, victim
15 recovery or search and rescue, and monitoring,
16 inspection, underwater repair, or structural damage
17 assessments;

18 (2) To dispose of a suspected or actual explosive device;

19 (3) To monitor plant or animal populations;

20 (4) To conduct atmospheric testing or monitoring;

21 (5) For farming and agricultural uses;

S.B. NO.

1 (6) To review traffic congestion and conditions;

2 (7) To survey or inspect public lands and property; or

3 (8) To survey the ocean and coastline.

4 § -6 Weapons; prohibited. In no case shall a person or
5 public agency equip an unmanned aerial vehicle with a weapon or
6 deploy an unmanned aerial vehicle that is equipped with a
7 weapon.

8 For the purpose of this section, "weapon" means any device
9 designed to harm or incapacitate a human being by use of a
10 projectile, explosive, biological or chemical agent,
11 electricity, visible or invisible directed energy, radiation, or
12 any other means.

13 § -7 Civil cause of action; remedies. (a) An
14 individual shall have a civil cause of action against any person
15 that collects, publishes, or distributes the individual's
16 personal information in violation of this chapter.

17 (b) In any civil action brought under this section, if the
18 court finds a violation, the court may award:

19 (1) Injunctive relief;

20 (2) Equitable relief;

21 (3) Compensatory damages;

S.B. NO.

1 (4) Punitive damages, except as prohibited by section
2 662-2;

3 (5) Costs of the action; and

4 (6) Reasonable attorney's fees."

5 SECTION 3. Chapter 711, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§711- Unmanned aerial vehicles; prohibited acts. (1)
9 It shall be unlawful for any person to intentionally, knowingly,
10 or recklessly use an unmanned aerial vehicle to record or
11 photograph a person in a private place without the consent of
12 the person for the purpose of spying on the person or invading
13 the privacy of another person with an unlawful purpose, under
14 circumstances in which a reasonable person in the private place
15 would not expect to be observed.

16 (2) Violation of this section is a misdemeanor. In
17 addition to any penalties the court may impose, the court may
18 order the destruction of any recording or photograph made in
19 violation of this section."

20 SECTION 4. Section 711-1100, Hawaii Revised Statutes, is
21 amended as follows:

S.B. NO.

1 1. By adding a new definition to be appropriately inserted
2 and to read:

3 "Unmanned aerial vehicle" means a powered vehicle that
4 does not carry a human operator, uses aerodynamic forces to
5 provide vehicle lift, can fly autonomously or be piloted
6 remotely, and can be expendable or recoverable."

7 2. By amending the definition of "record" to read:

8 "Record", for the purposes of sections 711-1110.9 [~~and~~],
9 711-1111, and 711-_____, means to videotape, film, photograph, or
10 archive electronically or digitally."

11 SECTION 5. Section 711-1110.9, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "(1) A person commits the offense of violation of privacy
14 in the first degree if, except in the execution of a public duty
15 or as authorized by law:

16 (a) The person intentionally or knowingly installs or
17 uses, or both, in any private place, without consent
18 of the person or persons entitled to privacy therein,
19 any device, including an unmanned aerial vehicle, for
20 observing, recording, amplifying, or broadcasting

S.B. NO.

1 another person in a stage of undress or sexual
2 activity in that place; or
3 (b) The person knowingly discloses an image or video of
4 another identifiable person either in the nude, as
5 defined in section 712-1210, or engaging in sexual
6 conduct, as defined in section 712-1210, without the
7 consent of the depicted person, with intent to harm
8 substantially the depicted person with respect to that
9 person's health, safety, business, calling, career,
10 financial condition, reputation, or personal
11 relationships; provided that:
12 (i) This paragraph shall not apply to images or
13 videos of the depicted person made:
14 (A) When the person was voluntarily nude in
15 public or voluntarily engaging in sexual
16 conduct in public; or
17 (B) Pursuant to a voluntary commercial
18 transaction; and
19 (ii) Nothing in this paragraph shall be construed to
20 impose liability on a provider of "electronic
21 communication service" or "remote computing

S.B. NO.

1 service" as those terms are defined in section
2 803-41, for an image or video disclosed through
3 the electronic communication service or remote
4 computing service by another person."

5 SECTION 6. Section 711-1111, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of violation of privacy
8 in the second degree if, except in the execution of a public
9 duty or as authorized by law, the person intentionally:

10 (a) Trespasses on property for the purpose of subjecting
11 anyone to eavesdropping or other surveillance in a
12 private place;

13 (b) Peers or peeps into a window or other opening of a
14 dwelling or other structure adapted for sojourn or
15 overnight accommodations for the purpose of spying on
16 the occupant thereof or invading the privacy of
17 another person with a lewd or unlawful purpose, under
18 circumstances in which a reasonable person in the
19 dwelling or other structure would not expect to be
20 observed;

S.B. NO.

- 1 (c) Trespasses on property for the sexual gratification of
2 the actor;
- 3 (d) Installs or uses, or both, in any private place,
4 without consent of the person or persons entitled to
5 privacy therein, any means or device, including an
6 unmanned aerial vehicle, for observing, recording,
7 amplifying, or broadcasting sounds or events in that
8 place other than another person in a stage of undress
9 or sexual activity;
- 10 (e) Installs or uses outside a private place any device,
11 including an unmanned aerial vehicle, for hearing,
12 recording, amplifying, or broadcasting sounds
13 originating in that place which would not ordinarily
14 be audible or comprehensible outside, without the
15 consent of the person or persons entitled to privacy
16 therein;
- 17 (f) Covertly records or broadcasts an image of another
18 person's intimate area underneath clothing, by use of
19 any device, including an unmanned aerial vehicle, and
20 that image is taken while that person is in a public
21 place and without that person's consent;

S.B. NO.

- 1 (g) Intercepts, without the consent of the sender or
2 receiver, a message or photographic image by
3 telephone, telegraph, letter, electronic transmission,
4 or other means of communicating privately; but this
5 paragraph does not apply to:
- 6 (i) Overhearing of messages through a regularly
7 installed instrument on a telephone party line or
8 an extension; or
- 9 (ii) Interception by the telephone company, electronic
10 mail account provider, or telephone or electronic
11 mail subscriber incident to enforcement of
12 regulations limiting use of the facilities or
13 incident to other operation and use;
- 14 (h) Divulges, without the consent of the sender or the
15 receiver, the existence or contents of any message or
16 photographic image by telephone, telegraph, letter,
17 electronic transmission, or other means of
18 communicating privately, if the accused knows that the
19 message or photographic image was unlawfully
20 intercepted or if the accused learned of the message

S.B. NO.

1 or photographic image in the course of employment with
2 an agency engaged in transmitting it; or

3 (i) Knowingly possesses materials created under
4 circumstances prohibited in section 711-1110.9."

5 SECTION 7. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 8. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 9. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Unmanned Aerial Vehicles

PURPOSE: The proposed bill will establish laws relating to the operation of unmanned aerial vehicles that complement federal rules and regulations.

MEANS: Creates a new chapter in the Hawaii Revised Statutes (HRS), creates a new section in HRS Chapter 711 HRS, Amends HRS Section 711-1110.9, and HRS Section 711-1111.

JUSTIFICATION: The proposed bill will establish laws relating to unmanned aerial vehicles to ensure privacy and public safety and prevent harassment and voyeurism.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 16-239

Introduced: 09/01/16 By: BRANDON ELEFANTE

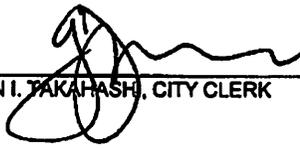
Committee: COUNCIL

Title: RESOLUTION RELATING TO THE INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD REGULATE OPERATORS OF UNMANNED AIRCRAFT SYSTEMS.

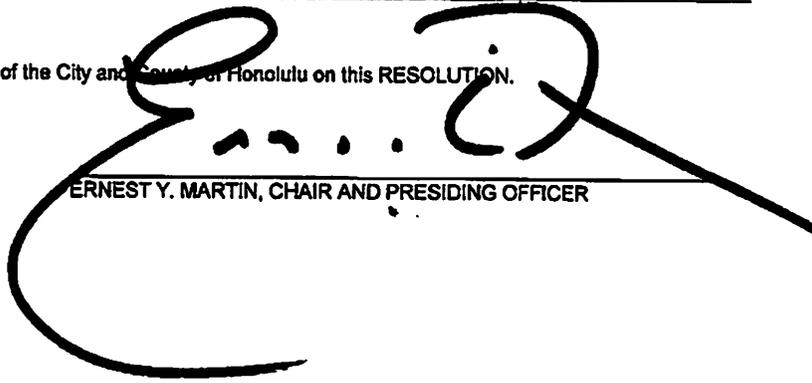
Voting Legend: * = Aye w/Reservations

09/07/16 COUNCIL RESOLUTION 16-239 WAS ADOPTED.
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN,
MENOR, OZAWA, PINE.

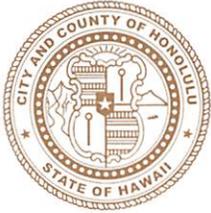
I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



TREVOR OZAWA
Councilmember – District IV
Phone: (808) 768-5004
Fax: (808) 768-1204
ccldistrict4@honolulu.gov
www.honolulu.gov/council/d4

RECEIVED

2016 SEP 14 PM 2:38

**OFFICE OF THE
COUNTY COUNCIL**

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

September 12, 2016

The Honorable Michael P. Victorino, President
Hawaii State Association of Counties, Executive Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear President Victorino:

I am hereby respectfully requesting that the Hawaii State Association of Counties Executive Committee support the inclusion of mandating the state Department of Health to adopt and implement administrative rules to enforce residential and commercial noise standards. I've introduced Resolution No. 16-237 here, at the Honolulu City Council, to support such an effort.

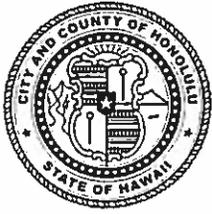
With increasing revitalization efforts and new commercial and residential projects, the character of many of our communities throughout our state is changing. As we undergo such revitalization efforts, government must be proactive in addressing and mitigating issues such as excessive noise that adversely impacts the quality of life for our residents and visitors. I receive noise-related complaints (e.g. excessively loud speakers being used to amplify sound/music in residential neighborhoods, sound that emanates from construction/industrial machines) on a routine basis. And unfortunately, addressing the issue of excessive noise in our communities, especially in residential neighborhoods is an extremely difficult task; no city agency or department is capable or has the resources to take on this task. As such, it's imperative that the counties work together with the state Department of Health, which is already tasked with addressing community noise concerns, to address these concerns.

I appreciate your favorable consideration of this request and look forward to working with the Hawaii State Association of Counties in the upcoming year. Thank you for your consideration to this request and please feel free to contact me if you would like to discuss this matter further.

Sincerely,

Trevor Ozawa
Councilmember, District IV

TRO:kma



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

BRANDON ELEFANTE

Councilmember District 8
Aiea, Pearl City, Waipahu
Chair, Committee on Public Health, Safety & Welfare
Telephone: (808) 768-5008
Email: belefante@honolulu.gov

201609016-050 Testimony Drones

September 16, 2016

The Honorable Michael P. Victorino, President
Hawai'i State Association of Counties, Executive Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawai'i 96793

Aloha President Victorino and Hawai'i State Association of County (HSAC) Members,

Subject: Resolution 16-239--Relating to the Inclusion in the 2017 Hawai'i State Association of Counties Legislative Package of a Proposal that would Regulate Operators of Unmanned Aircraft Systems

On September 7, 2016, the City Council of the City and County of Honolulu voted 9-0 in unanimous support of Resolution 16-239, requesting the Hawai'i State Association of Counties (HSAC) to consider for inclusion in its 2017 legislative package a proposal that would regulate operators of unmanned aircraft systems island-wide.

The Federal Aviation Administration's (FAA) regulations related to the use of small commercial drones, which became effective on August 29, 2016, will result in approximately 600,000 drones operating in the U.S. within the next year, according to the FAA. This Resolution requests that the HSAC consider urging the Hawaii State Legislature to adopt regulations related to the use of drones, specifically as they relate to the collection and possible misuse of personal information as well as address broader privacy and safety concerns for residents in all four of Hawai'i counties.

The FAA has issued a position paper affirming the right of state and local governments to legislate drone activity through their traditional police powers, including the areas of land use, zoning, privacy, trespass, and law enforcement operations. States across the country are adopting and/or considering legislation to address privacy and safety concerns proactively and comprehensively.

Proactive legislative action is needed to set guidelines and establish standards that can apply uniformly and statewide. Drone operators, individuals, and county governments, including police departments, are all stakeholders in the use of this new technology and need definitive rules and laws. Now that the FAA has established the licensing process for drones, the

concern is that privacy rights be protected and that safety be assured, in the use of aerial surveillance drones. Drones can photograph, videotape, and audio record all activity whether on public or private property. All of these can be uploaded to internet sites and shared across the entire internet. Drones can also be used to collect personal or location details from cellphones, via license plate scanners or facial recognition software, and drone operators can provide or sell that information to private businesses or individuals.

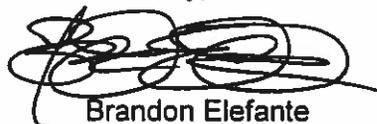
A few recent incidents related to drone usage cited from across the country:

- Privacy: Drone flew onto private balcony in Hawai'i and recorded a private conversation.
- Privacy: Hawai'i resident woke one morning to a drone hovering outside her bedroom window.
- Privacy: Drone disrupted wedding by lingering over private backyard ceremony for more than 20 minutes such that conversation could not be heard and the ceremony had to be delayed. (California)
- Privacy: Woman in 20-story high rise observed a drone hovering just outside her apartment windows as she was getting dressed. (Washington)
- Privacy: Drone was hovering over teenage daughter sunbathing in back yard of a private home. (Kentucky)
- Safety: Drone created a power outage flying into power lines. (California)
- Safety: Drone crashed into empty seats at the U.S. Tennis Open. (New York)
- Safety: Drones interfered with fire and rescue operations. (California)
- Safety: Drone was intercepted flying "car-high" near President Barack Obama's motorcade in Kailua. (Hawai'i)
- Safety: Near collisions between drones continue to occur with hundreds of incidents documented. (Nationally)

Support for this legislation is a good starting point for the discussion of these issues. It will express the consensus of all of Hawai'i's counties to our legislators that, while allowing legitimate use of the new technology throughout the state, we urge protections for all of our citizens in all four counties from the possible misuse, nuisance, and harassment that may result from this technology and to establish statewide standards that accord with a reasonable expectation of privacy and an assurance of safety and security.

I urge HSAC's support for this important first step in addressing protections for our citizens while acknowledging the FAA's areas of responsibility, and complimenting their regulations with statewide laws in areas recognized for state and local government action.

Sincerely,



Brandon Elefante
Councilmember, District 8

The Honorable Michael P. Victorino, President
Hawai'i State Association of Counties, Executive Committee
September 16, 2016
Page 3

cc: The Honorable Ernie Martin
The Honorable Ikaika Anderson
The Honorable Carol Fukunaga
The Honorable Ann Kobayashi
The Honorable Joey Manahan
The Honorable Ron Menor
The Honorable Trevor Ozawa
The Honorable Kymberly Marcos Pine

DANNY A. MATEO
County Clerk



JOSIAH K. NISHITA
Deputy County Clerk

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

COPY

September 20, 2016

Honorable Michael P. Victorino
Hawaii State Association of Counties
Executive Committee
200 South High Street
Wailuku, HI 96793

Dear Sir:

Respectfully transmitted is a copy of Resolution Nos. 16-115 – 16-118, which were adopted by the Council of the County of Maui at its meeting held on September 16, 2016.

Respectfully,

A handwritten signature in black ink, appearing to read "Josiah K. Nishita", is written over a horizontal line.

JOSIAH K. NISHITA
Deputy County Clerk

/lks

Enclosure

Resolution

No. 16-118

APPROVING FOR INCLUSION IN THE 2017
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
INCREASE REVENUE FOR EACH COUNTY'S
AFFORDABLE HOUSING FUND THROUGH A
ONE PERCENT CONVEYANCE TAX

WHEREAS, the lack of affordable housing in every county in the State is a crisis; and

WHEREAS, each county's affordable housing situation is unique, and solutions and funding are best managed locally; and

WHEREAS, a statewide mechanism to allow each county to increase revenue for its Affordable Housing Fund is needed; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to increase revenue for the counties' affordable housing funds through a one percent conveyance tax on the sale of residential properties over \$1,000,000, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and
2. That a certified copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

A BILL FOR AN ACT

RELATING TO THE CONVEYANCE TAX.

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

1 SECTION 1. Section 247-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§247-2 Basis and rate of tax.** The tax imposed by section
4 247-1 shall be based on the actual and full consideration
5 (whether cash or otherwise, including any promise, act,
6 forbearance, property interest, value, gain, advantage, benefit,
7 or profit), paid or to be paid for all transfers or conveyance
8 of realty or any interest therein, that shall include any liens
9 or encumbrances thereon at the time of sale, lease, sublease,
10 assignment, transfer, or conveyance, and shall be at the
11 following rates:

12 (1) Except as provided in paragraph (2):

13 (A) Ten cents per \$100 for properties with a value of
14 less than \$600,000;

15 (B) Twenty cents per \$100 for properties with a value
16 of at least \$600,000, but less than \$1,000,000;

EXHIBIT "A"

____.B. NO. _____

- 1 (C) Thirty cents per \$100 for properties with a value
- 2 of at least \$1,000,000, but less than \$2,000,000;
- 3 (D) Fifty cents per \$100 for properties with a value
- 4 of at least \$2,000,000, but less than \$4,000,000;
- 5 (E) Seventy cents per \$100 for properties with a
- 6 value of at least \$4,000,000, but less than
- 7 \$6,000,000;
- 8 (F) Ninety cents per \$100 for properties with a value
- 9 of at least \$6,000,000, but less than
- 10 \$10,000,000; and
- 11 (G) One dollar per \$100 for properties with a value
- 12 of \$10,000,000 or greater; and
- 13 (2) For the sale of a condominium or single family
- 14 residence for which the purchaser is ineligible for a
- 15 county homeowner's exemption on property tax:
- 16 (A) Fifteen cents per \$100 for properties with a
- 17 value of less than \$600,000;
- 18 (B) Twenty-five cents per \$100 for properties with a
- 19 value of at least \$600,000, but less than
- 20 \$1,000,000;
- 21 (C) Forty cents per \$100 for properties with a value
- 22 of at least \$1,000,000, but less than \$2,000,000;

____.B. NO. _____

1 (D) Sixty cents per \$100 for properties with a value
2 of at least \$2,000,000, but less than \$4,000,000;

3 (E) Eighty-five cents per \$100 for properties with a
4 value of at least \$4,000,000, but less than
5 \$6,000,000;

6 (F) One dollar and ten cents per \$100 for properties
7 with a value of at least \$6,000,000, but less
8 than \$10,000,000; and

9 (G) One dollar and twenty-five cents per \$100 for
10 properties with a value of \$10,000,000 or
11 greater[7]; and

12 (3) In addition to the rate established by paragraph (1)
13 or (2), for the sale of a condominium or single family
14 residence: One dollar per \$100 for properties with a
15 value of more than \$1,000,000,

16 of such actual and full consideration; provided that in the
17 case of a lease or sublease, this chapter shall apply only to a
18 lease or sublease whose full unexpired term is for a period of
19 five years or more, and in those cases, including (where
20 appropriate) those cases where the lease has been extended or
21 amended, the tax in this chapter shall be based on the cash
22 value of the lease rentals discounted to present day value and

1 capitalized at the rate of six per cent, plus the actual and
2 full consideration paid or to be paid for any and all
3 improvements, if any, that shall include on-site as well as off-
4 site improvements, applicable to the leased premises; and
5 provided further that the tax imposed for each transaction shall
6 be not less than \$1."

7 SECTION 2. Section 247-7, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§247-7 **Disposition of taxes.** All taxes collected under
10 this chapter shall be paid into the state treasury to the credit
11 of the general fund of the State, to be used and expended for
12 the purposes for which the general fund was created and exists
13 by law; provided that of the taxes collected each fiscal year:

14 (1) Ten per cent of the revenue accruing from application
15 of the rates established in paragraph (1) and (2) of
16 section 247-1, or \$6,800,000, whichever is less, shall
17 be paid into the land conservation fund established
18 pursuant to section 173A-5; [~~and~~]

19 (2) Fifty per cent of the revenue accruing from the
20 application of the rates established in paragraph (1)
21 and (2) of section 247-1, or \$38,000,000, whichever is
22 less, shall be paid into the rental housing revolving

.B. NO.

1 fund established by section 201H-202. Tax imposed by
2 section 247-1 shall be based on the actual and full
3 consideration~~[+]~~; and

4 (3) One hundred percent of the revenue in each
5 county accruing from the rate established in
6 paragraph (3) of section 247-1 shall be
7 allocated to the county's affordable housing
8 fund and shall only be used to increase the
9 supply of affordable housing by the
10 following means:

11 (A) the purchase of existing housing units
12 and other interests in real property;

13 (B) the planning, design, or construction
14 of housing units;

15 (C) making grants or loans to nonprofit
16 organizations, including community land
17 trusts; or

18 (D) investment in public infrastructure."

19 SECTION 3. Statutory material to be deleted is bracketed
20 and in strikethrough. New statutory material is underscored.

21 SECTION 4. This Act shall take effect upon its approval;
22 provided that this Act shall be repealed on June 30, 2022.

____.B. NO. ____

INTRODUCED BY: _____

paf:kcw:16-159b

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 16-118 was adopted by the Council of the County of Maui, State of Hawaii, on the 16th day of September, 2016, by the following vote:

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



DEPUTY COUNTY CLERK

Resolution

No. 16-117

APPROVING FOR INCLUSION IN THE 2017 HAWAII
STATE ASSOCIATION OF COUNTIES LEGISLATIVE
PACKAGE A STATE BILL TO ALLOW PERSONS WITH
DISABILITIES TO INDICATE ON THEIR
IDENTIFICATION CARDS THEIR DISABILITY

WHEREAS, persons with disabilities have the desire to indicate their disability on their identification cards, such as the State identification card, driver's license, or identification card for persons with disabilities; and

WHEREAS, enactment of State legislation allowing identification cards to indicate a person's disability would allow the person access to certain eligible public services and help identify the disability to public safety personnel in case of emergency; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to allow persons with disabilities to indicate on their identification cards their disability, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and
2. That a copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

A BILL FOR AN ACT

RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES.

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

1 SECTION 1. This legislature finds that persons with
2 disabilities have the desire to indicate on their identification
3 cards, such as the State of Hawaii identification card, driver's
4 license, or an identification card for persons with
5 disabilities, their disability.

6 Because not all disabilities are outwardly visible, the
7 disclosure of a disability on a driver's license or
8 identification card can assist first responders in determining
9 the best way to treat, assist, or communicate with the person.

10 Having a license or identification card clearly indicating
11 a person's disability will allow the person access to certain
12 services such as special seating on public transit or at public
13 events. The "disabled" notification on the card indicates that
14 a person has a disability and does not take the place of
15 existing public service qualification procedures.

____.B. NO. _____

1 To mitigate potential abuse, medical documentation is
2 required to support a person's request for indication of a
3 disability on their identification card.

4 Those who choose to include information about their
5 disability on their driver's license, State identification card,
6 and identification card for persons with disabilities may do so
7 under this Act.

8 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
9 amended by adding new definitions to be appropriately inserted
10 and to read as follows:

11 "Disability" means any physical, mental, or neurological
12 impairment that severely restricts a person's mobility, manual
13 dexterity, or ability to climb stairs; substantial loss of sight
14 or hearing; loss of one or more limbs or use thereof; or
15 significantly diminished reasoning capacity.

16 "Person with disabilities" means any person with a
17 permanent or temporary disability.

18 SECTION 3. Chapter 286, Hawaii Revised Statutes, is amended
19 by adding a new section to part VI to be appropriately
20 designated and to read as follows:

21 "§286- Driver's license for persons with disabilities.

1 Persons with disabilities may opt to identify their
2 disability on their driver's license upon receipt of the
3 required documentation as stated in this section, from the
4 person requesting its inclusion. The driver's license shall
5 display the "disabled" notation on a location designated by the
6 department."

7 SECTION 4. Section 286-305, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§286-305 Contents and characteristics; form. (a) Each
10 identification card issued by the examiner of drivers shall
11 display a distinguishing number assigned to the cardholder, and
12 shall display the following inscription:

13 "STATE OF HAWAII IDENTIFICATION CARD"

14 (b) The examiner of drivers, after obtaining the
15 fingerprint of the applicant as provided in this part and after
16 obtaining the information required by or pursuant to this part,
17 shall issue to each applicant an identification card in a form
18 and with identifying information that the director deems
19 necessary and appropriate, including a notation of veteran
20 status, if desired by the applicant, on the front of the card
21 where applicable; provided that such notation shall not include
22 any designation other than the term "veteran". As used in this

1 subsection, "veteran" means any person who served in any of the
2 uniformed services of the United States and was discharged under
3 conditions other than dishonorable.

4 (c) The identification card shall not display the
5 cardholder's social security number.

6 (d) The identification card shall be designed to prevent
7 its reproduction or alteration without ready detection.

8 (e) The identification card for individuals under twenty-
9 one years of age shall have characteristics prescribed by the
10 examiner distinguishing it from that issued to [a] an individual
11 who is twenty-one years of age or older.

12 (f) Persons with disabilities may opt to identify their
13 disability on their identification card upon receipt of the
14 required documentation from the person requesting its inclusion.
15 The identification card shall display a notation of disability
16 status, if desired by the applicant, on the front of the card
17 where applicable; except that such notation shall not include
18 any designation other than the term "disabled."

19 SECTION 5. Chapter 286, Hawaii Revised Statutes, is amended
20 by adding a new section to part XVI to be appropriately
21 designated and to read as follows:

1 "§286- Identification card for persons with
2 disabilities. (a) The department shall issue identification
3 cards to persons with disabilities pursuant to section 286-305.
4 (b) The identification card for persons with disabilities
5 shall include characteristics and content pursuant to section
6 286-305. On the reverse side of the identification card shall be
7 a space within which the department shall enter such disability
8 information the applicant may request.
9 (c) The department may include a notation of disability
10 status, if desired by the applicant, on the front and may print
11 the disability information on the reverse on any driver's
12 license or identification card issued pursuant to the provisions
13 of this chapter upon receipt of the required documentation from
14 the person requesting its inclusion.
15 (d) Temporary disabilities. An identification card for
16 persons with a temporary disability shall be issued upon
17 presentation of a sworn affidavit of at least one medical doctor
18 attesting to such disability and estimating the duration of the
19 disability. Identification cards indicating temporary
20 disabilities shall be issued for periods of one year, and a
21 current affidavit of a medical doctor attesting to the

____.B. NO. _____

1 continuance of such disability shall be presented at each
2 request thereafter."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on January 2, 2018.

INTRODUCED BY: _____

paf:mkz:16-151a

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 16-117 was adopted by the Council of the County of Maui, State of Hawaii, on the 16th day of September, 2016, by the following vote:

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



DEPUTY COUNTY CLERK

Resolution

No. 16-116

APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE
ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL
RELATING TO TRANSIENT ACCOMMODATIONS TAX

WHEREAS, since 1987, the State of Hawaii has a tax upon room revenues derived from transient accommodations, known as the Transient Accommodations Tax, or TAT; and

WHEREAS, the Legislature dramatically reallocated TAT revenue to the State to help balance the State budget from 2007 to 2015, with economic downturn as the stated justification; and

WHEREAS, during this period, the State's TAT revenue increased by \$196.6 million, or 2,363 percent, while the counties' TAT revenue increased by only \$2.2 million, or 2.2 percent; and

WHEREAS, the State-County Functions Working Group, created by Act 174 (2014) to study TAT-revenue distribution, issued its Final Report in December 2015; and

WHEREAS, the Working Group's Final Report recommended that: (1) about \$113 million of TAT revenue be allocated to four State special purposes (the Hawaii Convention Center, the Tourism Special Fund, the Turtle Bay conservation easement and the Special Land Development Fund); (2) of the remaining TAT revenue, 55 percent be allocated to the State and 45 percent shared by the counties, without the imposition of an artificial cap; and

WHEREAS, the Council intends to support State legislation to implement the recommendations of the Working Group's Final Report; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to implement the recommendations of the State-County Functions Working Group relating to the Transient Accommodations Tax, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and

Resolution No. 16-116

2. That a certified copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

pia:misc:003(2)areso04:kcw

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS TAX.

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

1 PART I

2 SECTION 1. (a) The legislature finds that:

3 (1) Pursuant to Act 174, Session Laws of Hawaii 2014, the
4 state-county functions working group was convened to evaluate
5 the division of duties and responsibilities between the State
6 and counties relating to the provision of public services and to
7 recommend an appropriate allocation of the transient
8 accommodations tax revenues between the State and counties that
9 properly reflects the division of duties and responsibilities
10 relating to the provision of public services;

11
12 (2) Though the transient accommodations tax has evolved to
13 meet the needs and purposes of the times, its structure and
14 frequent amendment, combined with the cyclical nature of the
15 visitor industry and the tax revenues it generates, has resulted
16 in ongoing discussions among the various stakeholders, including
17 the State, the counties, the visitor industry, the Hawaii
18 tourism authority, and other recipients or potential recipients
19 of transient accommodations tax revenues;

20
21 (3) The state-county functions working group, composed of
22 state, county, and visitor industry representatives and other
23 knowledgeable and concerned citizens, and which has been aided
24 by experts, considered the legislature's assignment for over a
25 year and delivered to the legislature its final unanimous
26 report, inclusive of analysis, findings, conclusions, and
27 recommendations;

28
29 (4) In particular, the state-county functions working
30 group found and concluded that:

31
32 (A) The application of the transient accommodations
33 tax and the allocation of its revenues should be simplified

____.B. NO. _____

1 and stabilized so as to be clear, consistent, and
2 predictable over time, in view of the need to invest in
3 tourism as a premier industry;
4

5 (B) The tourism special fund should be provided a
6 priority distribution of the transient accommodations tax
7 revenues at an assured minimum level, adjusted for
8 inflation, and regardless of overall transient
9 accommodations tax collections;
10

11 (C) After the priority distribution of the transient
12 accommodations tax revenues to the tourism special fund,
13 existing allocations to the Turtle Bay conservation
14 easement special fund, convention center enterprise special
15 fund, and special land and development fund should be
16 maintained at their current levels, with any additional
17 state funding of these efforts made out of state general
18 funds by separate appropriation;
19

20 (D) Based on a review of state and county functions,
21 including tourism expenditures, an appropriate allocation
22 of the remaining transient accommodations tax revenues is
23 fifty-five percent to the state general fund and forty-five
24 percent to the counties; and
25

26 (E) There should be no fixed dollar amounts, caps,
27 floors, or similar restrictions on allocations to the State
28 and counties of the remaining revenues; instead, both the
29 State and the county allocations should increase or
30 decrease proportionately with increasing or decreasing
31 transient accommodations tax revenues; and
32

33 (5) The state-county functions working group
34 recommendations reflect a fair, balanced, and reasonable
35 compromise of competing needs for scarce resources and provide a
36 sound policy base for the further administration of the
37 transient accommodations tax and its revenues.
38

39 (b) The purpose of this Act is to:
40

41 (1) Provide a fair, consistent, and predictable priority
42 allocation of transient accommodations tax revenues, of an
43 assured minimum amount, to the tourism special fund;
44

1 (2) Maintain allocation of transient accommodations tax
2 revenues to existing obligations at present levels;

3
4 (3) Provide a fair, consistent, and predictable allocation
5 of the balance of the transient accommodations tax revenues
6 between the State and the counties; and
7

8 (4) Provide flexibility to the tourism special fund,
9 State, and counties in the utilization of their respective
10 allocations.
11

12 PART II

13
14 SECTION 2. Section 237D-6.5, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:
16

17 "(b) Revenues collected under this chapter shall be
18 distributed in the following priority, with the excess revenues
19 to be deposited into the general fund:
20

21 [~~(1) \$1,500,000 shall be allocated to the Turtle Bay
22 conservation easement special fund beginning July 1, 2015, for
23 the reimbursement to the state general fund of debt service on
24 reimbursable general obligation bonds, including ongoing
25 expenses related to the issuance of the bonds, the proceeds of
26 which were used to acquire the conservation easement and other
27 real property interests in Turtle Bay, Oahu, for the protection,
28 preservation, and enhancement of natural resources important to
29 the State, until the bonds are fully amortized;~~]
30

31 (1) \$82,000,000 shall be allocated to the tourism special
32 fund established under section 201B-11; provided that, beginning
33 July 1, 2017, and in each fiscal year thereafter, the dollar
34 amount of revenues allocated to the tourism special fund under
35 this paragraph shall be adjusted by an amount equal to the
36 dollar amount multiplied by the percentage, if any, by which the
37 Honolulu region consumer price index for all urban consumers
38 (CPI-U), or a successor index, as calculated by the United
39 States Department of Labor, for the preceding calendar year
40 exceeds the consumer price index for the calendar year 2016;
41 provided further that:
42

43 (A) Of the revenues allocated to the tourism special
44 fund:

.B. NO.

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(i) \$1,000,000 shall be allocated for the operation of a Hawaiian center and the museum of Hawaiian music and dance at the Hawaii convention center; and

(ii) 0.5 percent shall be transferred to a sub-account in the tourism special fund to provide funding for a safety and security budget, in accordance with the Hawaii tourism strategic plan; and

(B) Of the revenues remaining in the tourism special fund after revenues have been deposited as provided in this paragraph and except for any sum authorized by the legislature for expenditure from revenues subject to this paragraph, beginning July 1, 2007, funds shall be deposited into the tourism emergency special fund, established in section 201B-10, in a manner sufficient to maintain a fund balance of \$5,000,000 in the tourism emergency special fund;

(2) \$26,500,000 shall be allocated to the convention center enterprise special fund established under section 201B-8;

~~[(3) \$82,000,000 shall be allocated to the tourism special fund established under section 201B-11; provided that:~~

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

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

~~(i) \$1,000,000 shall be allocated for the operation of a Hawaiian center and the museum of Hawaiian music and dance at the Hawaii convention center; and~~

~~(ii) 0.5 per cent of the \$82,000,000 shall be transferred to a sub account in the tourism special fund to provide funding for a safety and security budget, in accordance with the Hawaii tourism strategic plan 2005-2015; and~~

1 with fiscal year 2018-2019, a sum that represents the difference
 2 between a county public employer's annual required contribution
 3 for the separate trust fund established under section 87A-42 and
 4 the amount of the county public employer's contributions into
 5 that trust fund shall be retained by the state director of
 6 finance and deposited to the credit of the county public
 7 employer's annual required contribution into that trust fund in
 8 each fiscal year, as provided in section 87A-42, if the
 9 respective county fails to remit the total amount of the
 10 county's required annual contributions, as required under
 11 section 87A-43 [~~and~~

12
 13 ~~[(5) \$3,000,000 shall be allocated to the special land and~~
 14 ~~development fund established under section 171-19; provided that~~
 15 ~~the allocation shall be expended in accordance with the Hawaii~~
 16 ~~tourism authority strategic plan for:~~

17
 18 ~~(A) The protection, preservation, maintenance, and~~
 19 ~~enhancement of natural resources, including beaches, important~~
 20 ~~to the visitor industry;~~

21
 22 ~~(B) Planning, construction, and repair of facilities;~~
 23 ~~and~~

24
 25 ~~(C) Operation and maintenance costs of public lands,~~
 26 ~~including beaches, connected with enhancing the visitor~~
 27 ~~experience.]~~

28
 29 All transient accommodations taxes shall be paid into the
 30 state treasury each month within ten days after collection and
 31 shall be kept by the state director of finance in special
 32 accounts for distribution as provided in this subsection.

33
 34 As used in this subsection, "fiscal year" means the twelve-
 35 month period beginning on July 1 of a calendar year and ending
 36 on June 30 of the following calendar year."

37
 38 PART III

39
 40 SECTION 3. Section 87A-42, Hawaii Revised Statutes, is
 41 amended by amending subsection (d) to read as follows:

42
 43 "(d) In any fiscal year subsequent to the 2017-2018 fiscal
 44 year in which a county public employer's contributions into the

1 fund are less than the amount of the annual required
2 contribution, the amount that represents the excess of the
3 annual required contribution over the county public employer's
4 contributions shall be deposited into the fund from a portion of
5 all transient accommodations tax revenues collected by the
6 department of taxation under section [~~237D-6.5(b)(4)~~] 237D-
7 6.5(b)(5). The director of finance shall deduct the amount
8 necessary to meet the county public employer's annual required
9 contribution from the revenues derived under section [~~237D-~~
10 ~~6.5(b)(4)~~] 237D-6.5(b)(5) and transfer the amount to the board
11 for deposit into the appropriate account of the separate trust
12 fund."

13

14 SECTION 4. Section 171-19, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16

17 "(a) There is created in the department a special fund to
18 be designated as the "special land and development fund".
19 Subject to the Hawaiian Homes Commission Act of 1920, as
20 amended, and section 5(f) of the Admission Act of 1959, all
21 proceeds of sale of public lands, including interest on deferred
22 payments; all moneys collected under section 171-58 for mineral
23 and water rights; all rents from leases, licenses, and permits
24 derived from public lands; all moneys collected from lessees of
25 public lands within industrial parks; all fees, fines, and other
26 administrative charges collected under this chapter and chapter
27 183C; a portion of the highway fuel tax collected under chapter
28 243; all moneys collected by the department for the commercial
29 use of public trails and trail accesses under the jurisdiction
30 of the department; transient accommodations tax revenues
31 collected pursuant to section [~~237D-6.5(b)(5)~~]; 237D-6.5(b)(3);
32 and private contributions for the management, maintenance, and
33 development of trails and accesses shall be set apart in the
34 fund and shall be used only as authorized by the legislature for
35 the following purposes:

36

37 (1) To reimburse the general fund of the State for
38 advances made that are required to be reimbursed from the
39 proceeds derived from sales, leases, licenses, or permits of
40 public lands;

41

42 (2) For the planning, development, management, operations,
43 or maintenance of all lands and improvements under the control
44 and management of the board pursuant to title 12, including but

1 not limited to permanent or temporary staff positions who may be
2 appointed without regard to chapter 76; provided that transient
3 accommodations tax revenues allocated to the fund shall be
4 expended as provided in section [~~237D-6.5(b)(5);~~] 237D-
5 6.5(b)(3);

6
7 (3) To repurchase any land, including improvements, in the
8 exercise by the board of any right of repurchase specifically
9 reserved in any patent, deed, lease, or other documents or as
10 provided by law;

11
12 (4) For the payment of all appraisal fees; provided that
13 all fees reimbursed to the board shall be deposited in the fund;

14
15 (5) For the payment of publication notices as required
16 under this chapter; provided that all or a portion of the
17 expenditures may be charged to the purchaser or lessee of public
18 lands or any interest therein under rules adopted by the board;

19
20 (6) For the management, maintenance, and development of
21 trails and trail accesses under the jurisdiction of the
22 department;

23
24 (7) For the payment to private land developers who have
25 contracted with the board for development of public lands under
26 section 171-60;

27
28 (8) For the payment of debt service on revenue bonds
29 issued by the department, and the establishment of debt service
30 and other reserves deemed necessary by the board;

31
32 (9) To reimburse the general fund for debt service on
33 general obligation bonds issued to finance departmental
34 projects, where the bonds are designated to be reimbursed from
35 the special land and development fund;

36
37 (10) For the protection, planning, management, and
38 regulation of water resources under chapter 174C; and

39
40 (11) For other purposes of this chapter."
41

____.B. NO. _____

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PART IV

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2017.

INTRODUCED BY: _____

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 16-116 was adopted by the Council of the County of Maui, State of Hawaii, on the 16th day of September, 2016, by the following vote:

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



DEPUTY COUNTY CLERK

Resolution

No. 16-115

APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE
ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE
A STATE BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND
COMMUNITY MEETINGS

WHEREAS, the State Sunshine Law (Part I, Chapter 92, Hawaii Revised Statutes) has been interpreted to restrict Councilmembers' attendance at public events, such as community and educational meetings; and

WHEREAS, the Sunshine Law is a serious matter, as violations carry potential criminal and civil penalties; and

WHEREAS, to better serve their constituents in a well-informed, transparent, and responsive manner, Councilmembers should be encouraged to freely attend community and educational meetings, without fear of violating the Sunshine Law; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," enabling Councilmembers to freely attend community and educational meetings, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and
2. That a certified copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

____.B. NO._____

A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

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

1 SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§92-2.5 Permitted interactions of members. (a) Two
4 members of a board may discuss between themselves matters
5 relating to official board business to enable them to perform
6 their duties faithfully, as long as no commitment to vote is
7 made or sought and the two members do not constitute a quorum of
8 their board.

9 (b) Two or more members of a board, but less than the
10 number of members which would constitute a quorum for the board,
11 may be assigned to:

12 (1) Investigate a matter relating to the official business
13 of their board; provided that:

14 (A) The scope of the investigation and the scope of
15 each member's authority are defined at a meeting of the board;

EXHIBIT "A"

____.B. NO. _____

1 (B) All resulting findings and recommendations are
2 presented to the board at a meeting of the board; and

3 (C) Deliberation and decisionmaking on the matter
4 investigated, if any, occurs only at a duly noticed meeting of
5 the board held subsequent to the meeting at which the findings
6 and recommendations of the investigation were presented to the
7 board; or

8 (2) Present, discuss, or negotiate any position which the
9 board has adopted at a meeting of the board; provided that the
10 assignment is made and the scope of each member's authority is
11 defined at a meeting of the board prior to the presentation,
12 discussion, or negotiation.

13 (c) Discussions between two or more members of a board,
14 but less than the number of members which would constitute a
15 quorum for the board, concerning the selection of the board's
16 officers may be conducted in private without limitation or
17 subsequent reporting.

18 (d) Board members present at a meeting that must be
19 canceled for lack of quorum or terminated pursuant to section
20 92-3.5(c) may nonetheless receive testimony and presentations on
21 items on the agenda and question the testifiers or presenters;
22 provided that:

____.B. NO. _____

1 (1) Deliberation or decisionmaking on any item, for which
2 testimony or presentations are received, occurs only at a duly
3 noticed meeting of the board held subsequent to the meeting at
4 which the testimony and presentations were received;

5 (2) The members present shall create a record of the oral
6 testimony or presentations in the same manner as would be
7 required by section 92-9 for testimony or presentations heard
8 during a meeting of the board; and

9 (3) Before its deliberation or decisionmaking at a
10 subsequent meeting, the board shall:

11 (A) Provide copies of the testimony and presentations
12 received at the canceled meeting to all members of the board;
13 and

14 (B) Receive a report by the members who were present
15 at the canceled or terminated meeting about the testimony and
16 presentations received.

17 (e) Two or more members of a board, but less than the
18 number of members which would constitute a quorum for the board,
19 may attend an informational meeting or presentation on matters
20 relating to official board business, including a meeting of
21 another entity, legislative hearing, convention, seminar, or
22 community meeting open to the public; provided that the meeting

____.B. NO. _____

1 or presentation is not specifically and exclusively organized
2 for or directed toward members of the board. The board members
3 in attendance may participate in discussions, including
4 discussions among themselves; provided that the discussions
5 occur during and as part of the informational meeting or
6 presentation; and provided further that no commitment relating
7 to a vote on the matter is made or sought.

8 At the next duly noticed meeting of the board, the board
9 members shall report their attendance and the matters presented
10 and discussed that related to official board business at the
11 informational meeting or presentation.

12 (f) Discussions between the governor and one or more
13 members of a board may be conducted in private without
14 limitation or subsequent reporting; provided that the discussion
15 does not relate to a matter over which a board is exercising its
16 adjudicatory function.

17 (g) Discussions between two or more members of a board and
18 the head of a department to which the board is administratively
19 assigned may be conducted in private without limitation;
20 provided that the discussion is limited to matters specified in
21 section 26-35.

____.B. NO. _____

1 (h) Communications, interactions, discussions,
2 investigations, and presentations described in this section are
3 not meetings for purposes of this part.

4 (i) Notwithstanding section 92-3.1(b) of this chapter, for
5 meetings described in subsection (e), the limitation on number
6 of attendees shall not apply to members of a county council."

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

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

10

11 INTRODUCED BY: _____

12

13 pia:misc:003(2)abill05:scb

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 16-115** was adopted by the Council of the County of Maui, State of Hawaii, on the 16th day of September, 2016, by the following vote:

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



DEPUTY COUNTY CLERK