Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu
530 S. King Street, Honolulu, Hawai'i 96813 (808) 768-5032 www.hawaiicounties.com

MINUTES
HSAC EXECUTIVE COMMITTEE MEETING
Thursday, October 10, 2019 • 10:00 a.m.
Honolulu Hale, Committee Meeting Room
530 South King Street • Honolulu, HI 96813

I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Joey Manahan at 10:09 a.m. The following members comprising a quorum were present:

City and County of Honolulu:	President Joey Manahan Council Member, City and County of Honolulu
County of Kaua'i:	Vice President Ross Kagawa Council Chair, County of Kaua'i
County of Hawai'i:	Secretary Ashley Kierkiewicz Council Member, County of Hawai'i
County of Maui:	Treasurer Kelly King Council Chair, County of Maui
Others Present:	Aida Kawamura, Legislative Assistant, Office of Council Services, County of Kaua'i
	Shelly Espeleta, Legislative Analyst, Office of Council Services, County of Maui
	Anela Keko`olani, Administrative & Committee Analyst, Office of Joey Manahan, City and County of Honolulu
	George White, Office of Council Services City and County of Honolulu
	Kamakana Watanabe, Office of Council Services City and County of Honolulu

II. APPROVAL OF AGENDA

Secretary Kierkiewicz moved to approve the agenda, with a second by Vice President Kagawa.

The motion to approve the agenda of the October 10, 2019 meeting of the HSAC Executive Committee carried unanimously.

III. MINUTES

Vice President Kagawa motioned to approve the minutes of the August 26, 2019 and September 23, 2019 meetings of the HSAC Executive Committee. Treasurer King seconded the motion, which carried unanimously.

IV. REPORTS

Treasurer's Report for August and September 2019

Treasurer King deferred to President Manahan to provide the report as the City & County of Honolulu previously held the treasurer's position. President Manahan reviewed the documents and noted the need to address discrepancies. He asked his colleagues to defer to later in the meeting.

Secretary Kierkiewicz asked Treasurer King if she could share the 2019 HSAC conference budget, income and expense report in order to assist Hawai'i County in its efforts to plan for the 2020 conference being hosted on Hawai'i Island. Treasurer King shared that Maui incurred a lot of overtime during conference planning execution, and noted that she wants to explore Maui County getting reimbursed by HSAC for the time overages.

County Reports

County of Maui Report by Treasurer King

- Approved Reso. 19-161 for Kaua'i Council Member Mason Chock to replace Hawai'i County Council Member Tim Richards on the WIR Board
- Approved Maui-generated proposals for the 2020 HSAC Legislative Package as well as Kaua'i County's legislative package
- Treasurer King shared that she and Secretary Kierkiewicz attended the Oct. 8, 2019 Hawai'i Housing Summit convened by US Senator Brian Schatz. She noted major players at table including State Legislature leadership, heads of money committees, housing chairs, mayors and reps from each council. Numerous bill proposals came out of the summit and it was suggested that HSAC and HCOM endorse these bills as part of its

package. A bill to streamline SHPD's process, by accepting archeological reviews by County archaeologists, and deeming a project approved in 30 days if don't hear otherwise, was on the table. Another proposed bill is to increase projects the LUC reviews from 15 to 25 acres. Senate President Ron Kouchi didn't like the idea of a Housing Advocate, which can be likened to the Consumer Advocate of the PUC, as he felt HHFDC served this purpose.

- Next steps taken on a potential Bank of America lawsuit. Reso.19-171 authorizes the County to employ special counsel to investigate what case could be. Treasurer King said Maui would share what it learns with other counties to see if they are onboard to pursue legal action together. Goal of the special counsel is to identify issues, determine if there is a case to recoup lost revenues, or identify what the case may be before hiring special counsel to pursue.
- Maui County Council approved to settle the Injection well lawsuit. Maui is in a holding pattern because Maui County Mayor Mike Victorino doesn't agree with settling and wants the Supreme Court to decide. The charter is not clear about what to do in this situation when the Administration and County Council don't agree. Corporation Counsel said they cannot help. The Council will hear a resolution on 10/18 to hire special counsel, but it needs 2/3 vote to pass.

County of Kaua'i Report by Vice President Kagawa

- Vice President Kagawa shared his impressions from a recent Sister City trip to three cities in Japan - Iwaki, Fukushima; Yamaguchi Prefecture; and Ishigaki Island in Okinawa, which is smaller than Kaua'i, but have similar population. It was an eye opening experience, particularly from a waste management perspective. He felt we need to do a better job of cleaning up our own mess and wants to teach local people to care more so they feel self-directed to mālama the land and public facilities/spaces. The County receives many complaints about poor restroom facilities at parks. Vice President Kagawa hopes to work on a campaign with Kaua'i Mayor Derek Kawakami on this. Japan has a lot of MURFs, and are very detailed with sorting trash which is often recycled or incinerated. He feels would be difficult to do this kind of sorting here, but also feels it is not economically feasible for us to ship our recyclables offshore. There are costs to the future and our environment to consider. Japan's infrastructure (roads, bridges, tunnels) and transportation have a lot we can learn from. Their rebuild after the tsunami was quick and resilient. These Sister City relationships started decades ago for tourism, but it's evolved where we can learn from them. They are doing island sustainability well, growing food and using their space well.
- Approved a resolution to appoint Kaua'i Council Member Mason Chock to serve on the WIR Board. Vice President Kagawa noted Kaua'i Council Chair Arryl Kaneshiro mentioned he was not comfortable doing this before Hawai'i Island as a matter of courtesy. Through this, in no way is Kaua'i saying Hawai'i County is incapable of serving; believe in

their abilities. If Hawai'i County wants to keep the seat, Kaua'i will respect their decision. If things change, HSAC should promote fairness.

- Council Member Mason Chock introduced himself and shared he is in attendance for the proposed 2020 HSAC Legislative Package. One item introduced by Council Members Chock and Luke Evslin attempts to deal with the huge issue and cost burden associated with abandoned vehicles in public spaces and on private property. Currently, local cars pay $5 fee for the abandoned vehicle program program, with the fee capped at $10; whereas, rental cars are capped at $1. The bill would remove the $1 cap off rental cars (U-Drives). Another bill aims to sort through vehicle ownership. Presently, a buyer needs to turn in paperwork; proposed amendment would make it so that both parties (buyer and seller) are on the same page. He appreciates each county's consideration of his appointment to the WIR board. He scored wanting fairness and equity in the process.
- Treasurer King asked if the fees a county matter, or if there's a need for legislative changes. She stated she did not know there is a different fee for rentals vs. residential vehicles. Council Member Chock also shared there is some illegal dumping from car rental companies.

County of Hawai'i Report by Secretary Kierkiewicz

- Reso. 322-19, declaring a climate change emergency, passed the Council. It was noted that while there was support for the measure, there were questions about next steps, timeline for action, and funding of solutions.
- Mauna Kea expenses continue to grow, with an average of a little over $300,000 every two weeks for law enforcement presence.
- The County continues to press on with eruption recovery efforts. Secretary Kierkiewicz noted that this is a unique situation for the County to take the lead on disaster recovery action as typically this is a state function. She shared there is no framework at the County level to direct workflows, nor is there an ordinance in place to specify how recovery funding can be utilized; she encouraged each of the counties to take this into consideration and start developing disaster response and recovery framework, if counties don't already have it. In particular, she noted her efforts to ask the Administration for Recovery Team expectations and to formulate a Recovery Task Force to include community voices as part of the conversation - from decisions to implementation - and that youth and disabled populations should be included in the dialogue from the get-go.
- The Agriculture, Water, Energy & Environmental Management (AGWEEM) Committee heard Reso. 301-19, which encourages the Department of Environmental Management and Research & Development to collaborate on renewable and alternative energy generation in an effort to reduce waste in our landfill. Some clarification to language was requested before moving the resolution to Council. The Committee is set to hear Bill 101, which would prohibit certain herbicide use in County parks, roads, sidewalks, etc. The bill is modeled after Maui's efforts, and should the bill pass, efforts to curb herbicide use would begin January 2020 and phased out by January 2024.

City & County of Honolulu Report by President Manahan

- Bill 37, regarding public labor agreements, passed third reading with a 7-2 vote. The bill has been controversial in the sense that parts of it preempted 103D (procurement code); desire is to defer implementation until the HRS is cleaned up. The measure would affect projects that cost $2 million or less, which accounts for less than 20 percent of projects in the City.
- President Manahan attend climate change week in New York City, and said it was an amazing experience. He noted this morning's presentation by Hawai'i Green Growth would expand on local efforts to achieve international sustainability goals.

NACo Report

There was no report provided. Council Member Kierkiewicz suggested that the NACo Board representatives be asked to provide a monthly report to the Executive Committee.

WIR Report

Treasurer King shared she is attending the upcoming WIR conference, Oct 28-30, in Mariposa. Council Member Chock elaborated on the series of workshops regarding clean energy (commercial, residential), and funding resources being available. Hawai'i has it, but it hasn't been tapped. He explained it is like a TIF (Tax Increment Finance) and PACE (Property Assessed Clean Energy) programs, where the price of PV panels is attached to the house so the next buyer pays for it too, and rather than the installer carrying all the cost burden.

Secretary Kierkiewicz shared that a resolution to replace Council Member Richards with Council Member Chock on the WIR board would be heard next week. She noted themes of equity and fairness mentioned by other Executive Committee members, and that the current makeup of the NACo and WIR boards is fair and equitable with each county having representation on a national level.

V. NEW BUSINESS

Aloha+ Challenge Statewide Voluntary Local Review

Hawai'i Green Growth Local2030 Hub Presentation by Celeste Connor and Brianna Rose

- Work is very local x global.
- 17 SDGs (Sustainable Development Goals) to meet by 2030. Goals were set in 2015.
- Shine mirror on our communities to see what we are doing well.
- HGG is PPP (public-private partnership). Economic, social, environmental, cultural issues are looked at in totality. HGG is a network-based organization with institutional and individual support.

- Formed in 2009, HGG is inspired by the Asia Pacific Economic Cooperation (APEC). The effort kicked off with the Aloha+ Challenge, a statewide sustainability commitment for 2030. Goals include clean energy, goal food, natural resource management, waste reduction, smart sustainable communities, green workforce and education.
- "Sustainability" goes back thousands of years, and is not some new concept that came out of a report. It is Hawai'i's chance to share the island worldview with rest of the world. Our island sustainability goals pre-date the global goals.
- Can't achieve UN SDGs without going local, so the Local2030 – local hubs for sustainable solutions – was launched. Tap into what Mayor's and regional governments are doing around the world. Hawai'i was invited to be a Hub.
- Can't have economic prosperity if don't have housing. Can't have food security if pressing against other commitments. Climate change is a challenge. The way you deal with it is through a sustainability framework. Systems-based approach; it's not new!
- Aloha+ Challenge Dashboard: accountability and action on Hawai'i's Sustainability Goals. There is a process in place to measure goals, creating unprecedented accountability. The Dashboard captures county and private sector data; info is on the State's website. Hawai'i has more wildfires per square mile than California. Interactive maps on ESRI-based platforms are in the works.
- In July , a high level political forum to discuss a Voluntary National Review took place. Out of this, New York launched a Voluntary Local Review. Hawai'i was tracking this information since Aloha+ Challenge. VLR as opportunity to rekindle, broad statewide process and comprehensive effort. Where are we against our 2030 goal? Have we knocked it out of the park, and need to further challenge ourselves? Thought if New York, Los Angeles, and Bristol do this, what about Hawai'i? All counties? If we do it, we would be the first state VLR. Want another Hawai'i delegation wit students to go to the UN in July 2020 to report back. HGG's annual meeting in November at Bishop Museum will kick off this process.
- It's the 5th anniversary of Aloha+ Challenge. A Local2030 commitment statement was signed this year. Counties want to further localize, so Kaua'i launched a challenge. What is the behavior change we need? Need to inspire. Change hearts and minds. Choose slow, medium, high ambition. Maui announced it wants to launch this, and tailor it to their community. HGG to launch Aloha+ app to track progress. How to engage keiki and feature their artwork? Do you have surveys from students? VLR in 'ōlelo Hawai'i? Consider a student VLR?
- Mālama Mandate is inspired by a speech State Senator Kenneth Brown delivered in 1973. If we adopted it then, we would be in better place.
- Our relationship with the aina is inherent. However, we may be unaware of the importance of this or are ambivalent. Kids don't need to be taught about sustainability; they understand the connection of mauka to makai. We need to create pathways, as what we are doing is globally relevant and significant. An IPCC report says we have 10 years to

act if we are to avoid catastrophic affects of climate change. Bring kids along in every sector. VLR and Aloha+ are great vehicles to engage students.

- HGG is also convening a Sustainability Business Forum. Have 20+ CEOs, and growing. Recognize need to help businesses be part of the solution. Want market-based mechanisms to do the right thing but still be profitable. We are also pressing a plastic commitment; the Marriott has committed to no more plastic bottles by 2020. Can't do business as usual; private sector knows it has responsibilities. Need to create an environment for the investments we want and need.
- Local2030: Hawai'i can be the Hub, the piko. Be the space to share.

Proposal of Okudara and Associates to HSAC to Perform Legislative Functions

Presentation and Discussion of proposal with Jon Okudara

- Legislative session happens so fast, and with such short windows of time to make changes, you always have to have a presence and to make sure you have the votes.
- Over the last few years, the HSAC Legislative Packages presented were all over the place and presence at Capitol was sparse or lacking altogether.
- President Manahan noted his long standing working relationship with Mr. Okudara, sharing he's worked on TAT and land use issues, and that he's provides very consistent, reliable communication. Mr. Okudara has a daily presence at the Capitol during session. He noted HSAC is criticized for not showing up early on in the process.
- Vice President Kagawa stated the previous focus of HSAC Legislative Packages was to get more TAT. He believes this body needs some success. He mentioned HSAC hiring lobbyists Michael Victorino and James Pacopac in the past, but nothing. Have HSAC's packages been unrealistic? We want to develop a package that has some wins, and is better suited for success. Mr. Okudara noted TAT is deep pocket, and that the Legislature won't give up the GET. He provided some history and shared that TAT was a County benefit as the State took away GIA. Originally, the State gave 95% of TAT to Counties, then 44.1% to a flat rate. Former Mayor Jeremy Harris wanted a taxing authority and proposed giving up TAT. Mr. Okudara noted a DBEDT report that said Hawai'i lost 20,000 residents; we only have 600,000 taxpayers - we're losing our tax base. Hawai'i needs to think of how we are generating revenue. Mr. Okudara said he likes to develop start developing bills July-September. He said to take what we can from TAT, and to look at other ways to get funding.
- Treasurer King expressed her appreciation for Mr. Okudara's proposal, and requested reports daily and weekly. She noted that July-September were done and Mr. Okudara's proposal would need to be amended. She said HSAC has proposed legislation to discuss, and the body needs his help refine and prioritize. Treasurer King wants to know what of our proposed bills has the opportunity to pass. She feels the work of the Housing Summit is promising. She shared it is hard for neighbor island electeds to fly at a moment's notice. Mr. Okudara said a bill's first movement is three weeks after opening day; it needs to be scheduled within the first week, otherwise it won't meet the first

deadline. Treasurer King restated her desire to have Mr. Okudara help HSAC prioritize bill, to be a constant presence at the Capitol for HSAC, and to advise the body on what to do to navigate public sentiment as well as legislator sentiment. She recalled hiring Pacopac last year and that HSAC bylaws stipulate the body can only spend certain percentage of its budget on a consultant. Aida Kawamura clarified and said that is not part of HSAC's bylaws, but rather procurement rules. Vice President Kagawa wanted to know what are options HSAC has to retain Mr. Okudara. Treasurer King wants a the SOW to be reworked as time has passed, and we need get in what we're allowed to do. She wanted a better understanding of the legislative process and how HSAC can work this. Mr. Okudara requested copies of the bills to see if they needed refinement. He suggested talking with the State Legislative Reference Bureau (LRB) and key legislative staff members to plant seeds.

- Treasurer King said there is a package of housing bills coming from the Housing Summit. Mr. Okudara asked for clarification as to who the bills came from. Treasurer King said summit attendees submitted and they were "adopted" by the group, and that it was mentioned that they could be included as part of the HSAC and HCOM 2020 Legislative Packages. Mr. Okudara wanted to know if these bills were submitted by HHFDC. Treasurer King responded that Dawn Chang, who facilitated the meeting, was in charge of getting the final bills to HSAC. Secretary Kierkiewicz provided insight into her impressions of the Housing Summit, and agreed that while the convening was impressive and the kinds of bills put forth were numerous and very ambitious, and that to be successful HSAC needed to focus on what's doable. Mr. Okudara said draft bills needed to be ready by now and said he's like to review what we have. President Manahan said HSAC has some recycled legislation, but whatever it is, it has been unsuccessful. He wanted to scrap everything and start fresh. He said HSAC needed a better working relationship with legislators. Mr. Okudara requested to see materials from the Housing Summit.
- Secretary Kierkiewicz asked if Mr. Okudara recommended a theme for the package. He stated each county has different needs. Secretary Kierkiewicz agreed and stated a potential theme could be equity among counties to access funds, with flexibility to spend since needs were broadly diverse.
- Vice President Kagawa asked about the limit HSAC is being held to to hire a lobbyist. Aida Kawamura referenced IRS rules for 501. Kamakana Watanabe said the cap is 20 percent of the budget.

The Executive Committee entered a brief recess at 11:54a.m. and reconvened at 12:03p.m.

<u>Update Quickbooks Online Account to Reflect Nicole Kahinu (Maui County Council) as Master Administrator</u>

Motion to approve by Treasurer King, with a second by Vice President Kagawa. The Motion carried unanimously.

2020 HSAC Legislative Package Proposals Submitted From Each County

Vice President Kagawa said torte liability legislation failed last session, as the Legislature felt the issue has already been addressed. Mr. Okudara clarified that this applies only if lifeguard works on a State beach, and that it doesn't apply to County beaches. Lifeguards needs to go to the Legislature and explain why it's not working. They are the ones that put their lives on the line.

Secretary Kierkiewicz asked Vice President Kagawa that in the spirit of lifting up priorities, if each county could only have two bills, which would Kaua'i pick. Vice President Kagawa said the bill relating to highway safety and the bill relating to registration of vehicles. Treasurer King wanted to know if the funding stays on the island it was collected on. Vice President Kagawa replied that it's in the bill.

Treasurer King referred to Maui's list of priorities dated 9/30. For cesspools, want reporting deadlines, to get rid of geographical limitations, and to re-up Act 120 funds for another five years as the $10,000 grants sunset. Maui wants changes to the Sunshine Law, which President Manahan cautioned this is likely not a win as it opens the conversation up to how it doesn't apply to the State Legislature. Maui would like to enable counties to regulate hosting platforms as businesses; the proposed bill is modeled after Santa Monica's legislation, which penalizes advertising and collecting money from illegal activities. Treasurer King is trying to get a letter from from the Attorney General that articulates counties already have the authority to do so. For invasive species, Maui proposed a paid response mechanism for newly detected threats. Regarding sea level rise, Maui wants money for strategies and mitigation. The intoxicants bill is police driven, and proposes to lower the threshold of the blood alcohol limit; it was previously introduced by Lt. Governor Josh Green when he was in the State Senate. There is widespread support for this measure. Treasurer King noted a bill in the Housing Summit package regarding SHPD, and delegating an archaeologist in each of the counties to do reviews. Secretary Kierkiewicz asked Treasurer King the same question posed to Vice President Kagawa, about elevating the top two bills for the package. Treasurer King declined to select two noting that they're all important.

President Manahan shared the proposed vaping bill before the Executive Committee was submitted by Council Member Tommy Waters. Secretary Kierkiewicz asked if the bill was worked on in partnership with Hawai'i Public Health Institute; President Manahan believed so. Vice President Kagawa asked if Honolulu only had this one bill to submit; President Manahan said yes. Treasurer King asked if the vaping bill was enabling legislation; President Manahan said yes, and referred to the Justification Sheet attached to the bill.

Secretary Kierkiewicz shared Hawai'i County would provide a suggested approach for the counties to secure more TAT and how to expend the funds via a proposal by Council Member Richards. She noted in the interest of honing in on key priorities, Hawai'i County's desire to work

with Maui to refine its invasive species bill for the 2020 HSAC Legislative Package. Secretary Kierkiewicz mentioned these are Hawai'i County's priorities, but they could change based on subsequent conversations with legislators about what is doable. Secretary Kierkiewicz asked Mr. Okudara if he could think of changes such as "words on paper" to put forth so HSAC is not just asking for money. Mr. Okudara noted conversations with former Hawai'i County Mayor Billy Kenoi about this exact approach, such as going for administrative changes rather than financial asks.

Vice President Kagawa noted needing updated budget numbers to determine contract agreement for Mr. Okudara's services.

President Manahan presented revised budgets for August and September. There was a motion to accept the August and September budgets by Vice President Kagawa, with a second by Treasurer King. Upon closer review, President Manahan made the call to defer to the next meeting of the body. Secretary Kierkiewicz suggested line numbering the Treasurer's Report to make identification of items easier for discussion.

There was a motion by Vice President Kagawa to transfer $4,000 from MISC to the $36,000 line item for consultant fee to retain Mr. Okudara for a total of $40,000 to assist with the 2020 HSAC Legislative Package development and to be HSAC's lobbyist for the upcoming legislative session. The motion was seconded by Secretary Kierkiewicz. Secretary Kierkiewicz thanked Aida Kawamura for the updates to the SOW and asked Mr. Okudara if his agreement could be revised to reflect this important suggested edits. The motion to retain Okudara & Associates for $40,000 carried unanimously.

Vice President Kagawa pressed Maui to elevate two key priorities. Treasurer King said if pushed, Maui would like to pursue the bill relating to the use of intoxicants while operating a vehicle as well as the bill relating to cesspools.

Vice President Kagawa said to Mr. Okudara that the HSAC Legislative Package will contain our respective and shared priorities, but that we wanted his thoughts on what stood a chance.

VI. ANNOUNCEMENTS

Scheduling the Next HSAC EC Meeting

Next meeting is scheduled for Monday, October 28, 2019 at 10:30a.m. Treasurer King noted she will be in Mariposa for the WIR conference, and requested a conference call meeting. President Manahan said the next meeting is key as HSAC will finalize its package, therefore a poll would be circulated to the Executive Committee to determine if the meeting is to happen in person or via conference call.

It was decided that the last Monday of every month would serve as the standing convening of the HSAC Executive Committee.

2020 HSAC Annual Conference Dates
Hawai'i County is hosting the 2020 event that is tentatively scheduled for Wednesday, June 10 - Friday, June 12.

Other Announcements
There were no other announcements to make.

VII. ADJOURNMENT
Vice President Kagawa motioned to adjourn the meeting, with a second by Secretary Kierkiewicz. The motion carried unanimously. President Manahan adjourned the meeting at 12:49p.m.

Council Member Ashley L. Kierkiewicz
Secretary, Hawai'i State Association of Counties

Hawaii State Association of Counties

REVENUES COLLECTED AND EXPENSES PAID

Period: August 1 through August 31, 2019

BEGINNING BALANCE				**$169,447.00**
	August 2019	**FY 2020 Year to Date**	**FY 2020 Budget**	
REVENUES				
Membership Fees	$43,680.00	$43,680.00	$43,680.00	
Conference Income	$0.00	$0.00	$25,000.00	
Interest Income	$2.93	$5.99	$28.00	
Corporate Sponsorship	$0.00	$0.00	$0.00	
Miscellaneous	$0.00	$0.00	$0.00	
NACo Prescription Drug	$0.00	$0.00	$6,000.00	
Fund Balance, prior FY	$0.00	$0.00	$107,164.00	
Total	$43,682.93	$43,685.99	$181,872.00	
Total Receipts This Period				**$43,682.93**
EXPENSES				
HSAC				
Executive Committee Travel-Air, Ground, Lodging & Conference Registration	$410.53	$4,241.59	$17,600.00	
Auditing Services	$0.00	$0.00	$5,000.00	
Stationery	$0.00	$0.00	$150.00	
Miscellaneous	$114.50	$232.45	$28,695.00	
Online Quickbooks Monthly Fee	$73.15	$146.30	$650.00	
Special Committees				
Travel	$0.00	$0.00	$500.00	
Miscellaneous	$0.00	$0.00	$100.00	
NACo				
Board Travel-Air, Ground, and Lodging & Conference Reg	$0.00	$2,403.37	$24,000.00	
Steering Committees Travel-Air ,Ground	$0.00	$0.00	$8,000.00	
Promotional	$0.00	$0.00	$250.00	
Dues	$0.00	$0.00	$27,268.00	
Miscellaneous	$0.00	$5,343.27	$2,000.00	
WIR				
WIR Travel-Air, Ground, Lodging, Conference Reg	$0.00	$1,130.72	$12,000.00	
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	
OTHER				
Adjustments for Travel and Related Expenses	$0.00	$0.00	$0.00	
National Conference Fund	$0.00	$0.00	$0.00	
Prescription Drug Scholarship Program	$0.00	$0.00	$0.00	
County Leadership Institute Attendee	$0.00	$0.00	$0.00	
Prescription Drug Promotion	$0.00	$0.00	$0.00	
HSAC Promotion	$0.00	$581.64	$14,855.00	
HSAC Consultant Fee	$0.00	$7,000.00	$36,000.00	
Total	$598.18	$21,079.34	$181,872.00	
Total Expenses This Period				**$598.18**
ENDING BALANCE				**$212,531.75**

Hawaii State Association of Counties

REVENUES COLLECTED AND EXPENSES PAID

Period: September 1 through September 30, 2019

BEGINNING BALANCE				**$212,531.75**
	September 2019	**FY 2020 Year to Date**	**FY 2020 Budget**	
REVENUES				
Membership Fees	$0.00	$43,680.00	$43,680.00	
Conference Income	$0.00	$0.00	$25,000.00	
Interest Income	$3.47	$9.46	$28.00	
Corporate Sponsorship	$114.30	$114.30	$0.00	
Miscellaneous	$0.00	$0.00	$0.00	
NACo Prescription Drug	$0.00	$0.00	$6,000.00	
Fund Balance, prior FY	$0.00	$0.00	$107,164.00	
Total	$117.77	$43,803.76	$181,872.00	
Total Receipts This Period				**$117.77**
EXPENSES				
HSAC				
Executive Committee Travel-Air, Ground, Lodging & Conference Registration	$304.17	$4,545.76	$17,600.00	
Auditing Services	$0.00	$0.00	$5,000.00	
Stationery	$0.00	$0.00	$150.00	
Miscellaneous	$0.00	$232.45	$28,695.00	
Online Quickbooks Monthly Fee	$73.15	$219.45	$650.00	
Special Committees				
Travel	$0.00	$0.00	$500.00	
Miscellaneous	$0.00	$0.00	$100.00	
NACo				
Board Travel-Air, Ground, and Lodging & Conference Reg	$1,418.39	$3,821.76	$24,000.00	
Steering Committees Travel-Air ,Ground	$0.00	$0.00	$8,000.00	
Promotional	$0.00	$0.00	$250.00	
Dues	$0.00	$0.00	$27,268.00	
Miscellaneous	$0.00	$5,343.27	$2,000.00	
WIR				
WIR Travel-Air, Ground, Lodging, Conference Reg	$0.00	$1,130.72	$12,000.00	
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	
OTHER				
Adjustments for Travel and Related Expenses	$0.00	$0.00	$0.00	
National Conference Fund	$0.00	$0.00	$0.00	
Prescription Drug Scholarship Program	$0.00	$0.00	$0.00	
County Leadership Institute Attendee	$0.00	$0.00	$0.00	
Prescription Drug Promotion	$0.00	$0.00	$0.00	
HSAC Promotion	$0.00	$581.64	$14,855.00	
HSAC Consultant Fee	$0.00	$7,000.00	$36,000.00	
Total	$1,795.71	$22,875.05	$181,872.00	
Total Expenses This Period				**$1,795.71**
ENDING BALANCE				**$210,853.81**

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu
530 S. King Street, Room 202, Honolulu, Hawai'i 96813 (808) 768-5010 www.hawaiicounties.com

October 22, 2019

President Joey Manahan and Members of the Executive Committee
Hawai'i State Association of Counties
530 S. King Street, Room 202
Honolulu, Hawai'i 96813

Dear HSAC Executive Committee:

SUBJECT: 2019 HAWAI'I STATE ASSOCIATION OF COUNTIES ANNUAL CONFERENCE REPORT

On behalf of the Maui County Council and the 2019 Hawai'i State Association of Counties Annual Conference Committee, we would like to extend our sincere appreciation to all counties for participating in this year's conference, held June 9-12, 2019 at the Wailea Beach Resort on Maui.

The conference welcomed 233 attendees, including 52 speakers and presenters.

The theme for this year's conference was "Hot Topics in Sustainability." To support this theme, various topics of statewide concern were covered, including food security, water rights, invasive species, affordable housing, and sea-level rise. Sessions of similar subject matter were grouped according to six conference tracks: Transportation, Sustainable Ag & Land Use, Water Resources, Housing, Community Trends, and Climate Change. In this way, attendees could participate in sessions related to a specific track or attend sessions of different tracks, depending on preference. The Maui Film Festival screening of "Beyond Climate," directed by Ian Mauro, and the launch of the Climate Reality Project Hawai'i Chapter, the first chapter in the Asian-Pacific region, were highlights. Attached for your information is a copy of the conference schedule, which outline these events.

Our overall conference income totaled $115,771.66, conference registration fees totaled $55,950, and guest reception fees totaled $2,817.28. In addition to $57,000 in sponsorship income, we received a $25,000 grant from the County of Maui, Office of Economic Development to cover entertainment and Maui Film Festival screening costs. The grant enabled us to host outstanding local entertainers such as George Kahumoku, Jr., Henry Kapono, and Pat Simmons, Jr. at the welcome reception and dinner lū'au. Total conference expenses totaled $110,329.31, resulting in a net income of $5,442.35. Attached for your information is the 2019 HSAC Conference Profit and Loss Statement.

The Maui County Council would like to extend its appreciation to all who supported our team in making the 2019 HSAC Conference a success.

Sincerely,

Kelly T. King

KELLY T. KING
HSAC Treasurer

Attachments

ocs:proj:conf:conf-19:postconferencereport:final:2019HSACPostConferenceReport

2019 HSAC Conference
Profit and Loss
FINAL

		TOTAL
Income		
Conference Income		
Dining-Guest		2,817.28
Interest Income		4.38
Registration		55,950.00
Sponsorship		57,000.00
Total Conference Income	$	115,771.66
Expenses		
Conference Expense		
A/V		7,941.71
Conference Cost (F&B)		89,991.07
Entertainment		400.00
Fees		3,931.26
Leis/Flowers		229.06
Miscellaneous		4,732.25
Program		2,433.66
Supplies		670.30
Total Conference Expense	$	110,329.31
NET INCOME	$	5,442.35

Entertainment costs for the Welcome Reception and Dinner Luau, and Maui Film Festival screening were covered by a $25,000 grant by the County of Maui - Office of Economic Development.

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu
200 S. High Street Wailuku, HI 96793 (808) 270-7838 www.hawaiicounties.com

2019 HSAC Annual Conference | June 9-12, 2019 | Wailea Beach Resort

Please go to https://hsac2019.eventbrite.comto register today!

Schedule subject to change without notice

Eco- Tourism Activities
Please purchase directly with activity site.

*Maui Ocean Center***
HSAC Rate of $17.76/adult, $15.89/senior, $9.32/Child, $4.65 for Sphere Exhibit.
Must present HSAC Coupon available at http://mauicounty.us/hsac-2019/.

*Wailea Blue Course Tee Time***
HSAC Rate of $53

*Submerged Maui Escape Room***
HSAC Rate $37.50

SUNDAY, JUNE 9

2:00 – 5:00 pm	Registration & Information *(Aulani Foyer)*
5:00 – 7:00 pm	Welcome Reception* Featuring George Kahumoku, Jr. *(Luau Gardens)* *Included for conferees.* ** Guests may purchase tickets for $75 at http://HSACReception.eventbrite.com.*

MONDAY, JUNE 10

6:30 – 7:45 am	Networking Breakfast Buffet *(Humble Market Kitchin)*
8:00 – 5:00 pm	Registration & Information *(Aulani Foyer)*
8 – 8:30 am	Opening Remarks *(Aulani Ballroom)* Council Vice-Chair Keani Rawlins-Fernandez (Oli) County Council Chair Kelly T. King HSAC President Valerie T. Poindexter NACo President Greg Cox
8:30 - 9:15 am	Keynote Address by Mufi Hannemann "Sustainable Tourism: Marketing v. Managing"
9:15 – 9:30 am	NACo Executive Director, Matt Chase "Federal Issues/County Impact"
9:30 – 9:45 am	Morning Break

Tracks 1, 2, 3 Transportation | Sustainable Ag & Land Use | Water Resources

9:45 – 11:15 am Session 1 of Tracks 1-3 *(breakout rooms)*
11:30 – 12:45 pm Lunch/Keynote: Climate Litigation *(Aulani Ballroom)*
1:00 – 2:30 pm Session 2 of Tracks 1-3 *(breakout rooms)*
2:30 – 2:45 pm Afternoon Break
2:45 – 4:15 pm Session 3 of Tracks 1-3 *(breakout rooms)*
4:15 – 5:15 pm HSAC Executive Committee & General Membership Meeting

TUESDAY, JUNE 11

6:30 – 7:30 am Networking Breakfast Buffet *(Humble Market Kitchin)*
7:30 – 8:00 am Ceremony Honoring King Kamehameha *(Mei Court)*
8:00 – 5:00 pm Registration & Information *(Aulani Foyer)*

Tracks 4, 5, 6 Housing | Climate Change | Community Trends

8:15 – 9:45 am Session 1 of Tracks 4-6 *(breakout rooms)*
9:45 – 10:00 am Morning Break
10:00 – 11:30 am Session 2 of Tracks 4-6 *(breakout rooms)*
11:30 – 12:45 pm Learning Lunch: Legislative Update by Speaker Scott Saiki & Video Message from Rep. Tulsi Gabbard *(Aulani Ballroom)*
1:00 – 2:15 pm Spotlight on Youth (Aulani Ballroom)
2:15 – 2:30 pm Afternoon Break
2:30 – 4:00 pm Beyond Climate Change *(Aulani Ballroom)*
4:00 – 4:45 pm Launch The Climate Reality Project: Hawaii Chapter *(Aulani Ballroom)*
6:00 – 8:00 pm Dinner Luau* Featuring Henry Kapono & Pat Simmons, Jr. *(Pacific Terrace)* *Included for conferees.*
** Guests may purchase tickets for $150 at https://HSACLuau.eventbrite.com.*

WEDNESDAY, JUNE 12

6:30 – 8:30 am Breakfast Buffet *(Humble Market Kitchin)*
8:00 –12:00 pm Registration & Information *(Aulani Foyer)*
8:45 – 10:15 am Maui Film Festival Screening of Beyond Climate with Q&A *(Aulani Ballroom)*
10:15 –10:30 am Morning Break
10:30 – 12:00 pm Seaside Chat with HSAC Executive Committee *(Aulani Ballroom)*

Resort Reservations:

Please go to https://book.passkey.com/e/49887020 **by May 31** to book your exclusive HSAC rate at the Wailea Beach Resort - Marriott

If you need assistance, please contact Reservations Supervisor, Stacey Sugahara at stacey.sugahara@marriott.com or (808) 874-7853.
++Plus taxes and fees

		SCHEDULE SUBJECT TO CHANGE	
Sunday 6/9			
Optional Eco-Tourism Activities at Special HSAC Rates	*Submerged Maui Escape Room HSAC Rate $37.50 General info at submergedmaui.com*	*Maui Ocean Center HSAC Discounts Available at http://mauicounty.us/hsac-2019/ General info available at mauioceancenter.com*	*Wailea Golf Club - Blue Course HSAC Rate $53.00 General info at waileagolf.com*
5:00pm - 7:00pm		**WELCOME RECEPTION Featuring George Kahumoku, Jr.** *Included in Conference Registration Guest tickets $75.00*	
Monday 6/10			
6:30am - 7:45am		Networking Breakfast Buffet	
8:00 am - 8:30am		**Welcome** Oli by Council Vice-Chair Keani Rawlins-Fernandez Remarks by Council Chair Kelly King, HSAC President Valerie T. Poindexter, Councilmember Riki Hokama & NACo President Greg Cox	
8:30am - 9:15am		**Keynote Sustainable Tourism: Management v. Marketing** Mufi Hannemann	
9:15am - 9:30am		**Federal Issues / County Impact** NACo Executive Director Matt Chase	
TRACKS	**TRANSPORTATION**	**SUSTAINABLE AG & LAND USE**	**WATER RESOURCES**
9:45am - 11:15am	**HUBS & CORRIDORS** * Pam Eaton - Dept. of Planning Buddy Almeida - Dept. of Housing & Human Concerns Lauren Armstrong -	**INTO THE WOODS** Councilmember Keani Rawlins-Fernandez * Alison Cohan - The Nature Conservancy Danny Boren - Skyline	**THE SHAPE OF WATER** * Christin Reynolds - One World One Water William Kucharski - Hawaii County Environmental Mgmt Department

	Metropolitan Planning Org. Nolly Yagin - Dept. of Public Works David Yamashita - Dept. of Parks & Rec	Eco-Adventures Jordan Jokiel - Haleakala Ranch Keali'i Reichel - Hokunui Poly-Forestry	Kaleo Manuel - Commission on Water Resource Mgmt Dana Okano - Hawaii Community Foundation James Strickland - Hui O Ka Wai Ola
11:30am - 12:45pm		**Learning Lunch** Introduction by Councilmember Joey Manahan (Honolulu) **Keynote: Climate Litigation** Alyssa Johl - Center for Climate Integrity Kate Sears - Marin County Supervisor	
1:00pm - 2:30pm	**THE GREEN WAY** Councilmember Yuki Lei Sugimura * Meredith Speicher - National Park Service Todd Boulanger - Biki Bikeshare Lee Chamberlain - RideSmart Maui Pam Eaton - Dept. of Planning Benjamin Trevino - HNL Authority for Rapid Transit	**FOOD (IN)SECURITY** * Lauren Loor - Maui Nui Food Policy Alliance Laksmi Abraham - Blue Zones Project Susan Campbell & Charlotte O'Brien - Aina First Jennifer Karaca - Common Ground Collective Tiare Lawrence - Mahi Pono Bobby Pahia - Hoaloha Farms	**A REEF HISTORY OF TIME** * Amy Hodges - Maui Nui Resource Council Rich Brunner - MACZAC Lawrence Carnicelli - Maui Planning Commision Mark Hecht - Polanui Hiu Managed Makai Area Manuel Mejia - The Nature Conservancy
2:45pm - 4:15pm	**BUNDLE OF ENERGY** Greg Gaug - Ulupono * Lauren Reichelt - Blue Planet Foundation Stan Osserman - Hawaii Technology Develop. Corp. Bob King - Pacific Biodiesel	**LIVING ON THE AINA** Councilmember Tamara Paltin * N. Ha'alilio Solomon - Kawaihuelani Ctr for Hawaiian Lang. Kahikina de Silva - UH Manoa Noelani Puniwai - Kamakakuokalani Ctr for Hawaiian Studies	**WATER RIGHTS & WRONGS** * Lucienne de Naie - Sierra Club Kyle Nakanelua - Aha Moku O Maui Ke'eaumoku Kapu - Aha Moku O Maui Hokuao Pellegrino - Hui O Na Wai Eha
4:15pm - 5:15pm		**HSAC COMMITTEE & MEMBERSHIP MEETING**	
Tuesday 6/11			
6:30am - 7:30am		Networking Breakfast Buffet	

7:30am - 8:00am		**Ceremony Honoring King Kamehameha** Councilmember Shane Sinenci Don Atay Fawn Helekahi Burns	
TRACKS	**HOUSING**	**CLIMATE CHANGE**	**COMMUNITY TRENDS**
8:15am - 9:45am	**PRESCRIPTION FOR HOUSING** * Rowena Dagdag-Andaya - Dept. of Public Works Lt. Gov. Joshua Green Mel Kaneshige - Kahauiki Village Mark Tom - Community Outreach Court		**INVASIVE MANEUVERS** * Josh Atwood - Hawaii Invasive Species Council Franny Brewer - Big Island Invasive Species Committee Adam Radford - Maui Invasive Species Committee
10:00am - 11:30am	**BUILDING BEST PRACTICES** * Councilmember Tasha Kama Douglas Bigley - Ikaika Ohana Jason Economou - Maui Realtors Assn Jeff Gilbreath - Hawaiian Community Assets Brian Kealoha - Hawaii Energy Jeff Mikulina - Blue Planet Foundation	**HERE COMES THE FLOOD** Councilmember Mike Molina Chip Fletcher - HNL Climate Change Commission Colin Hayashida - HI Insurance Commissioner Erin Hughey - Pacific Disaster Center	**NON-PROFIT NETWORKS** Councilmember Alice Lee Bevanne Bowers & Paula Ambre - Maui Assn of Non Profit Directors Cassandra Abdul - Na Hale O Maui Debbie Cabebe - Maui Economic Opportunity Inc. Sherri Dodson - Habitat for Humanity Maui Caroline Killhour - Hui No'eau
11:30am - 12:45pm		**Learning Lunch** w/ Music by Fawn Helekahi Burns Video Message from Rep. Tulsi Gabbard **Keynote: Legislative Update** Speaker of the House Scott Saiki	
1:00pm - 2:15pm		**SPOTLIGHT ON YOUTH** Blue Planet Fellows: Kawika Ke Koa Pegram (Moderator) Annika Berezney, Brandon Mendoza, Olivia Stoetzer	

2:30pm - 4:00pm	**BEYOND CLIMATE CHANGE** * Tara Owens - UH Maui Sea Grant College Program Tim Botkin - UH Maui Sustainable Science Mgmt Alex de Roode - Maui Energy Commissioner Josh Stanbro - HNL Office of Climate Change	
4:00pm - 4:45pm	**HAWAII CHAPTER LAUNCH OF THE CLIMATE REALITY PROJECT** The Climate Reality Project Hawaii Chapter Founding Members	
6:00pm - 8:00pm	**DINNER LUAU** **Featuring Henry Kapono & Pat Simmons, Jr.** *Included in Conference Registration* *Guest tickets $150*	
Wednesday 6/12		
6:30am - 8:30am	Networking Breakfast Buffet	
8:45am - 10:15am	**Maui Film Festival Screening** **BEYOND CLIMATE** with Producer Q&A	
10:30am - 12:00pm	**SEASIDE CHAT** with HSAC Executive Committee	
	A Hui Hou Kākou	

Hawai'i State Association of Counties (HSAC)
Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu
200 S. High Street, Room 703, Wailuku, Hawaii 96793 (808) 270-7838 www.hawaiicounties.com

MEMORANDUM
October 22, 2019

TO: Joey Manahan, HSAC President
and HSAC Executive Committee Members

FROM: Kelly T. King, HSAC Treasurer Kelly T. King

RE: AMENDMENT TO HSAC BYLAWS, RELATED TO OFFICERS

To ensure proper rotation among the counties relating to duties of Officers, I propose amending page 2 of the HSAC Bylaws, under Officers, to read as follows:

"The officers of the corporation shall consist of the President, Vice-President, Secretary and Treasurer, none of who shall be members of the same council.

The term of each officer shall begin on July 1 immediately following the annual meeting at which elected and end on June 30 of the subsequent year. Beginning with Fiscal Year 2021-2022, the term of office for each shall be one year. The officers of the corporation shall rotate annually among the four counties, such that an officer shall not hold the same office within a four-year time span."

October 15, 2019

President Joey Manahan
And Executive Committee Members
Hawaii State Association of Counties
530 South King Street
Honolulu, Hawaii 96813

Dear President Manahan:

The purpose of this letter is to formalize our understanding of the services to be provided by Okudara & Associates, Inc. (O&A) to the Hawaii State Association of Counties (HSAC) for the interim leading up to and including the Regular Session of 2020 of the Hawaii State Legislature.

Agreement

Okudara & Associates, Inc. (O&A) will work with the leadership and designated staff of the Hawaii State Association of Counties (HSAC) to:

- Establish priorities for legislation to implement changes desired by HSAC, to assist the HSAC in implementing a legislative plan including assisting in preparing testimony and presenting testimony, when necessary;
- Prepare supporting research papers to educate legislators and key legislative staff on the HSAC legislative initiatives;
- Facilitate briefings of legislators and committee staff; and
- Screen legislation introduced, monitor committee hearings, and submit regular reports on the progress of legislative measures of interest to persons designated by HSAC.

Scope of Work

<u>November – December 2019</u>

Work with HSAC leadership and designated staff to:

- Establish priorities for legislation to be submitted by HSAC;
- Finalize the legislative package of bills and work with the HSAC leadership to identify those bills that will be the highest priorities for the HSAC; and
- Develop an understanding and support for the HSAC priorities among legislators, and identify legislators that are willing to be advocates for the proposed measures.

December 2019 – January 2020

Coordinate meetings and briefings on the HSAC legislative package with legislative leadership, and staffs of the Finance and Ways and Means committees to develop an awareness and understanding of the need for the proposed legislation. Coordinate the development of the legislative package with HSAC leadership to develop understanding and support for the legislative package.

Assist in the preparation of informational papers and supporting documents to be used during the legislative session. Assist in the preparation of draft testimonies to be submitted at legislative hearings.

With the HSAC leadership, coordinate briefings for legislative leadership on the legislative package being proposed, and the goals and objectives of the measures being proposed.

Identify any opponents or obstacles that will be encountered, if any, and develop strategies to address the arguments that will be raised in opposition.

January – May, 2020

Ensure the HSAC legislative package is introduced.

Screen all legislative measures, committee reports, and communications daily to identify items of interest to HSAC. Work with the HSAC leadership to develop supporting positions and strategies for measures favored by HSAC, including the preparation and submittal of supporting testimony, and the development of alternatives on measures that require amendment. Work with HSAC leadership in preparing suggested amendments to legislation, if necessary. Implement strategies and develop testimony to oppose measures opposed by HSAC.

Brief legislators on the HSAC legislative package to develop support and understanding of the HSAC positions.

Submit regular reports on the status of legislation to persons designated by HSAC.

May – June, 2020

Continue communications with the legislative leadership, administrative departments, and the Governor's Office to ensure that measures of interest to HSAC that have been passed are not vetoed.

Fee

O&A shall provide the services in this Agreement for a total fee of $36,000.00, including applicable Hawaii state taxes. Fees shall be paid on invoices sent by O&A as follows: $4,500.00 upon signing of this agreement with O&A; and $4,500.00 increments on December 1, 2019, January 1, 2020, February 1, 2020, March 1, 2020, April 1, 2020, and May 1, 2020. Final payment of $4,500.00 shall be made upon receipt sent of an invoice sent by O&A with a final report to HSAC of the outcome of the 2020 legislative session.

Period of Service

O&S shall provide the services proposed from November 1, 2019 through June 30, 2020.

Termination

This Agreement may be terminated by either party after giving thirty (30) days written notice.

Please indicate your acceptance and approval of this Agreement in the space provided on this letter and return a copy to O&A.

You for the opportunity to assist HSAC on this matter. We look forward to working with you during the Regular Session of 2020.

Very truly yours,

JON T. OKUDARA
Okudara & Associates, Inc.

APPROVED AND ACCEPTED THIS
_____ DAY of _____, 2020

HAWAII STATE ASSOCIATION OF COUNTIES

By _____
Its: President

COUNTY COUNCIL
Arryl Kaneshiro, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Felicia Cowden
Luke A. Evslin
KipuKai Kuali'i

OFFICE OF THE COUNTY CLERK

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

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

September 16, 2019

President Joey Manahan
and Executive Committee Members
Hawai'i State Association of Counties
Via E-mail jmanahan@honolulu.gov

Dear President Manahan and Executive Committee Members:

RE: Proposals for 2020 Hawai'i State Association Of Counties Legislative Package

At its meeting on September 11, 2019, the Kaua'i County Council approved to forward the following measures to the Hawai'i State Association of Counties (HSAC) for consideration for inclusion in the 2020 HSAC Legislative Package:

1. A Bill For An Act Relating to Highway Safety
(To establish a new fee to be paid by U-drive motor vehicles for each certificate of registration, which has the effect of assessing all motor vehicles (including U-drive motor vehicles) the same amount for beautification and costs related to the disposition of abandoned and derelict vehicles.)

2. A Bill For An Act Relating to Registration of Vehicles
(Amends Hawai'i Revised Statutes Section 286, to allow the Director of Finance to require payment of outstanding charges owed to the County for towing, removal, or disposal of an abandoned or derelict vehicle within the County before the renewal or issuance of a Motor Vehicle Certificate of Registration.)

3. A Bill For An Act Relating to Tort Liability
(To provide an exemption from Tort Liability for the State and Counties arising from Lifeguard Services, except for gross negligence, wanton acts, or omissions.)

The corresponding measures are attached for your information, review, and consideration.

Should you have any questions, please feel free to contact Council Services Staff on Kaua'i at (808) 241-4188.

Sincerely,

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kaua'i

AMK:jy
Attachments

THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

__.B. NO._____

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. Chapter 286-51, Hawai'i Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) This part shall be administered by the director of finance in conjunction with the requirements of sections 249-1 to 249-13 and shall entail no additional expense or charge to the person registering the ownership of a motor vehicle other than as provided by this section or by other laws; provided that for each new certificate of ownership issued by the director of finance under section 286-52, the director of finance may charge a fee which shall be deposited in the general fund. The fees charged to issue a new certificate of ownership shall be established by the county's legislative body.

Notwithstanding any other law to the contrary, an additional fee of not more than [~~$1 for each certificate of registration for a U-drive motor vehicle and~~] $2 for each certificate of registration for all [~~other~~] motor vehicles may be established by ordinance and collected annually by the director of finance of each county, to be used and administered by each county:

(1) For the purpose of beautification and other related activities of highways under the ownership, control, and jurisdiction of each county; and

(2) To defray the additional cost in the disposition and other related activities of abandoned or derelict vehicles as prescribed in chapter 290. For the purposes of this paragraph, other related activities shall include but need not be limited to any and all storage fees that are negotiated between each county and a towing company contracted by the county to remove and dispose of abandoned or derelict vehicles.

The $2 fee established pursuant to this subsection for certificates of registration for <u>all</u> motor vehicles [~~other than U-drive motor vehicles~~] may be increased by ordinance up to a maximum of $10; provided that all amounts received from any fee increase over $2 shall be expended only for the purposes of paragraph (2). The moneys so assessed and collected shall be placed in a revolving fund entitled, "the highway beautification and disposal of abandoned or derelict vehicles revolving fund."

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

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

INTRODUCED BY:_____

__.B. NO. _____

Report Title:
Highway Safety; Registration expense; establish new fee for U-drive motor vehicles.

Description:
Establishes a new fee to be paid by U-drive motor vehicles for each certificate of registration, which has the effect of assessing all motor vehicles (including U-drive motor vehicles) the same amount for beautification and costs related to the disposition of abandoned or derelict vehicles.

__.B. NO. _____

BILL FOR AN ACT

RELATING TO REGISTRATION OF VEHICLES.

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

SECTION 1. The legislature finds that some individuals and entities intentionally abandon vehicles on roads and highways throughout the State, and that it is difficult for the counties to recoup the costs of towing and disposal. The legislature finds that if the counties were able to require that the costs of owing and disposal are paid as a condition precedent to registration of vehicles that the counties would have an easier time recouping their costs.

SECTION 2. Section 286-51, Hawai'i Revised Statutes, is amended by amending subsection (a) to read as follows:

(a) The certificate of registration for each motor vehicle in the counties of the State shall be renewed on a staggered basis as established by each county. The director of finance of each county may adopt rules to carry out the purposes stated in this section and shall expend the necessary funds from the director's operating funds as may be necessary for these purposes; provided that the director of finance, if the director has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to

any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county, or has outstanding charges owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle within the county, may require, as a condition precedent to the renewal, that the registered owner deposit or pay bail with respect to all such summonses, [~~or~~] citations, or outstanding charges. The certificates of registration issued hereunder shall show, in addition to all information required under section 286-47, the serial number of the tag or emblem and shall be valid during the registration year only for which they are issued. The certificates of ownership need not be renewed annually but shall remain valid as to any interest shown therein until canceled by the director of finance as provided by law or replaced by new certificates of ownership as hereinafter provided.

SECTION 3. Section 286-52, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

(c) Subsection (b), requiring a transferee to forward the certificate of ownership after endorsement to the director of finance, shall not apply to the transferee of a vehicle who was not intending to and does not drive the vehicle or permit the vehicle to be driven upon the public highways, but every such

transferee, upon transferring the transferee's interest or title to another, shall give notice of the transfer to the director of finance and endorse the certificate of ownership to the new legal owner and the certificate of registration to the new owner; provided that if the director of finance has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county, or has outstanding charges owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle within the county, the director may require, as a condition precedent to the transfer, that the registered owner deposit or pay bail with respect to all such summons, [~~or~~] citations, or outstanding charges.

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

SECTION 5. This Act shall take effect on July 1, 2020.

INTRODUCED BY: _____

__.B. NO. _____

Report Title:
Motor Vehicle Registration; Director of Finance; Outstanding Charges

Description:
Allows the director of finance of a county to require payment of outstanding charges owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle within the county before issuing a motor vehicle certificate of registration.

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 Motor Vehicle Registration

PURPOSE: This proposed Bill for an Act allows the director of finance of a county to require payment of outstanding charges owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle within the county before issuing a motor vehicle certificate of registration.

MEANS: Amends Section 286-51 of the Hawai'i Revised Statutes (HRS)

JUSTIFICATION: The Kaua'i County Director of Finance finds that some individuals and entities intentionally abandon vehicles on roads and highways, and that it is difficult to recoup the costs of towing and disposal. If the counties were able to require that the costs of towing and disposal are paid as a condition precedent to registration of vehicles than the counties would have an easier time recouping their costs.

__.B. NO. _____

BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

SECTION 1. The liability protections afforded to lifeguards in Act 170, Session Laws of Hawai'i 2002, were repealed on June 30, 2017. Act 170 provided liability protection for lifeguard services on the beach or in the ocean, except for gross negligence or wanton acts or omissions. This limited liability protection was made necessary because some counties would not provide lifeguard services at state beach parks, due to the fear of potential liability that might ensue. The legislature finds that Act 170 created a climate in which lifeguard services could be provided by the counties without fear of liability and, therefore, is a life saving measure that should be reestablished.

The purpose of this Act is to permanently reinstate the liability protections previously afforded for lifeguard services.

SECTION 2. Chapter 663, Hawai'i Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

1 "S663- **Exception to liability for county lifeguard**
2 **services.** (a) For the purposes of this section:
3 "County lifeguard" means a person employed as a lifeguard
4 by a county of this State.
5 "Employing county" means the county employing a county
6 lifeguard.
7 (b) Notwithstanding any other law to the contrary, neither
8 a county lifeguard, the employing county, nor the State shall be
9 liable for any civil damages resulting from any act or omission
10 of the lifeguard while providing rescue, resuscitative, or other
11 lifeguard services on the beach or in the ocean in the scope of
12 employment as a county lifeguard; provided that this exception
13 from liability shall not apply when the claim for civil damages
14 arises from a county lifeguard's alleged gross negligence or
15 wanton act or omission."
16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.
19 SECTION 4. New statutory material is underscored.
20 SECTION 5. This Act shall take effect upon its
21 approval.
22
23 INTRODUCED BY:_____

__.B. NO. _____

Report Title:
Kaua'i County Package; State and County Tort Liability; Lifeguard Services

Description:
Makes an exemption from tort liability for the State and counties arising from lifeguard services, except for gross negligence or wanton acts or missions.

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 Tort Liability

PURPOSE: This proposed Bill for an Act permanently reinstates the liability protections previously afforded by making an exemption from tort liability for the State and counties arising from lifeguard services, except for gross negligence or wanton acts or omissions.

MEANS: Amends Section 663 of the Hawai'i Revised Statutes (HRS)

JUSTIFICATION: County lifeguards protect the safety of residents and visitors at four, and soon five, State beaches. This bill would expand the protection offered by HRS 662-16 which states that the attorney general shall defend county lifeguards working under contract at a designated state beach park to indemnify county lifeguards and provide for defense for decision-making in non-State beach parks or in the ocean, including but not limited to Queen's Bath.

Council Chair
Kelly T. King

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Alice L. Lee
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura

Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

September 30, 2019

President Joey Manahan
and Executive Committee Members
Hawaii State Association of Counties
Via email: a.kekoolani@honolulu.gov

Dear President Manahan and Executive Committee Members:

SUBJECT: **MAUI COUNTY PROPOSALS FOR POSSIBLE INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE**

At its meeting of October 4, 2019, the Maui County Council will be discussing the following measures for possible inclusion in the 2020 Hawaii State Association of Counties Legislative Package. Copies of the bills and their corresponding justification sheets are attached for your reference.

1. A Bill For An Act Relating to Cesspools

   The purpose of the proposed bill is to: 1) extend various reporting deadlines and the sunset date of the cesspool conversion working group; and 2) extend the lapse date of funds appropriated previously for the comprehensive statewide study of sewage contamination in nearshore marine areas and for research and technical assistance necessary for completion of the comprehensive cesspool conversion plan.

2. A Bill For An Act Relating to Community Meetings

   The purpose of the proposed bill is to allow members of a county council to attend informational meetings or presentations without a limitation on the number of attendees.

3. A Bill For An Act Relating to Transient Accommodations Hosting Platforms

   The purpose of the proposed bill is to allow the counties to enact and enforce ordinances regulating the operation of hosting platforms providing booking services for transient accommodation operators located within the county.

4. A Bill For An Act Relating to Invasive Species

   The purpose of the proposed bill is to create a paid response mechanism for invasive species so that newly detected threats may be immediately addressed.

5. A Bill For An Act Relating to Sea Level Rise

   The purpose of the proposed bill is to allow the counties to enact and enforce ordinances regulating the operation of hosting platforms providing booking services for transient accommodation operators located within the county.

6. A Bill For An Act Relating to the use of Intoxicants While Operating a Vehicle

   The purpose of the proposed bill is to lower the threshold of Blood Alcohol Concentration to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant.

7. A Bill For An Act Relating to Cesspools

   The purpose of the proposed bill is to: 1) eliminate the geographical limitations for qualified cesspools; and 2) extend the income tax credit to December 31, 2025.

Should you have any questions, please contact me or Legislative Analyst Shelly Espeleta at 808-270-7134.

Sincerely,

Kelly T. King

KELLY T. KING, Chair
Maui County Council

ocs:proj:hsac:fy2020:legpackage:mccproposals

Attachments

__.B. NO._____

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

SECTION 1. The legislature finds that Act 132, Session Laws of Hawaii 2018, established the cesspool conversion working group to develop a long-range, comprehensive plan for conversion of cesspools statewide by 2050 and commissioned a statewide study of sewage contamination in nearshore marine areas to further supplement studies and reports conducted by the department of health on cesspools. The working group convened in 2018 and has been working to meet the objectives set out in Act 132; however, the working group needs an extension on the lapse date of its funding and additional time to meet its objectives.

The purpose of this Act is to:

(1) Extend various reporting deadlines and the sunset date of the cesspool conversion working group; and

(2) Extend the lapse date of funds appropriated previously for the comprehensive statewide study of sewage contamination in nearshore marine areas and for research and technical assistance necessary for

completion of the comprehensive cesspool conversion plan.

SECTION 2. Act 132, Session Laws of Hawaii 2018, is amended by adding a new section to read as follows:

"SECTION 6. Money appropriated under sections 4 and 5 of this Act will not lapse at the end of the fiscal year for which the money has been appropriated; except that any money appropriated under sections 4 and 5 of this Act that are unencumbered as of June 30, 2021, will lapse on that date."

SECTION 3. Act 132, Session Laws of Hawaii 2018, section 2, is amended as follows:

1. By amending subsection (e) to read:

"(e) The cesspool conversion working group shall submit an interim report of its progress, including any preliminary findings and recommendations, [~~including~~] and any proposed legislation, to the legislature no later than [~~December 31, 2019,~~] twenty days prior to the convening of the regular session of 2021 and no later than twenty days prior to the convening of the regular session of 2022, and shall submit a final report, including findings, recommendations, and [~~any~~] proposed legislation, to the legislature no later than [~~twenty~~] sixty

days prior to the convening of the regular session of [~~2021.~~] 2023."

2. By amending subsection (g) to read:

"(g) The working group shall be dissolved on January 14, [~~2021.~~] 2023."

SECTION 4. Act 132, Session Laws of Hawaii 2018, section 3, is amended by amending subsection (b) to read as follows:

"(b) The university of Hawaii water resources research center and the department of health shall submit a report of their findings and recommendations, including any proposed legislation, to the cesspool conversion working group and the legislature no later than [~~October 1, 2019.~~] twenty days prior to the convening of the regular session of 2022."

SECTION 5. Act 132, Session Laws of Hawaii 2018, is amended by amending section 6 to read as follows:

"SECTION [~~6.~~]7. This Act shall take effect on July 1, 2018."

SECTION 6. Statutory material to be repealed is bracketed and in strikethrough. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY:_____

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Cesspools

PURPOSE: The purpose of the proposed bill is to: 1) extend various reporting deadlines and the sunset date of the cesspool conversion working group; and 2) extend the lapse date of funds appropriated previously for the comprehensive statewide study of sewage contamination in nearshore marine areas and for research and technical assistance necessary for completion of the comprehensive cesspool conversion plan.

MEANS: Amends Act 132, Session Laws of Hawaii 2018.

JUSTIFICATION: The cesspool conversion working group was established through Act 132, Session Laws of Hawaii 2018 to develop a long-range, comprehensive plan for the conversion of cesspools statewide by 2050. Although the working group convened in 2018 and has been working to meet the objectives in Act 132, the working group needs an extension on the lapse date of its funding and additional time to meet its objectives.

__.B. NO._____

A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

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

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

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

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

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

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

1 (B) All resulting findings and recommendations
2 are presented to the board at a meeting of
3 the board; and
4 (C) Deliberation and decisionmaking on the
5 matter investigated, if any, occurs only at
6 a duly notice meeting of the board held
7 subsequent to the meeting at which the
8 findings and recommendations of the
9 investigation were presented to the board;
10 or
11 (2) Present, discuss, or negotiate any position which
12 the board has adopted at a meeting of the board;
13 provided that the assignment is made and the
14 scope of each member's authority is defined at a
15 meeting of the board prior tot the presentation,
16 discussion, or negotiation.
17 (c) Discussions between two or more members of a board,
18 but less than the number of members which would constitute a
19 quorum for the board, concerning the selection of the board's
20 officers may be conducted in private without limitation or
21 subsequent reporting.

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

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

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

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

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

(B) Receive a report by the members who were present at the canceled or terminated

1 meeting about the testimony and
2 presentations received.
3 (e) Two or more members of a board, but less than the
4 number of members which would constitute a quorum for the board,
5 may attend an informational meeting or presentation on matters
6 relating to official board business, including a meeting of
7 another entity, legislative hearing, convention, seminar, or
8 community meeting open to the public; provided that the meeting
9 or presentation is not specifically and exclusively organized
10 for or directed toward members of the board. The board members
11 in attendance may participate in discussions, including
12 discussions among themselves; provided that the discussions
13 occur during and as part of the informational meeting or
14 presentation; and provided further that no commitment relating
15 to a vote on the matter is made or sought.
16 At the next duly noticed meeting of the board, the board
17 members shall report their attendance and the matters presented
18 and discussed that related to official board business at the
19 informational meeting or presentation.
20 (f) Discussions between the governor and one or more
21 members of a board may be conducted in private without
22 limitation or subsequent reporting; provided that the discussion

1 does not relate to a matter over which a board is exercising its
2 adjudicatory function.
3 (g) Discussions between two or more members of a board and
4 the head of a department to which the board is administratively
5 assigned may be conducted in private without limitation;
6 provided that the discussion is limited to matters specified in
7 section 26-35.
8 (h) Communications, interactions, discussions,
9 investigations, and presentations described in this section are
10 not meetings for purposes of this part.
11 (i) Notwithstanding section 92-3.1(b), for meetings
12 described in subsection (e), the limitation on number of
13 attendees shall not apply to members of a county council."
14 SECTION 2. Statutory material to be deleted is bracketed
15 and in strikethrough. New statutory material is underscored.
16 SECTION 3. This Act shall take effect upon its approval.
17
18 INTRODUCED BY:_____
19

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Community Meetings

PURPOSE: The purpose of the proposed bill is to allow members of a county council to attend informational meetings or presentations without a limitation on the number of attendees.

MEANS: Amends Section 92-2.5, Hawaii Revised Statutes

JUSTIFICATION: By permitting two or more members of a county council to attend informational meetings and presentations, more councilmembers will be able to be better informed about the issues affecting their constituents.

__.B. NO._____

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.

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

SECTION 1. Illegal and unregulated transient accommodations have caused detrimental impacts to the State's housing supply. Accordingly, the purpose of this act is to allow the counties to regulate hosting platforms, thereby preventing further proliferation of illegal transient accommodations and preserving residential housing.

SECTION 2. Section 46-1.5, Hawaii Revised Statutes, is amended to read as follows:

"**§46-1.5 General powers and limitation of the counties.** Subject to general law, each county shall have the following powers and shall be subject to the following liabilities and limitations:

(1) Each county shall have the power to frame and adopt a charter for its own self-government that shall establish the county executive, administrative, and legislative structure and organization, including but not limited to the method of appointment or election of officials, their duties,

1 responsibilities, and compensation, and the terms of their
2 office;
3 (2) Each county shall have the power to provide for and
4 regulate the marking and lighting of all buildings and other
5 structures that may be obstructions or hazards to aerial
6 navigation, so far as may be necessary or proper for the
7 protection and safeguarding of life, health, and property;
8 (3) Each county shall have the power to enforce all claims
9 on behalf of the county and approve all lawful claims against
10 the county, but shall be prohibited from entering into,
11 granting, or making in any manner any contract, authorization,
12 allowance payment, or liability contrary to the provisions of
13 any county charter or general law;
14 (4) Each county shall have the power to make contracts and
15 to do all things necessary and proper to carry into execution
16 all powers vested in the county or any county officer;
17 (5) Each county shall have the power to:
18 (A) Maintain channels, whether natural or artificial,
19 including their exits to the ocean, in suitable
20 condition to carry off storm waters;
21 (B) Remove from the channels, and from the shores and
22 beaches, any debris that is likely to create an

1 unsanitary condition or become a public nuisance;
2 provided that, to the extent any of the foregoing
3 work is a private responsibility, the
4 responsibility may be enforced by the county in
5 lieu of the work being done at public expense;
6 (C) Construct, acquire by gift, purchase, or by the
7 exercise of eminent domain, reconstruct, improve,
8 better, extend, and maintain projects or
9 undertakings for the control of and protection
10 against floods and flood waters, including the
11 power to drain and rehabilitate lands already
12 flooded;
13 (D) Enact zoning ordinances providing that lands
14 deemed subject to seasonable, periodic, or
15 occasional flooding shall not be used for
16 residence or other purposes in a manner as to
17 endanger the health or safety of the occupants
18 thereof, as required by the Federal Flood
19 Insurance Act of 1956 (chapter 1025, Public Law
20 1016); and

1 (E) Establish and charge user fees to create and
2 maintain any stormwater management system or
3 infrastructure;
4 (6) Each county shall have the power to exercise the power
5 of condemnation by eminent domain when it is in the public
6 interest to do so;
7 (7) Each county shall have the power to exercise
8 regulatory powers over business activity as are assigned to them
9 by chapter 445 or other general law;
10 (8) Each county shall have the power to fix the fees and
11 charges for all official services not otherwise provided for;
12 (9) Each county shall have the power to provide by
13 ordinance assessments for the improvement or maintenance of
14 districts within the county;
15 (10) Except as otherwise provided, no county shall have
16 the power to give or loan credit to, or in aid of, any person or
17 corporation, directly or indirectly, except for a public
18 purpose;
19 (11) Where not within the jurisdiction of the public
20 utilities commission, each county shall have the power to
21 regulate by ordinance the operation of motor vehicle common
22 carriers transporting passengers within the county and adopt and

1 amend rules the county deems necessary for the public
2 convenience and necessity;
3 (12) Each county shall have the power to enact and enforce
4 ordinances necessary to prevent or summarily remove public
5 nuisances and to compel the clearing or removal of any public
6 nuisance, refuse, and uncultivated undergrowth from streets,
7 sidewalks, public places, and unoccupied lots. In connection
8 with these powers, each county may impose and enforce liens upon
9 the property for the cost to the county of removing and
10 completing the necessary work where the property owners fail,
11 after reasonable notice, to comply with the ordinances. The
12 authority provided by this paragraph shall not be self-
13 executing, but shall become fully effective within a county only
14 upon the enactment or adoption by the county of appropriate and
15 particular laws, ordinances, or rules defining "public
16 nuisances" with respect to each county's respective
17 circumstances. The counties shall provide the property owner
18 with the opportunity to contest the summary action and to
19 recover the owner's property;
20 (13) Each county shall have the power to enact ordinances
21 deemed necessary to protect health, life, and property, and to
22 preserve the order and security of the county and its

1 inhabitants on any subject or matter not inconsistent with, or
2 tending to defeat, the intent of any state statute where the
3 statute does not disclose an express or implied intent that the
4 statute shall be exclusive or uniform throughout the State;
5 (14) Each county shall have the power to:
6 (A) Make and enforce within the limits of the county
7 all necessary ordinances covering all:
8 (i) Local police matters;
9 (ii) Matters of sanitation;
10 (iii) Matters of inspection of buildings;
11 (iv) Matters of condemnation of unsafe
12 structures, plumbing, sewers, dairies, milk,
13 fish, and morgues; and
14 (v) Matters of the collection and disposition of
15 rubbish and garbage;
16 (B) Provide exemptions for homeless facilities and
17 any other program for the homeless authorized by
18 part XVII of chapter 346, for all matters under
19 this paragraph;
20 (C) Appoint county physicians and sanitary and other
21 inspectors as necessary to carry into effect
22 ordinances made under this paragraph, who shall

have the same power as given by law to agents of the department of health, subject only to limitations placed on them by the terms and conditions of their appointments; and

(D) Fix a penalty for the violation of any ordinance, which penalty may be a misdemeanor, petty misdemeanor, or violation as defined by general law;

(15) Each county shall have the power to provide public pounds; to regulate the impounding of stray animals and fowl, and their disposition; and to provide for the appointment, powers, duties, and fees of animal control officers;

(16) Each county shall have the power to purchase and otherwise acquire, lease, and hold real and personal property within the defined boundaries of the county and to dispose of the real and personal property as the interests of the inhabitants of the county may require, except that:

(A) Any property held for school purposes may not be disposed of without the consent of the superintendent of education;

(B) No property bordering the ocean shall be sold or otherwise disposed of; and

1

2 (C) All proceeds from the sale of park lands shall be
3 expended only for the acquisition of property for
4 park or recreational purposes;
5 (17) Each county shall have the power to provide by
6 charter for the prosecution of all offenses and to prosecute for
7 offenses against the laws of the State under the authority of
8 the attorney general of the State;
9 (18) Each county shall have the power to make
10 appropriations in amounts deemed appropriate from any moneys in
11 the treasury, for the purpose of:
12 (A) Community promotion and public celebrations;
13 (B) The entertainment of distinguished persons as may
14 from time to time visit the county;
15 (C) The entertainment of other distinguished persons,
16 as well as, public officials when deemed to be in
17 the best interest of the community; and
18 (D) The rendering of civic tribute to individuals
19 who, by virtue of their accomplishments and
20 community service, merit civic commendations,
21 recognition, or remembrance;
22 (19) Each county shall have the power to:

1

2 (A) Construct, purchase, take on lease, lease,
3 sublease, or in any other manner acquire, manage,
4 maintain, or dispose of buildings for county
5 purposes, sewers, sewer systems, pumping
6 stations, waterworks, including reservoirs,
7 wells, pipelines, and other conduits for
8 distributing water to the public, lighting
9 plants, and apparatus and appliances for lighting
10 streets and public buildings, and manage,
11 regulate, and control the same;
12 (B) Regulate and control the location and quality of
13 all appliances necessary to the furnishing of
14 water, heat, light, power, telephone, and
15 telecommunications service to the county;
16 (C) Acquire, regulate, and control any and all
17 appliances for the sprinkling and cleaning of the
18 streets and the public ways, and for flushing the
19 sewers; and
20 (D) Open, close, construct, or maintain county
21 highways or charge toll on county highways;
22 provided that all revenues received from a toll

1 charge shall be used for the construction or
2 maintenance of county highways;
3 (20) Each county shall have the power to regulate the
4 renting, subletting, and rental conditions of property for
5 places of abode by ordinance;
6 (21) Unless otherwise provided by law, each county shall
7 have the power to establish by ordinance the order of succession
8 of county officials in the event of a military or civil
9 disaster;
10 (22) Each county shall have the power to sue and be sued
11 in its corporate name;
12 (23) Each county shall have the power to establish and
13 maintain waterworks and sewer works; to collect rates for water
14 supplied to consumers and for the use of sewers; to install
15 water meters whenever deemed expedient; provided that owners of
16 premises having vested water rights under existing laws
17 appurtenant to the premises shall not be charged for the
18 installation or use of the water meters on the premises; to take
19 over from the State existing waterworks systems, including water
20 rights, pipelines, and other appurtenances belonging thereto,
21 and sewer systems, and to enlarge, develop, and improve the
22 same;

1 (24) (A) Each county may impose civil fines, in addition
2 to criminal penalties, for any violation of
3 county ordinances or rules after reasonable
4 notice and requests to correct or cease the
5 violation have been made upon the violator. Any
6 administratively imposed civil fine shall not be
7 collected until after an opportunity for a
8 hearing under chapter 91. Any appeal shall be
9 filed within thirty days from the date of the
10 final written decision. These proceedings shall
11 not be a prerequisite for any civil fine or
12 injunctive relief ordered by the circuit court;
13 (B) Each county by ordinance may provide for the
14 addition of any unpaid civil fines, ordered by
15 any court of competent jurisdiction, to any
16 taxes, fees, or charges, with the exception of
17 fees or charges for water for residential use and
18 sewer charges, collected by the county. Each
19 county by ordinance may also provide for the
20 addition of any unpaid administratively imposed
21 civil fines, which remain due after all judicial
22 review rights under section 91-14 are exhausted,

to any taxes, fees, or charges, with the exception of water for residential use and sewer charges, collected by the county. The ordinance shall specify the administrative procedures for the addition of the unpaid civil fines to the eligible taxes, fees, or charges and may require hearings or other proceedings. After addition of the unpaid civil fines to the taxes, fees, or charges, the unpaid civil fines shall not become a part of any taxes, fees, or charges. The county by ordinance may condition the issuance or renewal of a license, approval, or permit for which a fee or charge is assessed, except for water for residential use and sewer charges, on payment of the unpaid civil fines. Upon recordation of a notice of unpaid civil fines in the bureau of conveyances, the amount of the civil fines, including any increase in the amount of the fine which the county may assess, shall constitute a lien upon all real property or rights to real property belonging to any person liable for the unpaid civil fines. The lien in

1 favor of the county shall be subordinate to any
2 lien in favor of any person recorded or
3 registered prior to the recordation of the notice
4 of unpaid civil fines and senior to any lien
5 recorded or registered after the recordation of
6 the notice. The lien shall continue until the
7 unpaid civil fines are paid in full or until a
8 certificate of release or partial release of the
9 lien, prepared by the county at the owner's
10 expense, is recorded. The notice of unpaid civil
11 fines shall state the amount of the fine as of
12 the date of the notice and maximum permissible
13 daily increase of the fine. The county shall not
14 be required to include a social security number,
15 state general excise taxpayer identification
16 number, or federal employer identification number
17 on the notice. Recordation of the notice in the
18 bureau of conveyances shall be deemed, at such
19 time, for all purposes and without any further
20 action, to procure a lien on land registered in
21 land court under chapter 501. After the unpaid
22 civil fines are added to the taxes, fees, or

1 charges as specified by county ordinance, the
2 unpaid civil fines shall be deemed immediately
3 due, owing, and delinquent and may be collected
4 in any lawful manner. The procedure for
5 collection of unpaid civil fines authorized in
6 this paragraph shall be in addition to any other
7 procedures for collection available to the State
8 and county by law or rules of the courts;
9 (C) Each county may impose civil fines upon any
10 person who places graffiti on any real or
11 personal property owned, managed, or maintained
12 by the county. The fine may be up to $1,000 or
13 may be equal to the actual cost of having the
14 damaged property repaired or replaced. The
15 parent or guardian having custody of a minor who
16 places graffiti on any real or personal property
17 owned, managed, or maintained by the county shall
18 be jointly and severally liable with the minor
19 for any civil fines imposed hereunder. Any such
20 fine may be administratively imposed after an
21 opportunity for a hearing under chapter 91, but
22 such a proceeding shall not be a prerequisite for

1 any civil fine ordered by any court. As used in
2 this subparagraph, "graffiti" means any
3 unauthorized drawing, inscription, figure, or
4 mark of any type intentionally created by paint,
5 ink, chalk, dye, or similar substances;
6 (D) At the completion of an appeal in which the
7 county's enforcement action is affirmed and upon
8 correction of the violation if requested by the
9 violator, the case shall be reviewed by the
10 county agency that imposed the civil fines to
11 determine the appropriateness of the amount of
12 the civil fines that accrued while the appeal
13 proceedings were pending. In its review of the
14 amount of the accrued fines, the county agency
15 may consider:
16 (i) The nature and egregiousness of the
17 violation;
18 (ii) The duration of the violation;
19 (iii) The number of recurring and other similar
20 violations;
21 (iv) Any effort taken by the violator to correct
22 the violation;

1 (v) The degree of involvement in causing or
2 continuing the violation;
3 (vi) Reasons for any delay in the completion of
4 the appeal; and
5 (vii) Other extenuating circumstances.
6 The civil fine that is imposed by administrative
7 order after this review is completed and the
8 violation is corrected shall be subject to
9 judicial review, notwithstanding any provisions
10 for administrative review in county charters;
11 (E) After completion of a review of the amount of
12 accrued civil fine by the county agency that
13 imposed the fine, the amount of the civil fine
14 determined appropriate, including both the
15 initial civil fine and any accrued daily civil
16 fine, shall immediately become due and
17 collectible following reasonable notice to the
18 violator. If no review of the accrued civil fine
19 is requested, the amount of the civil fine, not
20 to exceed the total accrual of civil fine prior
21 to correcting the violation, shall immediately
22 become due and collectible following reasonable

1 notice to the violator, at the completion of all
2 appeal proceedings;
3 (F) If no county agency exists to conduct appeal
4 proceedings for a particular civil fine action
5 taken by the county, then one shall be
6 established by ordinance before the county shall
7 impose the civil fine;
8 (25) Any law to the contrary notwithstanding, any county
9 mayor, by executive order, may exempt donors, provider agencies,
10 homeless facilities, and any other program for the homeless
11 under part XVII of chapter 346 from real property taxes, water
12 and sewer development fees, rates collected for water supplied
13 to consumers and for use of sewers, and any other county taxes,
14 charges, or fees; provided that any county may enact ordinances
15 to regulate and grant the exemptions granted by this paragraph;
16 (26) Any county may establish a captive insurance company
17 pursuant to article 19, chapter 431; [and]
18 (27) Each county shall have the power to enact and enforce
19 ordinances regulating towing operations[.]; and
20 (28) Any law to the contrary notwithstanding, each county
21 has the power to enact and enforce ordinances regulating the
22 operation of hosting platforms providing booking services for

1 transient accommodation operators located within the county.
2 For purposes of this section:
3 (A) "Booking service" means any reservation or
4 payment service provided by a person who
5 facilitates a transient accommodations
6 transaction between a prospective transient user
7 and a host.
8 (B) "Hosting platform" means a person who
9 participates in the transient accommodations
10 business by collecting or receiving a fee,
11 directly or indirectly through an agent or
12 intermediary, for conducting a booking
13 transaction using any medium of facilitation."
14 SECTION 3. Statutory material to be deleted is bracketed
15 and in strikethrough. New statutory material is underscored.
16 SECTION 4. This Act shall take effect upon its approval.
17
18 INTRODUCED BY:_____
19
20

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Transient Accommodations Hosting Platforms

PURPOSE: The purpose of the proposed bill is to allow the counties to regulate hosting platforms.

MEANS: Amends Section 46-1.5, Hawaii Revised Statutes.

JUSTIFICATION: Illegal and unregulated transient accommodations have caused detrimental impacts to the State's housing supply. This bill would help to prevent further proliferation of illegal transient accommodations and preserve residential housing.

__.B. NO._____

A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that responding quickly
2 to newly detected invasive species can often prevent the species
3 from becoming firmly established, saving taxpayers money in the
4 long term. State agencies currently lack the resources and
5 response mechanisms to deal with these newly identified threats
6 and may be missing opportunities to eliminate them. This can
7 allow invasive species to become established in the State,
8 making mitigation efforts more protracted and expensive.
9 Accordingly, the purpose of this Act is to create a paid
10 response mechanism for invasive species so that newly detected
11 threats may be immediately addressed.
12 SECTION 2. Chapter 194, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:
15 "**§194- Invasive species rapid response special fund.**
16 (a) There is established the invasive species rapid
17 response special fund, into which will be deposited
18 appropriations by the legislature for the purposes of mitigating

1 or eradicating newly detected invasive species threats in the
2 State. All interest earned or accrued on money deposited into
3 the fund will become part of the fund. The council must
4 administer the special fund and may expend money in accordance
5 with this section.
6 (b) If the council determines that one or more newly
7 detected invasive species pose a substantial threat to the
8 agriculture, commerce, economy, environment, or public health of
9 the State or otherwise warrant immediate action, the council
10 must submit a request to the governor to declare that there
11 exists an invasive species emergency.
12 (c) Upon declaration by the governor pursuant to
13 subsection (b) that there exists an invasive species emergency,
14 the council may act in response to the emergency and may make
15 expenditures from the fund without legislative approval and
16 without regard to chapters 36, 37, 89, and 103D.
17 (d) The council must make an account of money expended from
18 the fund and include that information in its annual report to
19 the legislature."
20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of $_____ or so much
22 thereof as may be necessary for fiscal year 2020-2021 and the

1 same sum or so much thereof as may be necessary for fiscal year
2 2021-2022 for deposit into the invasive species rapid response
3 special fund.
4 The sums appropriated shall be expended by the department
5 of land and natural resources for the purposes of this Act.
6 SECTION 4. New statutory material is underscored.
7 SECTION 5. This Act shall take effect upon its approval.
8
9 INTRODUCED BY:_____
10

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Invasive Species

PURPOSE: The purpose of the proposed bill is to create a paid response mechanism for invasive species so that newly detected threats may be immediately addressed.

MEANS: Amends Chapter 194, Hawaii Revised Statutes.

JUSTIFICATION: Responding quickly to newly detected invasive species can often prevent the species from becoming firmly established, saving taxpayers money in the long term. State agencies currently lack the resources and response mechanisms to deal with these newly identified threats and may be missing opportunities to eliminate them. This can allow invasive species to become established in the State, making mitigation efforts more protracted and expensive.

__.B. NO._____

A BILL FOR AN ACT

RELATING TO SEA LEVEL RISE.

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

SECTION 1. The legislature finds that Hawaii is already experiencing the impacts of climate change, including rising sea levels, extreme tides, accelerated coastal erosion, and stronger, more frequent storms. Even with decisive actions to reduce greenhouse gas emissions, many of the impacts of climate change are inescapable, and must be adapted to.

The Hawaii Climate Adaptation Initiative was established in 2014 with the purpose of protecting the State's economy, health, environment, and way of life by considering how to best adapt to and mitigate the impacts of climate change. In December 2017, the Hawaii climate change mitigation and adaptation commission produced the first Hawaii sea level rise vulnerability and adaptation report. The report identified areas that are susceptible to sea level rise impacts and urged immediate preparation for a 3.2-foot increase in sea level by 2060. The report also made a number of recommendations to state and county agencies based on emerging good practices, designed to

strengthen Hawaii's overall readiness to face sea level rise and climate change.

Therefore, the purpose of this Act is to increase funding and direct the Hawaii climate change mitigation and adaptation commission to address impacted areas, further progress towards addressing the impacts of sea level rise, to identify critical public infrastructure in impacted areas, to create a plan for mitigation and adaptation to sea level rise, and to provide policy direction to the legislature about how to move forward with concrete strategies.

SECTION 2. (a) The Hawaii climate change mitigation and adaptation commission must:

(1) Conduct a thorough inventory of critical public infrastructure, existing or planned, both constructed and natural, and determine if the infrastructure is in or near an area that is vulnerable to the impacts of sea level rise, and analyze predicted impacts of sea level rise to identified vulnerable infrastructure;

(2) Identify priority areas throughout the State that will be subject to high rates of coastal erosion and sea level rise, including public infrastructure and private properties;

(3) Design and propose sea level rise impact zone maps to be adopted by the legislature and provide a guidepost for future sea level rise adaptation policies;

(4) Work with sate and county agencies to develop sea level rise adaptation plans in accordance with the Sea Level Rise Vulnerability and Adaptation report; and

(5) Make specific recommendations to the legislature for policies that may be adopted for managed retreat, relocation of infrastructure, or mitigation measures to minimize the impacts of sea level rise for public infrastructure and private properties, including information regarding how these recommendations may be funded and consideration of sea level rise policies implemented in other states and nations.

(b) The Hawaii climate change mitigation and adaptation commission must report its findings and recommendations as required pursuant to this Act to the legislature no later than twenty days prior to the convening of the regular session of 2022.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $_____ or so much thereof as may be necessary for fiscal year 2020-2021 to

support the Hawaii climate change mitigation and adaptation commission to conduct its activities as required by section 2 of this Act.

The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $_____ or so much thereof as may be necessary for fiscal year 2020-2021 and the same sum or so much thereof as may be necessary for fiscal year 2021-2022 to fund the climate change mitigation and adaptation coordinator position established by Act 32, Session Laws of Hawaii 2017.

SECTION 5. This Act shall take effect on July 1, 2020.

INTRODUCED BY:_____

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Sea Level Rise

PURPOSE: The purpose of the proposed bill is to increase funding and direct the Hawaii climate change mitigation and adaptation commission to further progress towards addressing the impacts of sea level rise, to identify critical public infrastructure in impacted areas, and to provide policy direction to the legislature about how to move forward with concrete strategies for mitigation and adaptation to sea level rise.

MEANS: Directs responsibility of the Hawaii climate change mitigation and adaption commission and increases necessary funding.

JUSTIFICATION: Hawaii is already experiencing the impacts of climate change, including rising sea levels, extreme tides, accelerated coastal erosion, and stronger, more frequent storms. Even with decisive actions to reduce greenhouse gas emissions, many of the impacts of climate change are inescapable, and must be adapted to. The Hawaii Climate Adaptation Initiative was established in 2014 with the purpose of protecting the State's economy, health, environment, and way of life by considering how to best adapt to and mitigate the impacts of climate change. In December 2017, the Hawaii climate change mitigation and adaptation commission produced the first Hawaii sea level rise vulnerability and adaptation report. The report identified areas that are susceptible to sea level rise impacts and urged immediate preparation for a 3.2-foot increase in sea level by 2060. The report also made a number of recommendations to state and county agencies based on emerging good practices, designed to strengthen Hawaii's overall readiness to face sea level rise and climate change.

__.B. NO._____

A BILL FOR AN ACT

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

SECTION 1. The legislature finds that in 2013, the National Transportation Safety Board recommended that all fifty states adopt a Blood Alcohol Concentration (BAC) cutoff of 0.05 compared to the 0.08 standard. According to the National Transportation Safety Board, lowering the rate to 0.05 would save about five hundred to eight hundred lives annually.

According to the National Transportation Safety Board, a driver with a BAC of 0.05 would be affected by exaggerated behavior, loss of small-muscle control and eye focus, impaired judgment, lowered alertness, and release of inhibition. This would result in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations.

The legislature further finds that lowering the threshold of BAC cutoff to 0.05 would save lives, prevent catastrophic injuries, and decrease medical costs.

Exhibit "A"

The purpose of this Act is to lower the threshold of blood-alcohol content for the offense of operating a vehicle while under the influence of an intoxicant.

SECTION 2. Section 291E-61, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle:

(1) While under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty;

(2) While under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner;

(3) With [~~.08~~] 0.05 or more grams of alcohol per two hundred ten liters of breath; or

(4) With [~~0.8~~] 0.05 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood."

SECTION 3. Section 291E-61.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A person commits the offense of habitually operating a vehicle under the influence of an intoxicant if:

(1) The person is a habitual operator of a vehicle while under the influence of an intoxicant; and

(2) The person operates or assumes actual physical control of a vehicle:

(A) While under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty;

(B) While under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner;

(C) With [~~0.8~~] 0.05 or more grams of alcohol per two hundred ten liters of breath; or

(D) With [~~0.8~~] 0.05 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

1 SECTION 5. Statutory material to be repealed is bracketed
2 and in strikethrough. New statutory material is underscored.
3 SECTION 6. This Act shall take effect upon its approval.
4
5 INTRODUCED BY:_____
6

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to the Use of Intoxicants While Operating a Vehicle

PURPOSE: The purpose of the proposed bill is to lower the threshold of Blood Alcohol Concentration to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant.

MEANS: Amends Sections 291E-61 and 291E-61.5, Hawaii Revised Statutes.

JUSTIFICATION: According to the National Transportation Safety Board, a driver with a Blood Alcohol Concentration of 0.05 would be affected by exaggerated behavior, loss of small-muscle control and eye focus, impaired judgment, lowered alertness, and release of inhibition, resulting in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations. Lowering the threshold of Blood Alcohol Concentration to 0.05, from 0.08, would save lives, prevent catastrophic injuries, and decrease medical costs.

__.B. NO._____

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1 SECTION 1. Section 235-16.5, Hawaii Revised Statutes, is amended to
2 read as follows:
3 "**§235-16.5 Cesspool upgrade, conversion, or connection; income tax**
4 **credit.** (a) There shall be allowed to each taxpayer subject to the tax
5 imposed under this chapter, a cesspool upgrade, conversion, or connection
6 income tax credit that shall be deductible from the taxpayer's net income tax
7 liability, if any, imposed by this chapter for the taxable year in which the
8 credit is properly claimed.
9 (b) In the case of a partnership, S corporation, estate, or trust, the
10 tax credit allowable is for qualified expenses incurred by the entity for the
11 taxable year. The expenses upon which the tax credit is computed shall be
12 determined at the entity level. Distribution and share of credit shall be
13 determined by rule.
14 (c) The cesspool upgrade, conversion, or connection income tax credit
15 shall be equal to the qualified expenses of the taxpayer, up to a maximum of
16 $10,000; provided that, in the case of a qualified cesspool that is a
17 residential large capacity cesspool, the amount of the credit shall be equal
18 to the qualified expenses of the taxpayer, up to a maximum of $10,000 per
19 residential dwelling connected to the cesspool, as certified by the
20 department of health pursuant to subsection (e). There shall be allowed a
21 maximum of one cesspool upgrade, conversion, or connection income tax credit
22 per qualified cesspool. The cesspool upgrade, conversion, or connection

1 income tax credit shall be available only for the taxable year in which the
2 taxpayer's qualified expenses are certified by the appropriate government
3 agency.

4 (d) The total amount of tax credits allowed under this section shall
5 not exceed $5,000,000 for all taxpayers in any taxable year; provided that
6 any taxpayer who is not eligible to claim the credit in a taxable year due to
7 the $5,000,000 cap having been exceeded for that taxable year shall be
8 eligible to claim the credit in the subsequent taxable year.

9 (e) The department of health shall:

10 (1) Certify all qualified cesspools for the purposes of this section;
11 provided that, as a pilot program, the department of health, in its
12 discretion, may certify no more than two residential large capacity cesspools
13 as qualified cesspools;

14 (2) Collect and maintain a record of all qualified expenses certified
15 by an appropriate government agency for the taxable year; and

16 (3) Certify to each taxpayer the amount of credit the taxpayer may
17 claim; provided that if, in any year, the annual amount of certified credits
18 reaches $5,000,000 in the aggregate, the department of health shall
19 immediately discontinue certifying credits and notify the department of
20 taxation.

21 The director of health may adopt rules under chapter 91 as necessary to
22 implement the certification requirements under this section.

23 (f) The director of taxation:

24 (1) Shall prepare any forms that may be necessary to claim a tax credit
25 under this section;

26 (2) May require the taxpayer to furnish reasonable information to
27 ascertain the validity of the claim for the tax credit made under this
28 section; and

29 (3) May adopt rules under chapter 91 necessary to effectuate the
30 purposes of this section.

1 (g) If the tax credit under this section exceeds the taxpayer's income
2 tax liability, the excess of the credit over liability may be used as a
3 credit against the taxpayer's income tax liability in subsequent years until
4 exhausted. All claims for the tax credit under this section, including
5 amended claims, shall be filed on or before the end of the twelfth month
6 following the close of the taxable year for which the credit may be
7 claimed. Failure to comply with the foregoing provision shall constitute a
8 waiver of the right to claim the credit.
9 (h) This section shall not apply to taxable years beginning after
10 December 31, [2020.] 2025.
11 (i) As used in this section:
12 "Aerobic treatment unit system" means an individual wastewater system
13 that consists of an aerobic treatment unit tank, aeration device, piping, and
14 a discharge method that is in accordance with rules adopted by the department
15 of health relating to household aerobic units.
16 "Cesspool" means an individual wastewater system consisting of an
17 excavation in the ground whose depth is greater than its widest surface
18 dimension, which receives untreated wastewater, and retains or is designed to
19 retain the organic matter and solids discharged into it, but permits the
20 liquid to seep through its bottom or sides to gain access to the underground
21 geographic formation.
22 "Qualified cesspool" means a cesspool that is certified by the
23 department of health as being[:
24 (1) Located within:

1 (A) Two hundred feet of a shoreline, perennial stream, or wetland;
2 or
3 (B) A source water assessment program area (two year time of travel
4 from a cesspool to a public drinking water source); or
5 (2) A] a residential large capacity cesspool.

6 "Qualified expenses" means costs that are necessary and directly
7 incurred by the taxpayer for upgrading or converting a qualified cesspool
8 into a septic system or an aerobic treatment unit system, or connecting a
9 qualified cesspool to a sewer system, and that are certified as such by the
10 appropriate government agency.
11 "Residential large capacity cesspool" means a cesspool that is connected
12 to more than one residential dwelling.
13 "Septic system" means an individual wastewater system that typically
14 consists of a septic tank, piping, and a drainage field where there is
15 natural biological decontamination as wastewater discharged into the system
16 is filtered through soil.
17 "Sewer system" means a system of piping, with appurtenances, for
18 collecting and conveying wastewater from source to discharge following
19 treatment.
20 "Wastewater" means any liquid waste, whether or not treated and whether
21 animal, mineral, or vegetable, including agricultural, industrial, and
22 thermal wastes."
23

1 SECTION 2. Statutory material to be deleted is bracketed and in
2 strikethrough. New statutory material is underscored.
3 SECTION 3. This Act shall take effect upon its approval and shall be
4 repealed on December 31, 2025.
5
6 INTRODUCED BY:_____
7

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Cesspools

PURPOSE: The purpose of the proposed bill is to: 1) eliminate the geographical limitations for qualified cesspools; and 2) extend the income tax credit to December 31, 2025.

MEANS: Amends Act 120, Session Laws of Hawaii 2015.

JUSTIFICATION: Some cesspools are located in residential areas, and not limited to shorelines, perennial streams, or wetlands. Extending the income tax credit to December 31, 2025 would allow for additional cesspools to be addressed by this Act.

HOUSE OF REPRESENTATIVES

H.B. NO.

THIRTIETH LEGISLATURE, 2020

STATE OF HAWAII

A BILL FOR AN ACT

RELATED TO HOUSING DEVELOPMENT

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

SECTION 1. Chapter 201H-38, Hawaii Revised Statues, is amended by amending section (4) to read as follows:

(4) The land use commission shall approve, approve with modification, or disapprove a boundary change within forty-five days after the corporation has submitted a petition to the commission as provided in section 205-4. If, on the forty-sixth day, the petition is not disapproved, it shall be deemed approved by the commission. <u>If the housing project involves a land area consisting of less than fifteen acres presently in the rural and urban districts or in the agricultural district and not designated as important agricultural land, then any requested boundary change may be approved, approved with modification, or disapproved by the legislative body of the county in which the land is situated as part of the process</u>

15 provided for legislative approval of the housing project in

16 paragraph (3), above.

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its

19 approval.

20

21 INTRODUCED BY: _____

Report Title:
Housing Development; Affordable Housing; 201H Projects; Land Use Commission

Description:
Provides a county's legislative body the ability to review and approve requested boundary changes for 201H affordable housing projects that are fifteen acres or less.

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

COUNTY OF HAWAI'I STATE OF HAWAI'I

RESOLUTION NO. _____

A RESOLUTION URGING THE STATE LEGISLATURE AND THE GOVERNOR TO ANNUALLY ALLOCATE AND REMIT 3.5% OF THE TOTAL ANNUAL TRANSIENT ACCOMMODATION TAX COLLECTION TO THE FOUR COUNTIES FOR ITS RESPECTIVE PARKS AND RECREATION MAINTENANCE AND REPAIR OPERATIONAL BUDGETS.

WHEREAS, pursuant to Hawai'i Revised Statutes, Chapter 237D, the Transient Accommodations Tax (TAT) is imposed in the State of Hawai'i on certain rental activity, such as hotel room, apartment, condominium, house, beach house, short term vacation rentals, or similar living accommodation that is rented for less than 180 consecutive days; and

WHEREAS, according to the Tax Research and Planning Office of the State of Hawai'i, the TAT revenue collected for year ending June 30, 2018 was $554.9 million, and the TAT revenue collected for year ending June 30, 2019 was $600.3 million; and

WHEREAS, the intent of TAT was to offset the costs of services associated with tourism and the impact it has on each county in the State of Hawai'i; and

WHEREAS, visitors to our islands utilize the services that each county provides, such as police, fire, lifeguards, parks, water, mass transit, and solid waste disposal, yet there has not been a significant increase in the county's share of TAT to match the increase in tourism.

WHEREAS, additional funding is necessary for our county parks and recreation departments to maintain, upkeep, repair and improve the very parks that both the visitors and our island residents frequent; and

WHEREAS, in addition to the already set yet insufficient distribution schedule of TAT to the respective counties, it would be beneficial to the entire State of Hawai'i to annually allocate and remit additional Transient Accommodation Tax collections to the counties specifically to provide the needed revenue for county government parks and recreation, maintenance and repair operations, to enhance visitor and resident satisfaction and provide vital services to both; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I to urge the State Legislators and the Governor to annually allocate and remit an additional 3.5% (three and one-half percent) of the gross annual TAT collection to the four (4) counties using the previously established allocations of that 3.5%: 44.1% to the City and County of Honolulu,

22.8% to Maui County, 18.6% to Hawai'i County, and 14.5% for Kaua'i County, for its respective parks and recreation, maintenance and repair operational budgets.

BE IT FINALLY RESOLVED that the County Clerk shall forward a copy of this resolution to the Honorable Governor David Ige, the Honorable Senate President Ronald D. Kouchi, the Honorable Senate Vice President Michelle N. Kidani, the Honorable House Speaker Scott K. Saiki, the Honorable Speaker Emeritus Calvin K.Y. Say, the Honorable Vice Speaker Mark M. Nakashima, the Honorable Senate Ways and Means Committee Chair Donovan M. Dela Cruz, the Honorable House Finance Committee Chair Sylvia Luke, all State Senators and Representatives for the County of Hawai'i, the Honorable Mayor Harry Kim, and the Director of Finance.

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to .

Dated at _____, Hawai'i, this _____ day of _____, 20___.

INTRODUCED BY:

_____

COUNCIL MEMBER, COUNTY OF HAWAI'I

THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

S.B. NO. 182

A BILL FOR AN ACT

RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS.

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

SECTION 1. The legislature finds that tobacco use continues to be a public health problem in Hawaii, causing approximately one thousand four hundred deaths per year among adults, costing approximately $526,000,000 in direct health care expenditures, and resulting in $387,300,000 of lost productivity in the State. In response to the heavy burden of tobacco, the State has enacted many tobacco control policies including adoption of sweeping prohibitions on indoor tobacco use and raising the minimum age for the purchase of tobacco products from eighteen to twenty-one. Many of these initiatives were led by the counties and later adopted at the state level. The legislature finds that extending these regulations statewide ultimately saved the State $1,000,000,000 in health care costs over ten years.

The legislature further finds that different communities need different solutions. Many issues are most effectively addressed at the local level, as local governments are best equipped to respond to the needs of the people who live and work locally.

The legislature also finds that while it is important to establish minimum regulations statewide, local policies are integral

to tobacco control because they enable a targeted approach to reduce public health disparities. The federal Centers for Disease Control 2017 youth risk behavior survey found that while 25.3 per cent of high school students in Hawaii currently vape, both Maui and Hawaii counties exceed this percentage with high school students vaping at rates of 31.8 per cent and 32.4 per cent, respectively. Local tobacco control measures are so significant that one of the objectives of the federal Office of Disease Prevention and Health Promotion's healthy people 2020 campaign is to eliminate state laws that preempt stronger local tobacco control laws.

The legislature understands that for public health, communities should not be prevented from working with their local elected officials to pass laws tailored to unique local needs. Reversing existing laws or preventing future enactment of applicable laws negates the value of home rule.

In 2006, the legislature enacted an enabling clause to explicitly allow local jurisdictions to pass smoking ordinances that are more stringent than state law. The legislature finds that over the years, counties have adopted and put into action some of the strongest, most innovative, and effective tobacco control policies. These policies have served as catalysts for changing social norms regarding tobacco use by discouraging young people from initiating use and encouraging adult tobacco users to quit.

The purpose of this Act is to amend and repeal certain provisions relating to the preemption of local laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

SECTION 2. Section 328J-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Nothing in this chapter shall be construed to supersede or in any manner affect a county smoking ordinance[~~; provided that the ordinance is at least as protective of the rights of nonsmokers as this chapter.~~] or the ability of any county to adopt and enforce ordinances that regulate the sale or use of cigarettes, tobacco products, or electronic smoking devices; provided that the ordinance is no less protective of public health as this chapter."

SECTION 3. Section 328J-11.5, Hawaii Revised Statutes, is repealed.

["~~[§328J-11.5] Statewide concern. (a) Sales of cigarettes, tobacco products, and electronic smoking devices are a statewide concern. It is the intent of the legislature to regulate the sale of cigarettes, tobacco products, and electronic smoking devices in a uniform and exclusive manner.~~

~~(b) All local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are preempted, and existing local laws and regulations conflicting with this chapter are null and void.~~

~~(c) Nothing in this chapter shall be construed to limit a county's authority under section 328J-15.~~"]

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: _____
By Request

Report Title:
Maui County Package; Counties; Home Rule; Tobacco Use; Cigarettes; Electronic Smoking Devices; Smoking; Public Health

Description:
Allows counties to adopt and enforce additional ordinances that regulate the sale or use of cigarettes, tobacco products, and electronic smoking devices. Requires county ordinances to be no less protective of public health than state law. Repeals statute that preempts local smoking ordinances and regulations and voids any local law or regulation that conflicts with state smoking laws.

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) & City and County of Honolulu

TITLE: A Bill for an Act Relating to County Authority on the Sale of Tobacco Products.

PURPOSE: The proposed Bill for an Act is to amend and repeal certain provisions relating to the preemption of local laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

MEANS: Amends Section 328J-15 of the Hawai`i Revised Statutes (HRS)
Repeal Section 328J-11.5 of the Hawai`i Revised Statutes (HRS)

JUSTIFICATION: The current law states nothing in this chapter shall be construed to supersede or in any manner affect a county smoking ordinance provided that the ordinance is at least as protective of the rights of nonsmokers as this chapter.

This amendment would nothing in this chapter shall be construed to supersede or in any manner affect a county smoking ordinance or the ability of any county to adopt and enforce ordinances that regulate the sale or use of cigarettes, tobacco products, or electronic smoking devices; provided that the ordinance is no less protective of public health as this chapter."

The current law states (a) Sales of cigarettes, tobacco products, and electronic smoking devices are a statewide concern. It is the intent of the legislature to regulate the sale of cigarettes, tobacco

products, and electronic smoking devices in a uniform and exclusive manner.

(b) All local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are preempted, and existing local laws and regulations conflicting with this chapter are null and void.

(c) Nothing in this chapter shall be construed to limit a county's authority under section 328J-15."]

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 6. This Act shall take effect upon its approval.

This amendment would repeal SECTION 3.

~~(a) Sales of cigarettes, tobacco products, and electronic smoking devices are a statewide concern. It is the intent of the legislature to regulate the sale of cigarettes, tobacco products, and electronic smoking devices in a uniform and exclusive manner.~~

~~(b) All local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are preempted, and existing local laws and regulations conflicting with this chapter are null and void.~~

~~(c) Nothing in this chapter shall be construed to limit a county's authority under section 328J-15."]~~