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 GENERAL MEMBERSHIP MEETING

Thursday, June 25, 2020 • 10:00 a.m.

Meeting held via Conference Call

I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Joey Manahan at 10:13a.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 Member, County of Kaua'i
County of Hawai'i:	Secretary Ashley Kierkiewicz Council Member, County of Hawai'i
County of Maui:	Treasurer Kelly King Council Member, 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

Treasurer King moved to approve the agenda, with a second by Vice President Kagawa.

The motion to approve the agenda of the June 25, 2020 HSAC General Membership meeting carried unanimously.

III. APPROVAL OF MINUTES

Secretary Kierkiewicz moved to approve the minutes of the 2019 HSAC General Membership meeting, with a second by Vice President Kagawa.

The motion to approve carried unanimously.

IV. TREASURER'S REPORTS

A. Treasurer's Reports: June 2019-May 2020
Motion to file reports from June 2019 to May 2020 was made by Treasurer King, with a second by Vice President Kagawa. The motion to approve carried unanimously.

President Manahan thanked all involved, especially Ms. Keko'olani and Ms. Epeleta, for working hard behind the scenes to navigate the many challenges that surfaced in the last year related to the financials.

V. EXECUTIVE COMMITTEE MEETING MINUTES

A. Executive Committee Meeting Minutes: July 2019-March 2020
Motion to file reports from June 2019 to May 2020 was made by Treasurer King, with a second by Vice President Kagawa. The motion to approve carried unanimously. Secretary Kierkiewicz apologized for minutes being missing for two meetings.

President Manahan recognized that all are busy and thanked Secretary Kierkiewicz for personally working on the minutes.

VI. EXECUTIVE COMMITTEE REPORTS

A. The Executive Committee at its July 29, 2019 meeting approved Treasurer Kelly T. King and President Joey Manahan as Authorized Signatories for the HSAC General Account

B. The Executive Committee at its August 26, 2019 meeting approved travel reimbursement and HSAC-issued debit card procedures recommended by Treasurer Kelly T. King

C. The Executive Committee at its August 26, 2019 meeting approved amendments recommended by Vice President Ross Kagawa to the Travel Reimbursement Procedures

D. The Executive Committee at its August 26, 2019 meeting approved to update the HSAC By-laws and HSAC Policies:

1. Travel Reimbursement Procedures
2. Travel Expenses for Executive Committee Officers

E. The Executive Committee at its October 10, 2019 meeting approved to designate Nicole Kahinu, Maui County Council staff, as Master Administrator for HSAC's Quickbooks Account

F. The Executive Committee at its October 28, 2019 meeting approved a contract with Jon Okudara to perform legislative functions for $36,000 including a corresponding HSAC budget amendment

G. The Executive Committee at its November 25, 2019 meeting approved the following proposals submitted by the Hawai'i County Council, to be included in the 2020 HSAC Legislative Package:

1. A Bill for an Act Relating to Housing Development
2. A Bill for an Act Relating to Transient Accommodations Tax

H. The Executive Committee at its November 25, 2019 meeting approved the following proposals submitted by the Honolulu City Council, to be included in the 2020 HSAC Legislative Package:

1. A Bill for an Act Relating to Tobacco Products

I. The Executive Committee at its November 25, 2019 meeting approved the following proposals submitted by the Kaua'i County Council, to be included in the 2020 HSAC Legislative Package:

1. A Bill for an Act Relating to Registration of Vehicles
2. A Bill for an Act Relating to Registration of Vehicles
3. A Bill for an Act Relating to Tort Liability

J. The Executive Committee at its November 25, 2019 meeting approved the following proposals submitted by the Maui County Council, to be included in the 2020 HSAC Legislative Package:

1. A Bill for an Act Relating to the Use of Intoxicants While Operating a Vehicle. Lowers the blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant to .05 from .08
2. A Bill for an Act Relating to Cesspools

K. The Executive Committee at its March 23, 2020 meeting approve the filing of the HSAC Tax Return for year ending June 30, 2018.

L. The Executive Committee at its March 23, 2020 meeting approved travel expenditures to NACo Legislative Conference for Alan Texeira

M. The Executive Committee at its April 27, 2020 meeting approved a verbal request from Treasurer King for Maui County Councilmember Riki Hokama's travel expenditures to the NACo Legislative Conference as a past NACo President

N. The Executive Committee at its June 1, 2020 meeting approved the Hawai'i State Association of Counties Fiscal Year 2020-2021 Annual Operating Budget.

O. The Executive Committee at its May 11, 2020 meeting approved the proposed NACo and WIR Board of Director nominations for the 2019-2020 term.

P. The Executive Committee at its June 1, 2020 meeting approved the proposed HSAC Slate of Officers until the end of the calendar year.

Treasurer King moved to accept all Executive Committee Reports listed in Items A-P, with a second by Vice President Kagawa. The motion carried unanimously.

VII. NEW BUSINESS

A. Discussion regarding the 2021 HSAC Legislative Package timeline, as follows:

- September 21, 2020 - Deadline to receive proposals from each County to be included in the 2021 HSAC Legislative Package.
- September 28, 2020 - Schedule HSAC Executive Committee Meeting to discuss and act on all proposals submitted by the Counties. Approved proposals will then be forwarded to each County for their consideration.
- November 23, 2020 - Deadline for the Counties to approve the proposed 2021 HSAC Legislative Package.

- December 7, 2020 - Schedule HSAC Executive Committee Meeting to approve the final 2021 HSAC Legislative Package.

Treasurer King moved to accept 2021 HSAC Legislative Package timeline, with a second by Secretary Kierkiewicz. The motion carried unanimously.

President Manahan said Mr. Okudara has done a great job as HSAC's Legislative Advocate, and recommended he be invited back to present the body. Secretary Kierkiewicz said because of fiscal constraints State is facing, the focus should not be to ask for money, but to change words on paper; she suggested connecting with legislators ahead of time to get a sense of what's doable. President Manahan agreed with that notion and suggested each Council coordinate with its departments to see if they need HRS changed so they can better and more efficiently complete their work. Treasurer King expressed wanting more flexibility in the Sunshine Law.

VIII. ELECTION OF OFFICERS

A. Discuss and approve the following proposed HSAC Slate of Officers until the end of 2020:

- President: Joey Manahan, Honolulu City Council - Brandon Elefante Alternate)
- Vice President: Ross Kagawa, Kaua'i County Council - Mason Chock (Alternate)
- Secretary: Ashley Kierkiewicz, Hawai'i County Council - Rebecca Villegas (Alternate)
- Treasurer: Kelly T. King, Maui County Council - Tamara Paltin (Alternate)

Vice President Kagawa moved to approve the proposed slate of officers to serve through the ed of 2020, with a second by Treasurer King. The motion carried unanimously.

B. Discuss and approve the following nominations to the NACo and WIR Board of Directors for the 2020-2021 term.

NACo Board of Directors

- KipuKai Kuali'i,Kaua'i CountyCouncil
- Ikaika Anderson, Honolulu City Council

Vice President Kagawa moved to the nominees to the NACo board of directors for the 2020-2021 term, with a second by Treasurer King. The motion carried unanimously.

WIR Board of Directors

- KellyT.King,MauiCountyCouncil
- Herbert "Tim" Richards III, Hawai'i County Council

Vice President Kagawa moved to the nominees to the WIR board of directors for the 2020-2021 term, with a second by Treasurer King. The motion carried unanimously.

IX. ANNOUNCEMENTS

The Executive Committee will meet virtually on Monday, July 27, 2020 at 10:30a.m.

VII. ADJOURNMENT

Treasurer King motioned to adjourn the meeting, with a second by Vice President Kagawa. The motion carried unanimously. President Manahan adjourned the meeting.

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

Hawai'i State Association of Counties (HSAC)

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MINUTES

HSAC EXECUTIVE COMMITTEE MEETING

Thursday, June 25, 2020 • 10:00 a.m.

Meeting held via Conference Call

I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Joey Manahan at 10:02a.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 Member, County of Kaua'i
County of Hawai'i:	Secretary Ashley Kierkiewicz Council Member, County of Hawai'i
County of Maui:	Treasurer Kelly King Council Member, 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

Treasurer King moved to approve the agenda, with a second by Vice President Kagawa.

The motion to approve the agenda of the June 25, 2020 meeting of the HSAC Executive Committee carried unanimously.

III. REPORTS

A. Treasurer's Report: Treasurer's Report for May 2020
Treasurer King moved to file the May 2020 Treasurers Report, with a second by Vice President Kagawa. The motion carried unanimously.

B. County Reports
This item was deferred until the next meeting of the EC.

IV. NEW BUSINESS

A. Honolulu City and County Resolution 20-101, approving the HSAC Executive Committee Slate of Officers, WIR and NACo Representatives, and the HSAC 2020-2021 Proposed Budget

B. Kaua'i County Resolution 2020-29, approving the HSAC Executive Committee Slate of Officers, NACo Representatives, and WIR Representatives for Fiscal Year 2021

C. Kaua'i County Resolution No. 2020-30, approving the proposed Fiscal Year 2021 Operating Budget for HSAC

D. Hawaii County Resolution 676-20, approving the HSAC Executive Committee Slate of Officers and WIR and NACo Representatives

E. Maui County Resolution 20-87, approving the HSAC Executive Committee Slate of Officers, WIR and NACo Representatives, and the HSAC 2020-2021 Proposed Budget

Treasurer King moved to accept all Resolutions listed in Items A-E, with a second by Vice President Kagawa. The motion carried unanimously.

Treasurer King sought clarification for EC members term of service, asking if it was just six months through the end of the year. President Manahan said changes would happen at the end of the year because new Councils are seated and some EC members are termed out.

V. ANNOUNCEMENTS

A. Scheduling the next meeting

The Executive Committee will meet virtually on Monday, July 27, 2020 at 10:30a.m.

B. Other Announcements

There are no other announcements at this time.

V. ADJOURNMENT

Treasurer King motioned to adjourn the meeting, with a second by Vice President Kagawa. The motion carried unanimously. President Manahan adjourned the meeting at 10:12a.m.

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

Manahan as HSAC representative and Brandon Elefante as alternate to the HSAC (pending 5/6/20 Council Meeting)

C. Communication transmitting Hawaii County Resolution 616-20/Communication 911, appointing Ashley Kierkiewicz as HSAC representative and Rebecca Villegas as alternate to the HSAC (pending 5/6/20 Council Meeting)

D. Communication transmitting Maui County Communication 20-267, appointing Kelly T. King as HSAC representative and Tamara Paltin as alternate to thee HSAC (pending 5/8/20 Council Meeting)

Treasurer King motioned to approve and file the above noted reports (Items A-D), with a second by Secretary Kierkiewicz. The motion carried unanimously.

E. Kaua'i County Resolution 2020-24, adopted April 8, 2020, nominating Kipukai Kuali'i as a director on the National Association of Counties Board (NACo)
Both Secretary Kierkiewicz and Treasurer King stated their agreement with keeping NACo and WIR representatives the same at this point in time.

Ms. Watanabe stated each Council will receive a resolution from President Manahan's office per the Executive Committee. From there each Council will craft its respective Resolution, which will include the slate of officers, as well as representatives to NACo and WIR. Mr. White stated that basically one more Resolution encompassing all information from all counties needed to be passed by the various councils.

President Manahan said he was not sure if the annual NACo conference was happening. Treasurer King shared WIR's conference will be conducted online.

F. Nominations for Western Interstate Region Board (WIR)
The EC agreed to keep current delegates and alternates as is for the rest of the calendar year.

G. Nominations for National Association of Counties Board (NACo)
The EC agreed to keep current delegates and alternates as is for the rest of the calendar year.

G. Approval of the Fiscal Year 2020-2021 Annual Operating Budget
Treasurer King suggested removing travel and promotional items for NACo and WIR given the times. She will revise budget to reflect scaling back on travel, for vote at the next EC meeting. Mr. White noted that the budget can be further modified at the annual/general membership meeting.

H. Propose Slate of HSAC Officers for Fiscal Year 2020-2021

Vice President Kagawa advocated for keeping EC members in current offices. He said the body has discussed rotating, but hard to coordinate this transition, especially now when staff are not in the office regularly.

Treasurer King expressed she cannot support slate as is, stating she has already affirmed with her Council colleagues that Maui will not be Treasurer or Secretary, and that she would like to be Vice President. She said Maui is still helping cleaning up treasurer-related items from years ago.

Secretary Kierkiewicz concurred with Vice President Kagawa on having EC members remain on the committee and serve in current capacities through the end of the 2020, and the next Councils can decide who is on the EC and those individuals can determine what office to occupy. She mentioned doing minutes personally as there is no dedicated staff from Hawai'i County to take this on.

Vice President Kagawa said he recalled HSAC helping then-Council Member Victorino, elevating him to President, and the EC members essentially playing musical chairs. He agreed with Secretary with members serving through December.

President Manahan agreed that a transition would be difficult to navigate at this point in time. While he gives consideration to Maui's points, he believes work must carry on and his preference is for the existing body to complete the audit; he noted the financial reports have been excellent, expressing appreciation for all who helped make this happen. He felt strongly about tying up any and all loose ends before handing off to a new EC, and noted that there will likely be a lot of changes occurring at the Council level in December.

Treasurer King said she would not have approved actions to assist then-Council Member Victorino, but agreed that issues needed to be sorted out by this EC. She noted a significant amount of time has been spent trying to get through financial paperwork. President Manahan wondered about Honolulu funding some kind of help, and that possible this person could start at the beginning of next FY. Secretary Kierkiewicz welcomed the idea, thanked President Manahan for the generous offer, and noted it would ease the burden on the President, Secretary, and Treasurer positions. Vice President Kagawa said HSAC itself cannot afford an Executive Director and that budget cuts were likely in order for the body as $25,000 was not raised by previous conference host and there was no conference this year.

Treasurer King expressed desire to include each county's position in the Resolution approving the slate of officers. Secretary Kierkiewicz cautioned the body to not speak on behalf of future ECs. Vice President Kagawa said the group can agree to disagree, noting not everyone will want to be treasurer. Treasurer King said she wanted to elevate the concept of rotation among Counties into HSAC bylaws.

Mr. White noted that slate of officers, WIR and NACo representatives, and HSAC operating budget could be merged into one Resolution for Councils to vote on. He also shared that while the slate of names cannot change, the seats members serve in may be changed at the annual/general membership meeting.

VI. ANNOUNCEMENTS

A. Scheduling the next meeting

The Executive Committee will meet virtually on Monday, June 1, 2020 at 10:30a.m. to further discuss the HSAC slate of officers.

B. Other Announcements

Secretary Kierkiewicz asked all members to mark their calendars for Thursday, June 25, 2020 at 9:00a.m. for the annual/general membership meeting. Treasurer King stated that she hoped that the virtual convening was not in place of hosting an actual/physical conference. Secretary Kierkiewicz shared Hawai'i County was very excited host the 2020 annual conference, and would be more than happy to be plan and host the next conference, planned for when it is safe for everyone to travel and get together.

V. ADJOURNMENT

Secretary Kierkiewicz motioned to adjourn the meeting, with a second by Treasurer King. The motion carried unanimously. President Manahan adjourned the meeting at 12:03p.m.

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

Hawai'i State Association of Counties (HSAC)

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

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MINUTES

HSAC EXECUTIVE COMMITTEE MEETING

Monday, April 27, 2020 • 10:30 a.m.

Meeting held via Conference Call

I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Joey Manahan at 10:32a.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 Member, County of Kaua'i
County of Hawai'i:	Secretary Ashley Kierkiewicz Council Member, County of Hawai'i
County of Maui:	Treasurer Kelly King Council Member, County of Maui
Others Present:	Arryl Kaneshiro Council Chair, County of Kaua'i
	Tamara Paltin, Alternate Council Member, County of Maui
	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

U.S. Senator Brian Schatz was also present, along with his Deputy Chief of Staff, Malia Paul. Various Council Members from across the counties were also present.

President Manahan welcomed the esteemed Senator, and colleagues, then turned the floor over to Treasurer King, who asked Senator Schatz for an update on the CARES Act, what that meant for Hawai'i residents and small business, and if counties with populations less than 500,000 would receive aid directly from the federal government in the future.

Senator Schatz described the latest measure that passed Congress as CARES 3.5, stating it to be an in-between measure, adding to PPP, helping hospitals, and ramping up testing. He noted the policy framework of PPP being good, but that its rollout was disastrous, with the website crashing and allocations being "funky." He shared that on a local level, Hawai'i's banks were doing a great job servicing applicants.

Senator Schatz said hospitals typically get money based on their Medicare spend. The CARES Act provides an advance on future billings to avoid cash crams. There are a few issues at play for counties: need more money, and that is "the battle for the next bill." Senator Mitch McConnell has pivoted away his "declare bankruptcy" position, as he doesn't want to bail out pensions. NACo and NGA (National Governors Association) are bipartisan groups, lobbying hard for counties and states; their position is there will be no economic recovery if in the middle of a partial reopening the federal government defunds essential services such as police, fire, for some states - schools, and our healthcare systems.

Senator Schatz said flexibility of dollars is key for local governments. He was not sure if monies can replace a county's lost revenue, as it wast not made clear with Treasury. He explained that smaller counties didn't get money at all likely because of the logistical problem of there are tens of thousands of counties across the country, so the idea was to park the money with the State, unless counties had a larger population. He said Congress is looking for fairer ways to allocate future monies, but in the mean time there needs to be a collaborative and cooperative process between the State and counties to fund unmet needs.

Treasurer King noted that PPP was not working for Maui, and asked the Senator to elaborate on the process. Senator Schatz stated that if a loan was approved, and a person is just trying to get cash, the Treasury/SBA have said that money would be made available by the end of April. He hopes that the majority waiting in line get processed. He said that locally, banks upload one at time, but that big banks can batch upload thousands of applications at a time.

Senator Schatz said for unemployment benefits, website and portal issues needed to be sorted out simultaneously. He mentioned a cyber attack and a flood of false claims, so impressed needing a "ton of patience and persistence."

In response to a question on a third increment of funding for small businesses, Senator Schatz remarked that nothing is agreed to until everything is agreed to. He stated Senator McConnell's style of holding key priorities hostage as he doesn't just let one program pass. Senator Schatz wants to pass a bill that will last more than 3-4 weeks, with PPP being a key element; he's not for just doing that and leaving hospitals, states, and counties behind.

The Senate impressed the critical importance of ramping up testing, contact tracing, and increasing stock of medical supplies. The labor intensive operation of contact tracing is key the State contemplates partial reopening (1-3 months away). He noted that the State's Infectious Disease Branch doesn't have capacity to do big scale contact tracing, so short-term engage National Guard and long-term build capacity with JABSOM partnership. There is currently no rapid testing available in order to receive visitors. Reality is choosing between no visitors or accepting visitors and not testing them. Scaling up to get to hundreds of thousands of tests administered quickly and read for tourists means there is no unmet need among essential workers, which are a higher priority.

Senator Schatz thanked the Executive Committee for the opportunity and noted he would appreciate staying in contact, offering to connect with HSAC via Zoom, one to two times a year.

II. APPROVAL OF AGENDA

Secretary Kierkiewicz moved to approve the agenda, with a second by Treasurer King.

The motion to approve the agenda of the April 27, 2020 meeting of the HSAC Executive Committee carried unanimously.

III. MINUTES

Vice President Kagawa motioned to approve the minutes from the February 10 and March 23 HSAC Executive Committee. There was a second by Treasurer King. The motion to approve the minutes from the February and March 2020 EC meetings carried unanimously.

IV. REPORTS

A. Treasurer's Report

Treasurer's Report for March 2020

Treasurer King presented the report (attached), noting the beginning balance of $140,349.69 and ending balance of $131,819.39. There was a $3.12 income from interest, and various expenses related to EC travel, NACo member travel and annual dinner, online Quickbooks annual fee, and consultant fee for HSAC's legislative advocate, Mr. Jon Okudara. There was a motion by Vice President Kagawa, second by Secretary Kierkiewicz to file the March 2020 Treasurer's Report. The motion carried unanimously.

B. County Reports

1. City & County of Honolulu

   President Manahan discussed Honolulu's effort to ramp up testing and meeting with DOH to get this done. He noted that the City would see a gradual opening of some parks.

2. County of Hawai'i

   Secretary Kierkiewicz noted collective efforts by Hawai'i County Council Members to leverage their contingency monies to support community feeding programs and that there were a lot of grassroots efforts springing up to take care of those in need. She mentioned her work with key partners to establish an Emergency Resilience Loan Program as well as Rapid Response Landlord-Tenant Mediation Program in an effort to keep people housed. She shared the CoH is in the midst of setting the next fiscal year's budget.

3. County of Kaua'i

   Vice President Kagawa shared that Mason Chock would replace Arthur Brun as his Alternate. He praised Mayor Kawakami for his efforts, but said the role of the Council needs to question those choices as Hawai'i is headed toward a Great Depression. Continued shut down leads to bigger impact. There is talk about Kaua'i loosening up restrictions on May 3, but wondered how this might contradict with Gov. Ige's proclamation. He noted that graduations will be interesting, and wants to supersede the governor on this as parents and families have gone through so much.

4. County of Maui

   Treasurer King shared that some emergency money was given to Mayor Victorino. She discussed allocations to assist households having trouble with housing, and support for social services. She shared the Council felt it necessary to give Mayor Victorino discretion of funds, noting that an audit would be completed afterwards so as to not hold up the spending process. She mentioned the Council using Blue Jeans to conduct Council meetings in an effort to allow for public feedback. She brought up the decision by SCOTUS on the Lahaina Injection Well case, noting the Administration lost, people fighting for clean waters prevailed.

She talked about community rising up against the mandate of not walking/running on beaches, with a petition on change.org garnering 6,000 signatures on the first day; community wanted access to these spaces and felt they could be responsible to properly social distance. She noted different circumstances in different counties, and seeing lots of issues implementing Gov. Ige's directives, which are confusing. Council Member Paltin noted the complete failure of Maui's health system, including not providing PPE, and not allowing nurses and doctors to wear PPE. She said she knew one ER doctor who was fired for wearing too much PPE. She noted 40% of Maui County's positive COVID-19 cases originated from hospital; people went for help and ended up with the virus (or dead).

Secretary Kierkiewicz motioned to adopt the county reports, with a second by Treasurer King. The motion carried unanimously.

V. NEW BUSINESS

A. Discussion of HSAC Continuity of Operations Due to COVID-19

President Manahan asked Mr. White to provide overview. Mr. White shared that HSAC bylaws as written allow for Zoom and remote voting (different from Council rules), and that there were certain annual requirements that must be done including an annual meeting, which an be done virtually. He recommended that in order to satisfy the bylaws, to do a Zoom call where Council Members statewide come together to approve for the slate of officers, annual budget, and delegates to WIR and NACo. When asked about holding over the current make up of the Executive Committee, Mr. White explained the body can do this, but bylaws trigger requirement that a slate was presented to the general membership at the annual meeting. He expressed a simpler way to keep folks on, suggesting all work with their respective Councils to get reappointed for the upcoming term. He said it was fine for monthly meetings to continue in this manner but resolutions for new officers needed to be approved by counties as soon as possible. President Manahan noted it will take some time to get the Counties to approve the Resolutions so asked members to work swiftly. Secretary Kierkiewicz noted she would work with President Manahan's office to secure a featured speaker, create flyer, and set up the Zoom details for the annual meeting.

Mr. White noted that the Executive Committee needed to weigh in on the budget and agree on delegates/alternatives for the EC as well as representatives to WIR and NACo.

VII. ANNOUNCEMENTS

A. Scheduling the next meeting

The Executive Committee will meet virtually on Monday, May 11, 2020 at 10:30a.m. to discuss the HSAC budget, nominees to the EC, and member positions.

B. Other Announcements
There are no other announcements at this time.

V. ADJOURNMENT

Secretary Kierkiewicz motioned to adjourn the meeting, with a second by Vice President Kagawa. The motion carried unanimously. President Manahan adjourned the meeting at 11:55a.m.

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

HAWAII STATE ASSOCIATION OF COUNTIES
Treasurer's Report

REVENUES COLLECTED AND EXPENSES PAID
Period: July 1, 2020 through July 31, 2020

1	**BEGINNING BALANCE**				**$110,779.19**
		July	**FY 2021**	**FY 2021**	
		Current Period	**Year to Date**	**Budget**	
	REVENUES				
2	Membership Fees	$0.00	$0.00	$43,680.00	
3	Conference Income	$0.00	$0.00	$0.00	
4	Interest Income	$2.13	$2.13	$35.00	
5	Miscellaneous	$0.00	$0.00	$0.00	
6	NACo Prescription Drug Marketing Fee	$0.00	$0.00	$500.00	
7	Fund Balance, prior FY	$0.00	$0.00	$95,257.00	
8	**Total**	**$2.13**	$2.13	$139,472.00	
9	**Total Revenues This Period**				**$2.13**
	EXPENSES				
	Executive Committee (EC)				
10	EC Travel-Air, Ground, Lodging, Registration	$0.00	$0.00	$28,600.00	
11	EC Auditing/Professional Services	$1,348.96	$1,348.96	$6,000.00	
12	EC Meeting Supplies	$0.00	$0.00	$1,730.00	
13	EC Online Quickbooks Annual Fee	$72.80	$72.80	$900.00	
	Special Committee				
14	Special Committee Travel	$0.00	$0.00	$500.00	
15	Special Committee Miscellaneous	$0.00	$0.00	$100.00	
	NACo				
16	NACo Board Travel-Air, Ground, Lodging, Registrati	$0.00	$0.00	$14,000.00	
17	NACo Steering Comm Travel-Air and Ground	$0.00	$0.00	$8,000.00	
18	NACo Promotional	$0.00	$0.00	$7,676.00	
19	NACo Dues	$0.00	$0.00	$27,268.00	
	WIR				
20	WIR Travel-Air, Ground, Lodging, Registration	$0.00	$0.00	$12,000.00	
21	WIR Promotional	$0.00	$0.00	$1,000.00	
22	WIR Dues	$0.00	$0.00	$3,804.00	
	OTHER				
23	HSAC Consulting Fund	$4,500.00	$4,500.00	$27,894.00	
24	**Total**	**$5,921.76**	$5,921.76	$139,472.00	
25	**Total Expenses This Period**				**($5,921.76)**
26	**Net Income**	**($5,919.63)**	($5,919.63)	$0.00	
27	**ENDING BALANCE**				**$104,859.56**

HAWAII STATE ASSOCIATION OF COUNTIES
Treasurer's Report

	REVENUES COLLECTED AND EXPENSES PAID Period: August 1, 2020 through August 31, 2020				
1	**BEGINNING BALANCE**				**$104,859.56**
		Current Period	**FY 2021**	**FY 2021**	
		Aug-20	**Year to Date**	**Budget**	
	REVENUES				
2	Membership Fees	$32,760.00	$32,760.00	$43,680.00	
3	Conference Income	$0.00	$0.00	$0.00	
4	Interest Income	$2.20	$4.33	$35.00	
5	Miscellaneous	$0.00	$0.00	$0.00	
6	NACo Prescription Drug Marketing Fee	$141.30	$141.30	$500.00	
7	Fund Balance, prior FY	$0.00	$0.00	$95,257.00	
8	**Total**	**$32,903.50**	$32,905.63	$139,472.00	
9	**Total Revenues This Period**				**$32,903.50**
	EXPENSES				
	Executive Committee (EC)				
10	EC Travel-Air, Ground, Lodging, Registration	$0.00	$0.00	$28,600.00	
11	EC Auditing/Professional Services	$0.00	$1,348.96	$6,000.00	
12	EC Meeting Supplies	$0.00	$0.00	$1,730.00	
13	EC Online Quickbooks Annual Fee	$785.20	$858.00	$900.00	
	Special Committee				
14	Special Committee Travel	$0.00	$0.00	$500.00	
15	Special Committee Miscellaneous	$0.00	$0.00	$100.00	
	NACo				
16	NACo Board Travel-Air, Ground, Lodging, Registration	$0.00	$0.00	$14,000.00	
17	NACo Steering Comm Travel-Air, Ground	$0.00	$0.00	$8,000.00	
18	NACo Promotional	$0.00	$0.00	$7,676.00	
19	NACo Dues	$0.00	$0.00	$27,268.00	
	WIR				
20	WIR Travel-Air, Ground, Lodging, Registration	$0.00	$0.00	$12,000.00	
21	WIR Promotional	$0.00	$0.00	$1,000.00	
22	WIR Dues	$0.00	$0.00	$3,804.00	
	OTHER				
23	HSAC Consulting Fund	$0.00	$4,500.00	$27,894.00	
24	**Total**	**$785.20**	$6,706.96	$139,472.00	
25	**Total Expenses This Period**				**($785.20)**
26	**Net Income**	**$32,118.30**	$26,198.67	$0.00	
27	**ENDING BALANCE**				**$136,977.86**

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
Līhu'e, Kaua'i, Hawai'i 96766

September 11, 2020

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

Dear President Manahan and Executive Committee Members:

RE: PROPOSALS FOR 2021 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

Enclosed for your information and files are certified copies of:

- Resolution No. 2020-40 – "RESOLUTION APPROVING A STATE BILL RELATING TO HIGHWAY SAFETY FOR INCLUSION IN THE 2021 COUNTY OF KAUA'I LEGISLATIVE PACKAGE AND THE 2021 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE; and"

- Resolution No. 2020-41 – RESOLUTION APPROVING A STATE BILL RELATING TO REGISTRATION OF VEHICLES FOR INCLUSION IN THE 2021 COUNTY OF KAUA'I LEGISLATIVE PACKAGE AND THE 2021 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE."

Which were approved by the Kaua'i County Council at its meeting on September 9, 2020.

Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

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

:ks
Enclosures

COUNTY COUNCIL

COUNTY OF KAUA'I

Resolution No. 2020-40

RESOLUTION APPROVING A STATE BILL RELATING TO HIGHWAY SAFETY FOR INCLUSION IN THE 2021 COUNTY OF KAUA'I LEGISLATIVE PACKAGE AND THE 2021 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

WHEREAS, Chapter 286-51, Hawai'i Revised Statutes (HRS), states that the Director of Finance of each County may collect an additional fee of not more than one dollar ($1) for each certificate of registration for a U-drive motor vehicle, but may collect up to ten dollars ($10) for each certificate of registration for motor vehicles other than U-drive motor vehicles; and

WHEREAS, HRS Chapter 286-51 also states that such additional fees to the certificates of registration shall be placed in a revolving fund for the purpose of highway beautification and the disposal of abandoned or derelict vehicles; and

WHEREAS, the contrast between the charge to U-drive motor vehicles and all other motor vehicles is inequitable as the use of the roads by U-drive motor vehicles tends to be as intense, if not more than, all other motor vehicles; and

WHEREAS, amending this subsection to allow counties to collect the same fee from all motor vehicles, including U-drive motor vehicles, would equally distribute the costs associated with highway beautification and disposal of abandoned and derelict vehicles; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, that it hereby approves the following:

1) That the proposed State bill relating to Registration of Vehicles, which is attached hereto as Exhibit "A," will be included in the 2021 County of Kaua'i Legislative Package.

2) That the proposed State Bill Relating to Registration of Vehicles, attached hereto as Exhibit "A," be transmitted to the Hawai'i State Association of Counties with recommendation for inclusion in the 2021 Hawai'i State Association of Counties Legislative Package.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to the President of the HSAC Executive Committee.

Introduced by:

MASON K. CHOCK

LUKE A. EVSLIN

V:\RESOLUTIONS\2018-2020 TERM\HSAC Leg Pkg U-drive MC_LE_CNT_jy.docx

	Aye	Nay	Excused	Recused
Brun			X*	
Chock	X			
Cowden	X			
Evslin	X			
Kagawa	X			
Kaneshiro	X			
Kuali'i	X			
Total	6	0	1	0

Certificate Of Adoption

We hereby certify that Resolution No. 2020-40 was adopted by the Council of the County of Kaua'i, State of Hawai'i, Līhu'e, Kaua'i, Hawai'i, on September 9, 2020.

County Clerk

Chairman & Presiding Officer

Dated September 9, 2020

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).

Exhibit A

_____.B. NO. _____

JUSTIFICATION SHEET

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

TITLE: Bill For An Act Relating To Registration Of Vehicles

PURPOSE: The proposed bill 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.

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

JUSTIFICATION: HRS Chapter 286-51 states that the Director of Finance of each County may collect an additional fee of not more than one dollar ($1) for each certificate of registration for a U-drive motor vehicle, but may collect up to ten dollars ($10) for each certificate of registration for motor vehicles other than U-drive motor vehicles. The moneys collected are placed in a revolving fund for the purpose of highway beautification and the disposal of abandoned or derelict vehicles. The contrast between the charge to U-drive motor vehicles and other motor vehicles is inequitable as the use of the roads by U-drive motor vehicles tends to be as intense, if not more than, all other motor vehicles. Amending this subsection to allow Counties to collect the same fee from all motor vehicles, including U-drive motor vehicles, would equally distribute the costs associated with highway beautification and disposal of abandoned and derelict vehicles.

Exhibit A

THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

__.B. NO._____

A BILL FOR AN ACT

RELATING TO REGISTRATION OF VEHICLES.

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:

Exhibit A

___.B. NO._____

(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:_____

Exhibit A

__.B. NO._____

Report Title:
Motor Vehicle Registration; 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.

COUNTY COUNCIL
COUNTY OF KAUA'I

Resolution No. 2020-41

RESOLUTION APPROVING A STATE BILL RELATING TO REGISTRATION OF VEHICLES FOR INCLUSION IN THE 2021 COUNTY OF KAUA'I LEGISLATIVE PACKAGE AND THE 2021 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

WHEREAS, some individuals and entities within each county intentionally abandon vehicles on roads and highways; and

WHEREAS, counties are left with the responsibility and costs associated with towing abandoned and/or derelict vehicles; and

WHEREAS, allowing counties to require the payment of outstanding charges owed to each respective county as a condition precedent to the renewal or issuance of Motor Vehicle Certificates of Registration, would greatly assist counties in recovering outstanding towing expenses; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, that it hereby approves the following:

1) That the proposed State bill relating to Registration of Vehicles, which is attached hereto as Exhibit "A," will be included in the 2021 County of Kaua'i Legislative Package.

2) That the proposed State bill Relating to Registration of Vehicles, which is attached hereto as Exhibit "A," be transmitted to the Hawai'i State Association of Counties with a recommendation for inclusion in the 2021 Hawai'i State Association of Counties Legislative Package.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to the President of the HSAC Executive Committee.

Introduced by:

MASON K. CHOCK

LUKE A. EVSLIN

V:\RESOLUTIONS\2018-2020 TERM\Relating To Towing Fee CNT_dmc.docx

	Aye	Nay	Excused	Recused
Brun			X*	
Chock	X			
Cowden	X			
Evslin	X			
Kagawa	X			
Kaneshiro	X			
Kuali'i	X			
Total	6	0	1	0

Certificate Of Adoption

We hereby certify that Resolution No. 2020-41 was adopted by the Council of the County of Kaua'i, State of Hawai'i, Lihu'e, Kaua'i, Hawai'i, on September 9, 2020.

County Clerk

Dated September 9, 2020

Chairman & Presiding Officer

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).

Exhibit A

_____.B. NO. _____

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: Some individuals and entities intentionally abandon vehicles on roads and highways, leaving Counties with the responsibility and expenses of towing the vehicles. Allowing Counties to require the payment of outstanding charges owed to the Counties for the towing, removal or disposal of abandoned, or derelict vehicles as a condition precedent to issuing removals for vehicle registrations, would greatly assist Counties in recovering outstanding towing expenses.

Exhibit A

THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAI'I

___.B. NO. _____

BILL FOR AN ACT

RELATING TO REGISTRATION OF VEHICLES.

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

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 towing 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:_____

Exhibit A

__.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.

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
Līhu'e, Kaua'i, Hawai'i 96766

August 25, 2020

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

Dear President Manahan and Executive Committee Members:

Enclosed for your information and files is a certified copy of Resolution No. 2020-34, "RESOLUTION APPROVING A STATE BILL RELATING TO REGISTRATION OF VEHICLES FOR INCLUSION IN THE 2021 COUNTY OF KAUA'I LEGISLATIVE PACKAGE AND THE 2021 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE," which was approved by the Kaua'i County Council on August 19, 2020.

Should you have any questions, please feel free to contact me or the Office of the County Clerk, Council Services Division, at (808) 241-4188,

Sincerely,

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

CNT:jy
Enclosure

COUNTY COUNCIL

COUNTY OF KAUA'I

Resolution No. 2020-34

RESOLUTION APPROVING A STATE BILL RELATING TO REGISTRATION OF VEHILCES FOR INCLUSION IN THE 2021 COUNTY OF KAUA'I LEGISLATIVE PACKAGE AND THE 2021 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

WHEREAS, buyers often provide false, unreadable, or unusable contact information to sellers for the Notice of Transfer document, then fail to register the vehicle under the buyer's name; and

WHEREAS, sellers sometimes provide fraudulent information to counties regarding a staged transfer of vehicles to unidentifiable buyers, which some sellers use to absolve themselves of any responsibility in the proper disposal of unwanted vehicles; and

WHEREAS, there is loss of tax revenue when buyers do not register vehicles under the buyer's name; and

WHEREAS, there is a significant loss of revenue when vehicles are dumped, and counties have no means of properly identifying and tracking down the new owner of the vehicles (towing costs, etc.); and

WHEREAS, buyers are subject to fraud when purchasing vehicles from sellers who have not disclosed unpaid taxes, fraudulent registration stickers, or other pertinent vehicle information to buyers; and

WHEREAS, sellers are subject to law enforcement inquiries when buyers do not register the vehicles under the buyer's name; and

WHEREAS, it is difficult for law enforcement to identify and locate someone who allegedly bought or acquired a vehicle, but did not provide accurate contact information to the seller, which may cause the original owner to become embroiled in any ensuing criminal investigations involving the vehicle; and

WHEREAS, both parties will be better protected from fraud with this Bill, as it will help counties keep current and accurate records of vehicle transfers and ownership; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, that it hereby approves the following:

1. That the proposed State bill Relating to Registration of Vehicles, which is attached hereto as Exhibit "A," will be included in the 2021 County of Kaua'i Legislative Package.

2. That the proposed State bill Relating to Registration of Vehicles, be transmitted to the Hawai'i State Association of Counties with recommendation for inclusion in the 2021 Hawai'i State Association of Counties Legislative Package.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to the President of the HSAC Executive Committee.

Introduced by:

MASON K. CHOCK

V:\RESOLUTIONS\2018-2020 TERM\Relating To Registration Of Vehicles CNT_dmc.docx

	Aye	Nay	Excused	Recused
Brun			X*	
Chock	X			
Cowden	X			
Evslin	X			
Kagawa	X			
Kaneshiro	X			
Kuali'i	X			
Total	6	0	1*	0

Certificate Of Adoption

We hereby certify that Resolution No. 2020-34 was adopted by the Council of the County of Kaua'i, State of Hawai'i, Līhu'e, Kaua'i, Hawai'i, on August 19, 2020.

County Clerk

Chairman & Presiding Officer

Dated August 19, 2020

JUSTIFICATION SHEET

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

TITLE: A Bill for an Act Relating to Registration of Vehicles

PURPOSE: This proposed Bill for an Act enhances the vehicle transfer process by requiring both the transferor and transferee to appear in person to execute the transfer which will protect both parties from fraud and ensure that the County keeps current and accurate records of vehicle transfers and ownership.

MEANS: Amends Section 286-52 of the Hawai'i Revised Statutes (HRS)

JUSTIFICATION: Buyers often provide false, unreadable, or unusable contact information to sellers for the Notice of Transfer document, and then fail to register the vehicle under the buyer's name. Sellers sometimes provide fraudulent information to the Counties regarding a staged transfer of a vehicle to an unidentifiable buyer; some use this method to absolve themselves of any responsibility in the proper disposal of an unwanted vehicle. There is loss of tax revenue when buyers do not register a vehicle under their name and also when a vehicle is dumped, and the County has no means of properly identifying and tracking down the new owner of the vehicle. Buyers are subject to fraud when they purchase a vehicle from a seller who has not disclosed unpaid taxes, fraudulent registration stickers or other pertinent vehicle information to the buyer. Sellers are subject to law enforcement inquiries when the buyer does not register the vehicle under the buyer's name. Vehicles that are not properly registered under the new owner's name are frequently tax delinquent. These vehicles are also used for, and provide a special opportunity for other criminal activity. It is difficult for law enforcement to identify and locate someone who allegedly bought or acquired a vehicle, but did not provide accurate contact information to the seller. These circumstances embroil the original owner, whether innocent or guilty, in the ensuing criminal investigations. Both parties will be better protected from fraud with this Bill and it will help Counties keep current and accurate records of vehicle transfers and ownership.

A BILL FOR AN ACT

RELATING TO REGISTRATION OF VEHICLES.

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

1 SECTION 1. Section 286-52, Hawai'i Revised Statutes, is
2 amended to read as follows:
3 "**§286-52 Procedure when title of vehicle transferred;**
4 **delivery of certificate mandatory**. (a) [~~Upon a transfer of~~] When
5 transferring the title or interest of a legal owner in or to a
6 vehicle registered under this part, the person whose title or
7 interest is to be transferred and the transferee shall write
8 their signatures with pen and ink upon the certificate of
9 ownership issued for the vehicle, together with the address of
10 the transferee in the appropriate space provided upon the
11 certificate[~~.~~], and shall both appear in person before a clerk
12 at the respective County Department of Motor Vehicles to execute
13 such transfer. If the transferor is not available to appear in
14 person the transferor shall complete the certificate of
15 ownership, together with the notice of transfer, and sign the
16 certificate of ownership before a Notary in any State within the
17 United States. The transferee and the transferor's
18 representative shall both appear in person and present the

notarized document at the County Department of Motor Vehicles when transferring such title to the transferee.

(b) Within thirty calendar days [~~thereafter, the transferee shall forward the certificate of ownership so endorsed to the director of finance who shall file the same; provided that if the recorded lien holder does not have an office in the State, the applicable period shall be sixty days.~~] of the date on the notice of transfer, the transferor or representative along with the transferee will abide by the rules set forth in Subsection (a). Whenever a [~~transferee~~] transferor fails to comply with these provisions, the director of finance shall charge a fee of $50, in addition to the fee provided in section 286-51[~~, for a new certificate of ownership~~].

(c) Subsection [~~(b),~~] (a), requiring a [~~transferee to forward~~] transferor to personally deliver the certificate of ownership after endorsement to the director of finance, shall not apply [~~to~~] in the event that 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

1 new owner; provided that if the director of finance has
2 ascertained as of the date of the application that the
3 registered owner has not deposited or paid bail with respect to
4 any summons or citation issued to the registered owner for
5 stopping, standing, or parking in violation of traffic
6 ordinances within the county, the director may require, as a
7 condition precedent to the transfer, that the registered owner
8 deposit or pay bail with respect to all such summons or
9 citations.

10 (d) The director of finance, upon receipt of the
11 certificate of ownership properly endorsed, shall register the
12 vehicle, and shall issue to the owner and legal owner entitled
13 thereto by reason of the transfer a new certificate of
14 registration and the certificate of ownership, respectively, in
15 the manner and form hereinabove provided for original
16 registration.

17 (e) Until the director of finance has issued the new
18 certificate of registration and certificate of ownership as in
19 subsection (d) provided, delivery of such vehicle shall be
20 deemed not to have been made and title thereto shall be deemed
21 not to have passed, and the intended transfer shall be deemed to
22 be incomplete and not to be valid or effective for any purpose,
23 notwithstanding any provision of the Uniform Commercial Code;

1 provided that a security interest in a motor vehicle shall be
2 perfected as provided in the Uniform Commercial Code, section
3 490:9-311 and that the validity, attachment, priority, and
4 enforcement of such security interest shall be governed by
5 Article 9 of the Code.
6 (f) In the event of the transfer by operation of law of
7 the title or interest of a legal owner in and to a vehicle
8 registered under this part, as upon inheritance, devise, or
9 bequest, order in bankruptcy, or insolvency, execution sale,
10 repossession upon default in performance of the terms of a lease
11 or executory sales contract, or otherwise than by the voluntary
12 act of the person whose title or interest is so transferred, the
13 certificate of ownership shall be signed upon the spaces
14 provided by the personal representative, receiver, trustee,
15 sheriff, or other representative, or successor in interest of
16 the person whose title or interest is so transferred in lieu of
17 such person. Every personal representative, receiver, trustee,
18 sheriff, or other representative hereinabove referred to shall
19 file with the director of finance a notice of any transfer by
20 sale, lease, or otherwise by such person, of any such vehicle,
21 together with evidence satisfactory to the director of finance
22 of all facts entitling such representative to make the
23 transfer. Upon notice given to the director of finance that

1 transfer by operation of law of the title or interest of a legal
2 owner or a registered owner has been effected pursuant to any
3 provision of law, the director of finance shall send to the
4 legal owner or the registered owner or both a notice by
5 registered mail of such action and requesting the delivery to
6 the director of finance of the certificate of ownership or the
7 certificate of registration, as the case may be, within ten days
8 after date of mailing of the notice, and any person who refuses
9 or neglects to deliver the same to the director of finance
10 pursuant to the notice shall be guilty of a misdemeanor and
11 shall be punished as provided in section 286-61.
12 (g) Nothing in the foregoing subsections shall prevent a
13 legal owner from assigning the title or interest in or to a
14 vehicle registered under this part to another legal owner at any
15 time without the consent of and without affecting the interest
16 of the holder of the certificate of registration thereof. Upon
17 filing with the director of finance of a certificate of
18 ownership endorsed by the legal owner and a transferee of legal
19 ownership, the director of finance shall, whether the
20 certificate of registration has expired or not, enter the name
21 of the new legal owner upon the records of the director's office
22 and shall forthwith issue a new certificate of ownership to the
23 new legal owner in the form for original registration. Upon so

doing, the director of finance shall send to the registered owner a notice by mail of the action.

(h) Any person who refuses or neglects to deliver a certificate of ownership to a transferee entitled thereto under this part, shall be punished as provided in section 286-61.

(i) Every dealer, upon transferring a motor vehicle, whether by sale, lease, or otherwise, shall immediately give notice of the transfer to the director of finance upon the official form provided by the director of finance. Every such notice shall contain the date of the transfer, the names and addresses of the transferor and transferee, and such description of the vehicle as may be called for in the official form.

[~~(j) Every person, other than a dealer, upon transferring a motor vehicle, whether by sale, lease, or otherwise, shall within ten days give notice of the transfer to the director of finance upon the official form provided by the director of finance. Every notice shall contain the date of transfer, the names and addresses of the transferor and transferee, and such description of the vehicle as may be called for in the official form. Any person who violates this subsection shall be fined not more than $100.~~]

[~~(k)~~] (j) Whenever [~~the registered owner of any motor vehicle or~~] any licensed dealer has given notice to the director

of finance of a transfer of the title or interest in the motor vehicle, as provided in subsection (i) [~~or (j)~~], and has delivered the certificate of ownership bearing the transferor's signature to the transferee as required by subsection (a), the transferor shall be relieved from any liability, civil or criminal, from the date the transferor delivers the motor vehicle into the transferee's possession, which the transferor might otherwise subsequently incur by reason solely of being the registered owner of the vehicle.

[~~(l)~~] (k) A licensed dealer who has forwarded a properly endorsed certificate of ownership to the director of finance shall be relieved of any civil liability, from the date the transferor delivers the motor vehicle into the transferee's possession, which the transferor might otherwise subsequently incur by reason solely of being the registered owner of the vehicle; provided that a specific written authorization to forward the certificate has been obtained from the transferee.

[~~(m)~~] (l) Any person who falsely or fraudulently gives notice to the director of finance of a transfer of title or interest in a motor vehicle shall be subject to the penalty provided in section 286-61."

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

1 SECTION 3. This Act shall take effect upon its
2 approval.
3
4 INTRODUCED BY:_____

Report Title:
Registration of Vehicles; Procedure when title of vehicle transferred; delivery of certificate mandatory

Description:
This proposed Bill for an Act enhances the vehicle transfer process by requiring both the transferor and transferee to appear in person to execute the transfer which will protect both parties from fraud and ensure that Counties keeps current and accurate records of vehicle transfers and ownership.

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

Resolution

No. 20-134

APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW VIRTUAL MEETINGS BY INTERACTIVE CONFERENCE TECHNOLOGY

WHEREAS, the Office of Information Practices has drafted much of the content in the attached proposed State bill to allow virtual meetings by "boards" subject to the Sunshine Law, including the Council; and

WHEREAS, virtual meetings promote public safety, public accessibility, and efficiency; and

WHEREAS, the Sunshine Law requires immediate termination when there is an infrastructure failure causing inability for audio communication to be maintained with all locations where the meeting by interactive conference technology is being held; and

WHEREAS, it is important that a meeting conducted by interactive conference technology be allowed to continue without the need to be adjourned when a technological failure occurs; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to allow virtual meetings by interactive conference technology, is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package; and

2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

paf:ske:20-256d

Exhibit "A"

__.B. NO._____

A BILL FOR AN ACT

RELATING TO SUNSHINE LAW BOARDS.

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

SECTION 1. The legislature finds that the COVID-19 pandemic forced the implementation of emergency measures suspending certain requirements of the state's Sunshine Law in order to allow boards to virtually meet and conduct necessary business through the use of interactive conference technology, while protecting participants' health and safety and expanding public access to meetings throughout our island state. During the emergency stay-at-home orders and travel restrictions, it was not possible for board members, staff, or members of the public to attend public meetings in person. Through the use of interactive conference technology, however, virtual meetings enabled and enhanced board and public participation. Virtual meetings could be safely held and allowed more people from different islands or parts of islands to effectively participate, often during times when they would not otherwise be physically able to leave their work, homes, or schools to participate in an in-person meeting.

1 The legislature finds that the increased costs of staffing
2 and technological equipment and resources needed to conduct
3 virtual meetings are offset by the savings in time, convenience,
4 travel costs for board members and participants, especially
5 those from the neighbor islands. Importantly, virtual meetings
6 help to prevent the spread of disease and protect the health and
7 safety of all participants, particularly those who have
8 disabilities or medical conditions that would place them at
9 greater risks during travel or attendance at in-person public
10 meetings. The legislature also finds that allowing board
11 members to participate in virtual meetings from their homes or
12 private offices, while protecting their privacy and not
13 requiring them to allow members of the public into their homes
14 or private offices, may increase the number of volunteers
15 willing to serve on government boards, particularly when they
16 live on an island different from where the boards' offices are
17 located.
18 The legislature further finds that the benefits of virtual
19 meetings should continue in non-emergency times and that
20 permanent amendments are needed to the Sunshine Law, part I of
21 chapter 92, Hawaii Revised Statutes. Except for times of
22 emergency, the legislature recognizes the need for boards

conducting virtual meetings to also provide for an in-person meeting location where members of the public can observe the virtual meeting or testify in person using interactive conference technology provided by the board, without requiring board members to be at the in-person location. Recognizing that not all boards are equipped with adequate staffing or technological equipment and resources to conduct virtual meetings, the legislature finds that these amendments should permit, but not require, boards to conduct virtual meetings.

The legislature further finds that telecommunications infrastructure can have occasional failures. To promote openness, efficiency, and safety by facilitating meetings using interactive conference technology, it is important that a virtual meeting be allowed to continue without the need to be adjourned when a technological failure occurs.

Therefore, the purposes of this Act are to: (1) expand and enhance public participation in public meetings, while protecting the health and safety of board members, staff, testifiers, observers, other participants, and the general public, by allowing boards to use interactive conference technology to conduct virtual meetings under the Sunshine Law[~~.~~]; and (2) allow a meeting conducted by interactive

conference technology to continue without the need to be adjourned when a technological failure occurs."

SECTION 2. Section 92-3.5, Hawaii Revised Statutes, is amended to read as follows:

"§92-3.5 **Meeting by interactive conference technology; notice; quorum.** (a) A board may hold a meeting by interactive conference technology; provided that:

(1) [~~t~~he] The interactive conference technology used by the board allows interaction among all members of the board participating in the meeting and all members of the public attending the meeting; [~~, and the notice required by section 92-7 identifies all of the locations where participating board members will be physically present and indicates that members of the public may join board members at any of the identified locations.~~]

(2) Board members shall be visible and audible to other members and the public during the public meetings; provided that during executive meetings from which the public has been excluded, board members shall be audible to other authorized participants and are not required to be visible;

1 [~~(b)~~] (3) Any board member participating in a meeting by
2 interactive conference technology shall be considered
3 present at the meeting for the purpose of determining
4 compliance with the quorum and voting requirements of
5 the [~~board.~~] board;
6 (4) At the start of the meeting the presiding officer
7 shall announce the names of the participating members;
8 (5) Unless unanimous, votes shall be conducted by roll
9 call so that it is clear how each board member voted;
10 (6) To preserve the executive nature of any portion of a
11 meeting closed to the public, all participants shall
12 confirm to the presiding officer that no unauthorized
13 person is present or able to hear them at their remote
14 locations, and the person organizing the interactive
15 conference technology shall confirm that no
16 unauthorized person has access to the executive
17 meeting as indicated on the control panels of the
18 interactive conference technology being used for the
19 meeting, if applicable; and
20 (7) When practicable, boards shall record meetings and
21 make the recording of any meeting open to the public
22 electronically available to the public as soon as

1 practicable after a meeting and until such time as the
2 minutes required by section 92-9 are electronically
3 posted on the board's website.
4 [~~(c)~~]
5 [~~(d)~~] (b) Notwithstanding the other provisions of this
6 section to the contrary, a board member with a disability that
7 limits or impairs the member's ability to physically attend the
8 meeting may participate in a board meeting from a location not
9 accessible to the public; provided that the member with a
10 disability is connected to other members of the board and the
11 public by both visual and audio means, and the member identifies
12 where the member is located and who, if anyone, is present at
13 that location with the member. When practicable, meetings held
14 by interactive conference technology may be recessed for up to
15 one hour when audio communication cannot be maintained with a
16 quorum of members or with the public location where the meeting
17 by interactive conference technology is being held.
18 [e] (c) A board holding a meeting by interactive
19 conference technology pursuant to this section shall not be
20 required to allow members of the public to join board members at
21 non-public locations where board members are physically present
22 or to identify those locations in the notice required by section

1 92-7; provided that at the meeting, each board member shall
2 identify who, if anyone, is present at the non-public location
3 with the member; and provided further that the notice required
4 by section 92-7 shall:
5 (1) List at least one meeting location that is open to the
6 public; and
7 (2) Inform members of the public how to:
8 (A) Remotely view the video and audio of the meeting
9 through internet streaming or other means; and
10 (B) Provide oral testimony through an internet link,
11 telephone conference, or other means.
12 [~~f~~] (d) Notwithstanding section 92-3, a board may require
13 members of the public attending a meeting in person to:
14 (1) Provide their names and contact information for the
15 purpose of contact tracing; and
16 (2) Abide by the board's requirements for facial
17 coverings, physical distancing, or other safety
18 measures;
19 when the governor has previously declared a state of
20 emergency for a contagious illness and, without regard to
21 whether the state of emergency is still in effect, a board
22 reasonably believes that such requirements are necessary because

of the continuing prevalence of the contagious illness for which the state of emergency was declared."

SECTION 3. Subsection (a) of section 92-7, Hawaii Revised Statutes, is amended to read as follows:

"(a) The board shall give written public notice of any regular, special, emergency, or rescheduled meeting, or any executive meeting when anticipated in advance. The notice shall include an agenda that lists all of the items to be considered at the forthcoming meeting; the date, time, and place of the meeting; the board's contact information for submission of written testimony by electronic mail and postal mail; instructions on how to request an auxiliary aid or service or an accommodation due to a disability, including a response deadline, if one is provided, that is reasonable; and in the case of an executive meeting the purpose shall be stated. If an item to be considered is the proposed adoption, amendment, or repeal of administrative rules, an agenda meets the requirements for public notice pursuant to this section if it contains a statement on the topic of the proposed rules or a general description of the subjects involved, as described in section 91-3(a)(1)(A), and a statement of when and where the proposed rules may be viewed in person and on the Internet as provided in

1 section 91-2.6. The means specified by this section shall be the
2 only means required for giving notice under this part
3 notwithstanding any law to the contrary."
4 SECTION 4. Statutory material to be deleted is bracketed
5 and in strikethrough. New statutory material is underscored.
6 SECTION 5. This Act shall take effect upon its approval.
7
8 INTRODUCED BY:_____
9

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 20-134 was adopted by the Council of the County of Maui, State of Hawaii, on the 11th day of September, 2020, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	No	Excused	Aye	Aye	Aye	Aye	Aye

Kathy L. Kuoha

COUNTY CLERK

Resolution

No. 20-129

APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW MAUI COUNTY TO ESTABLISH A GENERAL EXCISE TAX SURCHARGE

WHEREAS, Maui County was authorized to establish a General Excise Tax surcharge up until March 31, 2019; and

WHEREAS, extending the deadline would allow Maui County to establish the surcharge; and

WHEREAS, Maui County is the only county in the State that is not receiving the benefits of a General Excise Tax surcharge; and

WHEREAS, the surcharge would provide much-needed diversification in Maui County's ability to generate revenue, while limiting the burden on residents subject to the Real Property Tax; and

WHEREAS, the funds derived from the surcharge would allow for a greater investment in infrastructure, affordable housing, transportation, and other countywide priorities; and

WHEREAS, these funds will be even more necessary in light of the negative economic impacts of the COVID-19 pandemic; and

WHEREAS, enabling legislation has already been introduced to the Council and is pending before the Economic, Development and Budget Committee; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to allow Maui County to establish a General Excise Tax surcharge, is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package; and

2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

paf:ans:19-314c

__.B. NO._____

A BILL FOR AN ACT

RELATING TO TAXATION.

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

SECTION 1. Section 46-16.8, Hawaii Revised Statutes, is amended to read as follows:

"**§46-16.8 County surcharge on state tax.**

(a) Each county may establish a surcharge on state tax at the rates enumerated in sections 237-8.6 and 238-2.6. A county electing to establish this surcharge shall do so by ordinance; provided that:

(1) No ordinance shall be adopted until the county has conducted a public hearing on the proposed ordinance;

(2) The ordinance shall be adopted prior to December 31, 2005; and

(3) No county surcharge on state tax that may be authorized under this subsection shall be levied prior to January 1, 2007, or after December 31, 2022, unless extended pursuant to subsection (b).

Notice of the public hearing required under paragraph (1) shall be published in a newspaper of general circulation within the county at least twice within a period of thirty days immediately preceding the date of the hearing.

A county electing to exercise the authority granted under this subsection shall notify the director of taxation within ten days after the county has adopted a surcharge on state tax ordinance and, beginning no earlier than January 1, 2007, the director of taxation shall levy, assess, collect, and otherwise administer the county surcharge on state tax.

(b) Each county that has established a surcharge on state tax prior to July 1, 2015, under authority of subsection (a) may extend the surcharge until December 31, 2030, at the same rates. A county electing to extend this surcharge shall do so by ordinance; provided that:

(1) No ordinance shall be adopted until the county has conducted a public hearing on the proposed ordinance; and

EXHIBIT "A"

(2) The ordinance shall be adopted prior to January 1, 2018.

A county electing to exercise the authority granted under this subsection shall notify the director of taxation within ten days after the county has adopted an ordinance extending the surcharge on state tax. The director of taxation shall levy, assess, collect, and otherwise administer the extended surcharge on state tax.

(c) Each county that has not established a surcharge on state tax prior to July 1, 2015, may establish the surcharge at the rates enumerated in sections 237-8.6 and 238-2.6. A county electing to establish this surcharge shall do so by ordinance; provided that:

(1) No ordinance shall be adopted until the county has conducted a public hearing on the proposed ordinance;

(2) The ordinance shall be adopted prior to [~~March 31, 2019~~] June 30, 2021; and

(3) No county surcharge on state tax that may be authorized under this subsection shall be levied prior to January 1, 2019, or after December 31, 2030.

A county electing to exercise the authority granted under this subsection shall notify the director of taxation within ten days after the county has adopted a surcharge on state tax ordinance. Beginning [~~on~~] no earlier than January 1, 2019, [~~or January 1, 2020,~~] as applicable pursuant to sections 237-8.6 and 238-2.6, the director of taxation shall levy, assess, collect, and otherwise administer the county surcharge on state tax.

(d) Notice of the public hearing required under subsection (b) or (c) before adoption of an ordinance establishing or extending the surcharge on state tax shall be published in a newspaper of general circulation within the county at least twice within a period of thirty days immediately preceding the date of the hearing.

(e) Each county with a population greater than five hundred thousand that adopts or extends a county surcharge on state tax ordinance pursuant to subsection (a) or (b) shall use the surcharge revenues received from the State for capital costs of a locally preferred alternative for a mass transit project; provided that revenues derived from the county surcharge on state tax shall not be used:

(1) To build or repair public roads or highways, bicycle paths, or support public transportation systems already in existence prior to July 12, 2005;

(2) For operating costs or maintenance costs of the mass transit project or any purpose not consistent with this subsection; or

(3) For administrative or operating, marketing, or maintenance costs, including personnel costs, of a rapid transportation authority charged with the responsibility for constructing, operating, or maintaining the mass transit project; provided further that nothing in this section shall be construed to prohibit a county from using county funds that are not derived from a surcharge on state tax for a purpose described in paragraph (2) or (3).

(f) Each county with a population equal to or less than five hundred thousand that adopts a county surcharge on state tax ordinance pursuant to this section shall use the surcharges received from the State for:

(1) Operating or capital costs of public transportation within each county for public transportation systems, including public roadways or highways, public buses, trains, ferries, pedestrian paths or sidewalks, or bicycle paths; and

(2) Expenses in complying with the Americans with Disabilities Act of 1990 with respect to paragraph (1).

(g) As used in this section, "capital costs" means nonrecurring costs required to construct a transit facility or system, including debt service, costs of land acquisition and development, acquiring of rights-of-way, planning, design, and construction, and including equipping and furnishing the facility or system. For a county with a population greater than five hundred thousand, capital costs also include non-recurring personal services and other overhead costs that are not intended to continue after completion of construction of the minimum operable segment of the locally preferred alternative for a mass transit project."

SECTION 2. Section 237-8.6, Hawaii Revised Statutes, is amended to read as follows:

"**§237-8.6 County surcharge on state tax; administration.**

(a) The county surcharge on state tax, upon the adoption of county ordinances and in accordance with the requirements of section 46-16.8, shall be levied, assessed, and collected as provided in this section on all gross proceeds and gross income taxable under this chapter. No county shall set the surcharge

on state tax at a rate greater than one-half per cent of all gross proceeds and gross income taxable under this chapter. All provisions of this chapter shall apply to the county surcharge on state tax. With respect to the surcharge, the director of taxation shall have all the rights and powers provided under this chapter. In addition, the director of taxation shall have the exclusive rights and power to determine the county or counties in which a person is engaged in business and, in the case of a person engaged in business in more than one county, the director shall determine, through apportionment or other means, that portion of the surcharge on state tax attributable to business conducted in each county.

(b) Each county surcharge on state tax that may be adopted or extended pursuant to section 46-16.8 shall be levied beginning in a taxable year after the adoption of the relevant county ordinance; provided that no surcharge on state tax may be levied:

(1) Prior to:

(A) January 1, 2007, if the county surcharge on state tax was established by an ordinance adopted prior to December 31, 2005;

(B) January 1, 2019, if the county surcharge on state tax was established by the adoption of an ordinance after June 30, 2015, but prior to June 30, 2018; or

(C) January 1, 2020, if the county surcharge on state tax was established by the adoption of an ordinance on or after June 30, 2018, but prior to March 31, 2019; [~~and~~]

<u>(D) January 1, 2021, if the county surcharge on state tax was established by the adoption of an ordinance on or after March 31, 2019, but prior to June 30, 2020;</u>

<u>(E) January 1, 2022, if the county surcharge on state tax was established by the adoption of an ordinance on or after June 30, 2020, but prior to June 30, 2021; and</u>

(2) After December 31, 2030.

(c) The county surcharge on state tax, if adopted, shall be imposed on the gross proceeds or gross income of all written contracts that require the passing on of the taxes imposed under this chapter; provided that if the gross proceeds or gross income are received as payments beginning in the taxable year in which the taxes become effective, on contracts entered into

before June 30 of the year prior to the taxable year in which the taxes become effective, and the written contracts do not provide for the passing on of increased rates of taxes, the county surcharge on state tax shall not be imposed on the gross proceeds or gross income covered under the written contracts. The county surcharge on state tax shall be imposed on the gross proceeds or gross income from all contracts entered into on or after June 30 of the year prior to the taxable year in which the taxes become effective, regardless of whether the contract allows for the passing on of any tax or any tax increases.

(d) No county surcharge on state tax shall be established on any:

(1) Gross income or gross proceeds taxable under this chapter at the one-half per cent tax rate;

(2) Gross income or gross proceeds taxable under this chapter at the 0.15 per cent tax rate; or

(3) Transactions, amounts, persons, gross income, or gross proceeds exempt from tax under this chapter.

(e) The director of taxation shall revise the general excise tax forms to provide for the clear and separate designation of the imposition and payment of the county surcharge on state tax.

(f) The taxpayer shall designate the taxation district to which the county surcharge on state tax is assigned in accordance with rules adopted by the director of taxation under chapter 91. The taxpayer shall file a schedule with the taxpayer's periodic and annual general excise tax returns summarizing the amount of taxes assigned to each taxation district.

(g) The penalties provided by section 231-39 for failure to file a tax return shall be imposed on the amount of surcharge due on the return being filed for the failure to file the schedule required to accompany the return. In addition, there shall be added to the tax an amount equal to ten per cent of the amount of the surcharge and tax due on the return being filed for the failure to file the schedule or the failure to correctly report the assignment of the general excise tax by taxation district on the schedule required under this subsection.

(h) All taxpayers who file on a fiscal year basis whose fiscal year ends after December 31 of the year prior to the taxable year in which the taxes become effective, shall file a short period annual return for the period preceding January 1 of the taxable year in which the taxes become effective. Each

fiscal year taxpayer shall also file a short period annual return for the period starting on January 1 of the taxable year in which the taxes become effective, and ending before January 1 of the following year."

SECTION 3. Section 238-2.6, Hawaii Revised Statutes, is amended to read as follows:

"**§238-2.6 County surcharge on state tax; administration.** (a) The county surcharge on state tax, upon the adoption of a county ordinance and in accordance with the requirements of section 46-16.8, shall be levied, assessed, and collected as surcharge on state tax at a rate greater than one-half per cent of the value of property taxable under this chapter. All provisions of this chapter shall apply to the county surcharge on state tax. With respect to the surcharge, the director shall have all the rights and powers provided under this chapter. In addition, the director of taxation shall have the exclusive rights and power to determine the county or counties in which a person imports or purchases property and, in the case of a person importing or purchasing property in more than one county, the director shall determine, through apportionment or other means, that portion of the surcharge on state tax attributable to the importation or purchase in each county.

(b) Each county surcharge on state tax that may be adopted or extended shall be levied beginning in a taxable year after the adoption of the relevant county ordinance; provided that no surcharge on state tax may be levied:

(1) Prior to:

(A) January 1, 2007, if the county surcharge on state tax was established by an ordinance adopted prior to December 31, 2005;

(B) January 1, 2019, if the county surcharge on state tax was established by the adoption of an ordinance after June 30, 2015, but prior to June 30, 2018; or

(C) January 1, 2020, if the county surcharge on state tax was established by the adoption of an ordinance on or after June 30, 2018, but prior to March 31, 2019; [~~and~~]

<u>(D) January 1, 2021, if the county surcharge on state tax was established by the adoption of an</u>

ordinance on or after March 31, 2019, but prior to June 30, 2020;

(E) January 1, 2022, if the county surcharge on state tax was established by the adoption of an ordinance on or after June 30, 2020, but prior to June 30, 2021; and

(2) After December 31, 2030.

(c) No county surcharge on state tax shall be established upon any use taxable under this chapter at the one-half per cent tax rate or upon any use that is not subject to taxation or that is exempt from taxation under this chapter.

(d) The director of taxation shall revise the use tax forms to provide for the clear and separate designation of the imposition and payment of the county surcharge on state tax.

(e) The taxpayer shall designate the taxation district to which the county surcharge on state tax is assigned in accordance with rules adopted by the director of taxation under chapter 91. The taxpayer shall file a schedule with the taxpayer's periodic and annual use tax returns summarizing the amount of taxes assigned to each taxation district.

(f) The penalties provided by section 231-39 for failure to file a tax return shall be imposed on the amount of surcharge due on the return being filed for the failure to file the schedule required to accompany the return. In addition, there shall be added to the tax an amount equal to ten per cent of the amount of the surcharge and tax due on the return being filed for the failure to file the schedule or the failure to correctly report the assignment of the use tax by taxation district on the schedule required under this subsection.

(g) All taxpayers who file on a fiscal year basis whose fiscal year ends after December 31 of the year prior to the taxable year in which the taxes become effective, shall file a short period annual return for the period preceding January 1 of the taxable year in which the taxes become effective. Each fiscal year taxpayer shall also file a short period annual return for the period starting on January 1 of the taxable year in which the taxes become effective, and ending before January 1 of the following year.

SECTION 4. Statutory material to be deleted is bracketed and in strikethrough. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

__.B. NO. _____

1

2 INTRODUCED BY:_____

3

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 20-129 was adopted by the Council of the County of Maui, State of Hawaii, on the 11th day of September, 2020, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	No	Excused	Aye	Aye	Aye	Aye	Aye

Kathy L. Kaohu

COUNTY CLERK

Resolution

No. 20-128

APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO GIVE COUNTIES AUTHORITY TO ESTABLISH RENTAL-CAR LIMITS

WHEREAS, by Resolution 19-98, the Council affirmed Maui County's commitment to the Paris Climate Agreement and its goals of mitigating greenhouse-gas emissions and adapting to impacts of climate change; and

WHEREAS, reducing rental cars on the road would contribute to meeting these goals by reducing dependency on petroleum and greenhouse gas emissions generated from for ground-transportation vehicles; and

WHEREAS, the United States Environmental Protection Agency states that a typical passenger vehicle emits about 4.6 metric tons of carbon dioxide per year; and

WHEREAS, over 20,000 rental cars on Maui adversely impact the County's ability to mitigate greenhouse-gas emissions; and

WHEREAS, the United States Department of Transportation states that reducing traffic can improve the environment by reducing vehicle miles traveled, which reduces fuel consumed and emissions generated by acceleration and decelerations; and

WHEREAS, counties do not have the ability to limit rental cars under State law; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to allow counties to establish rental-car limits, is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package; and

2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

Exhibit "A"

__.B. NO._____

A BILL FOR AN ACT

RELATING TO RENTAL MOTOR VEHICLES.

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

SECTION 1. Hawai'i is committed to mitigating emissions and creating a clean energy pathway by investing in renewable energy and energy efficiency. Utilities and transportation currently account for the majority of emissions in Hawai'i.

Reducing cars on the road will contribute to meeting Hawai'i's clean energy goals by reducing dependency on petroleum and greenhouse gas emissions generated from for ground transportation vehicles. However, over 20,000 rental motor vehicles on Maui adversely impact Hawai'i's intent to mitigate greenhouse gas emissions.

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

"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

1 organization, including but not limited to the method of
2 appointment or election of officials, their duties,
3 responsibilities, and compensation, and the terms of their office;
4 (2) Each county shall have the power to provide for and
5 regulate the marking and lighting of all buildings and other
6 structures that may be obstructions or hazards to aerial
7 navigation, so far as may be necessary or proper for the protection
8 and safeguarding of life, health, and property;
9 (3) Each county shall have the power to enforce all claims on
10 behalf of the county and approve all lawful claims against the
11 county, but shall be prohibited from entering into, granting, or
12 making in any manner any contract, authorization, allowance
13 payment, or liability contrary to the provisions of any county
14 charter or general law;
15 (4) Each county shall have the power to make contracts and to
16 do all things necessary and proper to carry into execution all
17 powers vested in the county or any county officer;
18 (5) Each county shall have the power to:
19 (A) Maintain channels, whether natural or artificial,
20 including their exits to the ocean, in suitable condition to carry
21 off storm waters;
22 (B) Remove from the channels, and from the shores and beaches,
23 any debris that is likely to create an unsanitary condition or

1 become a public nuisance; provided that, to the extent any of the
2 foregoing work is a private responsibility, the responsibility may
3 be enforced by the county in lieu of the work being done at public
4 expense;
5 (C) Construct, acquire by gift, purchase, or by the exercise
6 of eminent domain, reconstruct, improve, better, extend, and
7 maintain projects or undertakings for the control of and protection
8 against floods and flood waters, including the power to drain and
9 rehabilitate lands already flooded;
10 (D) Enact zoning ordinances providing that lands deemed
11 subject to seasonable, periodic, or occasional flooding shall not
12 be used for residence or other purposes in a manner as to endanger
13 the health or safety of the occupants thereof, as required by the
14 Federal Flood Insurance Act of 1956 (chapter 1025, Public Law
15 1016); and
16 (E) Establish and charge user fees to create and maintain any
17 stormwater management system or infrastructure;
18 (6) Each county shall have the power to exercise the power of
19 condemnation by eminent domain when it is in the public interest
20 to do so;
21 (7) Each county shall have the power to exercise regulatory
22 powers over business activity as are assigned to them by chapter
23 445 or other general law;

1 (8) Each county shall have the power to fix the fees and
2 charges for all official services not otherwise provided for;
3 (9) Each county shall have the power to provide by ordinance
4 assessments for the improvement or maintenance of districts within
5 the county;
6 (10) Except as otherwise provided, no county shall have the
7 power to give or loan credit to, or in aid of, any person or
8 corporation, directly or indirectly, except for a public purpose;
9 (11) Where not within the jurisdiction of the public utilities
10 commission, each county shall have the power to regulate by
11 ordinance the operation of motor vehicle common carriers
12 transporting passengers and the number of rental motor vehicles
13 within the county and adopt and amend rules the county deems
14 necessary for the public convenience and necessity;
15 (12) Each county shall have the power to enact and enforce
16 ordinances necessary to prevent or summarily remove public
17 nuisances and to compel the clearing or removal of any public
18 nuisance, refuse, and uncultivated undergrowth from streets,
19 sidewalks, public places, and unoccupied lots. In connection with
20 these powers, each county may impose and enforce liens upon the
21 property for the cost to the county of removing and completing the
22 necessary work where the property owners fail, after reasonable
23 notice, to comply with the ordinances. The authority provided by

1 this paragraph shall not be self-executing, but shall become fully
2 effective within a county only upon the enactment or adoption by
3 the county of appropriate and particular laws, ordinances, or rules
4 defining "public nuisances" with respect to each county's
5 respective circumstances. The counties shall provide the property
6 owner with the opportunity to contest the summary action and to
7 recover the owner's property;
8 (13) Each county shall have the power to enact ordinances
9 deemed necessary to protect health, life, and property, and to
10 preserve the order and security of the county and its inhabitants
11 on any subject or matter not inconsistent with, or tending to
12 defeat, the intent of any state statute where the statute does not
13 disclose an express or implied intent that the statute shall be
14 exclusive or uniform throughout the State;
15 (14) Each county shall have the power to:
16 (A) Make and enforce within the limits of the county all
17 necessary ordinances covering all:
18 (i) Local police matters;
19 (ii) Matters of sanitation;
20 (iii) Matters of inspection of buildings;
21 (iv) Matters of condemnation of unsafe structures, plumbing,
22 sewers, dairies, milk, fish, and morgues; and

1 (v) Matters of the collection and disposition of rubbish and
2 garbage;
3 (B) Provide exemptions for homeless facilities and any other
4 program for the homeless authorized by part XVII of chapter 346,
5 for all matters under this paragraph;
6 (C) Appoint county physicians and sanitary and other
7 inspectors as necessary to carry into effect ordinances made under
8 this paragraph, who shall have the same power as given by law to
9 agents of the department of health, subject only to limitations
10 placed on them by the terms and conditions of their appointments;
11 and
12 (D) Fix a penalty for the violation of any ordinance, which
13 penalty may be a misdemeanor, petty misdemeanor, or violation as
14 defined by general law;
15 (15) Each county shall have the power to provide public
16 pounds; to regulate the impounding of stray animals and fowl, and
17 their disposition; and to provide for the appointment, powers,
18 duties, and fees of animal control officers;
19 (16) Each county shall have the power to purchase and
20 otherwise acquire, lease, and hold real and personal property
21 within the defined boundaries of the county and to dispose of the
22 real and personal property as the interests of the inhabitants of
23 the county may require, except that:

1 (A) Any property held for school purposes may not be disposed
2 of without the consent of the superintendent of education;
3 (B) No property bordering the ocean shall be sold or otherwise
4 disposed of; and
5 (C) All proceeds from the sale of park lands shall be expended
6 only for the acquisition of property for park or recreational
7 purposes;
8 (17) Each county shall have the power to provide by charter
9 for the prosecution of all offenses and to prosecute for offenses
10 against the laws of the State under the authority of the attorney
11 general of the State;
12 (18) Each county shall have the power to make appropriations
13 in amounts deemed appropriate from any moneys in the treasury, for
14 the purpose of:
15 (A) Community promotion and public celebrations;
16 (B) The entertainment of distinguished persons as may from
17 time to time visit the county;
18 (C) The entertainment of other distinguished persons, as well
19 as, public officials when deemed to be in the best interest of the
20 community; and
21 (D) The rendering of civic tribute to individuals who, by
22 virtue of their accomplishments and community service, merit civic
23 commendations, recognition, or remembrance;

1 (19) Each county shall have the power to:

2 (A) Construct, purchase, take on lease, lease, sublease, or
3 in any other manner acquire, manage, maintain, or dispose of
4 buildings for county purposes, sewers, sewer systems, pumping
5 stations, waterworks, including reservoirs, wells, pipelines, and
6 other conduits for distributing water to the public, lighting
7 plants, and apparatus and appliances for lighting streets and
8 public buildings, and manage, regulate, and control the same;

9 (B) Regulate and control the location and quality of all
10 appliances necessary to the furnishing of water, heat, light,
11 power, telephone, and telecommunications service to the county;

12 (C) Acquire, regulate, and control any and all appliances for
13 the sprinkling and cleaning of the streets and the public ways,
14 and for flushing the sewers; and

15 (D) Open, close, construct, or maintain county highways or
16 charge toll on county highways; provided that all revenues received
17 from a toll charge shall be used for the construction or
18 maintenance of county highways;

19 (20) Each county shall have the power to regulate the renting,
20 subletting, and rental conditions of property for places of abode
21 by ordinance;

(21) Unless otherwise provided by law, each county shall have the power to establish by ordinance the order of succession of county officials in the event of a military or civil disaster;

(22) Each county shall have the power to sue and be sued in its corporate name;

(23) Each county shall have the power to:

(A) Establish and maintain waterworks and sewer works;

(B) Implement a sewer monitoring program that includes the inspection of sewer laterals that connect to county sewers, when those laterals are located on public or private property, after providing a property owner not less than ten calendar days' written notice, to detect leaks from laterals, infiltration, and inflow, any other law to the contrary notwithstanding;

(C) Compel an owner of private property upon which is located any sewer lateral that connects to a county sewer to inspect that lateral for leaks, infiltration, and inflow and to perform repairs as necessary;

(D) Collect rates for water supplied to consumers and for the use of sewers;

(E) Install water meters whenever deemed expedient; provided that owners of premises having vested water rights under existing laws appurtenant to the premises shall not be charged for the installation or use of the water meters on the premises; and

1 (F) Take over from the State existing waterworks systems,
2 including water rights, pipelines, and other appurtenances
3 belonging thereto, and sewer systems, and to enlarge, develop, and
4 improve the same; and
5 (G) For purposes of subparagraphs (B) and (C):
6 (i) "Infiltration" means groundwater, rainwater, and
7 saltwater that enters the county sewer system through cracked,
8 broken, or defective sewer laterals; and
9 (ii) "Inflow" means non-sewage entering the county sewer
10 system via inappropriate or illegal connections;
11 (24)(A) Each county may impose civil fines, in addition to
12 criminal penalties, for any violation of county ordinances or rules
13 after reasonable notice and requests to correct or cease the
14 violation have been made upon the violator. Any administratively
15 imposed civil fine shall not be collected until after an
16 opportunity for a hearing under chapter 91. Any appeal shall be
17 filed within thirty days from the date of the final written
18 decision. These proceedings shall not be a prerequisite for any
19 civil fine or injunctive relief ordered by the circuit court;
20 (B) Each county by ordinance may provide for the addition of
21 any unpaid civil fines, ordered by any court of competent
22 jurisdiction, to any taxes, fees, or charges, with the exception
23 of fees or charges for water for residential use and sewer charges,

1 collected by the county. Each county by ordinance may also provide
2 for the addition of any unpaid administratively imposed civil
3 fines, which remain due after all judicial review rights under
4 section 91-14 are exhausted, to any taxes, fees, or charges, with
5 the exception of water for residential use and sewer charges,
6 collected by the county. The ordinance shall specify the
7 administrative procedures for the addition of the unpaid civil
8 fines to the eligible taxes, fees, or charges and may require
9 hearings or other proceedings. After addition of the unpaid civil
10 fines to the taxes, fees, or charges, the unpaid civil fines shall
11 not become a part of any taxes, fees, or charges. The county by
12 ordinance may condition the issuance or renewal of a license,
13 approval, or permit for which a fee or charge is assessed, except
14 for water for residential use and sewer charges, on payment of the
15 unpaid civil fines. Upon recordation of a notice of unpaid civil
16 fines in the bureau of conveyances, the amount of the civil fines,
17 including any increase in the amount of the fine which the county
18 may assess, shall constitute a lien upon all real property or
19 rights to real property belonging to any person liable for the
20 unpaid civil fines. The lien in favor of the county shall be
21 subordinate to any lien in favor of any person recorded or
22 registered prior to the recordation of the notice of unpaid civil
23 fines and senior to any lien recorded or registered after the

1 recordation of the notice. The lien shall continue until the unpaid
2 civil fines are paid in full or until a certificate of release or
3 partial release of the lien, prepared by the county at the owner's
4 expense, is recorded. The notice of unpaid civil fines shall state
5 the amount of the fine as of the date of the notice and maximum
6 permissible daily increase of the fine. The county shall not be
7 required to include a social security number, state general excise
8 taxpayer identification number, or federal employer identification
9 number on the notice. Recordation of the notice in the bureau of
10 conveyances shall be deemed, at such time, for all purposes and
11 without any further action, to procure a lien on land registered
12 in land court under chapter 501. After the unpaid civil fines are
13 added to the taxes, fees, or charges as specified by county
14 ordinance, the unpaid civil fines shall be deemed immediately due,
15 owing, and delinquent and may be collected in any lawful manner.
16 The procedure for collection of unpaid civil fines authorized in
17 this paragraph shall be in addition to any other procedures for
18 collection available to the State and county by law or rules of
19 the courts;

20 (C) Each county may impose civil fines upon any person who
21 places graffiti on any real or personal property owned, managed,
22 or maintained by the county. The fine may be up to $1,000 or may
23 be equal to the actual cost of having the damaged property repaired

1 or replaced. The parent or guardian having custody of a minor who
2 places graffiti on any real or personal property owned, managed,
3 or maintained by the county shall be jointly and severally liable
4 with the minor for any civil fines imposed hereunder. Any such
5 fine may be administratively imposed after an opportunity for a
6 hearing under chapter 91, but such a proceeding shall not be a
7 prerequisite for any civil fine ordered by any court. As used in
8 this subparagraph, "graffiti" means any unauthorized drawing,
9 inscription, figure, or mark of any type intentionally created by
10 paint, ink, chalk, dye, or similar substances;
11 (D) At the completion of an appeal in which the county's
12 enforcement action is affirmed and upon correction of the violation
13 if requested by the violator, the case shall be reviewed by the
14 county agency that imposed the civil fines to determine the
15 appropriateness of the amount of the civil fines that accrued while
16 the appeal proceedings were pending. In its review of the amount
17 of the accrued fines, the county agency may consider:
18 (i) The nature and egregiousness of the violation;
19 (ii) The duration of the violation;
20 (iii) The number of recurring and other similar violations;
21 (iv) Any effort taken by the violator to correct the
22 violation;

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

(25) Any law to the contrary notwithstanding, any county mayor, by executive order, may exempt donors, provider agencies, homeless facilities, and any other program for the homeless under part XVII of chapter 346 from real property taxes, water and sewer development fees, rates collected for water supplied to consumers and for use of sewers, and any other county taxes, charges, or fees; provided that any county may enact ordinances to regulate and grant the exemptions granted by this paragraph;

(26) Any county may establish a captive insurance company pursuant to article 19, chapter 431; and

(27) Each county shall have the power to enact and enforce ordinances regulating towing operations."

SECTION 3. Statutory material to be repealed is bracketed and in strikethrough. New statutory material is underscored.

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

INTRODUCED BY:_____

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COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 20-128 was adopted by the Council of the County of Maui, State of Hawaii, on the 11th day of September, 2020, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	No	Excused	Aye	Aye	Aye	Aye	Aye

Kathy L. Kaoha

COUNTY CLERK

Resolution

No. 20-127

APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO CREATE A SINGLE-PAYER HEALTHCARE SYSTEM COVERING ALL HAWAII RESIDENTS

WHEREAS, the economic and fiscal health and survival of the County of Maui is tightly connected to the economic and fiscal health and survival of the State of Hawaii itself; and

WHEREAS, a *Reuters-Ipsos* survey published on August 23, 2018, showed 70 percent of Americans support a single-payer healthcare system, guaranteeing healthcare for all people living in the United States; and

WHEREAS, every person in the State of Hawaii, including every person in the County of Maui, deserves high-quality healthcare; and

WHEREAS, managed care and other market-based reforms have failed to contain healthcare costs; and

WHEREAS, the current COVID-19 pandemic has led to record levels of unemployment, loss of employer-sponsored health insurance, a severely strained healthcare system, widespread illness, and taken a profound toll on our community's mental health; and

WHEREAS, the United States spends roughly one-third of its $3.5 trillion healthcare budget on non-medical expenses; and

WHEREAS, under a single-payer healthcare system, that figure could be reduced to approximately 6 to 8 percent; and

WHEREAS, according to a University of Michigan study published in the November 2010 issue of the *American Journal of Public Health*, online September 16, 2010, "Native Hawaiians are far more likely than whites to suffer early death"; and

Resolution No. 20-127

WHEREAS, under Chapter 322H, Hawaii Revised Statutes, the Hawaii Health Authority is charged with developing "a comprehensive health plan" for "all residents," which could include legislation for a single-payer healthcare system, but the State has not been supporting the Authority; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to create a single-payer or all-payer healthcare system covering all Hawaii residents, is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package;

2. That the Council Chair is also authorized to testify on the Council's behalf in support of similar legislation authored by the Hawaii Health Authority, if any; and

3. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

paf:dmr:20-233f

EXHIBIT "A"

___. B. NO.____

A BILL FOR AN ACT

RELATING TO HEALTH CARE INSURANCE.

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

PART I – The Hawaii Health Authority

1 SECTION 1. The legislature finds that it is in the best interest of the State of Hawaii for
2 each and every state citizen to have publicly provided, high quality, affordable health care. Health
3 care is more than just medical insurance payouts — it includes cost-saving, preventive, and early
4 intervention measures to prohibit medical conditions from becoming chronic, permanently
5 disabling, or fatal.

6 The legislature further finds that Hawaii's current health care insurance system is a
7 disjointed, costly, inefficient, and unnecessarily complicated, multi-payer, private medical
8 insurance model.

9 Additionally, health care rates are skyrocketing, creating an affordability and accessibility
10 crisis for Hawaii's residents. The two of the largest cost-drivers of health care in the United States
11 and Hawaii are: (1) the excessive administrative costs; and (2) the high cost of prescription drugs.

12 The legislature further finds that for more than a quarter of a century, Hawaii was far ahead
13 of most other states and often called itself "the health state" because of the 1974 Hawaii Prepaid
14 Health Care Act. Hawaii was once known for having a low uninsured population of between two
15 and five per cent in 1994.

16

1 However, the crisis in health care in the United States has also befallen Hawaii. Today,
2 thousands of Hawaii citizens lack health care coverage, many of whom are children. Many other
3 Hawaii residents are underinsured, unable to use their insurance properly, or even at all, because
4 of increasingly expensive deductibles and out-of-pocket co-payments for outpatient visits,
5 diagnostic tests, and prescription drugs, among other factors under Affordable Care Act plans
6 purchased on the individual market and Medicare plans. Even well-insured individuals experience
7 problems with their insurers denying, or very reluctantly dispensing, expensive m medicines and
8 treatments. About half of all bankruptcies are due to extremely expensive, catastrophic illnesses
9 that are not covered after a certain cap is reached. Other persons are near bankruptcy with their
10 quality of life seriously impacted.

11 The legislature further finds that a universal, publicly administered, health care-for-all
12 insurance model with a single-payer or all-payer system for caregivers and providers, adapted to meet
13 the unique conditions in Hawaii, would be beneficial for the following reasons:

14 (1) For union members and their employers, it means taking health care off the negotiating
15 table;

16 (2) For patients, as taxpayers and insurance premium-payers, it means significant
17 reductions in overall costs, increases in benefits, and the slowing of annual inflation cost
18 increases. It also means a comeback from increasingly uncaring, profit-driven health care to the

19

1 restoration of human-need-driven, mutually respectful and caring patient-doctor-nurse-and other
2 caregiver relationships, which in earlier times were fundamental to meaningful health care;

3 (3) For businesses, large and small, it reduces significant overhead expenses;

4 (4) For the local economy, it means keeping almost all health care dollars in the State;

5 (5) For government, it means having one integrated, electronic, health information
6 database for unprecedented planning and cost-containment capabilities. It also means relief from
7 the perceived emerging problem of unfunded liabilities associated with long-term funding of
8 government retiree health care benefits; and

9 (6) For physicians, nurses, and other caregivers, it means less paperwork, less work stress,
10 and more time with patients.

11 SECTION 2. The legislature further finds that, fortunately, since 2009, the Hawaii health
12 authority, established by the legislature pursuant to chapter 322H of the Hawaii Revised Statutes,
13 has been working with minimal support from other government agencies to pave the way for
14 adoption of a universal, publicly administered, health care-for-all insurance model with a single-payer
15 or all-payer system for caregivers and providers, adapted for Hawaii, and that the Hawaii health
16 authority is in great and urgent need of additional support at this time.

17 SECTION 3. The legislature further commends the Hawaii health authority for the
18 authority's research on (1) the causes, consequences, and means to mitigate burn-out by physicians

1 and other providers of medical services in the state of Hawaii; (2) the needs to respond to and to
2 revise certain compensation practices adopted by health insurers in the state of Hawaii; and (3) to revise
3 other current financial practices relating to healthcare to prepare for adoption of a universal, publicly
4 administered, health care-for-all insurance model with a single-payer or all-payer system for Hawaii.

5 SECTION 4. The Hawaii health authority is hereby authorized to continue planning for
6 adoption of universal, publicly administered, health care-for-all insurance model with a single-payer
7 or all-payer system for Hawaii and to report to the governor, the legislature, and to the general public
8 at such intervals as it finds necessary and appropriate.

9 SECTION 5. There is appropriated from the general revenues of the State of Hawaii the
10 sum of $350,000 or so much thereof as may be necessary for fiscal year 2020-2021 for expenditure
11 by the Hawaii health authority for its general administration under this Act, including the hiring
12 of an executive director and other staff, exempt from civil service, as it may deem necessary for
13 the fulfillment of its functions.

14 PART II – Administration of Unfunded Liabilities by Hawaii Health Authority

15 SECTION 1. The legislature finds that, according to the National Conference of State
16 Legislatures, in 2010, forty-six states self-insured or self-funded at least one of their employee
17 health care plans, and at least twenty-nine states self-funded all of their employee health care
18 offerings.

1 The legislature also finds that self-insured or self-funded plans have a number of potential
2 advantages over fully insured plans. The legislature further finds that many states administering
3 self-insured or self-funded employee health care plans have been able to lower costs while still
4 maintaining a high level of health benefits.

5 Hawaii's employer-union health benefits trust fund is currently fully insured rather than
6 self-insured. However, health care premiums have risen rapidly over the last decade. Therefore,
7 the legislature believes that it is both prudent and essential that the State examine whether
8 converting the employer-union health benefits trust fund to a self-insured model will result in cost
9 savings.

10 The purpose of this part is to authorize and direct the Hawaii health authority to contract
11 for the provision of healthcare benefits to state and county employees using a self-insured model.

12 SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the
13 sum of $_____ or so much thereof as may be necessary for fiscal year 2021-2022 for the
14 purposes of this part.

15 The sum appropriated shall be expended by the Hawaii health authority for the purposes of
16 this part.

17 SECTION 3. The legislature finds that as of July 2, 2015, the unfunded portion of the
18 actuarial accrued liability of the Hawaii employer-union health benefits trust fund was
19 $11,772,008,000. This is $969,745,000 more than the total revenues for the State for fiscal year
20 2015.

1 To address this unfunded liability, Act 268, Session Laws of Hawaii 2013, requires the State and
2 counties to prefund other post-employment health and other benefit plan costs for retirees and their
3 beneficiaries by making annual contributions to the other post-employment benefits trust
4 fund. State, county, and other public employers' annual contributions to the other post-
5 employment benefits trust fund totals $427,299,249, while all assets of the trust fund total
6 $2,370,481,565, for fiscal year 2018.

7 Meanwhile, the State, counties, and other public employers are also required to make
8 payments to cover a portion of pay-as-you-go Hawaii employer-union health benefits trust fund
9 costs. Clearly, given current and projected revenues, the State and the counties cannot afford to
10 prefund both health and pension unfunded liabilities, which are projected to total more than
11 $800,000,000 per year in later years. A more affordable and less painful solution is necessary.

12 Furthermore, the Hawaii employer-union health benefits trust fund projects a seven per
13 cent investment return on funds in the other post-employment benefits trust fund, which amounts
14 to an estimated $140,000,000 that will be deposited into the rate stabilization reserve fund each
15 year. By not requiring other post-employment benefits prefunding through 2049, this Act will free
16 up moneys for important state, county, and other public employee services, projects, and needs.

17 Accordingly, this part:

18 (1) Caps public employer prefunding to the other post-employment benefits trust fund
19 once the separate accounts for each public employer have a combined subaccount balance of at
20 least $2,000,000,000;

(2) Thereafter, transfers any investment income and interest from the other post-employment benefits trust fund to a newly established rate stabilization reserve fund, which will provide reserve funding to stabilize the Hawaii employer-union health benefits trust fund at times when that trust fund has insufficient moneys to cover the costs of providing health and other benefits plans for active employees and retirees and their beneficiaries; and

(3) Provides for the use of a portion of the transient accommodations tax revenues to supplement deficient county public employer contribution amounts if necessary.

SECTION 4. Chapter 87A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§87A- Rate stabilization reserve fund; establishment; purpose.** (a) There is established a rate stabilization reserve fund to be placed within the employer-union health benefits trust fund for administrative purposes.

(b) The rate stabilization reserve fund may cover the increasing costs of providing health and other benefit plans for active employees and retirees and their beneficiaries as required by this chapter. A separate account for each public employer shall be established and maintained to accept and account for each public employer's contributions. Unless otherwise specified by law, the rate stabilization reserve fund shall not be subject to appropriation for any purpose and shall not be subject to claims by creditors of employers or the board.

(c) The rate stabilization reserve fund shall consist of:

1 (1) Moneys transferred from the Hawaii employer-union health benefits trust fund
2 established by section 87A-30 and the other post-employment benefits trust fund established by
3 section 87A-42;

4 (2) Interest from the separate trust fund established to prefund other post-employment
5 health and other benefits plan costs for members and their beneficiaries pursuant to section 87A-
6 42 and interest from the rate stabilization reserve fund; and

7 (3) Appropriations from the legislature

8 (d) The rate stabilization reserve fund shall meet the requirements of the Governmental
9 Accounting Standards Board regarding employment benefits trusts."

10 SECTION 5. Section 87A-42, Hawaii Revised Statutes, is amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) Notwithstanding sections 87A-31 and 87A-31.5, the board, upon terms and conditions
13 set by the board, shall establish and administer a separate trust fund for the purpose of receiving
14 employer contributions that will prefund other post-employment health and other benefit plan costs
15 for retirees and their beneficiaries. The separate trust fund shall meet the requirements of
16 the Governmental Accounting Standards Board regarding other post-employment benefits
17 trusts. The board shall establish and maintain a separate account for each public employer within
18 the separate trust fund to accept and account for each public employer's contributions. Employer
19 contributions to the separate trust fund shall be irrevocable, all assets of the fund shall be dedicated
20 exclusively to providing health and other benefits to retirees and their beneficiaries, and assets of

1 the fund shall not be subject to appropriation for any other purpose and shall not be subject to
2 claims by creditors of the employers or the board or plan administrator. The board's powers under
3 section 87A-24 shall also apply to the fund established pursuant to this section. Notwithstanding
4 any law to the contrary, once the separate accounts for each public employer within the separate
5 trust fund have a combined balance of at least $2,000,000,000, any earnings from the
6 $2,000,000,000 remaining in the separate trust fund at the end of each fiscal year shall be
7 transferred to the separate public employer accounts within the rate stabilization reserve fund
8 established in section 87A- . Unless otherwise specified by law, the $2,000,000,000 and the
9 separate trust fund shall not be subject to appropriation for any purpose and shall not be subject to
10 claims by creditors of employers or the board."
11 2. By amending subsection (d) to read:
12 "(d) In any fiscal year in which a county public employer's contributions into the fund are
13 less than the amount of the annual required contribution, the amount that represents the excess of
14 the annual required contribution over the county public employer's contributions shall be deposited
15 into the applicable fund pursuant to this section from a portion of all transient accommodations tax
16 revenues collected by the department of taxation under section 237D-6.5(b)(4). The director of
17 finance shall deduct the amount necessary to meet the county public employer's annual required
18 contribution from the revenues derived under section 237D-6.5(b)(4) and transfer the amount to
19 the board for deposit into the appropriate account of the separate trust fund."
20 3. By amending subsection (f) to read:

1 "(f) For the purposes of this section, "annual required contribution" means a public
2 employer's required contribution to the trust fund established in this section.
3 SECTION 6. If any provision of this Act, or the application thereof to any person or
4 circumstance, is held invalid, the invalidity does not affect other provisions or applications of the
5 Act that can be given effect without the invalid provision or application, and to this end the
6 provisions of this Act are severable.
7 SECTION 7. New statutory material is underscored.
8 SECTION 8. This Act shall take effect on July 1, 2021.
9
10 INTRODUCED BY: _____
11

Resolution

No. 20-126

APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOCATE A PORTION OF LIQUOR FINES COLLECTED PER YEAR TO FUND ALCOHOL ADDICTION TREATMENT PROGRAMS

WHEREAS, impaired driving while under the influence of alcohol contributes to roughly 40 percent of all fatal accidents in Hawaii annually; and

WHEREAS, while it is important to have laws in place to protect the public from drunk drivers, it is equally important to address the root of the issue relating to alcohol addiction; and

WHEREAS, according to a Substance Abuse and Mental Health Services Administration report, the rate of alcohol abuse in Hawaii has been higher than the national average every year since 2010; and

WHEREAS, in uncertain economic times, individuals may be more inclined to use alcohol as a coping mechanism in an attempt to temporarily deal with pain, anxiety, and depression; and

WHEREAS, allocating a portion of liquor fines collected per year to fund alcohol addiction treatment programs would help to provide social and economic benefits to Hawaii's residents; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to allocate 15 percent of liquor fines collected per year be used to fund alcohol addiction treatment programs, is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package; and

2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

paf:ske:20-178b

Exhibit "A"

___.B. NO._____

A BILL FOR AN ACT

RELATING TO LIQUOR FINES COLLECTED PER YEAR.

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

SECTION 1. The Substance Abuse and Mental Health Services Administration reports that the annual rate of alcohol abuse in Hawaii has been higher than the national average every year since 2010.

Impaired driving while under the influence of alcohol contributes to roughly 40 per cent of all fatal accidents in Hawaii annually.

There have been various forms of legislation enacted over the years that help to protect the public from drunk drivers. However, more must be done to prevent alcohol-related deaths, including preventing and treating alcohol addiction.

Allocating a portion of liquor fines collected per year to fund alcohol addiction treatment programs is another tool to help minimize and, ultimately, prevent impaired driving.

The purpose of this Act is to allocate an additional 15 per cent of liquor fines collected per year to be used to fund alcohol addiction treatment programs.

SECTION 2. Section 281-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The liquor commission, within its own county, shall have the jurisdiction, power, authority, and discretion, subject only to this chapter:

(1) To grant, refuse, suspend, and revoke any license for the manufacture, importation, and sale of liquors;

(2) To take appropriate action against a person who, directly or indirectly, manufactures, sells, or purchases any liquor without being authorized pursuant to this chapter; provided that in counties that have established by charter a liquor control adjudication board, the board shall have the jurisdiction, power, authority, and discretion to hear and determine administrative complaints of the director regarding violations of the liquor laws of the State or of the rules of the liquor commission, and impose penalties for violations thereof as may be provided by law;

(3) To control, supervise, and regulate the manufacture, importation, and sale of liquors by investigation, enforcement, and education; provided that any educational program shall be limited to the commission staff, commissioners, liquor control adjudication board

members, and licensees and their employees, and shall be financed through the money collected from the assessment of fines against licensees; provided that fine moneys [~~,~~] are not to exceed [~~ten~~] 25 per cent a year of fines accumulated, of which 10 per cent may be used to fund public liquor-related educational or enforcement programs and 15 per cent may be used to fund alcohol addiction treatment programs;

(4) From time to time to make, amend, and repeal rules, not inconsistent with this chapter, as in the judgment of the commission are deemed appropriate for carrying out this chapter and for the efficient administration thereof, and the proper conduct of the business of all licensees, including every matter or thing required to be done or [~~which~~] that may be done with the approval or consent, by order, under the direction or supervision of, or as prescribed by the commission; which rules, when adopted as provided in chapter 91 shall have the force and effect of law;

(5) Subject to chapter 76, to appoint and remove an administrator, who may also be appointed an investigator and who shall be responsible for the operations and activities of the staff. The administrator may hire and

1 remove hearing officers, investigators, and clerical or
2 other assistants as its business may from time to time
3 require, prescribe their duties and fix their
4 compensation, and engage the services of experts and
5 persons engaged in the practice of a profession, if
6 deemed expedient. Every investigator, within the scope
7 of the investigator's duties, shall have the powers of
8 a police officer.
9 (6) To limit the number of licenses of any class or kind
10 within the county, or the number of licenses of any class
11 or kind to do business in any given locality, when in
12 the judgment of the commission such limitations are in
13 the public interest;
14 (7) To prescribe the nature of the proof to be furnished,
15 the notices to be given, and the conditions to be met or
16 observed in the case of the issuance of a duplicate
17 license in place of one alleged to have been lost or
18 destroyed, including a requirement of any indemnity
19 deemed appropriate to the case;
20 (8) To fix the hours between which licensed premises of any
21 class or classes may regularly be open for the
22 transaction of business, which shall be uniform
23 throughout the county as to each class respectively;

1 (9) To prescribe all forms to be used for the purposes of
2 this chapter not otherwise provided for in this chapter,
3 and the character and manner of keeping of books,
4 records, and accounts to be kept by licensees in any
5 matter pertaining to their business;
6 (10) To investigate violations of this chapter, chapter 244D
7 and, not withstanding any law to the contrary,
8 violations of the applicable department of health's
9 allowable noise levels, through its investigators or
10 otherwise, to include covert operations, and to report
11 violations to the prosecuting officer for prosecution
12 and, where appropriate, the director of taxation to hear
13 and determine complaints against any licensee;
14 (11) To prescribe, by rule, the terms, conditions, and
15 circumstances under which persons or any class of
16 persons may be employed by holders of licenses;
17 (12) To prescribe, by rule, the term of any license or
18 solicitor's and representative's permit authorized by
19 this chapter, the annual or prorated amount, the manner
20 of payment of fees for the licenses and permits, and the
21 amount of filing fees;
22 (13) To prescribe, by rule, regulations on dancing in
23 licensed premises; and

1 (14) To prescribe, by rule, the circumstances and penalty for
2 the unauthorized manufacturing or selling of any
3 liquor."
4 SECTION 3. Statutory material to be repealed is bracketed
5 and in strikethrough. New statutory material is underscored.
6 SECTION 4. This Act shall take effect upon its approval.
7
8 INTRODUCED BY:_____
9
10 paf:ske:20-178a

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 20-126 was adopted by the Council of the County of Maui, State of Hawaii, on the 11th day of September, 2020, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	No	Excused	Aye	Aye	Aye	Aye	Aye

Kathy L. Kuohu

COUNTY CLERK

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-242

RESOLUTION

RELATING TO THE INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD, IN THE EVENT OF A PUBLIC HEALTH EMERGENCY, REQUIRE THE STATE TO PROVIDE DIAGNOSTIC AND ANTIBODY TESTS TO CERTAIN PERSONS AT NO COST TO THEM AND REQUIRE HEALTH INSURANCE COVERAGE FOR DIAGNOSTIC AND ANTIBODY TESTS.

WHEREAS, on March 4, 2020, Governor David Ige ("Governor") issued a Proclamation declaring the existence of a state of emergency in the State of Hawaii ("State") due to the COVID-19 outbreak; and

WHEREAS, also on March 4, 2020, Mayor Kirk Caldwell ("Mayor") issued a Proclamation declaring the existence of a state of emergency in the City and County of Honolulu ("City") due to the COVID-19 outbreak; and

WHEREAS, the Governor and the Mayor responded to the COVID-19 pandemic by issuing a series of proclamations, supplementary proclamations, and emergency orders, which, among other things, imposed a stay-at-home order, mandated physical distancing, closed non-essential businesses, instituted a 14-day quarantine for all incoming travelers, and established restrictions on social gatherings; and

WHEREAS, widespread testing is also critical to controlling the spread of COVID-19, as it allows public health officials to isolate those infected, find others who may have been exposed via contact tracing, and gather data and information on the prevalence and spread of the virus; and

WHEREAS, according the U.S. Food and Drug Administration, there are at least two different types of virus tests: a diagnostic test, which can detect active infection, and an antibody test, which can detect antibodies created by the body due to past infection; and

WHEREAS, testing allows persons who test positive for the virus, but are asymptomatic, to take measures to protect others from exposure, but persons, whether symptomatic or not, with limited incomes or lacking health insurance may forgo testing due to their inability to pay for the testing; and

WHEREAS, testing data provides public health and government officials the necessary information to make informed decisions regarding public safety, including decisions about re-opening schools, parks, and other facilities; and

RESOLUTION

WHEREAS, furthermore, testing data supplies doctors, scientists, and researchers with critical information needed to develop a vaccine; and

WHEREAS, scientists say that the pace of outbreaks of animal-borne and other infectious diseases like Ebola, SARS, bird flu, and COVID-19 is on the rise, due to development, habitat destruction, and humans' encroaching proximity to wildlife: and

WHEREAS, in addition to posing a threat to public health, pandemics like COVID-19 are also a threat to the local and global economy; and

WHEREAS, the City Council finds that wide-spread testing during a public health emergency is vital to protecting public health and safety and the economy; and

WHEREAS, approval of all counties is required to include a proposal in the 2021 Hawaii State Association of Counties legislative package; now, therefore

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves for inclusion in the 2021 Hawaii State Association of Counties' legislative package, and urges that the HSAC Executive Committee recommend for inclusion in the package of a proposal, attached hereto as Exhibit A, that would, in the event of a public health emergency, require the State to provide diagnostic and antibody tests to certain persons at no cost to them and mandate health insurance coverage for diagnostic and antibody tests; and

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-242

RESOLUTION

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

INTRODUCED BY:

DATE OF INTRODUCTION:

SEP 14 2020
Honolulu, Hawaii

Councilmembers

__.B. NO._____

A BILL FOR AN ACT

RELATING TO PUBLIC HEALTH EMERGENCY TESTING.

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

SECTION 1. The purpose of this Act is to ensure the provision of affordable testing in the event of a public health emergency by requiring the state to provide diagnostic and antibody tests free of charge to those unable to pay for them and by mandating health insurance coverage for diagnostic and antibody tests.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

PROCUREMENT AND DISTRIBUTION OF DIAGNOSTIC AND ANTIBODY TESTS

§ **-1 "Public Health Emergency" defined.** As used in this chapter, unless otherwise indicated by the context, "public health emergency" means any state of affairs or circumstance which imperils the health, safety, or welfare of the public.

§ **-2 Diagnostic and antibody tests.** If the governor declares that a public health emergency as defined in section __-1

exists, the governor or the governor's authorized representatives, shall purchase and make available the appropriate diagnostic or antibody tests, or both, to be administered free of charge to any person who is in need of them and is unable to pay for them or furnished free of charge to the attending physician of the person for use in the diagnosis or treatment of the person."

SECTION 3. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to article 10A to be appropriately designated and to read as follows:

"**§431: 10A- Public Health Emergency Testing.** Each individual or group accident and health or sickness insurance policy issued or renewed in this State after January 1, 2022, shall, in the case of a declared public health emergency as defined in section -1, provide to the policyholder and insured dependents of the policyholder coverage for the relevant diagnostic and antibody testing."

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

INTRODUCED BY: _____

__.B. NO. _____

Report Title:
Public Health Emergency; Testing; Insurance; Individual Insurance; Group Accident Insurance, Health or Sickness Insurance; Insurance Policy

Description:
Provides for insurance overage of testing for a virus or disease in the event of a public health emergency.

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