

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.hawaii-counties.com



MINUTES

HSAC EXECUTIVE COMMITTEE MEETING

Monday, August 26, 2019 • 10:30 a.m.

Honolulu Hale, Committee Meeting Room
530 South King Street • Honolulu, HI 96813



I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Joey Manahan at 10:31 a.m. The following members comprising a quorum were present:

City and County of Honolulu: President Joey Manahan
Council Member, City and County of Honolulu

County of Kaua'i: Vice-President Ross Kagawa
Council 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: Felicia Cowden, Council Member
County of Kaua'i

Aida Kawamura, Legislative Assistant, Office of Council
Services, County of Kaua'i

Shelly Espeleta, Legislative Analyst, Office of Council
Services, County of Maui

Radiant Cordero, Chief of Staff, Office of Council Member
Joey Manahan, City and County of Honolulu

Anela Keko'olani, Administrative & Committee Analyst,
Office of Joey Manahan, City and County of Honolulu

Robert Dylan Whitsell, Legislative Analyst, Office of Council
Member Joey Manahan, City and County of Honolulu





George White, Office of Council Services
City and County of Honolulu

Scott Ishikawa, Communication Specialist
Becker Communications

Wilbur Wong, Digital Communication Specialist
Becker Communications

II. APPROVAL OF AGENDA

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

Treasurer King inquired as to whether the agenda could include a line item for public testimony. President Manahan noted that testimony is typically taken at the time an item is discussed, but noted for clarity that future agendas will include a line item "Statements from the Public" after Call to Order.

The motion to approve the agenda of the August 26, 2019 meeting of the HSAC Executive Committee carried unanimously.

III. MINUTES

Secretary Kierkiewicz moved to approve and file the revised minutes from the July 29, 2019 HSAC Executive Committee meeting. The motion was seconded by VP Kagawa. Secretary Kierkiewicz noted she needed to fix a discrepancy in the amount the 2019 HSAC conference pulled in from \$50,000 to \$5,000.

The motion to approve the amended minutes carried unanimously.

IV. REPORTS

A. Treasurer's Report

1. Treasurer King noted a typo in the report given July 29, 2019 related to budget (should be \$189,985.10). Treasurer King motioned to correct the typo. Secretary Kierkiewicz offered a second and the motion carried unanimously.



2. Treasurer King said the 2019-2020 operating budget still stated proposed, and noted several updates including HSAC 2019 conference earnings to add as well as some invoices still pending.
3. Treasurer King inquired about expenses for the Hawai'i reception at the annual NACo conference, and suggested this be included in current FY and future budgets.
4. Vice President Kagawa made a motion to file the Treasurer's Report, that was seconded by Treasurer King King. The motion carried unanimously.

B. County Reports

1. City and County of Honolulu Report by President Manahan

- a) Bill 40, which proposed a ban on single use plastics, was up for First Reading this Thursday, September 29, 2019. The bill brought forth a lively discussion, and President Manahan noted he would like to go after styrofoam and straws immediately following Bill 40's passage.
- b) Bill 37, regarding public labor agreements and building a community workforce. The idea is to use union standards for C&C jobs under \$1M. Any projects \$1M or more, such as infrastructure and parks, will need to use union standards; if a non-union bids, they must sign an agreement to use union standards, practices, wages, and employees would pay union dues. General Contractors Association reached out, and may have concerns. If Honolulu passes, this measure, they will look at Chapter 103-D, a question about pre-emption. The Bill has gone through second reading and is poised for 3rd reading. Mayor Caldwell supports the intent of the bill. LA, Toledo, Ohio have adopted this; it's gone to Supreme Court and has been deemed legal.
- c) Ala Wai Flood Mitigation project costs \$255M. The goal is to prepare Ala Wai watershed for 100 year flood/storm event with retention basins and by improving the overall drainage system. Work being done by Army Core of Engineers. The project is controversial. The C&C approved a Resolution during a Special Meeting to allow for limited use of special funds as an option to do this project. Community engagement was bad from the onset. Projects needs to happen, but it's expensive; federal government finally got money, which could have been lost had the Council not approved the Resolution stating it wanted and needed the funds. Governor David Ige approved this project in his budget, but it was not supported by State Legislature. C&C is trying to salvage the situation.

2. County of Hawai'i Report by Secretary Kierkiewicz

- a) A conversation took place around speed bump installation on Hawaiian Home Lands. Reference was made to Resolution 19-03, a Memorandum of Agreement between



- the County and DHHL to collaborate on road infrastructure improvements and cost sharing.
- b) The inaugural Hāmākua Community Development Plan (CDP) Action Committee was formed and members confirmed by the Council.
 - c) The Department of Water Supply presented latest available data and findings regarding water quality in lava inundated areas and is holding the door open for creative, yet feasible, ways to restore water access.
 - d) Resolution 219-19 establishes an Apiary Industry Stakeholders Working Group, co-chaired by Council Members Ashley Kierkiewicz and Tim Richards, to examine and address challenges Hawai'i Island beekeepers face, and to recommend ordinance updates as well as best management practices. A report is due to the Council in February 2020.
 - e) Attention on resources being expended on Mauna Kea is being highly scrutinized, and the latest report from the Finance Director notes \$4M in overtime, fringe benefits and other incidentals has been spent to date.
 - f) The Mayor's Office provided a report on Hawai'i County's Sister City 15 relationships, eight of which are active. Council Member Val Poindexter recently visited Portugal in an effort to revive inactive relations.
 - g) Dialogue around the Ed Olson's proposed Pueo Subdivision continues. The issue has been damaged headstones. Planning Committee Chair Kierkiewicz got State Historic Preservation Division to provide written comments as well as in person updates in the hopes of resolving issues so the committee could make a decision. She is working with the County and State to formalize an MOA to increase efficiencies with decision making and build capacity.
 - h) The County allocated funds for a mail-in ballot sorting machine. C&C was very gracious to host members of Council Services and County Elections to see their machine and process in action.
 - i) A two-year long effort was undertaken to review the Kona CDP and amend language to make the document more action oriented. The effort was done in partnership with County and community stakeholders.
3. **County of Kaua'i Report by Vice President Kagawa**
- a) Council narrowly adopted the new Plumbing Code, and Mayor Kawakami needs to sign. There was disagreement with the State Building Council on the new Plumbing Code. The Council took out International Plumbing Code as an option as it was an option for 14 years, but was never used. Plumbers Union opposes Plumbing Code; 4 voted to take IPC out. It was unfortunate the SBC couldn't work it out at their level, and sent it to the Counties in this form. Kaua'i went against norm, as it usually follow what SBC does. The Mayor may veto this.



- b) Still working with Mayor to tackle parakeet problem. Lychee, rambutan, mango have suffered because of these birds. DOA gave their blessing to act, but it's really their job to resolve this. Their solution (to make birds sterile) will take years to figure out if the action was successful; need to show pill won't be consumed by non-parakeets. Need to deal with this so farmers don't continue to experience undue hardship.
- c) Report from Kaua'i Visitors Bureau shows the island is really feeling the impacts of over-tourism. There are limited options that don't go against US laws. There's freedom of travel. Trying to figure out what to do as a County, but it is a larger theme for HSAC to consider. Statewide, we need to acknowledge this is a problem, and start thinking about solutions.
- d) Treasurer King asked if illegal STRs are a contributing factor. Vice President Kagawa answered no, stating the beautiful environment such as popular beach spots like Haena are where the problem takes root and spreads as too many people are coming to visit. Kaua'i is maxed out without even trying to advertise the destination. What steps do we take to minimize impact? Need a sustainable tourism economy.
- e) Council Member Felicia Cowden shared that Kaua'i County was today announcing the closing on significant purchase of land in Waimea (400 acres). She feels good this wasn't a big developer, changing North Shore community's character.
- f) Vice President Kagawa noted that tourist traffic is a problem, that it was all day and not just at pau hana. Kaua'i has numerous places to check out at different times. Not sure if shuttle service is the end all answer as we likely don't have the numbers for this, and people want to do on their own time.
- g) President Manahan noted that over-tourism is going to be an issue and this might be an opportunity to get a larger portion of the TAT in order to mitigate the impacts. We went down this road before with our package, so we need to be more meaningful and detailed in asking for TAT, and identify what we will spend it on. What kind of study do we need? What are the impacts exactly, and how do we deal with them?
- h) Treasurer King shared Maui's Plan noted tourism should not exceed 33% of Maui residents, but the reality is that it's now at 41%. The Victorino Administration is doing an assessment on over-tourism because there is a lot of traffic. TAT money should go to infrastructure, road improvements, and shuttles. There are many areas where tourists feel entitled. Treasurer King said she confronted a smoker on the beach, who said he spent \$1,000/day to be there so he could do what he wanted. Maui is looking at what Palau did with its Tourism Pledge.
- i) Secretary Kierkiewicz noted Hawai'i County's effort to lift up Pono Pledge, and encouraged Maui to consider in their program development: <https://www.pono-pledge.com>
- j) President Manahan noted this kind of code of conduct should be part of HTA's task now.



- k) Treasurer King shared Maui has given a lot to HTA (\$4M spent on Maui, for marketing). HTA needs to work with environmental groups and vacation rentals to better manage tourism.
- l) President Manahan noted the agricultural disclosure form people flying into Hawai'i have to fill out, when no pen is given. It seems like a hassle that it is not electronic. A type of Pono Pledge should be part of the process/experience.

D. County of Maui Report by Treasurer King

- a) Maui is considering taking the Lahaina Injection Well Lawsuit to the Supreme Court. The Council is split on this. Treasurer King personally would like see Maui settle (Plaintiffs OK with what has been budgeted). Looks bad for Maui; Sierra Club, Surfrider calling us out. Decision on settlement will be made at the Sept. 3, 2019 committee meeting.
- b) Maui wants to pressure Bank of America pay up; Bumpy Kanahale said Maui should take the lead. State has said it doesn't want to get involved. There is a proposed resolution to spend initial \$25,000 to do exploratory work, and determine what kind of case Maui has. Best case scenario is loss of taxes over 25 years had BofA given mortgage loans. Maui would be happy to partner with other islands on this.
- c) Tax reform always comes up during Maui's budget process. The Council established a Temporary Investigative Group (TIG). A number of carrots and sticks being considered: tiered property tax system, consolidation of some of the categories, tax credit for landlords who rent for long term.
- d) Lots of focus on affordable housing, especially the lower end of the income level spectrum. Potential for people making \$30,000/year to get a 2-bedroom for \$511/month. US Senator Schatz is planning a housing summit to discuss affordable housing across the state.
- e) HCPO 2019 conference is on Maui, September 11-13.
- f) Senior Little League won world series. Little Little League got to world series.

Vice President Kagawa motioned to file the County reports, with a second by Treasurer King. The motion carried unanimously.

E. National Association of Counties (NACo) Report

- 1. No report.



F. Western Interstate Region (WIR) Report

1. Treasurer King noted there is a webinar regarding changes by Trump Administration on NEPA rules related to forests.
2. Council Member Cowden noted the Western regions are really subject to fires. In Hawai'i, per capita, more of our lands burn. Don't have plains and things to mitigate.
3. Treasurer King stated that webinar notices are sent to folks on WIR board. Nothing precludes Council Members from calling in if they want to.
4. Vice President Kawagwa noted that Hawai'i County Council Member Tim Richards, who serves on the WIR board, is also a presidential appointment to NACo board. He noted that Mason Chock wants to return to the WIR board, and made a motion for Council Member Chock to assume Council Member Richards' slot on WIR. Treasurer King seconded the motion. Council Member Kierkiewicz noted she needed to speak with Council Richards and Hawai'i County about this to ensure equal representation at the national level by all counties. The motion carried unanimously.

V. NEW BUSINESS

- A. The Executive Committee took a brief recess at 11:31a.m. The Executive Committee resumed its meeting at 11:43a.m.
- B. Reimbursement Procedures
 1. Shelly Espeleta shared Maui wanted to develop an SOP going forward, per HSAC bylaws, section 22.
 2. Aida Kawamura discussed Vice President Kagawa's amendment for the HSAC Executive Committee could be reimbursed for two out of the three national conferences. Treasurer King noted it would align with HSAC bylaws.
 3. Secretary Kierkiewicz thanked Maui for their efforts to formalize procedures so there is continuity between future HSAC bodies.
 4. Aida Kawamura requested that the procedures be attached to the bylaws.
 5. Shelly Espeleta explained the template form for reimbursements.
 6. The body had no objections to Vice President Kagawa's amendment.
- C. Draft Debit Card Procedures as well as lodging expenses were found to be satisfactory by the body.
- D. Vice President Kagawa motioned to accept items A-D in New business, second by Treasurer King. The motion carried unanimously.



E. Legislative Package

1. Treasurer King presented three items from Maui, but noted all items were regional in nature so she was hesitant to for HSAC to lift these up as part of their 2020 package.
2. Treasurer King is seeking amendments to the Sunshine Law. She wants to soften so it is less restrictive, especially around the number of Council Members are present at informational meetings. She would like to pursue more share of the TAT, and support the invasive species special fund, not necessarily new bills. President Manahan noted that this can be taken up during Old Discussion.
3. Treasurer King wants to push the draft timeline back a bit so counties and this body have more time to discuss in greater detail.
4. Vice President Kagawa agreed the earlier we get to work on the package, the better. He wants things to go before the Council before we proceed.
5. President Manahan noted that HSAC to select items for a package, issues must rise to the level of being of statewide concern not just for a particular district or region.
6. Vice President Kagawa wants to develop a general bill regarding over-tourism.
7. Secretary Kierkiewicz noted she wants HSAC to go after "wins" to reestablish credibility and build momentum. She presented the ideas that were discussed by Hawai'i County as potential issues for HSAC's 2020 Legislative Package:
 - a) Short Term Vacation Rentals
 - (1) Adjustments to HRS/HAR based on various Counties efforts to regulate
 - (2) Align vernacular, define common terms and have shared language between all levels of government and across Counties
 - b) Carrying Capacity
 - (1) Too much of a good thing could become a bad thing (tourism)
 - (2) How are our activities impacting our resources? We need to study this and come up with solutions to manage and mitigate impact.
 - c) TAT
 - (1) Put on back burner, but not write off completely
 - (2) Need to articulate what Counties would do with it
 - d) Value-added products
 - (1) Hawai'i must compete in the global market, we have a solid brand
 - (2) Support development of value-added commodities and move via air/sea
 - (3) Stringent export laws will help address invasive species and encourage re-generation
 - e) DLNR leases to DOA
 - (1) Many leases in limbo
 - (2) DLNR should give true farm lands to DOA (natural fit, DLNR has lots to manage)
 - (3) Pilot projects in each County to develop a kauhale
 - f) Reintegration Efforts
 - (1) Lots of institutional pieces like jails, hospitals, are being used as bandaids



- (2) Need good programs and flexible policies that keep people in the community
- (3) Help individual obtain ID while in prison (need 2 forms of ID to be employable)
- (4) During furlough, can't could education hours towards work hours (rules change)
- (5) Want each County to run its own Public Safety Division
- (6) Pre-release case management as new norm
- g) Water Management
 - (1) Address cohesively, for agriculture and potable needs
- h) Public Meetings
 - (1) Disclosure of where will be attending. If something happens, we are stuck and can't participate.
- i) Flexibility in Using Fuel Tax or GET Money for Private Roads
- j) E-Cigarettes, Vaping (
 - (1) Hawai'i Public Health Institute has suggested legislation
- 8. President Manahan shared that based on Hawai'i County's comprehensive list, top priorities for Honolulu are over-tourism and STVRs. C&C is being sued for the vacation rentals issue. Want to use establishments because A-2 is not part of resort zone.
- 9. Treasurer King said regulating hosting platforms is critical. Maui allows VRs in areas versus zones.
- 10. Secretary Kierkiewicz urged the body to consider next steps in proceeding with legislative package development.

F. Becker Communication via Scott Ishikawa

1. Developed an editorial calendar per former HSAC President Val Poindexter. He inquired if the calendar was addressed during the annual conference and agreed HSAC needed to start earlier. He suggested identifying 2-3 things, and to start talking with the Legislature now.
2. President Manahan suggested C&C, Maui and Kaua'i email the Executive Committee with its priorities.
3. Treasurer King said October might be a good time for Legislative outreach, and at that point weed out of the package what the Legislature doesn't find acceptable.
4. Secretary Kierkiewicz felt October was too late, and suggested all members reach out to their Legislature contacts now to feel the waters and see what is amenable.
5. President Manahan suggested using this week to figure out top priorities like Secretary Kierkiewicz did.
6. Treasurer King pushed to omit the Sunshine Law and to fund mitigation of invasive species programs.



7. President Manahan asked members to send info regarding over-tourism to Vice President Kagawa, who will craft something. Vice President Kagawa is willing to spearhead but needs assistance identifying what else we want from the Legislature beyond acknowledging it is a problem. President Manahan suggested each member could reach out to its respective visitors bureau.
8. Council Member Cowden said she supported Secretary Kierkiewicz's comments on public safety and her work with Senator Clarence Nishihara and Representative Gregg Takayama as it is such a burning issue for an important and overlooked segment of our population.
9. Next steps: Each County should identify top nine issues in respective counties by August 30, where they will be considered by this body at the September convening.
10. Secretary Kierkiewicz suggested the Boyd develop a list of PR activities and website work so Becker, and other firms, can make a proper proposal.
11. Treasurer King wanted to see some kind of schedule of reporting out on activities.
12. Vice President Kagawa motioned to extend Becker's contract with HSAC to the end of September 2019, with a second by Treasurer King. The motion carried unanimously.

VI. ANNOUNCEMENTS

- A. The next HSAC Executive Committee meeting will be scheduled via email by its members. The public will be duly noticed once a date and venue has been identified.

VII. ADJOURNMENT

Vice President Kagawa motioned to adjourn the meeting, with a second by Treasurer King. The motion carried unanimously. President Manahan adjourned the meeting at 12:36 p.m.

A handwritten signature in black ink, appearing to read "Ashley L. Kierkiewicz", is written over a horizontal line.

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

530 S. King Street, Honolulu, Hawai'i 96813 (808) 768-5032 www.hawaiicounties.com



MINUTES

HSAC EXECUTIVE COMMITTEE MEETING

Monday, September 23, 2019 • 10:00 a.m.

Via Conference Call



I. CALL TO ORDER

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

City and County of Honolulu: President Joey Manahan
Council Member, City and County of Honolulu

County of Kaua'i: Arryl Kaneshiro (Alternate)
Council Chair, County of Kaua'i

County of Hawai'i: Secretary Ashley Kierkiewicz
Council Member, County of Hawai'i

County of Maui: Treasurer Kelly King
Council Chair, County of Maui

Others Present: Aida Kawamura, Legislative Assistant, Office of Council
Services, County of Kaua'i

Shelly Espeleta, Legislative Analyst, Office of Council
Services, County of Maui

Anela Keko'olani, Administrative & Committee Analyst,
Office of Joey Manahan, City and County of Honolulu

George White, Office of Council Services
City and County of Honolulu

Kamakana Watanabe, Office of Council Services
City and County of Honolulu





II. APPROVAL OF AGENDA

Council Chair Kaneshiro moved to approve the agenda, with a second by Secretary Kierkiewicz.

The motion to approve the agenda of the September 23, 2019 meeting of the HSAC Executive Committee carried unanimously.

III. MINUTES

Treasurer King noted some typos in the August 26, 2019 meeting minutes. Secretary Kierkiewicz agreed to resolve prior to the next convening of the Executive Committee.

Treasurer King said Secretary Kierkiewicz needed to stop holding things up and write the Resolution for Council Member Mason Chock (Kaua'i County) to take over Council Member Tim Richards' (Hawai'i County) seat on the Western Interstate Region board.

Secretary Kierkiewicz clarified that she was not instructed to craft a Resolution for the Executive Committee and shared that out of equity, it is an appointment Hawai'i County would not be able to support.

Aida Kawamura jumped in to clarify the official process, and noted that President Manahan needed to send a communication to all Council Chairs regarding HSAC's recommendation to appoint Council Member Chock to replace Council Member Richards on the WIR board. She shared that the communication would trigger each County to develop a Resolution to approve, and that each counties decision - adoption or denial - would be forwarded to HSAC.

President Manahan said his team would work on the communication and distribute to Council Chairs immediately.

Council Chair Kaneshiro motioned to defer a vote on the August 26, 2019 meeting minutes until the next convening. Treasurer King seconded the motion, which carried unanimously.

IV. NEW BUSINESS

Treasurer King provided an update on priorities from Maui County Council that may have statewide concerns and could be considered for the 2020 HSAC Legislative Package:

- Assistance with cesspool conversion
- Amend Sunshine Law related to quorum of Council Members attending community meetings



- Illegal short-term vacation rentals
- Investing in the Invasive Species Special Fund
- Assist counties with managed shoreline retreat
- Address over-tourism
- Increase funding for agriculture
- Provide categorical funding for remote schools

Council Chair Kaneshiro updated the body on three potential resolutions/bills from Kaua'i County for the 2020 HSAC Legislative Package:

- Fairness in vehicle registration fees for highway beautification and vehicle disposal costs - currently \$2 for rentals (U-Drive) and \$10 for regular vehicles (non-rentals)
- Require payment of outstanding charges owed to County for towing, removal or disposal of abandoned or derelict vehicles prior to renewal or issuance of motor vehicle registration certificates
- Provide exemption from tort liability for the State and Counties arising from lifeguard services, except for gross negligence, wanton acts, or omissions

Secretary Kierkiewicz noted much overlap in priorities stemming from previous conversations and shared that Hawai'i County would focus on resolutions/bills for the 2020 HSAC Legislative Package that were geared toward:

- Paradigm and policy shifts within State Historic Preservation Division
- DLNR lease reform
- Increasing Counties share of the Transient Accommodations Tax and spelling out what the money could be used for to help with mitigating impacts of over-tourism. She noted that Council Member Richards was already working on something and suggested President Manahan connect with him on this as he indicated this being of interest to Honolulu as well.
- Reintegration in terms of allowing education hours to count during furlough, pre-release case management as the new normal, and making it easier for justice-involved to obtain identification prior to release as individuals need two forms of ID for employment
- Sunshine Law as it relates to reporting where a Council Member would be located for public meetings. She offered to pull together the resolution/bill and include suggestions from Maui County.

President Manahan noted that for Honolulu, the priorities for the Legislative Package would be vaping, short-term vacation rentals, and TAT. He shared that John Okudara of Okudara and Associates sent him a proposal regarding lobbying and advocacy for HSAC, and mentioned that John knew TAT and land use laws well so could assist with drafting legislation. President Manahan conveyed the urgency of the group to submit resolutions for HSAC to consider.



Treasurer King asked where Scott Ishikawa [Becker Communications] was, if he was participating and stated he was engaged by HSAC to be its legislative consultant. Secretary Kierkiewicz clarified that Scott's role was communication and outreach, that he wasn't a lobbyist, and felt that as the lead communications person for TMT, he had a lot on his plate. She said the Executive Committee needed to develop a scope of work for communication and outreach, so Becker Communication as well as other firms could submit proposals. Secretary Kierkiewicz asked Aida Kawamura to confirm the Legislative Package review process, that resolutions/bills needed to be provided to HSAC for consideration. Aida confirmed this, and noted that the final package contents needed to go back to Counties for approval and affirmation.

President Manahan suggested a special meeting to go over proposed resolutions/bills to get a feel for what each county would approve. He wanted to make effective use of time and only send items he was confident all Counties could agree on.

Treasurer King suggested each member send the EC any proposals by end of week (Friday, September 27, 2019). She noted the summaries [justification sheets] accompanying the resolutions/bills provided by Kaua'i as useful. President Manahan said the Legislature relies on justification sheets to quickly understand bill contents and reasoning.

Secretary Kierkiewicz clarified that in the interest of time, the draft form of a resolution/bill would be fine for discussion by the EC. President Manahan agreed and noted the need to whittle down the priorities in October in order to meet internal deadlines for package submittal.

Treasurer King provided an overview of a proposed bill originally offered up by then State Senator Josh Green regarding alcohol limits. She noted Utah did this and it drastically reduced traffic related deaths. She also noted SHOPO and Police Departments were on board for this.

Treasurer King shared she, Council Chair Kaneshiro and Secretary Kierkiewicz attended the Housing Summit convened by US Senator Brian Schatz. She said the meeting was a great opportunity to identify barriers and get commitments to solve.

Council Chair Kaneshiro reiterated the need to hone in on the top five priorities to pursue for the 2020 HSAC Legislative Package.

Secretary Kierkiewicz suggested a special meeting of the EC after the upcoming October 8, 2019 Housing Summit to see what HSAC was urged to lift up in its Legislative Package.



VI. ANNOUNCEMENTS

President Manahan scheduled a special convening of the EC to discuss the Legislative Package on Thursday, October 10, 2019, 10am to 2pm on O'ahu, at Honolulu Hale.

Treasurer King said she sent debit cards to President Manahan and Secretary Kierkiewicz, so they should be on the look out for that. She said Maui County officially took over as Treasurer today, and that Maui can now process reimbursement requests. She asked President Manahan to send Maui County the checkbook.

VII. ADJOURNMENT

Secretary Kierkiewicz motioned to adjourn the meeting, with a second by Council Chair Kaneshiro. The motion carried unanimously. President Manahan adjourned the meeting at 10:56 a.m.

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

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

HGG Local2030 Islands Hub **Hawai'i Voluntary Local Review 2020**

Statewide Stakeholder & Community Engagement through the Aloha+ Challenge

Hawai'i Green Growth (HGG) Local2030 Islands Hub and network partners have the opportunity to submit a statewide Voluntary Local Review (VLR), building on the *Aloha+ Challenge*, Hawai'i's local framework for the United Nations (UN) Sustainable Development Goals (SDGs) that cuts across economic, social, and environmental priorities, and the Aloha+ Dashboard which tracks progress on these goals. At the 2019 US Conference of Mayors Climate Summit, Mayor Caldwell announced his intention to work with the HGG network, Governor, and other County Mayors on a 2020 VLR through the *Aloha+ Challenge* to share with the international community in July 2020. Hawai'i would become the first state to conduct the robust review, and is already well positioned given the stakeholder engagement process to co-develop the Aloha+ Dashboard and resulting local data repository aligned with the SDGs.

Voluntary Local Review Background

The Voluntary Local Review (VLR) is an annual reporting mechanism to illustrate local progress toward achieving the UN Sustainable Development Goals (SDGs). The VLR complements the Voluntary National Review (VNR) process which governments use to report national-level progress on the SDGs, and can serve as a way for local governments, civil society and private sector partners to engage in the UN SDG review process and increase accountability, inclusive governance, encourage dialogue and shared experiences using the common framework of SDGs, and focus on action.

VNRs and VLRs are submitted annually, or as determined by local governments, through an inclusive, multi-stakeholder process and encourage an announcement of intent one year prior to sharing a report with the international community at the July UN High-Level Political Forum (HLPF). First-time reporters on have the opportunity to present their report at HLPF in New York City, which is an annual review of global progress toward all 17 SDGs with each year focusing on a subset of five goals. VNRs and VLRs should include: a snapshot of the status of the goals and targets; achievements and good practices; the impact of interventions at home and abroad; gaps and challenges; interlinkages with other goals; an analysis of emerging issues; and plans for future enhanced implementation. Access to high-quality, up-to-date, and disaggregated data is vital for the VNR and VLR.

Hawai'i has the opportunity to pioneer the VLR process at the state level through the Aloha+ Dashboard, and become the first state to submit a VLR, joining a network of 102 countries which have submitted VNRs, as well as cities for VLR, with the ability to scale these efforts to other island nations as a UN Local2030 Islands Hub. Building on the Dashboard development process of multi-stakeholder engagement to populate the *Aloha+ Challenge* goals with targets, indicators, supporting metrics, and contextual narrative, HGG can work with network partners to facilitate participatory statewide engagement through the first Hawai'i VLR in 2020. To date, 14 cities are undertaking or have completed a VLR, including New York City, Helsinki, Kitakyushi, Santana de Parnaiba, Bristol, Los Angeles, and others.

HAWAI'I GREEN GROWTH LOCAL2030 HUB

Hawai'i Voluntary Local Review Process

Currently, there is no formal process for the Voluntary Local Review (VLR), which gives Hawai'i an opportunity to innovate and design a Hawai'i VLR to advance the network's objectives. Building on the Aloha+ Five-Year Review to be released in Fall 2019 to highlight progress, gaps and opportunities for the *Aloha+ Challenge*, the HGG Measures Working Group is scoping the VLR as a participatory process for deep and broad engagement of decision makers, stakeholders, communities, and youth in a 2020 statewide review through the Aloha+ Dashboard. This could launch and be a focus area of this year's annual HGG Partnership Event with plans to release in July 2020 locally and internationally at the UN HLPF. The VLR would build on the Dashboard to review local progress towards the global SDGs, highlight bright spots and assess gaps, and facilitate cross-sector dialogue on key recommendations to achieve the 2030 goals over the next ten years.

Early recommendations by the Measures Working Group for a Hawai'i VLR process include co-developing this stakeholder engagement process grounded in host culture values including integration of storytelling, next generation voices, localized data, educational resources, multi-media communications and video, and uplifting community and county-level bright spots. The Hawai'i VLR becomes an opportunity for meaningful statewide engagement to review collective progress and key policies to advance the *Aloha+ Challenge* and UN SDGs as part of a broader statewide communications campaign to inspire and empower community action.

Tentative VLR Scoping and Process Options

- VLR scoping at HGG Measures Working Group Meetings (*May – October 2019*)
- Launch VLR at HGG Annual Partnership Event (*November 2019*)
- Establish VLR sub-committee through HGG Measures Working Group (*Fall 2019*)
- Host regular scoping meetings with VLR sub-committee (*Winter 2019 – Spring 2020*)
- Convene and coordinate four counties and community-level stakeholders through small-group sessions and medium-sized statewide meetings (*Winter 2019 – Spring 2020*)
- Engage HGG cross-sector network broadly on VLR via online surveys (*Spring 2020*)
- Coordinate final review process with key stakeholders and state and county-level leadership (*Spring 2020*)
- Finalize and release Hawai'i VLR at UN HLPF in New York City (*July 2020*)

Voluntary Local Review Resources

HGG is engaging other cities, regions, and countries, as well as the Brookings Institution, which brings together more than 300 leading experts in government and academia globally who provide the research, policy recommendations, and analysis on a full range of public policy issues (<https://www.brookings.edu/>). Brookings is helping to share best practices, identify mutual challenges, and develop tools helpful to achieve local progress on the 2030 Agenda. See resource links below for additional background and context for VLR.

- Brookings article for VLR: <https://www.brookings.edu/blog/up-front/2019/07/09/a-handbook-to-help-cities-report-local-progress-on-the-sustainable-development-goals/>
- Brookings prototype handbook for VLR: https://www.brookings.edu/wp-content/uploads/2019/07/VLR_Handbook_7.7.19.pdf
- Institute for Global Environmental Strategies (IGES) VLR site: <https://iges.or.jp/en/projects/vlr>
- Helsinki and New York City leading on VLR: <https://medium.com/@globalnyc/local-action-on-the-global-agenda-helsinki-and-nyc-lead-with-the-voluntary-local-review-189f242aedb7>

Hawai'i Voluntary Local Review
HGG Local2030 Hub
Facilitated Engagement Process
Working Budget

Budget Expense	Description	Cost
2020 VLR		
HGG Local2030 Hub Coordination & Stakeholder Engagement	Design, development and statewide coordination of participatory process to assess Hawai'i's progress towards the Aloha+ Challenge/UN SDGs, identify key action and policies needed, support parallel communications and outreach, and engage local, national and international stakeholders through first Hawai'i Voluntary Local Review.	\$150,000
Co-Convener	Expertise and facilitation to support robust stakeholder outreach, youth participation, county-level and community engagement, and convening.	\$30,000
Convening: Statewide (In-Person & Virtual) Meetings	Series of in-person and virtual meetings with local stakeholders to gather input to develop Hawai'i's VLR. Statewide and county-level convening process to be designed by the HGG network. Estimated cost \$17,500 per county for travel; venue and catering; meeting supplies; and other event and meeting expenses, with designed process to be determined by HGG Measures Working Group and VLR Advisory Committee.	\$70,000
2020 VLR Report	Design, development and printing for Hawai'i VLR, both online and print, for interactive final product.	\$25,000
Communications, Outreach and Community Engagement	Outreach budget to support Hawai'i-style participatory VLR process, including online surveys, questionnaires and strategic communications with notional storytelling, video and multi-media outreach initiatives.	\$50,000
Travel	Hawai'i delegation travel costs for release of Hawai'i VLR at UN High-Level Political Forum	\$25,000
TOTAL		\$350,000

HAWAII VOLUNTARY LOCAL REVIEW

- Hawaii will pioneer the first statewide VLR with the HGG Local2030 Islands Hub, engaging public-private partners, communities, and students in a 2020 review using the Aloha+ Challenge Dashboard
- VLRs complement Voluntary National Reviews, allowing localities to share progress with the international community

NOVEMBER 2018
HGG LOCAL2030 ISLANDS HUB LAUNCH

HAWAII GREEN GROWTH
LOCAL2030 ISLANDS HUB

APRIL 2019
ISLANDS OF INNOVATION

ALOHA+ 5-YEAR ANNIVERSARY LEADERSHIP EVENT



Framed around the Aloha+ Challenge, HACC engages 300 students and coders in sustainability

OCTOBER 2019
HACC KICKOFF

NOVEMBER 2019- JULY 2020
STAKEHOLDER ENGAGEMENT

NOVEMBER 2019
1ST VOLUNTARY LOCAL REVIEW CONVENING



Hawaii will join a network of over 102 countries & 14 cities that have or will submit a VNR/VLR.

JULY 2020
HAWAII TO BE THE 1ST STATE TO PRESENT VLR TO THE UNITED NATIONS

BUILDING ON THE ALOHA+ DASHBOARD



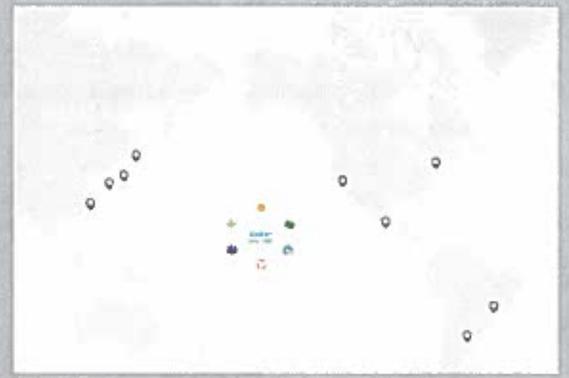
Collecting data & stories to review local progress towards the global SDGs, highlight bright spots and assess gaps.

INCLUSIVE CROSS-SECTOR STAKEHOLDER ENGAGEMENT



HGG Local2030 Islands Hub to convene public sector, business community & keiki.

A GLOBAL COMMUNITY OF LOCAL LEADERSHIP





The Aloha+ Challenge is a statewide commitment to achieve sustainability goals for Hawai'i across economic, social, and environmental priorities, and is recognized as a framework to implement the 17 United Nations Sustainable Development Goals. The Aloha+ Dashboard measures Hawai'i's progress towards local and global sustainability goals.



CLEAN ENERGY

Meet 70% renewable energy by 2030, and achieve a goal of 100% renewable energy by 2045.



LOCAL FOOD

Double local food production by 2030, with 20-30% of food consumed in Hawai'i grown locally.



WASTE REDUCTION

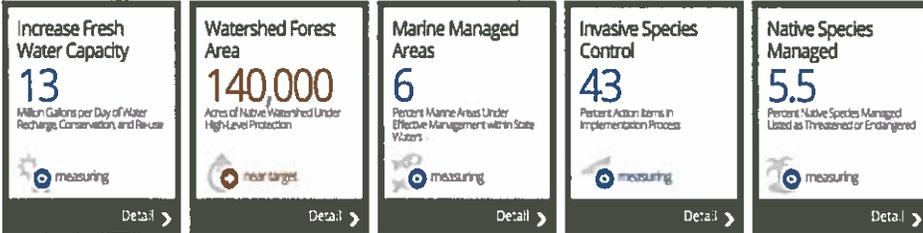
Reduce the solid waste stream prior to disposal by 70% through source reduction, recycling, bioconversion and landfill diversion methods.





NATURAL RESOURCE MANAGEMENT

Reverse the trend of natural resource loss mauka to makai by increasing freshwater security, watershed protection, community-based marine management, invasive species control, and restoration of native species.



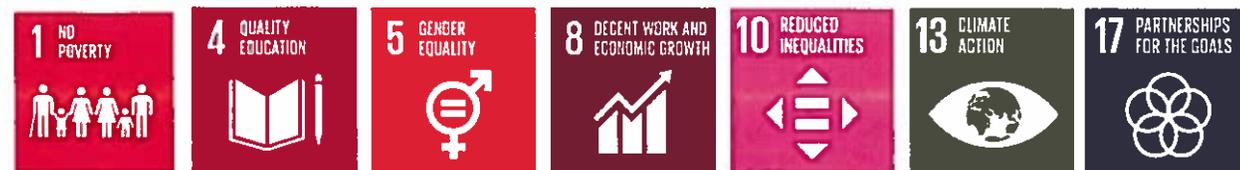
SMART SUSTAINABLE COMMUNITIES

Increase livability and resilience in the built environment through planning and implementation at the state and county levels. The Dashboard tracks Hawai'i's commitment to the Paris Climate Agreement and priorities from affordable housing and community health and public spaces to disaster resilience.



GREEN WORKFORCE & EDUCATION

Increase local green jobs and education to implement Hawai'i's 2030 sustainability goals.



**PROPOSAL OF OKUDARA & ASSOCIATES
TO THE
HAWAII STATE ASSOCIATION OF COUNTIES
TO PERFORM LEGISLATIVE AFFAIRS FUNCTIONS**

Legislative Proposal

Okudara & Associates, Inc. (O&A) proposes to work with the Hawaii State Association of Counties (HSAC) to develop a legislative package and legislative strategy for the Regular Session of 2020 of the Hawaii State Legislature.

O&A proposes to work with HSAC and designated staff of HSAC or the counties to develop legislation to implement changes desired by HSAC, to assist the HSAC in preparing testimony, presenting testimony, when necessary, preparing supporting research papers to educate legislators and key legislative staff, and arranging briefings of legislators and committee staff. O&A will screen legislation introduced, monitor committee hearings, and submit regular reports on the progress of legislative measures of interest to persons designated by HSAC. Prior to the convening of the Regular Session of 2020, O&A will work with legislators and state administration personnel to develop an understanding and support for the legislative package submitted by HSAC.

Scope of Work

July- September, 2019

Work with HSAC leadership and designated staff to establish priorities for legislation to be submitted by HSAC. Assist in the development of legislation to implement the HSAC legislative package. Work with HSAC leadership and designated staff to refine and develop bills to be submitted.

October – December 2019

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

December 2019 – January 2020

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

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

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

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

January – May, 2020

Ensure the HSAC legislative package is introduced.

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

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

Work the HSAC leadership in preparing amendments to legislation, if necessary, and to draft committee reports, when requested by committee personnel.

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

May – June, 2020

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

Fee

O&A proposes to provide the services under this proposal for a fee of \$60,000.00. O&A shall be reimbursed for any travel expenses incurred, not to exceed \$500 in any month. Any reimbursable expenses shall first be approved by HSAC.

Period of Service

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

Overview of Okudara & Associates, Inc.

Okudara & Associates, Inc. (O&A) was established in 1995 as a lobbying and government affairs consulting company.

O&A initially focused its business on agricultural, land use, and water resources issues. Since that time, it has expanded to include environmental issues, when representing The Nature Conservancy of Hawaii; airlines issues, when representing Aloha Airlines and Continental Airlines; workers compensation when representing the Coalition to Reform Obsolete Workers' compensation Design (CROWD); housing when representing Pacific House Assistance Corporation; communications and technology when representing Verizon Wireless, and Honolulu Seawater Air Conditioning; and tourism by representing Outrigger Enterprises and the Hawaii Tourism Authority.

Qualifications

Jon Okudara

Jon Okudara spent twelve years as a researcher in the Legislative Reference Bureau. In addition to other drafting responsibilities, Okudara wrote several manuals used by the Legislature and legislative staff, including the *Guide to Government in Hawaii*, *The Legislator's Handbook*, and the *Directory of State, County and Federal Officials*.

Okudara was responsible for the design, implementation, and coordination of the installation of the original legislative information system, Ho'ike, in 1980. Okudara then spent two years at the Department of Data Systems of the City and County of Honolulu, as part of the study team that drafted the City's office automation study, *A Plan to Increase Office Productivity*. In 1983, Okudara joined the Office of the Legislative Auditor and was assigned to the Ceded Lands study team, where he conducted the financial impact analysis of the effect ceded land amendments would have on the State's airport system, and on sugar and water leases as part of the *Final Report on the Public Land Trust*.

After briefly working for Castle & Cooke, Inc. as the Assistant to the Director of Government and Public Affairs, Okudara, between 1985 and 1991, worked as a consultant to the Land Use Research Foundation, as Executive Director of the Hawaii Fruit Fly Committee, and as a lobbyist for various organizations, including Puna Geothermal Venture, Waikiki Improvement Association, Pacific Resources, Inc., Bishop Trust Co., Ltd., College of Tropical Agriculture and Human Resources, and the County of Kauai.

In 1991, Okudara joined the firm of Watanabe, Ing, and Kawashima as their Government Affairs Advisor, lobbying to represent the interests of various clients, which included: Aloha Airlines, Hawaii Visitors Bureau, The Nature Conservancy of Hawaii, Foremost Dairies, Sears Roebuck & Co., Mauna Lani Resort, Princeville Corporation, Kamehameha Schools, BHP Petroleum Americas, Inc., Coca-Cola Hawaii, County of Hawaii, Hawaii Tourism Authority, Verizon Wireless, and Oceanic Cablevision.

In 1995, Okudara left Watanabe, Ing, and Kawashima to form Okudara & Associates, Inc.

Sharon Lai Freitas

Sharon Lai Freitas worked in state government, specifically at the Hawaii Tourism Office, the precursor to the Hawaii Tourism Authority, for five years, where she worked on special projects including the USTTA federal grant for Kauai's recovery in 1994, conducted research and analysis on tourism issues and handled legislative issues. In 1998, she joined the newly created Hawaii Tourism Authority as one of the organization's first employees. During her twelve-year tenure, she was responsible for four major program areas:

- **Public Policy & Governance.** Overseeing the planning, scheduling and conducting of board meetings and retreats, managing board and staff communications, conducting research and developing agency policies. Lai Freitas was one of two people responsible for developing and updating the 10-year state tourism strategic plan.
- **Communications & Outreach.** Developing, directing and implementing the agency's communications and outreach program to educate stakeholders about HTA and tourism, including the development and distribution of written materials, coordination of outreach efforts, management of HTA's websites and serving as contact for public inquiries.
- **Government Affairs.** Coordinating the agency's legislative efforts, including providing strategic counsel to develop HTA's legislative package and testimonies; organizing agency briefings; conducting research and analysis on issues impacting HTA and the industry; and coordinating actions with other public and private sector entities.
- **Project Management & Planning.** Participating in strategic planning for statewide tourism and the HTA agency; managing special projects including board and staff retreats; conducting and coordinating agency and contractor evaluations; and providing oversight of staff and contractors for various projects and program areas.

After leaving the HTA, Lai Freitas worked as a program manager for the Research Corporation of the University of Hawaii, coordinating all planning and special projects and planning and organizing activities to educate audiences about the Research Corporation. Lai Freitas also worked for the National Disaster Preparedness Training Center under the Pacific International Center for High Technology Research to write, prepare, and edit training materials for the Disaster Preparedness Training Center.

In 2014, Lai Freitas joined Okudara & Associates, Inc. to conduct research on a wide range of legislative and client issues, draft reports and informational papers on various subject matters, develop materials for position papers, handling communications, and monitoring legislative sessions and committee hearings.

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



OFFICE OF THE COUNTY CLERK

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

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

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

September 16, 2019

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

Dear President Manahan and Executive Committee Members:

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

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

1. **A Bill For An Act Relating to Highway Safety**
(To establish a new fee to be paid by U-drive motor vehicles for each certificate of registration, which has the effect of assessing all motor vehicles (including U-drive motor vehicles) the same amount for beautification and costs related to the disposition of abandoned and derelict vehicles.)
2. **A Bill For An Act Relating to Registration of Vehicles**
(Amends Hawai'i Revised Statutes Section 286, to allow the Director of Finance to require payment of outstanding charges owed to the County for towing, removal, or disposal of an abandoned or derelict vehicle within the County before the renewal or issuance of a Motor Vehicle Certificate of Registration.)
3. **A Bill For An Act Relating to Tort Liability**
(To provide an exemption from Tort Liability for the State and Counties arising from Lifeguard Services, except for gross negligence, wanton acts, or omissions.)

President Joey Manahan
and Executive Committee Members
Hawai'i State Association of Counties
Proposals for 2020 Hawai'i State Association Of Counties Legislative Package
September 13, 2019
Page 2

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a large, stylized initial 'J' and a long horizontal flourish extending to the right.

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

AMK: jy
Attachments

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

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

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

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

____.B. NO. ____

Report Title:

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

Description:

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

JUSTIFICATION SHEET

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

TITLE: A Bill for an Act Relating to Highway Safety

PURPOSE: The proposed Bill for an Act modifies the amount of the additional fee that a county may assess U-drive motor vehicles for each certificate of registration. The effect of changing the additional fee to U-drive motor vehicles, would be to set one fee that applies to both U-drive motor vehicles and all other motor vehicles.

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

JUSTIFICATION: The current law authorizes counties to annually charge U-drive motor vehicles an additional fee of not more than one dollar (\$1) for each certificate of registration for U-drive motor vehicles, and two dollars (\$2) for each certificate of registration for all other motor vehicles. It also allows for the two dollar (\$2) fee to all other motor vehicles to be increased to a maximum of ten dollars (\$10). There is no allowance for any increase to the one dollar (\$1) fee to U-drive motor vehicles. In addition, all fees collected must be placed in a revolving fund entitled, "the highway beautification and disposal of abandoned or derelict vehicles revolving fund."

This amendment would set the same maximum allowable increase of up to ten dollars (\$10) for all motor vehicles, including U-drive motor vehicles. Allowing counties to increase the additional fee to U-drive motor vehicles would increase counties' ability to meet the demand for additional beautification its of communities as well as a means of addressing the mounting costs related to the disposition of abandoned or derelict vehicles.

BILL FOR AN ACT

RELATING TO REGISTRATION OF VEHICLES.

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

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

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

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

____.B. NO. _____

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

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

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

____.B. NO. _____

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

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

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

19

20

INTRODUCED BY: _____

____.B. NO. _____

Report Title:

Motor Vehicle Registration; Director of Finance; Outstanding Charges

Description:

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

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

JUSTIFICATION SHEET

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

TITLE: A Bill for an Act Relating to Motor Vehicle Registration

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

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

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

BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

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

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

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

1 "S663- Exception to liability for county lifeguard
2 services. (a) For the purposes of this section:

3 "County lifeguard" means a person employed as a lifeguard
4 by a county of this State.

5 "Employing county" means the county employing a county
6 lifeguard.

7 (b) Notwithstanding any other law to the contrary, neither
8 a county lifeguard, the employing county, nor the State shall be
9 liable for any civil damages resulting from any act or omission
10 of the lifeguard while providing rescue, resuscitative, or other
11 lifeguard services on the beach or in the ocean in the scope of
12 employment as a county lifeguard; provided that this exception
13 from liability shall not apply when the claim for civil damages
14 arises from a county lifeguard's alleged gross negligence or
15 wanton act or omission."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.

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

22

23

INTRODUCED BY: _____

____.B. NO. _____

Report Title:

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

Description:

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

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

JUSTIFICATION SHEET

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

TITLE: A Bill for an Act Relating to Tort Liability

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

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

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

Council Chair
Kelly T. King

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

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



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

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

September 30, 2019

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

Dear President Manahan and Executive Committee Members:

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

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

1. A Bill For An Act Relating to Cesspools

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

2. A Bill For An Act Relating to Community Meetings

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

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

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

4. A Bill For An Act Relating to Invasive Species

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

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

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

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

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

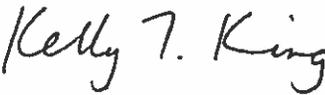
7. A Bill For An Act Relating to Cesspools

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

President Joey Manahan
and Executive Committee Members
September 30, 2019
Page 3

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

Sincerely,


KELLY T. KING, Chair
Maui County Council

ocs:proj:hsac:fy2020:legpackage:mecproposals

Attachments

A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

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

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

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

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

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

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

____.B. NO. _____

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

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

10 or

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

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

____.B. NO. _____

1 (d) Board members present at a meeting that must be
2 canceled for lack of quorum or terminated pursuant to section
3 92-3.5(c) may nonetheless receive testimony and presentations on
4 items on the agenda and question the testifiers or presenters;
5 provided that:

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

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

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

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

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

1 meeting about the testimony and
2 presentations received.

3 (e) Two or more members of a board, but less than the
4 number of members which would constitute a quorum for the board,
5 may attend an informational meeting or presentation on matters
6 relating to official board business, including a meeting of
7 another entity, legislative hearing, convention, seminar, or
8 community meeting open to the public; provided that the meeting
9 or presentation is not specifically and exclusively organized
10 for or directed toward members of the board. The board members
11 in attendance may participate in discussions, including
12 discussions among themselves; provided that the discussions
13 occur during and as part of the informational meeting or
14 presentation; and provided further that no commitment relating
15 to a vote on the matter is made or sought.

16 At the next duly noticed meeting of the board, the board
17 members shall report their attendance and the matters presented
18 and discussed that related to official board business at the
19 informational meeting or presentation.

20 (f) Discussions between the governor and one or more
21 members of a board may be conducted in private without
22 limitation or subsequent reporting; provided that the discussion

____.B. NO. _____

1 does not relate to a matter over which a board is exercising its
2 adjudicatory function.

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

8 (h) Communications, interactions, discussions,
9 investigations, and presentations described in this section are
10 not meetings for purposes of this part.

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

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

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

17

18

INTRODUCED BY: _____

19

JUSTIFICATION SHEET

- PROPOSER:** Hawaii State Association of Counties
- TITLE:** A Bill for an Act Relating to Community Meetings
- PURPOSE:** The purpose of the proposed bill is to allow members of a county council to attend informational meetings or presentations without a limitation on the number of attendees.
- MEANS:** Amends Section 92-2.5, Hawaii Revised Statutes
- JUSTIFICATION:** By permitting two or more members of a county council to attend informational meetings and presentations, more councilmembers will be able to be better informed about the issues affecting their constituents.

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.

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

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

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

9 "§46-1.5 General powers and limitation of the counties.
10 Subject to general law, each county shall have the following
11 powers and shall be subject to the following liabilities and
12 limitations:

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

1 responsibilities, and compensation, and the terms of their
2 office;

3 (2) Each county shall have the power to provide for and
4 regulate the marking and lighting of all buildings and other
5 structures that may be obstructions or hazards to aerial
6 navigation, so far as may be necessary or proper for the
7 protection and safeguarding of life, health, and property;

8 (3) Each county shall have the power to enforce all claims
9 on behalf of the county and approve all lawful claims against
10 the county, but shall be prohibited from entering into,
11 granting, or making in any manner any contract, authorization,
12 allowance payment, or liability contrary to the provisions of
13 any county charter or general law;

14 (4) Each county shall have the power to make contracts and
15 to do all things necessary and proper to carry into execution
16 all powers vested in the county or any county officer;

17 (5) Each county shall have the power to:

18 (A) Maintain channels, whether natural or artificial,
19 including their exits to the ocean, in suitable
20 condition to carry off storm waters;

21 (B) Remove from the channels, and from the shores and
22 beaches, any debris that is likely to create an

____.B. NO. _____

1 unsanitary condition or become a public nuisance;
2 provided that, to the extent any of the foregoing
3 work is a private responsibility, the
4 responsibility may be enforced by the county in
5 lieu of the work being done at public expense;

6 (C) Construct, acquire by gift, purchase, or by the
7 exercise of eminent domain, reconstruct, improve,
8 better, extend, and maintain projects or
9 undertakings for the control of and protection
10 against floods and flood waters, including the
11 power to drain and rehabilitate lands already
12 flooded;

13 (D) Enact zoning ordinances providing that lands
14 deemed subject to seasonable, periodic, or
15 occasional flooding shall not be used for
16 residence or other purposes in a manner as to
17 endanger the health or safety of the occupants
18 thereof, as required by the Federal Flood
19 Insurance Act of 1956 (chapter 1025, Public Law
20 1016); and

____.B. NO. _____

1 (E) Establish and charge user fees to create and
2 maintain any stormwater management system or
3 infrastructure;

4 (6) Each county shall have the power to exercise the power
5 of condemnation by eminent domain when it is in the public
6 interest to do so;

7 (7) Each county shall have the power to exercise
8 regulatory powers over business activity as are assigned to them
9 by chapter 445 or other general law;

10 (8) Each county shall have the power to fix the fees and
11 charges for all official services not otherwise provided for;

12 (9) Each county shall have the power to provide by
13 ordinance assessments for the improvement or maintenance of
14 districts within the county;

15 (10) Except as otherwise provided, no county shall have
16 the power to give or loan credit to, or in aid of, any person or
17 corporation, directly or indirectly, except for a public
18 purpose;

19 (11) Where not within the jurisdiction of the public
20 utilities commission, each county shall have the power to
21 regulate by ordinance the operation of motor vehicle common
22 carriers transporting passengers within the county and adopt and

1 amend rules the county deems necessary for the public
2 convenience and necessity;

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

20 (13) Each county shall have the power to enact ordinances
21 deemed necessary to protect health, life, and property, and to
22 preserve the order and security of the county and its

1 inhabitants on any subject or matter not inconsistent with, or
2 tending to defeat, the intent of any state statute where the
3 statute does not disclose an express or implied intent that the
4 statute shall be exclusive or uniform throughout the State;

5 (14) Each county shall have the power to:

6 (A) Make and enforce within the limits of the county
7 all necessary ordinances covering all:

8 (i) Local police matters;

9 (ii) Matters of sanitation;

10 (iii) Matters of inspection of buildings;

11 (iv) Matters of condemnation of unsafe

12 structures, plumbing, sewers, dairies, milk,

13 fish, and morgues; and

14 (v) Matters of the collection and disposition of
15 rubbish and garbage;

16 (B) Provide exemptions for homeless facilities and
17 any other program for the homeless authorized by
18 part XVII of chapter 346, for all matters under
19 this paragraph;

20 (C) Appoint county physicians and sanitary and other
21 inspectors as necessary to carry into effect
22 ordinances made under this paragraph, who shall

____.B. NO. _____

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

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

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

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

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

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

___ .B. NO. ___

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(C) All proceeds from the sale of park lands shall be expended only for the acquisition of property for park or recreational purposes;

(17) Each county shall have the power to provide by charter for the prosecution of all offenses and to prosecute for offenses against the laws of the State under the authority of the attorney general of the State;

(18) Each county shall have the power to make appropriations in amounts deemed appropriate from any moneys in the treasury, for the purpose of:

- (A) Community promotion and public celebrations;
- (B) The entertainment of distinguished persons as may from time to time visit the county;
- (C) The entertainment of other distinguished persons, as well as, public officials when deemed to be in the best interest of the community; and
- (D) The rendering of civic tribute to individuals who, by virtue of their accomplishments and community service, merit civic commendations, recognition, or remembrance;

(19) Each county shall have the power to:

____.B. NO. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

- (A) Construct, purchase, take on lease, lease, sublease, or in any other manner acquire, manage, maintain, or dispose of buildings for county purposes, sewers, sewer systems, pumping stations, waterworks, including reservoirs, wells, pipelines, and other conduits for distributing water to the public, lighting plants, and apparatus and appliances for lighting streets and public buildings, and manage, regulate, and control the same;
- (B) Regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephone, and telecommunications service to the county;
- (C) Acquire, regulate, and control any and all appliances for the sprinkling and cleaning of the streets and the public ways, and for flushing the sewers; and
- (D) Open, close, construct, or maintain county highways or charge toll on county highways; provided that all revenues received from a toll

____.B. NO. _____

1 charge shall be used for the construction or
2 maintenance of county highways;

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

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

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

12 (23) Each county shall have the power to establish and
13 maintain waterworks and sewer works; to collect rates for water
14 supplied to consumers and for the use of sewers; to install
15 water meters whenever deemed expedient; provided that owners of
16 premises having vested water rights under existing laws
17 appurtenant to the premises shall not be charged for the
18 installation or use of the water meters on the premises; to take
19 over from the State existing waterworks systems, including water
20 rights, pipelines, and other appurtenances belonging thereto,
21 and sewer systems, and to enlarge, develop, and improve the
22 same;

____.B. NO. _____

1 (24) (A) Each county may impose civil fines, in addition
2 to criminal penalties, for any violation of
3 county ordinances or rules after reasonable
4 notice and requests to correct or cease the
5 violation have been made upon the violator. Any
6 administratively imposed civil fine shall not be
7 collected until after an opportunity for a
8 hearing under chapter 91. Any appeal shall be
9 filed within thirty days from the date of the
10 final written decision. These proceedings shall
11 not be a prerequisite for any civil fine or
12 injunctive relief ordered by the circuit court;

13 (B) Each county by ordinance may provide for the
14 addition of any unpaid civil fines, ordered by
15 any court of competent jurisdiction, to any
16 taxes, fees, or charges, with the exception of
17 fees or charges for water for residential use and
18 sewer charges, collected by the county. Each
19 county by ordinance may also provide for the
20 addition of any unpaid administratively imposed
21 civil fines, which remain due after all judicial
22 review rights under section 91-14 are exhausted,

____.B. NO. _____

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

____.B. NO. _____

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

____.B. NO. _____

1 charges as specified by county ordinance, the
2 unpaid civil fines shall be deemed immediately
3 due, owing, and delinquent and may be collected
4 in any lawful manner. The procedure for
5 collection of unpaid civil fines authorized in
6 this paragraph shall be in addition to any other
7 procedures for collection available to the State
8 and county by law or rules of the courts;

9 (C) Each county may impose civil fines upon any
10 person who places graffiti on any real or
11 personal property owned, managed, or maintained
12 by the county. The fine may be up to \$1,000 or
13 may be equal to the actual cost of having the
14 damaged property repaired or replaced. The
15 parent or guardian having custody of a minor who
16 places graffiti on any real or personal property
17 owned, managed, or maintained by the county shall
18 be jointly and severally liable with the minor
19 for any civil fines imposed hereunder. Any such
20 fine may be administratively imposed after an
21 opportunity for a hearing under chapter 91, but
22 such a proceeding shall not be a prerequisite for

____.B. NO. _____

1 any civil fine ordered by any court. As used in
2 this subparagraph, "graffiti" means any
3 unauthorized drawing, inscription, figure, or
4 mark of any type intentionally created by paint,
5 ink, chalk, dye, or similar substances;

6 (D) At the completion of an appeal in which the
7 county's enforcement action is affirmed and upon
8 correction of the violation if requested by the
9 violator, the case shall be reviewed by the
10 county agency that imposed the civil fines to
11 determine the appropriateness of the amount of
12 the civil fines that accrued while the appeal
13 proceedings were pending. In its review of the
14 amount of the accrued fines, the county agency
15 may consider:

- 16 (i) The nature and egregiousness of the
17 violation;
- 18 (ii) The duration of the violation;
- 19 (iii) The number of recurring and other similar
20 violations;
- 21 (iv) Any effort taken by the violator to correct
22 the violation;

____.B. NO. _____

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

B. NO.

1 notice to the violator, at the completion of all
2 appeal proceedings;

3 (F) If no county agency exists to conduct appeal
4 proceedings for a particular civil fine action
5 taken by the county, then one shall be
6 established by ordinance before the county shall
7 impose the civil fine;

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

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

18 (27) Each county shall have the power to enact and enforce
19 ordinances regulating towing operations[.]; and

20 (28) Any law to the contrary notwithstanding, each county
21 has the power to enact and enforce ordinances regulating the
22 operation of hosting platforms providing booking services for

____.B. NO. _____

1 transient accommodation operators located within the county.

2 For purposes of this section:

3 (A) "Booking service" means any reservation or
4 payment service provided by a person who
5 facilitates a transient accommodations
6 transaction between a prospective transient user
7 and a host.

8 (B) "Hosting platform" means a person who
9 participates in the transient accommodations
10 business by collecting or receiving a fee,
11 directly or indirectly through an agent or
12 intermediary, for conducting a booking
13 transaction using any medium of facilitation."

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

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

17

18 INTRODUCED BY: _____

19

20

JUSTIFICATION SHEET

- PROPOSER:** Hawaii State Association of Counties
- TITLE:** A Bill for an Act Relating to Transient Accommodations Hosting Platforms
- PURPOSE:** The purpose of the proposed bill is to allow the counties to regulate hosting platforms.
- MEANS:** Amends Section 46-1.5, Hawaii Revised Statutes.
- JUSTIFICATION:** Illegal and unregulated transient accommodations have caused detrimental impacts to the State's housing supply. This bill would help to prevent further proliferation of illegal transient accommodations and preserve residential housing.

A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that responding quickly
2 to newly detected invasive species can often prevent the species
3 from becoming firmly established, saving taxpayers money in the
4 long term. State agencies currently lack the resources and
5 response mechanisms to deal with these newly identified threats
6 and may be missing opportunities to eliminate them. This can
7 allow invasive species to become established in the State,
8 making mitigation efforts more protracted and expensive.

9 Accordingly, the purpose of this Act is to create a paid
10 response mechanism for invasive species so that newly detected
11 threats may be immediately addressed.

12 SECTION 2. Chapter 194, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§194- Invasive species rapid response special fund.

16 (a) There is established the invasive species rapid
17 response special fund, into which will be deposited
18 appropriations by the legislature for the purposes of mitigating

1 or eradicating newly detected invasive species threats in the
2 State. All interest earned or accrued on money deposited into
3 the fund will become part of the fund. The council must
4 administer the special fund and may expend money in accordance
5 with this section.

6 (b) If the council determines that one or more newly
7 detected invasive species pose a substantial threat to the
8 agriculture, commerce, economy, environment, or public health of
9 the State or otherwise warrant immediate action, the council
10 must submit a request to the governor to declare that there
11 exists an invasive species emergency.

12 (c) Upon declaration by the governor pursuant to
13 subsection (b) that there exists an invasive species emergency,
14 the council may act in response to the emergency and may make
15 expenditures from the fund without legislative approval and
16 without regard to chapters 36, 37, 89, and 103D.

17 (d) The council must make an account of money expended from
18 the fund and include that information in its annual report to
19 the legislature."

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

____.B. NO. _____

1 same sum or so much thereof as may be necessary for fiscal year
2 2021-2022 for deposit into the invasive species rapid response
3 special fund.

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

6 SECTION 4. New statutory material is underscored.

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

8

9

INTRODUCED BY: _____

10

JUSTIFICATION SHEET

- PROPOSER:** Hawaii State Association of Counties
- TITLE:** A Bill for an Act Relating to Invasive Species
- PURPOSE:** The purpose of the proposed bill is to create a paid response mechanism for invasive species so that newly detected threats may be immediately addressed.
- MEANS:** Amends Chapter 194, Hawaii Revised Statutes.
- JUSTIFICATION:** Responding quickly to newly detected invasive species can often prevent the species from becoming firmly established, saving taxpayers money in the long term. State agencies currently lack the resources and response mechanisms to deal with these newly identified threats and may be missing opportunities to eliminate them. This can allow invasive species to become established in the State, making mitigation efforts more protracted and expensive.

A BILL FOR AN ACT

RELATING TO SEA LEVEL RISE.

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

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

7 The Hawaii Climate Adaptation Initiative was established in
8 2014 with the purpose of protecting the State's economy, health,
9 environment, and way of life by considering how to best adapt to
10 and mitigate the impacts of climate change. In December 2017,
11 the Hawaii climate change mitigation and adaptation commission
12 produced the first Hawaii sea level rise vulnerability and
13 adaptation report. The report identified areas that are
14 susceptible to sea level rise impacts and urged immediate
15 preparation for a 3.2-foot increase in sea level by 2060. The
16 report also made a number of recommendations to state and county
17 agencies based on emerging good practices, designed to

____.B. NO. _____

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

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

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

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

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

____.B. NO. _____

- 1 (3) Design and propose sea level rise impact zone maps to
- 2 be adopted by the legislature and provide a guidepost
- 3 for future sea level rise adaptation policies;
- 4 (4) Work with state and county agencies to develop sea
- 5 level rise adaptation plans in accordance with the Sea
- 6 Level Rise Vulnerability and Adaptation report; and
- 7 (5) Make specific recommendations to the legislature for
- 8 policies that may be adopted for managed retreat,
- 9 relocation of infrastructure, or mitigation measures
- 10 to minimize the impacts of sea level rise for public
- 11 infrastructure and private properties, including
- 12 information regarding how these recommendations may be
- 13 funded and consideration of sea level rise policies
- 14 implemented in other states and nations.

15 (b) The Hawaii climate change mitigation and adaptation
16 commission must report its findings and recommendations as
17 required pursuant to this Act to the legislature no later than
18 twenty days prior to the convening of the regular session of
19 2022.

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

____.B. NO. _____

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

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

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

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

14

15 INTRODUCED BY: _____

16

JUSTIFICATION SHEET

- PROPOSER:** Hawaii State Association of Counties
- TITLE:** A Bill for an Act Relating to Sea Level Rise
- PURPOSE:** The purpose of the proposed bill is to increase funding and direct the Hawaii climate change mitigation and adaptation commission to further progress towards addressing the impacts of sea level rise, to identify critical public infrastructure in impacted areas, and to provide policy direction to the legislature about how to move forward with concrete strategies for mitigation and adaptation to sea level rise.
- MEANS:** Directs responsibility of the Hawaii climate change mitigation and adaption commission and increases necessary funding.
- JUSTIFICATION:** Hawaii is already experiencing the impacts of climate change, including rising sea levels, extreme tides, accelerated coastal erosion, and stronger, more frequent storms. Even with decisive actions to reduce greenhouse gas emissions, many of the impacts of climate change are inescapable, and must be adapted to. The Hawaii Climate Adaptation Initiative was established in 2014 with the purpose of protecting the State's economy, health, environment, and way of life by considering how to best adapt to and mitigate the impacts of climate change. In December 2017, the Hawaii climate change mitigation and adaptation commission produced the first Hawaii sea level rise vulnerability and adaptation report. The report identified areas that are susceptible to sea level rise impacts and urged immediate preparation for a 3.2-foot increase in sea level by 2060. The report also made a number of recommendations to state and county agencies based on emerging good practices, designed to strengthen Hawaii's overall readiness to face sea level rise and climate change.

A BILL FOR AN ACT

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

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

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

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

17

____.B. NO. _____

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

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

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

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

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

16 (3) With [~~0.08~~] 0.05 or more grams of alcohol per two
17 hundred ten liters of breath; or

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

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

____.B. NO. _____

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

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

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

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

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

14 (C) With [~~0-8~~] 0.05 or more grams of alcohol per two
15 hundred ten liters of breath; or

16 (D) With [~~0-8~~] 0.05 or more grams of alcohol per one
17 hundred milliliters or cubic centimeters of
18 blood."

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

JUSTIFICATION SHEET

- PROPOSER:** Hawaii State Association of Counties
- TITLE:** A Bill for an Act Relating to the Use of Intoxicants While Operating a Vehicle
- PURPOSE:** The purpose of the proposed bill is to lower the threshold of Blood Alcohol Concentration to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant.
- MEANS:** Amends Sections 291E-61 and 291E-61.5, Hawaii Revised Statutes.
- JUSTIFICATION:** According to the National Transportation Safety Board, a driver with a Blood Alcohol Concentration of 0.05 would be affected by exaggerated behavior, loss of small-muscle control and eye focus, impaired judgment, lowered alertness, and release of inhibition, resulting in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations. Lowering the threshold of Blood Alcohol Concentration to 0.05, from 0.08, would save lives, prevent catastrophic injuries, and decrease medical costs.

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

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

12 The purpose of this Act is to:

- 13 (1) Extend various reporting deadlines and the sunset date
14 of the cesspool conversion working group; and
15 (2) Extend the lapse date of funds appropriated previously
16 for the comprehensive statewide study of sewage
17 contamination in nearshore marine areas and for
18 research and technical assistance necessary for

____.B. NO. _____

1 completion of the comprehensive cesspool conversion
2 plan.

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

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

10 SECTION 3. Act 132, Session Laws of Hawaii 2018, section
11 2, is amended as follows:

12 1. By amending subsection (e) to read:

13 "(e) The cesspool conversion working group shall submit an
14 interim report of its progress, including any preliminary
15 findings and recommendations, [~~including~~] and any proposed
16 legislation, to the legislature no later than [~~December 31,~~
17 ~~2019,~~] twenty days prior to the convening of the regular session
18 of 2021 and no later than twenty days prior to the convening of
19 the regular session of 2022, and shall submit a final report,
20 including findings, recommendations, and [~~any~~] proposed
21 legislation, to the legislature no later than [~~twenty~~] sixty

____.B. NO. _____

1 days prior to the convening of the regular session of [~~2021-~~
2 2023."]

3 2. By amending subsection (g) to read:

4 "(g) The working group shall be dissolved on January 14,
5 [~~2021-~~] 2023."

6 SECTION 4. Act 132, Session Laws of Hawaii 2018, section
7 3, is amended by amending subsection (b) to read as follows:

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

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

16 "SECTION [~~6-~~]7. This Act shall take effect on July 1,
17 2018."

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

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

21 INTRODUCED BY: _____

JUSTIFICATION SHEET

- PROPOSER:** Hawaii State Association of Counties
- TITLE:** A Bill for an Act Relating to Cesspools
- PURPOSE:** The purpose of the proposed bill is to: 1) extend various reporting deadlines and the sunset date of the cesspool conversion working group; and 2) extend the lapse date of funds appropriated previously for the comprehensive statewide study of sewage contamination in nearshore marine areas and for research and technical assistance necessary for completion of the comprehensive cesspool conversion plan.
- MEANS:** Amends Act 132, Session Laws of Hawaii 2018.
- JUSTIFICATION:** The cesspool conversion working group was established through Act 132, Session Laws of Hawaii 2018 to develop a long-range, comprehensive plan for the conversion of cesspools statewide by 2050. Although the working group convened in 2018 and has been working to meet the objectives in Act 132, the working group needs an extension on the lapse date of its funding and additional time to meet its objectives.

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1 SECTION 1. Section 235-16.5, Hawaii Revised Statutes, is amended to
2 read as follows:

3 "§235-16.5 Cesspool upgrade, conversion, or connection; income tax
4 credit. (a) There shall be allowed to each taxpayer subject to the tax
5 imposed under this chapter, a cesspool upgrade, conversion, or connection
6 income tax credit that shall be deductible from the taxpayer's net income tax
7 liability, if any, imposed by this chapter for the taxable year in which the
8 credit is properly claimed.

9 (b) In the case of a partnership, S corporation, estate, or trust, the
10 tax credit allowable is for qualified expenses incurred by the entity for the
11 taxable year. The expenses upon which the tax credit is computed shall be
12 determined at the entity level. Distribution and share of credit shall be
13 determined by rule.

14 (c) The cesspool upgrade, conversion, or connection income tax credit
15 shall be equal to the qualified expenses of the taxpayer, up to a maximum of
16 \$10,000; provided that, in the case of a qualified cesspool that is a
17 residential large capacity cesspool, the amount of the credit shall be equal
18 to the qualified expenses of the taxpayer, up to a maximum of \$10,000 per
19 residential dwelling connected to the cesspool, as certified by the
20 department of health pursuant to subsection (e). There shall be allowed a
21 maximum of one cesspool upgrade, conversion, or connection income tax credit
22 per qualified cesspool. The cesspool upgrade, conversion, or connection

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

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

9 (e) The department of health shall:

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

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

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

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

23 (f) The director of taxation:

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

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

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

1 (g) If the tax credit under this section exceeds the taxpayer's income
2 tax liability, the excess of the credit over liability may be used as a
3 credit against the taxpayer's income tax liability in subsequent years until
4 exhausted. All claims for the tax credit under this section, including
5 amended claims, shall be filed on or before the end of the twelfth month
6 following the close of the taxable year for which the credit may be
7 claimed. Failure to comply with the foregoing provision shall constitute a
8 waiver of the right to claim the credit.

9 (h) This section shall not apply to taxable years beginning after
10 December 31, [2020.] 2025.

11 (i) As used in this section:

12 "Aerobic treatment unit system" means an individual wastewater system
13 that consists of an aerobic treatment unit tank, aeration device, piping, and
14 a discharge method that is in accordance with rules adopted by the department
15 of health relating to household aerobic units.

16 "Cesspool" means an individual wastewater system consisting of an
17 excavation in the ground whose depth is greater than its widest surface
18 dimension, which receives untreated wastewater, and retains or is designed to
19 retain the organic matter and solids discharged into it, but permits the
20 liquid to seep through its bottom or sides to gain access to the underground
21 geographic formation.

22 "Qualified cesspool" means a cesspool that is certified by the
23 department of health as being:

24 (1) Located within:

____.B. NO. _____

1 (A) Two hundred feet of a shoreline, perennial stream, or wetland;

2 or

3 (B) A source water assessment program area (two year time of travel
4 from a cesspool to a public drinking water source); or

5 (2) A] a residential large capacity cesspool.

6 "Qualified expenses" means costs that are necessary and directly
7 incurred by the taxpayer for upgrading or converting a qualified cesspool
8 into a septic system or an aerobic treatment unit system, or connecting a
9 qualified cesspool to a sewer system, and that are certified as such by the
10 appropriate government agency.

11 "Residential large capacity cesspool" means a cesspool that is connected
12 to more than one residential dwelling.

13 "Septic system" means an individual wastewater system that typically
14 consists of a septic tank, piping, and a drainage field where there is
15 natural biological decontamination as wastewater discharged into the system
16 is filtered through soil.

17 "Sewer system" means a system of piping, with appurtenances, for
18 collecting and conveying wastewater from source to discharge following
19 treatment.

20 "Wastewater" means any liquid waste, whether or not treated and whether
21 animal, mineral, or vegetable, including agricultural, industrial, and
22 thermal wastes."
23

____.B. NO. _____

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

3 SECTION 3. This Act shall take effect upon its approval and shall be
4 repealed on December 31, 2025.

5

6

INTRODUCED BY: _____

7

JUSTIFICATION SHEET

PROPOSER: Hawaii State Association of Counties

TITLE: A Bill for an Act Relating to Cesspools

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

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

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

THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

S.B. NO. 182

A BILL FOR AN ACT

RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED BY: _____

By Request

Report Title:

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

Description:

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

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

JUSTIFICATION SHEET

PROPOSER: Hawai'i State Association of Counties (HSAC) & City and County of Honolulu

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

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

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

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

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

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

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

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

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

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

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

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

This amendment would repeal SECTION 3.

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

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

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

Hawai`i County 2020 Legislative Package Priorities

Short Term Vacation Rentals

- Adjustments to HRS/HAR based on various Counties efforts to regulate
- Align vernacular, define common terms and have shared language between all levels of government and across Counties

Carrying Capacity

- Too much of a good thing could become a bad thing (tourism)
- How are our activities impacting our resources? We need to study this and come up with solutions to manage and mitigate impact.

TAT

- Put on back burner, but not write off completely
- Need to articulate what Counties would do with it

Value-added products

- Hawai`i must compete in the global market, we have a solid brand
- Support development of value-added commodities and move via air/sea
- Stringent export laws will help address invasive species and encourage regeneration

DLNR leases to DOA

- Many leases in limbo
- DLNR should give true farm lands to DOA (natural fit, DLNR has lots to manage)
- Pilot projects in each County to develop a kauhale

Reintegration Efforts

- Lots of institutional pieces like jails, hospitals, are being used as bandaids
- Need good programs and flexible policies that keep people in the community
- Help individual obtain ID while in prison (need 2 forms of ID to be employable)
- During furlough, can't count education hours towards work hours (rules change)
- Want each County to run its own Public Safety Division
- Pre-release case management as new norm

Water Management

- Address cohesively, for agriculture and potable needs

Public Meetings

- Disclosure of where will be attending. If something happens, we are stuck and can't participate.

Flexibility in Using GET Money for Private Roads

E-Cigarettes, Vaping (Hawai`i Public Health Institute has suggested legislation)