

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001

Committee
Report No. 01-206

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on September 18, 2001 and October 16, 2001, makes reference to County Communication No. 01-32, from the Council Chair, relating to the matter of the Hawaii State Association of Counties (HSAC).

Your Committee notes that it previously reported on this matter through Committee Report No. 01-169, which was adopted at the Council meeting of September 21, 2001.

By correspondence dated September 10, 2001, your Committee Chair reported that the HSAC Executive Committee would be allowing the counties to submit additional proposals for consideration in the 2002 HSAC Legislative Package.

At its meeting of September 18, 2001, your Committee met with the Corporation Counsel.

There being no public testimony and no additional proposals, your Committee deferred the matter.

By correspondence dated October 10, 2001, your Committee Chair transmitted the proposed 2002 HSAC Legislative Package for consideration.

Your Committee notes that the proposed 2002 HSAC Legislative Package currently includes the following proposals:

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001
Page 2

Committee
Report No. 01-206

1. A proposal that provides that the State and counties providing lifeguard services or any lifeguard employed by the State or a county shall not be liable for civil damages resulting from providing lifeguard services at any public beach, including any portion of adjacent land or ocean (SB796, SD1, HD1) (2001 Legislative Session);
2. A proposal that exempts counties from the definition of "government agency" except for the procurement code and health and human services contracts. Allows the comptroller to determine a publication on each island to which the public can go to as one source for notices from a government agency (HB1023, SB1448) (2001 HSAC Legislative Package);
3. A proposal that limits counties' liability for injuries to persons participating in hazardous recreational activities, including those who assist the participant and spectators who reasonably should have known that the activity created a substantial risk of injury, for damages or injury arising out of that activity; and provides for exceptions (HB1024, SB1449) (HB1363 Carryover Bill) (2001 HSAC Legislative Package);
4. A proposal that extends to the counties the limitation of liability currently afforded to private landowners who make their land and water areas available to the public for recreational purposes (County of Kauai);
5. A proposal that enables the respective counties to impose and collect fines for violations of the statewide traffic code, in addition to the fines imposed by the State under Chapter 291C, Hawaii Revised Statutes (County of Maui); and
6. A proposal that designates a percentage of liquor license fees for the funding of education, prevention, and treatment programs designed to address alcohol abuse (County of Maui).

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001
Page 3

Committee
Report No. 01-206

Your Committee further notes that it considered amending the 2002 HSAC Legislative Program Policy Statement to authorize the HSAC Executive Committee to add items to the 2002 HSAC Legislative Package during the legislative session if the measures promote the counties' home-rule authority and/or increase the counties' revenues.

At its meeting of October 16, 2001, your Committee recessed to October 17, 2001 with no discussion.

At its reconvened meeting of October 17, 2001, your Committee met with the Corporation Counsel, a Deputy Corporation Counsel and an Executive Assistant to the Mayor.

There being no public testimony, your Committee discussed each of the proposals contained in the proposed 2002 HSAC Legislative Package.

Your Committee noted that although the comptroller allows the County of Maui to publish public notices in the Maui News, it is important to allow the counties to select the publication in which public notices will be published. Your Committee noted that government notices on Oahu are published in the Hawaii State and County Public Notices (RFD) publication so that there is no conflict between the Honolulu Advertiser and the Honolulu Star-Bulletin.

Your Committee noted the importance of pursuing legislation that will limit the counties' liability in various areas.

Your Committee also noted that it is important to provide for funding for education, prevention and treatment programs designed to address alcohol abuse.

Your Committee voted to recommend approval of the proposed 2002 HSAC Legislative Package without further additions.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001
Page 4

Committee
Report No. 01-206

Your Committee also voted to recommend approval of amending the 2002 HSAC Legislative Program Policy Statement to authorize the HSAC Executive Committee to add items to the 2002 HSAC Legislative Package during the legislative session if the measures promote the counties' home-rule authority and/or increase the counties' revenues.

Your Committee of the Whole RECOMMENDS the following:

1. That the following proposals be APPROVED as the 2002 HSAC Legislative Package:
 - a. A proposal that provides that the State and counties providing lifeguard services or any lifeguard employed by the State or a county shall not be liable for civil damages resulting from providing lifeguard services at any public beach, including any portion of adjacent land or ocean (SB796, SD1, HD1) (2001 Legislative Session);
 - b. A proposal that exempts counties from the definition of "government agency" except for the procurement code and health and human services contracts. Allows the comptroller to determine a publication on each island to which the public can go to as one source for notices from a government agency (HB1023, SB1448) (2001 HSAC Legislative Package);
 - c. A proposal that limits counties' liability for injuries to persons participating in hazardous recreational activities, including those who assist the participant and spectators who reasonably should have known that the activity created a substantial risk of injury, for damages or injury arising out of that activity; and provides for exceptions (HB1024, SB1449) (HB1363 Carryover Bill) (2001 HSAC Legislative Package);

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001
Page 5

Committee
Report No. 01-206

- d. A proposal that extends to the counties the limitation of liability currently afforded to private landowners who make their land and water areas available to the public for recreational purposes (County of Kauai);
 - e. A proposal that enables the respective counties to impose and collect fines for violations of the statewide traffic code, in addition to the fines imposed by the State under Chapter 291C, Hawaii Revised Statutes (County of Maui); and
 - f. A proposal that designates a percentage of liquor license fees for the funding of education, prevention, and treatment programs designed to address alcohol abuse (County of Maui).
2. That the amendment to the 2002 HSAC Legislative Program Policy Statement to authorize the HSAC Executive Committee to add items to the 2002 HSAC Legislative Package during the legislative session if the measures promote the counties' home-rule authority and/or increase the counties' revenues be APPROVED; and
 3. That a copy of this committee report be TRANSMITTED to the Hawaii State Association of Counties Executive Committee.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 2, 2001
Page 6

Committee
Report No. 01-206

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G. RIKI HOKAMA Vice-Chair

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ALAN M. ARAKAWA Member

WAYNE K. NISHIKI Member

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