

COUNCIL OF THE COUNTY OF MAUI  
**POLICY AND INTERGOVERNMENTAL  
AFFAIRS COMMITTEE**

November 7, 2014

**Committee  
Report No.** \_\_\_\_\_

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on September 9, 2014, October 13, 2014, and October 27, 2014, makes reference to County Communication 13-44, from Council Chair Gladys C. Baisa, relating to matters pertaining to the Maui County Legislative Package.

Your Committee notes the Council will present proposed State bills approved for inclusion in the 2015 Maui County Legislative Package for introduction at the start of the 2015 State legislative session.

By correspondence dated September 30, 2014, Councilmember Don S. Guzman transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2015 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO INDUSTRIAL HEMP" ("Industrial Hemp resolution"). The purpose of the proposed resolution is to approve for inclusion in the 2015 Maui County Legislative Package a proposed State bill entitled "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP". The purpose of the proposed State bill is to authorize expanded industrial hemp research at testing sites in each county.

By correspondence dated September 30, 2014, Council Chair Gladys C. Baisa transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2015 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMUNITY MEETINGS" ("Community Meetings resolution"). The purpose of the proposed resolution is to approve for inclusion in the 2015 Maui County Legislative Package a proposed State bill entitled "A BILL FOR AN ACT RELATING TO COMMUNITY MEETINGS". The purpose of the proposed State bill is to allow members of a county council to jointly attend and speak at a community, educational, or informational meeting or presentation of another entity, including a legislative hearing, convention, seminar, conference, forum, debate, or community association meeting, provided there is no charge or membership requirement to attend the meeting or presentation.

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As noted in the proposed Industrial Hemp resolution, on February 7, 2014, President Obama signed into law the Agricultural Act of 2014, authorizing institutions of higher education and state departments of agriculture to grow industrial hemp for research purposes, if approved by state law. On April 30, 2014, Governor Abercrombie signed into law Act 56 (2014), approving a two-year industrial hemp research program at a single testing site.

Your Committee notes Act 56 (2014) authorized research relating to how the growth of industrial hemp may make soils and water more pristine and healthy by phytoremediation, or the use of green plants and their associated microorganisms to stabilize or reduce contamination in soils, sludges, sediments, surface water, or ground water. Act 56 (2014) also authorized research on the viability of industrial hemp as a biofuel feedstock, or a plant material that can be used to generate fuels such as biodiesel.

In addition to providing for a testing site in each county, the proposed State bill would also allow research on the best cultivars (cultivated varieties) for, and the viability of, industrial hemp as oil and oil products for human and livestock consumption, and as fiber for clothing and building materials.

Your Committee noted growing conditions on each island vary and, therefore, could provide distinct testing environments and priorities, and yield different results. Your Committee also noted expanded research opportunities would promote economic diversity and support the agricultural industry. Your Committee, therefore, recommended the proposed Industrial Hemp resolution be adopted.

With respect to the proposed Community Meetings resolution, current interpretations of the State Sunshine Law (Part I, Chapter 92, Hawaii Revised Statutes) limit county council members in their ability to attend a variety of community meetings. All nine Maui County Council members represent all County residents and are, therefore, interested in attending many types of community meetings on Lanai, Maui, and Molokai to engage with their constituents and learn about issues of concern.

Your Committee noted enactment of State legislation to allow county council members to attend community meetings without fear of violating the State Sunshine Law would promote greater transparency and accessibility in county government. However, your Committee expressed concerns that limiting application of the provision to only

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those meetings or presentations for which there is no charge or membership requirement is too restrictive. Your Committee noted a strong desire for Council members to attend conferences hosted by entities such as the Hawaii State Association of Counties and National Association of Counties and other educational forums that may charge registration fees, without having to limit their number to less than a quorum.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed Community Meetings resolution deleting the limitation concerning a charge or membership requirement from the proposed State bill and inserting language to clarify this provision would apply to county councils, notwithstanding subsection 92-2.5(e), Hawaii Revised Statutes.

Your Committee recommended the revised proposed Community Meetings resolution be adopted.

Your Committee voted 7-0 to recommend adoption of the proposed Industrial Hemp resolution. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Crivello, Guzman, and White voted "aye". Committee members Cochran and Victorino were excused.

Your Committee voted 8-0 to recommend adoption of the revised proposed Community Meetings resolution. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Cochran, Crivello, Guzman, Victorino, and White voted "aye". Committee member Carroll was excused.

Your Committee is in receipt of a revised proposed Industrial Hemp resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2015 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO INDUSTRIAL HEMP", be ADOPTED; and

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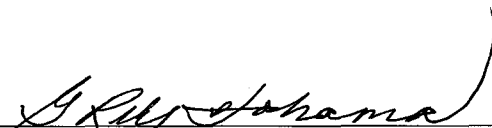
2. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2015 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMUNITY MEETINGS", be ADOPTED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
G. RIKI HOKAMA, Chair

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# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2015 MAUI  
COUNTY LEGISLATIVE PACKAGE A STATE BILL  
RELATING TO INDUSTRIAL HEMP

WHEREAS, industrial hemp is a \$500,000,000 industry in the United States, and hemp fibers are used to make thousands of different items, including fabrics, yarns, carpeting, home furnishings, construction materials, foods, body-care products, and auto parts; and

WHEREAS, Federal law had previously prohibited cultivation of industrial hemp, but on February 7, 2014, President Obama signed into law the Agricultural Act of 2014, authorizing institutions of higher education and state departments of agriculture to grow industrial hemp for research purposes, if approved by state law; and

WHEREAS, on April 30, 2014, Governor Abercrombie signed into law Act 56 (2014), approving a two-year industrial hemp research program at a single testing site; and

WHEREAS, enactment of State legislation authorizing industrial hemp research at testing sites in each county would yield better research results; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A", to authorize industrial hemp research at testing sites in each county, is approved for inclusion in the 2015 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel  
County of Maui  
paf:scb:14-231b

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# A BILL FOR AN ACT

RELATING TO INDUSTRIAL HEMP.

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

1           SECTION 1. Act 56, Session Laws of Hawaii 2014, is amended  
2 by amending section 1 to read as follows:

3           "SECTION 1. The legislature finds that Section 7606 of the  
4 United States Agricultural Act of 2014 authorizes institutions  
5 of higher education and state departments of agriculture to  
6 conduct industrial hemp research. The legislature also finds  
7 that industrial hemp can be grown or cultivated for research  
8 purposes.

9           The legislature further finds that the State will benefit  
10 from research for phytoremediation, which is the  
11 environmentally-friendly science of using plants and trees to  
12 remove toxins in the soil, such as metals, pesticides, solvents,  
13 explosives, and crude oil. These toxins can be reduced by  
14 planting specific plants and trees, called hyper-accumulators,  
15 in polluted areas. Specifically, these plants and trees draw in  
16 the toxins, along with beneficial nutrients, through their roots  
17 as nourishment and concentrate them in their stems, shoots, and  
18 leaves, which can then be harvested and disposed of safely. The

**EXHIBIT "A"**

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1 nutrient uptake process leaves a clean, balanced, and nutrient  
2 rich soil, which can then be safely used for agriculture or  
3 improving conservation habitats.

4       The legislature additionally finds that hemp is a superior  
5 phytoremediator because it grows quickly and can extract toxins  
6 without the need to remove any of the contaminated topsoil.  
7 Other factors that make hemp a superior phytoremediator are its  
8 ability to grow unaffected by the toxins it accumulates, its  
9 fast rate of absorption, and its ability to bind compound  
10 contaminants from the air and the soil. A factor that makes the  
11 State a particularly compelling candidate for hemp-based  
12 phytoremediation is that the State's extensive agricultural  
13 operations in the past have left toxins in vast tracts of land.  
14 Phytoremediation will remove those toxins.

15       The legislature also finds that industrial hemp is an  
16 environmentally friendly and efficient feedstock for biofuel.  
17 Biodiesel plants already in existence in the State are capable  
18 of meeting eight per cent of the State's biodiesel needs for  
19 ground transportation. These biodiesel plants could increase  
20 their efficiency by utilizing industrial hemp as a feedstock,  
21 thus reducing the State's reliance on imported fuel.



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1       The legislature also finds that industrial hemp has great  
2 potential as a component of manufacturing products, such as hemp  
3 oil for human and livestock consumption and hemp fiber for  
4 clothing and building materials.

5       The legislature recognizes that tri-cropping industrial  
6 hemp, such as rotating hemp crops on the same location between  
7 hemp cultivars for seed oil production, fiber products, and  
8 biofuel, maximizes the potential for hemp production.

9       The legislature also finds that different hemp cultivars  
10 are appropriate for different end uses, and each cultivar is  
11 best grown in a location specific for that cultivar.

12       The purpose of this Act is to authorize an industrial hemp  
13 research program in each county, established by the dean of the  
14 college of tropical agriculture and human resources at the  
15 University of Hawaii at Manoa [~~to establish a two year~~  
16 ~~industrial hemp remediation and biofuel crop research program]~~,  
17 working in conjunction with the director of the State department  
18 of agriculture."

19       SECTION 2. Act 56, Session Laws of 2014, is amended by  
20 amending section 2 to read as follows:

21       “(a) The dean of the college of tropical agriculture and  
22 human resources at the University of Hawaii, working in

.B. NO.

1 conjunction with the director of the State department of  
2 agriculture, may establish a two-year industrial hemp  
3 [remediation and biofuel crop] research program in each county  
4 that shall include the authority to grow or cultivate industrial  
5 hemp in accordance with the requirements established under  
6 section 7606 of the federal Agricultural Act of 2014 (Public Law  
7 113-79) [~~provided that the~~]. The authority to grow or  
8 cultivate industrial hemp under this Act shall only apply to  
9 industrial hemp grown or cultivated for the research program  
10 established under this Act. [~~Through the research program, the~~  
11 ~~dean may determine how soils and water may be made more pristine~~  
12 ~~and healthy by phytoremediation, removal of contaminants, and~~  
13 ~~rejuvenation through the growth of industrial hemp, as well as~~  
14 ~~the viability of industrial hemp as a biofuel feedstock.]~~

15 The research program shall use four test sites, one in each  
16 county, to grow and cultivate industrial hemp. The dean of the  
17 college of tropical agriculture and human resources at the  
18 University of Hawaii, working in conjunction with the director  
19 of the State department of agriculture, shall determine which  
20 test shall be conducted in each county. Funding for the program  
21 at each test site may be provided by a federal, state, county,

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1 or private entity, solely or collaboratively, as determined by  
2 the dean and the director.

3 The testing goal of the research program in each county may  
4 be to determine either:

5 (1) How soils and water may be made more pristine and  
6 healthy by phytoremediation, removal of contaminants, and  
7 rejuvenation through the growth of industrial hemp, as well  
8 as the viability of industrial hemp as a biofuel feedstock;  
9 or

10 (2) The best cultivars for, and the viability of,  
11 industrial hemp as oil and oil products for human and  
12 livestock consumption and as fiber for clothing and  
13 building materials. Tri-cropping methodology, sequentially  
14 growing crops for seed oil, fiber, and energy products, may  
15 be implemented for tests under this subsection.

16 (b) The dean and director may work in collaboration with  
17 the United States Army Corps of Engineers, its affiliates, and  
18 the department of molecular biosciences and bioengineering at  
19 the University of Hawaii John A. Burns school of medicine to  
20 determine the viability of industrial hemp as a biofuel  
21 feedstock and for any other purpose set forth in this  
22 subsection, as appropriate.

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1           ~~[(b)]~~ (c) The department of agriculture shall certify that  
2 the seed stock to be used in the research program is for growing  
3 industrial hemp. The research program established under  
4 subsection (a) shall only use industrial hemp seed stock that is  
5 certified by the department of agriculture. If the seed stock  
6 cannot be verified by the department of agriculture as  
7 industrial hemp seed stock, the dean shall not commence the  
8 growing or cultivation of industrial hemp for the research  
9 program.

10           ~~[(e) The research program shall use only one test site to  
11 grow and cultivate industrial hemp.]~~

12           (d) ~~[The dean of the college of tropical agriculture and  
13 human resources at the University of Hawaii shall submit a] A~~  
14 final report for each testing site concerning all tests  
15 performed under this section, including any proposed  
16 legislation, shall be submitted to the legislature no later than  
17 ~~[twenty days prior to the convening of the regular session of~~  
18 ~~2016 on the following:]~~ three years after the date testing is  
19 initiated at that site, or by July 1, 2018, whichever is  
20 earlier. For purposes of this subsection, testing is initiated  
21 on the day the first hemp seed is planted at a test site.

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1       (e) For testing under subsection (a) (1), the report shall  
2 include the following:

3           (1) The rate of contamination uptake from soil and  
4 water;

5           (2) The mode of efficient uptake from soil and water;

6           (3) The rate of carbon fixation in the Calvin cycle;

7           (4) The locations in the roots, stems, leaves, and  
8 flowers of the plants at which contaminants are fixated;

9           (5) What contaminants are stabilized in the plants;

10          (6) What contaminants on the site need additional  
11 treatment in order to make the soil or water healthy and  
12 pristine;

13          (7) A baseline for plants cultivated in a clean soil;

14          (8) The viability of industrial hemp as a biofuel  
15 feedstock; and

16          (9) Any other data deemed important by the dean and  
17 director.

18       ~~[(e)]~~ (f) For testing under subsection (a) (2), the report  
19 shall include the following:

20           (1) The cultivars chosen and reasons for selection;

21           (2) Soil and water requirements, including salinity;

22           (3) Germination period experienced for each cultivar;

- 1           (4) Notable disease, pest, and weed management
- 2           issues;
- 3           (5) Nutrient and fertilizer requirements;
- 4           (6) Yield potential for each cultivar during various
- 5           growing periods, including seed oil yield, biomass yield,
- 6           and potential for meal for either livestock or human
- 7           consumption;
- 8           (7) Harvesting recommendations and overall
- 9           performance results; and
- 10          (8) Any other data deemed important by the dean and
- 11          director.

12          (g) For purposes of this Act, the term "industrial hemp"  
13 means the plant *Cannibis sativa L.* and any part of that plant,  
14 whether growing or not, with a delta-9 tetrahydrocannabinol  
15 concentration of not more than 0.3 per cent on a dry weight  
16 basis. Any plant that meets the definition of "industrial hemp"  
17 under this Act shall not constitute "marijuana" as defined in  
18 section 329-1 or 712-1240, Hawaii Revised Statutes."

19          SECTION 3. Act 56, Session Laws of 2014, is amended by  
20 amending section 3 to read as follows:

21          "(a) No person shall be subject to any civil or criminal  
22 sanctions in this State for growing or possessing industrial

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1 hemp; provided that the person's growing or possessing of  
2 industrial hemp is part of the individual's participation in  
3 ~~[the]~~ a two-year industrial hemp ~~[remediation and biofuel crop]~~  
4 research program authorized under this Act and the person's  
5 participation is in full compliance with the requirements of the  
6 program.

7 (b) The department of agriculture shall test and monitor  
8 the plants growing on the test sites to ensure that no marijuana  
9 is grown on the sites. If marijuana is found to be growing or  
10 being cultivated on ~~[the]~~ a test site, then the research project  
11 on that site shall cease immediately."

12 SECTION 4. Act 56, Session Laws of 2014, is amended by  
13 amending section 4 to read as follows:

14 "This Act shall take effect on July 1, 2014, and shall be  
15 repealed on July 1, ~~[2016]~~ 2018."

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

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INTRODUCED BY: \_\_\_\_\_

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# Resolution

No. \_\_\_\_\_

## APPROVING FOR INCLUSION IN THE 2015 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMUNITY MEETINGS

WHEREAS, according to current interpretations of the State Sunshine Law (Part I, Chapter 92, Hawaii Revised Statutes), county council members are limited in their ability to attend a variety of community meetings; and

WHEREAS, all nine Maui County Council members represent all County of Maui residents and are therefore interested in attending many types of community meetings on Lanai, Maui, and Molokai to engage with their constituents and learn about issues of concern; and

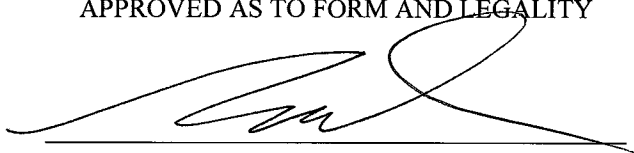
WHEREAS, Maui County Council members sometimes must leave community meetings or decline invitations to attend community meetings, to ensure compliance with the Sunshine Law, resulting in distress or confusion among some meeting attendees and other members of the public; and

WHEREAS, enactment of State legislation to allow county council members to attend community meetings without fear of violating the Sunshine Law would promote greater transparency and accessibility in county government; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A", relating to community meetings, is approved for inclusion in the 2015 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel  
County of Maui  
paf.dmr:13-220m



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# A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

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

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

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

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

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

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

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

18           (C) Deliberation and decisionmaking on the matter  
19 investigated, if any, occurs only at a duly noticed meeting of  
20 the board held subsequent to the meeting at which the findings  
21 and recommendations of the investigation were presented to the  
22 board; or

23           (2) Present, discuss, or negotiate any position which the  
24 board has adopted at a meeting of the board; provided that the  
25 assignment is made and the scope of each member's authority is  
26 defined at a meeting of the board prior to the presentation,  
27 discussion, or negotiation.

1 (c) Discussions between two or more members of a board,  
2 but less than the number of members which would constitute a  
3 quorum for the board, concerning the selection of the board's  
4 officers may be conducted in private without limitation or  
5 subsequent reporting.

6 (d) Board members present at a meeting that must be  
7 canceled for lack of quorum or terminated pursuant to section  
8 92-3.5(c) may nonetheless receive testimony and presentations on  
9 items on the agenda and question the testifiers or presenters;  
10 provided that:

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

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

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

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

24 (B) Receive a report by the members who were present  
25 at the canceled or terminated meeting about the testimony and  
26 presentations received.

27 (e) Two or more members of a board, but less than the  
28 number of members which would constitute a quorum for the board,  
29 may attend an informational meeting or presentation on matters  
30 relating to official board business, including a meeting of  
31 another entity, legislative hearing, convention, seminar, or  
32 community meeting; provided that the meeting or presentation is  
33 not specifically and exclusively organized for or directed  
34 toward members of the board. The board members in attendance  
35 may participate in discussions, including discussions among  
36 themselves; provided that the discussions occur during and as  
37 part of the informational meeting or presentation; and provided

1 further that no commitment relating to a vote on the matter is  
2 made or sought.

3 At the next duly noticed meeting of the board, the board  
4 members shall report their attendance and the matters presented  
5 and discussed that related to official board business at the  
6 informational meeting or presentation.

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

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

17 (h) Communications, interactions, discussions,  
18 investigations, and presentations described in this section are  
19 not meetings for purposes of this part.

20 (i) Members of a county council may jointly attend and  
21 speak at a community, educational, or informational meeting or  
22 presentation of another entity, including a legislative hearing,  
23 convention, seminar, conference, forum, debate, or community  
24 association meeting, notwithstanding subsection (e).

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

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

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INTRODUCED BY: \_\_\_\_\_

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