

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 29, 2014, October 13, 2014, and October 27, 2014, makes reference to County Communication 14-176, from Council Chair Gladys C. Baisa, relating to the 2015 Hawaii State Association of Counties (“HSAC”) Legislative Package.

By correspondence dated September 18, 2014, Mel Rapozo, HSAC President, transmitted the following proposed State bills submitted by the County of Hawaii and the County of Kauai, respectively, for inclusion in the 2015 HSAC Legislative Package:

1. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION STUDIES” (Hawaii County). The purpose of the proposed State bill is to appropriate operating funds for the Pacific International Space Center for Exploration Systems for Fiscal Year 2015-2016.
2. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM” (Hawaii County). The purpose of the proposed State bill is to appropriate operating funds for the Hawaii Health Systems Corporation Primary Care Training Program for Fiscal Year 2015-2016.
3. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER” (Hawaii County). The purpose of the proposed State bill is to give victims of family violence additional time to get help and legal protection before the order for a period of separation expires.

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4. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO EVIDENCE" (Kauai County). The purpose of the proposed State bill is to authorize non-resident felony property crime victims to testify in criminal proceedings via a live two-way video connection.
5. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO ZONING" (Kauai County). The purpose of the proposed State bill is to distinguish single-family residential use from single-family vacation rental use, and allow amortization by ordinance for single-family transient vacation rentals over a reasonable period of time.

The correspondence also transmitted a proposed State bill from the County of Maui, which the Council approved for inclusion in the 2015 HSAC Legislative Package by Resolution 14-89, adopted on August 19, 2014, and a list of HSAC Legislative Priorities for the 2015 State Legislative Session, approved by Resolution 14-90, adopted on August 19, 2014.

By correspondence dated September 22, 2014, Councilmember Michael P. Victorino, HSAC Treasurer, transmitted a proposed resolution entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2015 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE", attaching as Exhibit "A" the proposed State bills submitted by the other counties. The purpose of the proposed resolution is to approve the proposed State bills for inclusion in the 2015 HSAC Legislative Package.

Your Committee notes only those proposals approved by all four councils will be included in the 2015 HSAC Legislative Package for introduction to the State Legislature.

Your Committee considered each proposal and recognized all have merit and address important county issues. However, your Committee felt it would be more appropriate to include only those proposals that relate to all four counties.

Your Committee noted the proposed State bill to appropriate \$2.8 million for the interdisciplinary Hawaii Health Systems Corporation Primary Care Training Program at Hilo Medical Center addresses a priority for the counties. Your Committee discussed the

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severe shortage of primary-care physicians throughout the State. The training program will help to reduce the shortage and improve access to health care.

Your Committee further noted the proposed State bill relating to abuse of a family or household member is important. Your Committee notes Act 251 (2013) amended the Hawaii Revised Statutes to provide a victim with 48 hours to obtain a restraining order and other legal protection, but the law did not take into account violence occurring during weekends and holidays. The proposed bill addresses this gap.

Your Committee concluded the proposed State bill relating to evidence has merit. The proposal provides for live two-way video testimony for nonresident victims of felony property crimes in certain circumstances. Your Committee felt this would be a good use of technology.

With regard to the proposed State bill relating to zoning, a Deputy Corporation Counsel informed your Committee Section 19.500.110(C)(2), Maui County Code, states a nonconforming use that is discontinued for twelve consecutive months shall not be resumed. He noted the County relies upon this provision to terminate nonconforming uses.

The Deputy noted the proposed State bill amends Section 46-4(a), Hawaii Revised Statutes, to specifically enable the counties to phase out nonconforming single-family transient vacation rentals in any zoning district over a period of time. The Deputy further noted the proposed State bill would enhance and clarify the counties' zoning administration authority.

Your Committee agreed the proposed State bill entitled "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION STUDIES" should be omitted from the proposed 2015 HSAC Legislative Package.

Your Committee recommended the 2015 HSAC Legislative Package include the four proposed State bills entitled:

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1. "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM";
2. "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER";
3. "A BILL FOR AN ACT RELATING TO EVIDENCE"; and
4. "A BILL FOR AN ACT RELATING TO ZONING".

Your Committee voted 7-0 to recommend adoption of the revised proposed resolution attaching as Exhibit "B" the proposals labeled 1, 2, and 3 above. 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 9-0 to recommend adoption of a revised proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2015 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO ZONING", attaching as Exhibit "A" the proposal labeled 4 above. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye".

Your Committee is in receipt of revised proposed resolutions, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2015 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE", be ADOPTED; and

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**POLICY AND INTERGOVERNMENTAL
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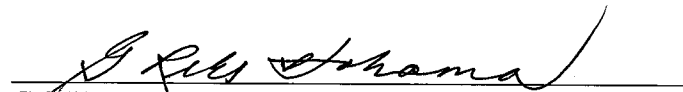
2. That Resolution _____, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2015 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO ZONING", be ADOPTED.

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
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This report is submitted in accordance with Rule 8 of the Rules of the Council.



G. RIKI HOKAMA, Chair

pia:cr:14003(6)ab:kew

Resolution

No. _____

APPROVING PROPOSALS FOR INCLUSION IN THE 2015
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE

WHEREAS, by Resolution 14-89, adopted on August 19, 2014, the Council approved for inclusion in the 2015 Hawaii State Association of Counties (“HSAC”) Legislative Package, a proposed State bill entitled “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX”, and transmitted this Maui County proposal to the HSAC Executive Committee for approval; and

WHEREAS, by Resolution 14-90, adopted on August 19, 2014, the Council approved a list of HSAC Legislative Priorities for the 2015 State Legislative Session, and transmitted the list of priorities to the HSAC Executive Committee for approval; and

WHEREAS, at its meeting of September 15, 2014, the HSAC Executive Committee approved for inclusion in the 2015 HSAC Legislative Package the Maui County proposal and proposals, cumulatively attached as Exhibit “A”, submitted by Hawaii County and Kauai County, respectively entitled:

“A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION STUDIES” (Hawaii County);

“A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM” (Hawaii County);

“A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER” (Hawaii County);

“A BILL FOR AN ACT RELATING TO EVIDENCE” (Kauai County); and

“A BILL FOR AN ACT RELATING TO ZONING” (Kauai County); and

WHEREAS, at its meeting of September 15, 2014, the HSAC Executive Committee approved the list of 2015 HSAC Legislative Priorities submitted by Maui County; and

WHEREAS, the HSAC Bylaws require that all four counties approve each proposal for inclusion in the HSAC Legislative Package; and

WHEREAS, the HSAC Bylaws require that all four counties approve the list of legislative priorities; and

Resolution No. _____

WHEREAS, because the Council has already approved the proposed bill relating to transient accommodations tax and the list of legislative priorities, the Council is now considering only the proposals submitted by Hawaii County and Kauai County for inclusion in the 2015 HSAC Legislative Package; now, therefore,

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

1. That it hereby approves the proposals attached as Exhibit "B" for inclusion in the 2015 HSAC Legislative Package, entitled:

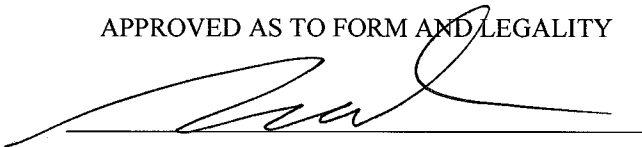
"A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM";

"A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER"; and

"A BILL FOR AN ACT RELATING TO EVIDENCE"; and

2. That a certified copy of this resolution be transmitted to the HSAC Executive Committee.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

pia:003(6)areso03:kcw

A BILL FOR AN ACT

RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR
EXPLORATION STUDIES.

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

1 SECTION 1. The Pacific international space center
2 for exploration systems seeks to develop a world-class
3 center of excellence in Hawaii that can facilitate the
4 design, testing, and validation of new technologies to
5 support robotic and human missions to space. The center
6 also aspires to serve as an economic driver for the
7 island of Hawaii that will promote the establishment and
8 growth of new sustainable and green industries along with
9 associated jobs, workforce development, internships, and
10 science, technology, engineering, and math education
11 programs.

12 The purpose of this Act, therefore, is to
13 appropriate funds to provide funding for the Pacific
14 international space center for exploration systems to
15 manage and facilitate its work in bringing aerospace
16 technology and corporations to Hawaii, to expand and
17 diversify Hawaii-based industry, to provide the training
18 relevant to prepare Hawaii's workforce for employment in
19 technology-related fields, and to require the Pacific

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1 international space center for exploration systems to
2 report to the legislature on its activities.

3 Moneys appropriated through this Act will be used to
4 fund:

5 (1) Existing employee salaries, including a
6 marketing officer, a project integration manager, an
7 information-technology field technician, and two student
8 internships;

9 (2) Operational expenses, including the rental of
10 staff offices and warehouse space for Pacific
11 international space center for exploration systems
12 hardware and equipment; utilities; intrastate and
13 interstate travel to meetings and conferences; marketing
14 costs associated with website creation, graphic design,
15 and the development of brochures and trade advertising;
16 travel and lodging expenses for the Pacific international
17 space center for exploration systems board of directors;
18 and the Pacific international space center for
19 exploration systems conferencing contracts; and

20 (3) The purchase of essential equipment, materials,
21 and services, including electronic test and design
22 equipment in support of robotics training and education;
23 mechanical equipment in support of robotics training, the

____.B. NO. _____

1 sustainable concrete project, advanced manufacturing
2 skills training, and ongoing testing of robotic surface
3 systems by the Pacific international space center for
4 exploration systems; command and control equipment for
5 new and existing robotics hardware; situational awareness
6 monitoring for robotic operations training; software
7 licensing; and a data server for archiving project
8 results, product designs, and online training materials
9 for a robotics operator training course.

10 SECTION 2. There is appropriated out of the
11 general revenues of the State of Hawaii the sum of
12 \$1,700,000 or so much thereof as may be necessary for
13 fiscal year 2015-2016 for the Pacific international space
14 center for exploration systems for personnel costs,
15 operational expenses, and the purchase of equipment,
16 materials, and services.

17 The sum appropriated shall be expended by the
18 department of business, economic development, and tourism
19 for the purposes of this Act.

20 SECTION 3. This Act shall take effect July 1,
21 2015.

22 INTRODUCED BY: _____

A BILL FOR AN ACT

RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM.

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

1 SECTION 1. The legislature finds that the State faces a
2 severe shortage of healthcare providers. This shortage is
3 particularly acute in the field of primary care, in which most
4 of the healthcare cost savings in prevention and early
5 intervention occur.

6 The legislature further finds that the Hawaii health
7 systems corporation primary care training program is an
8 effective way to reduce the impact of the shortage of primary
9 care providers and improve access to healthcare throughout the
10 State, especially on the neighbor islands. Administered by Hilo
11 medical center, this interdisciplinary program is centered at
12 the Hawaii island family health center, which serves as a
13 training site for family medicine physicians and medical
14 students through the Hawaii island family medicine residency;
15 advanced practice nurses from the school of nursing and dental
16 hygiene at the University of Hawaii at Manoa and the University
17 of Hawaii at Hilo; registered nursing students from the
18 University of Hawaii at Hilo; pharmacy students in clinical
19 pharmacy practice from the University of Hawaii at Hilo's Daniel
20 K. Inouye college of pharmacy; health psychologists from I Ola
21 Lahui, an organization that trains psychologists to meet the
22 needs of residents of Hawaii's rural areas; and baccalaureate

____.B. NO. _____

1 nursing students from the school of nursing at the University of
2 Hawaii at Hilo.

3 This interdisciplinary training model can be expanded to
4 other neighbor island health facilities to generate
5 interdisciplinary teams capable of caring for four times as many
6 patients as independent practicing physicians could
7 alone. Hawaii will benefit greatly as the Hawaii health systems
8 corporation program contributes to training primary care
9 providers in the emerging model of primary care and patient-
10 centered medical homes, and attracts healthcare providers to
11 practice in rural Hawaii, including the neighbor islands.

12 The purpose of this Act is to address the shortage of
13 primary care providers in the State by appropriating funds for
14 the interdisciplinary Hawaii health systems corporation primary
15 care training program at Hilo medical center.

16 SECTION 2. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$2,800,000 or so much
18 thereof as may be necessary for fiscal year 2015-2016 for the
19 interdisciplinary Hawaii health systems corporation primary care
20 training program at Hilo medical center.

21 The sum appropriated shall be expended by the Hawaii health
22 systems corporation for the purposes of this Act.

23 SECTION 3. This Act shall take effect on July 1, 2015.

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A BILL FOR AN ACT

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

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

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SECTION 1. Section 709-906, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (1) to read:

"(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

For the purposes of this section [~~,"family"]:~~

"Family or household member" means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit.

"Business day" means any calendar day, except Saturday, Sunday, or any state holiday."

2. By amending subsection (4) to read:

"(4) Any police officer, with or without a warrant, shall take the following course of action, regardless of whether the physical abuse or harm occurred in the officer's presence:

(a) The police officer shall make reasonable inquiry of the family or household member upon whom the officer believes physical abuse or harm has been inflicted and other witnesses as there may be;

(b) The police officer lawfully shall order the person who the police officer reasonably believes to have inflicted the abuse to leave the premises for a period of separation [~~of forty-eight hours~~], during which time the person shall not initiate any contact, either by telephone or in person, with the family or household member; provided that the person is allowed to enter the premises with police escort to collect any necessary personal effects. The period of separation shall commence when the order is issued and expire at 6:00 p.m. on the second business day following the day the order was issued;

____.B. NO. _____

1 ~~[(e) When the incident occurs after 12:00 p.m. on any~~
2 ~~Friday, or on any Saturday, Sunday, or legal holiday, the order~~
3 ~~to leave the premises and to initiate no further contact shall~~
4 ~~commence immediately and be in full force, but the forty eight~~
5 ~~hour period shall be enlarged and extended until 4:30 p.m. on~~
6 ~~the first day following the weekend or legal holiday;~~

7 ~~(d)]~~ (c) All persons who are ordered to leave as stated
8 above shall be given a written warning citation stating the
9 date, time, and location of the warning and stating the
10 penalties for violating the warning. A copy of the warning
11 citation shall be retained by the police officer and attached to
12 a written report which shall be submitted in all cases. A third
13 copy of the warning citation shall be given to the abused
14 person;

15 ~~[-(e)]~~ (d) If the person so ordered refuses to comply with
16 the order to leave the premises or returns to the premises
17 before the expiration of the period of separation, or if the
18 person so ordered initiates any contact with the abused person,
19 the person shall be placed under arrest for the purpose of
20 preventing further physical abuse or harm to the family or
21 household member; and

22 ~~[-(f)]~~ (e) The police officer shall seize all firearms and
23 ammunition that the police officer has reasonable grounds to
24 believe were used or threatened to be used in the commission of
25 an offense under this section."

26 SECTION 2. This Act does not affect rights and duties that
27 matured, penalties that were incurred, and proceedings that were
28 begun before its effective date.

29 SECTION 3. Statutory material to be repealed is bracketed
30 and stricken. New statutory material is underscored.

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

A BILL FOR AN ACT

RELATING TO EVIDENCE.

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

1 SECTION 1. The legislature finds that criminals frequently target
2 tourists for property crimes, as tourists are less likely to testify in a criminal case
3 because they live elsewhere. Thieves target vacation rental homes and rental cars,
4 and reports of crimes committed against tourists significantly damage Hawaii's
5 visitor industry.

6 The legislature further finds that the fundamental constitutional right of
7 criminal defendants is the opportunity to confront and cross-examine witnesses
8 against them. The legislature finds that this right may be satisfied absent a
9 physical, face-to-face confrontation at ^{trial} ~~trial~~ where denial of such confrontation is
10 necessary to further an important public policy of ensuring public safety for visitors
11 and residents and where the reliability of the testimony is otherwise assured as
12 held in *Maryland v. Craig*, 497 U.S. 836 (1990) by the United States Supreme
13 Court.

14 The purpose of this Act is to authorize a court to allow live video testimony of
15 a victim of property crime if:

16 (1) The crime is a felony;

1 (2) The victim was a nonresident of this State at the time the crime was
2 committed and remains a nonresident at the time of providing testimony;

3 (3) The testimony is limited to identification and ownership of the
4 property taken, the value of the property, lack of consent to take the property, and
5 identification of the person or persons who took the property;

6 (4) The victim testifies under oath;

7 (5) The requisite video connection is two-way, so that the victim ^{can} see
8 the defendant and the trier of fact can see the victim; and

9 (6) The defendant and the State have the right to have legal counsel
10 physically present with the victim during the provision of testimony.

11 SECTION 2. Chapter 626, Hawai'i Revised Statutes, is amended by
12 adding a new rule to article VI of the Hawai'i Rules of Evidence to be appropriately
13 designated and to read as follows:

14 "Rule Video testimony of nonresident in a felony property offense. In any
15 prosecution of a felony property offense alleged to have been committed in this State
16 against a person who is a nonresident of this State, the court may order that the
17 testimony of the nonresident be taken under oath through a live two-way video
18 connection to be viewed by the court, the accused, and the trier of fact, provided
19 that:

20 (1) The witness remains a nonresident at the time the testimony is to be
21 given; and

____.B. NO. _____

1 (2) The testimony is given only for the purpose of establishing:

2 (A) Identification and ownership of the property taken:

3 (B) The value of the property;

4 (C) Lack of consent to take the property; and

5 (D) Identification of the person or persons who took the property.

6 During the entire course of the procedure, the attorneys for the defendant and for
7 the State shall have the right to be physically present with the nonresident and full
8 direct cross-examination shall be available as a matter of right.”

9 SECTION 3. This Act does not affect rights and duties that matured,
10 penalties that were incurred, and proceedings that were begun before its effective
11 date.

12 SECTION 4. The new statutory material is underscored.

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

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15 Introduced by: _____

____.B. NO.____

A BILL FOR AN ACT

RELATING TO ZONING.

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

1 SECTION 1. Section 46-4, Hawai'i Revised Statutes, is amended by
2 amending subsection (a) to read as follows:

3 “(a) This section and any ordinance, rule, or regulation adopted in
4 accordance with this section shall apply to lands not contained within the forest
5 reserve boundaries as established on January 31, 1957, or as subsequently
6 amended.

7 Zoning in all counties shall be accomplished within the framework of a long-
8 range, comprehensive general plan prepared or being prepared to guide the overall
9 future development of the county. Zoning shall be one of the tools available to the
10 county to put the general plan into effect in an orderly manner. Zoning in the
11 counties of Hawai'i, Maui, and Kaua'i means the establishment of districts of such
12 number, shape, and area, and the adoption of regulations for each district to carry
13 out the purposes of this section. In establishing or regulating the districts, full
14 consideration shall be given to all available data as to soil classification and
15 physical use capabilities of the land to allow and encourage the most beneficial use
16 of the land consonant with good zoning practices. The zoning power granted herein
17 shall be exercised by ordinance which may relate to:

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1 (1) The areas within which agriculture, forestry, industry, trade, and
2 business may be conducted;

3 (2) The areas in which residential uses may be regulated or prohibited;

4 (3) The areas bordering natural watercourses, channels, and streams, in
5 which trades or industries, filling or dumping, erection of structures, and the
6 location of buildings may be prohibited or restricted;

7 (4) The areas in which particular uses may be subjected to special
8 restrictions;

9 (5) The location of buildings and structures designed for specific uses and
10 designation of uses for which buildings and structures may not be used or altered;

11 (6) The location, height, bulk, number of stories, and size of buildings and
12 other structures;

13 (7) The location of roads, schools, and recreation areas;

14 (8) Building setback lines and future street lines;

15 (9) The density and distribution of population;

16 (10) The percentage of a lot that may be occupied, size of yards, courts, and
17 other open spaces;

18 (11) Minimum and maximum lot sizes; and

19 (12) Other regulations the boards or city council find necessary and proper
20 to permit and encourage the orderly development of land resources within their
21 jurisdictions.

____.B. NO. _____

1 The council of any county shall prescribe rules, regulations, and
2 administrative procedures and provide personnel it finds necessary to enforce this
3 section and any ordinance enacted in accordance with this section. The ordinances
4 may be enforced by appropriate fines and penalties, civil or criminal, or by court
5 order at the suit of the county or the owner or owners of real estate directly affected
6 by the ordinances.

7 Any civil fine or penalty provided by ordinance under this section may be
8 imposed by the district court, or by the zoning agency after an opportunity for a
9 hearing pursuant to chapter 91. The proceeding shall not be a prerequisite for any
10 injunctive relief ordered by the circuit court.

11 Nothing in this section shall invalidate any zoning ordinance or regulation
12 adopted by any county or other agency of government pursuant to the statutes in
13 effect prior to July 1, 1957.

14 The powers granted herein shall be liberally construed in favor of the county
15 exercising them, and in such a manner as to promote the orderly development of
16 each county or city and county in accordance with a long-range, comprehensive
17 general plan to ensure the greatest benefit for the State as a whole. This section
18 shall not be construed to limit or repeal any powers of any county to achieve these
19 ends through zoning and building regulations, except insofar as forest and water
20 reserve zones are concerned and as provided in subsections (c) and (d).

A BILL FOR AN ACT

RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM.

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

1 SECTION 1. The legislature finds that the State faces a
2 severe shortage of healthcare providers. This shortage is
3 particularly acute in the field of primary care, in which most
4 of the healthcare cost savings in prevention and early
5 intervention occur.

6 The legislature further finds that the Hawaii health
7 systems corporation primary care training program is an
8 effective way to reduce the impact of the shortage of primary
9 care providers and improve access to healthcare throughout the
10 State, especially on the neighbor islands. Administered by Hilo
11 medical center, this interdisciplinary program is centered at
12 the Hawaii island family health center, which serves as a
13 training site for family medicine physicians and medical
14 students through the Hawaii island family medicine residency;
15 advanced practice nurses from the school of nursing and dental
16 hygiene at the University of Hawaii at Manoa and the University
17 of Hawaii at Hilo; registered nursing students from the
18 University of Hawaii at Hilo; pharmacy students in clinical
19 pharmacy practice from the University of Hawaii at Hilo's Daniel
20 K. Inouye college of pharmacy; health psychologists from I Ola
21 Lahui, an organization that trains psychologists to meet the
22 needs of residents of Hawaii's rural areas; and baccalaureate

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1 nursing students from the school of nursing at the University of
2 Hawaii at Hilo.

3 This interdisciplinary training model can be expanded to
4 other neighbor island health facilities to generate
5 interdisciplinary teams capable of caring for four times as many
6 patients as independent practicing physicians could
7 alone. Hawaii will benefit greatly as the Hawaii health systems
8 corporation program contributes to training primary care
9 providers in the emerging model of primary care and patient-
10 centered medical homes, and attracts healthcare providers to
11 practice in rural Hawaii, including the neighbor islands.

12 The purpose of this Act is to address the shortage of
13 primary care providers in the State by appropriating funds for
14 the interdisciplinary Hawaii health systems corporation primary
15 care training program at Hilo medical center.

16 SECTION 2. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$2,800,000 or so much
18 thereof as may be necessary for fiscal year 2015-2016 for the
19 interdisciplinary Hawaii health systems corporation primary care
20 training program at Hilo medical center.

21 The sum appropriated shall be expended by the Hawaii health
22 systems corporation for the purposes of this Act.

23 SECTION 3. This Act shall take effect on July 1, 2015.

24

A BILL FOR AN ACT

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

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

1 SECTION 1. Section 709-906, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (1) to read:

4 "(1) It shall be unlawful for any person, singly or in
5 concert, to physically abuse a family or household member or to
6 refuse compliance with the lawful order of a police officer
7 under subsection (4). The police, in investigating any
8 complaint of abuse of a family or household member, upon
9 request, may transport the abused person to a hospital or safe
10 shelter.

11 For the purposes of this section[, "family"]:

12 "Family or household member" means spouses or reciprocal
13 beneficiaries, former spouses or reciprocal beneficiaries,
14 persons in a dating relationship as defined under section 586-1,
15 persons who have a child in common, parents, children, persons
16 related by consanguinity, and persons jointly residing or
17 formerly residing in the same dwelling unit.

18 "Business day" means any calendar day, except Saturday,
19 Sunday, or any state holiday."

20 2. By amending subsection (4) to read:

21 "(4) Any police officer, with or without a warrant, shall
22 take the following course of action, regardless of whether the
23 physical abuse or harm occurred in the officer's presence:

24 (a) The police officer shall make reasonable inquiry of
25 the family or household member upon whom the officer believes
26 physical abuse or harm has been inflicted and other witnesses as
27 there may be;

28 (b) The police officer lawfully shall order the person who
29 the police officer reasonably believes to have inflicted the
30 abuse to leave the premises for a period of separation [~~of~~
31 ~~forty-eight hours~~], during which time the person shall not
32 initiate any contact, either by telephone or in person, with the
33 family or household member; provided that the person is allowed
34 to enter the premises with police escort to collect any
35 necessary personal effects. The period of separation shall
36 commence when the order is issued and expire at 6:00 p.m. on the
37 second business day following the day the order was issued;

.B. NO.

1 ~~[(c) When the incident occurs after 12:00 p.m. on any~~
2 ~~Friday, or on any Saturday, Sunday, or legal holiday, the order~~
3 ~~to leave the premises and to initiate no further contact shall~~
4 ~~commence immediately and be in full force, but the forty eight~~
5 ~~hour period shall be enlarged and extended until 4:30 p.m. on~~
6 ~~the first day following the weekend or legal holiday;~~

7 ~~(d)]~~ (c) All persons who are ordered to leave as stated
8 above shall be given a written warning citation stating the
9 date, time, and location of the warning and stating the
10 penalties for violating the warning. A copy of the warning
11 citation shall be retained by the police officer and attached to
12 a written report which shall be submitted in all cases. A third
13 copy of the warning citation shall be given to the abused
14 person;

15 ~~[(e)]~~ (d) If the person so ordered refuses to comply with
16 the order to leave the premises or returns to the premises
17 before the expiration of the period of separation, or if the
18 person so ordered initiates any contact with the abused person,
19 the person shall be placed under arrest for the purpose of
20 preventing further physical abuse or harm to the family or
21 household member; and

22 ~~[(f)]~~ (e) The police officer shall seize all firearms and
23 ammunition that the police officer has reasonable grounds to
24 believe were used or threatened to be used in the commission of
25 an offense under this section."

26 SECTION 2. This Act does not affect rights and duties that
27 matured, penalties that were incurred, and proceedings that were
28 begun before its effective date.

29 SECTION 3. Statutory material to be repealed is bracketed
30 and stricken. New statutory material is underscored.

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

A BILL FOR AN ACT

RELATING TO EVIDENCE.

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

1 SECTION 1. The legislature finds that criminals frequently target
2 tourists for property crimes, as tourists are less likely to testify in a criminal case
3 because they live elsewhere. Thieves target vacation rental homes and rental cars,
4 and reports of crimes committed against tourists significantly damage Hawai'i's
5 visitor industry.

6 The legislature further finds that the fundamental constitutional right of
7 criminal defendants is the opportunity to confront and cross-examine witnesses
8 against them. The legislature finds that this right may be satisfied absent a
9 physical, face-to-face confrontation at trial where denial of such confrontation is
10 necessary to further an important public policy of ensuring public safety for visitors
11 and residents and where the reliability of the testimony is otherwise assured as
12 held in *Maryland v. Craig*, 497 U.S. 836 (1990) by the United States Supreme
13 Court.

14 The purpose of this Act is to authorize a court to allow live video testimony of
15 a victim of property crime if:

16 (1) The crime is a felony;

1 (2) The victim was a nonresident of this State at the time the crime was
2 committed and remains a nonresident at the time of providing testimony;

3 (3) The testimony is limited to identification and ownership of the
4 property taken, the value of the property, lack of consent to take the property, and
5 identification of the person or persons who took the property;

6 (4) The victim testifies under oath;

7 (5) The requisite video connection is two-way, so that the victim can see
8 the defendant and the trier of fact can see the victim; and

9 (6) The defendant and the State have the right to have legal counsel
10 physically present with the victim during the provision of testimony.

11 SECTION 2. Chapter 626, Hawai'i Revised Statutes, is amended by
12 adding a new rule to article VI of the Hawai'i Rules of Evidence to be appropriately
13 designated and to read as follows:

14 "Rule Video testimony of nonresident in a felony property offense. In any
15 prosecution of a felony property offense alleged to have been committed in this State
16 against a person who is a nonresident of this State, the court may order that the
17 testimony of the nonresident be taken under oath through a live two-way video
18 connection to be viewed by the court, the accused, and the trier of fact; provided
19 that:

20 (1) The witness remains a nonresident at the time the testimony is to be
21 given; and

[Handwritten signature]

- 1 (2) The testimony is given only for the purpose of establishing:
- 2 (A) Identification and ownership of the property taken;
- 3 (B) The value of the property;
- 4 (C) Lack of consent to take the property; and
- 5 (D) Identification of the person or persons who took the property.

6 During the entire course of the procedure, the attorneys for the defendant and for
7 the State shall have the right to be physically present with the nonresident and full
8 direct cross-examination shall be available as a matter of right.”

9 SECTION 3. This Act does not affect rights and duties that matured,
10 penalties that were incurred, and proceedings that were begun before its effective
11 date.

12 SECTION 4. The new statutory material is underscored.

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

14

15 Introduced by: _____

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2015 HAWAII
STATE ASSOCIATION OF COUNTIES LEGISLATIVE
PACKAGE A STATE BILL RELATING TO ZONING

WHEREAS, at its meeting of October 13, 2014, the Policy and Intergovernmental Affairs Committee recommended the following three proposed State bills, submitted by the County of Hawaii and the County of Kauai, respectively, be included in the 2015 Hawaii State Association of Counties (“HSAC”) Legislative Package:

“A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM” (Hawaii County);

“A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER” (Hawaii County); and

“A BILL FOR AN ACT RELATING TO EVIDENCE” (Kauai County); and

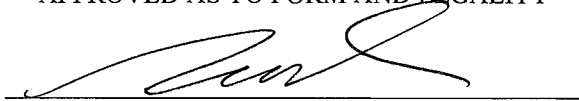
WHEREAS, at the meeting, the Committee deferred making a recommendation on whether to include in the 2015 HSAC Legislative Package a proposed State bill submitted by Kauai County, entitled “A BILL FOR AN ACT RELATING TO ZONING”, attached hereto as Exhibit “A”, to receive additional information; and

WHEREAS, the HSAC Bylaws require that all four counties approve each proposal for inclusion in the HSAC Legislative Package; now, therefore,

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

1. That it hereby approves the proposed State bill attached as Exhibit “A”, entitled “A BILL FOR AN ACT RELATING TO ZONING”, for inclusion in the 2015 HSAC Legislative Package; and
2. That a certified copy of this resolution be transmitted to the HSAC Executive Committee.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel
County of Maui

___B. NO. ___

A BILL FOR AN ACT

RELATING TO ZONING.

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

1 SECTION 1. Section 46-4, Hawai'i Revised Statutes, is amended by
2 amending subsection (a) to read as follows:

3 “(a) This section and any ordinance, rule, or regulation adopted in
4 accordance with this section shall apply to lands not contained within the forest
5 reserve boundaries as established on January 31, 1957, or as subsequently
6 amended.

7 Zoning in all counties shall be accomplished within the framework of a long-
8 range, comprehensive general plan prepared or being prepared to guide the overall
9 future development of the county. Zoning shall be one of the tools available to the
10 county to put the general plan into effect in an orderly manner. Zoning in the
11 counties of Hawai'i, Maui, and Kaua'i means the establishment of districts of such
12 number, shape, and area, and the adoption of regulations for each district to carry
13 out the purposes of this section. In establishing or regulating the districts, full
14 consideration shall be given to all available data as to soil classification and
15 physical use capabilities of the land to allow and encourage the most beneficial use
16 of the land consonant with good zoning practices. The zoning power granted herein
17 shall be exercised by ordinance which may relate to:

EXHIBIT A

____.B. NO. _____

- 1 (1) The areas within which agriculture, forestry, industry, trade, and
2 business may be conducted;
- 3 (2) The areas in which residential uses may be regulated or prohibited;
- 4 (3) The areas bordering natural watercourses, channels, and streams, in
5 which trades or industries, filling or dumping, erection of structures, and the
6 location of buildings may be prohibited or restricted;
- 7 (4) The areas in which particular uses may be subjected to special
8 restrictions;
- 9 (5) The location of buildings and structures designed for specific uses and
10 designation of uses for which buildings and structures may not be used or altered;
- 11 (6) The location, height, bulk, number of stories, and size of buildings and
12 other structures;
- 13 (7) The location of roads, schools, and recreation areas;
- 14 (8) Building setback lines and future street lines;
- 15 (9) The density and distribution of population;
- 16 (10) The percentage of a lot that may be occupied, size of yards, courts, and
17 other open spaces;
- 18 (11) Minimum and maximum lot sizes; and
- 19 (12) Other regulations the boards or city council find necessary and proper
20 to permit and encourage the orderly development of land resources within their
21 jurisdictions.

____.B. NO. _____

1 The council of any county shall prescribe rules, regulations, and
2 administrative procedures and provide personnel it finds necessary to enforce this
3 section and any ordinance enacted in accordance with this section. The ordinances
4 may be enforced by appropriate fines and penalties, civil or criminal, or by court
5 order at the suit of the county or the owner or owners of real estate directly affected
6 by the ordinances.

7 Any civil fine or penalty provided by ordinance under this section may be
8 imposed by the district court, or by the zoning agency after an opportunity for a
9 hearing pursuant to chapter 91. The proceeding shall not be a prerequisite for any
10 injunctive relief ordered by the circuit court.

11 Nothing in this section shall invalidate any zoning ordinance or regulation
12 adopted by any county or other agency of government pursuant to the statutes in
13 effect prior to July 1, 1957.

14 The powers granted herein shall be liberally construed in favor of the county
15 exercising them, and in such a manner as to promote the orderly development of
16 each county or city and county in accordance with a long-range, comprehensive
17 general plan to ensure the greatest benefit for the State as a whole. This section
18 shall not be construed to limit or repeal any powers of any county to achieve these
19 ends through zoning and building regulations, except insofar as forest and water
20 reserve zones are concerned and as provided in subsections (c) and (d).

.B. NO.

1 Neither this section nor any ordinance enacted pursuant to this section shall
2 prohibit the continued lawful use of any building or premises for any trade,
3 industrial, residential, agricultural, or other purpose for which the building or
4 premises is used at the time this section or the ordinance takes effect; provided that
5 a zoning ordinance may provide for elimination of nonconforming uses as the uses
6 are discontinued, or for the amortization or phasing out of nonconforming uses or
7 signs over a reasonable period of time in commercial, industrial, resort, and
8 apartment zoned areas only[-]; and provided further that a zoning ordinance may
9 provide for the amortization or phasing out of nonconforming single-family
10 transient vacation rental units or nonconforming single-family transient vacation
11 units over a reasonable period of time in an area of any zoning classification. In no
12 event shall such amortization or phasing out of nonconforming uses apply to any
13 existing building or premises used for residential (single-family or duplex) or
14 agricultural uses. Nothing in this section shall affect or impair the powers and
15 duties of the director of transportation as set forth in chapter 262."

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

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

19 Introduced by:

20 _____