

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

November 16, 2007

**Committee**  
**Report No.**

07-134  
As Amended

NOTE: The recommendation contained in this committee report was amended by the Council at its meeting of November 16, 2007, by deleting the bracketed material and underscoring the new material. This committee report was then adopted as amended.

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

Chair and Members:

Your Policy Committee, having met on October 30, 2007 and November 1, 2007, makes reference to County Communication No. 07-10, from the Council Chair, relating to matters pertaining to the Hawaii State Association of Counties (HSAC).

By correspondence dated October 18, 2007, Councilmember Joseph Pontanilla, HSAC Treasurer, transmitted correspondence dated October 9, 2007, from the HSAC President, requesting consideration of the following proposals introduced by the individual Councils for inclusion in the 2008 HSAC Legislative Package.

1. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PRODUCT BRANDING AND LABELING", and a justification sheet for the bill. The purpose of the proposed State bill is to establish a process by which products are identified by region and/or country of origin and all percentages contained be prominently displayed on the front label of all packaging material; to require a minimum of 100 percent of a Hawaiian grown product for packaging to advertise as 100 percent Hawaiian; and to increase the minimum percentage of Kona grown coffee from 10 percent to 75 percent for any coffee blend using the "Kona Coffee Blend" label.
2. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCTS", and a justification sheet for the bill. The purpose of the proposed State bill is to implement and monitor Federal legislation to protect our local farmers and their niche market products.

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3. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO INVASIVE SPECIES”, and a justification sheet for the bill. The purpose of the proposed State bill is to establish a special fund for counties to access to combat invasive species and also to establish protocols for funding applications and methods for prioritizing needs.
4. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO COUNTIES, ESTABLISHING A PERMANENT FUND FOR LOW INTEREST LOANS TO COUNTIES”, and a justification sheet for the bill. The purpose of the proposed State bill is to create a permanent fund that counties can access for low-interest loans to fund Capital Improvement Projects, pay for shortfalls, and/or fund emergency projects.
5. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO GOVERNMENT”, and a justification sheet for the bill. The purpose of the proposed State bill is to remove the limitations on the ability of the counties of Hawaii, Maui, and Kauai to enter into contracts to privatize. Act 191, Session Laws of Hawaii 2007, allows these counties to contract for personnel services with private persons or entities, but limits these contracts to no more than one year and less than \$750,000.
6. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY”, and a justification sheet for the bill. The purpose of the proposed State bill is to provide counties protection from liability as a result of natural conditions on or near public beach parks.
7. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS”, and a justification sheet for the bill. The purpose of the proposed State bill is to delete that portion of Section 205-49(a)(3), Hawaii Revised Statutes, which removes large tracts of agricultural lands from consideration for designation as “Important Agricultural Lands” based on a criteria that has no rational basis to the suitability of the land for agriculture.
8. A proposed State bill entitled “A BILL FOR AN ACT RELATING TO HOUSING”, and a justification sheet for the bill. The purpose of the proposed State bill is to extend the 45-day window for a legislative body to approve, approve with modification, or disapprove an affordable

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housing project under Section 201H-38, Hawaii Revised Statutes, to 90 days.

9. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PROCUREMENT", and a justification sheet for the bill. The purpose of the proposed State bill is to remove the requirement for local governments to comply with rules adopted by the policy board and to place the decision-making power to use cooperative contracts within the discretion of local governments.
10. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO GRAY WATER", and a justification sheet for the bill. The purpose of the proposed State bill is to allow use of gray water for landscape irrigation.
11. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS", and a justification sheet for the bill. The purpose of the proposed State bill is to require the State to transfer a portion of the fines and forfeitures collected for uncontested traffic infractions to the county in which the violations occurred.

By correspondence dated October 29, 2007, Councilmember Joseph Pontanilla transmitted the following revised justification sheets submitted by the County of Hawaii. The revised justification sheets conform to the format of the justification sheets submitted by the other counties.

1. A revised justification sheet for a proposed State bill entitled "A BILL FOR AN ACT RELATING TO PRODUCT BRANDING AND LABELING";
2. A revised justification sheet for a proposed State bill entitled "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCTS";
3. A revised justification sheet for a proposed State bill entitled "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES"; and
4. A revised justification sheet for a proposed State bill entitled "A BILL FOR AN ACT RELATING TO COUNTIES, ESTABLISHING A PERMANENT FUND FOR LOW INTEREST LOANS TO COUNTIES".

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At its meeting of October 30, 2007, your Committee met with the Director of Finance; the Director of Housing and Human Concerns; the Planning Director; the Deputy Director of Public Works; the Chief of Planning and Development, Department of Parks and Recreation; and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee received a brief overview of the proposals from your Committee's Vice-Chair and deferred discussion on the matter due to a shortage of time. Your Committee recessed its meeting to November 1, 2007.

At its reconvened meeting of November 1, 2007, your Committee met with the Director of Finance; the Director of Housing and Human Concerns; the Planning Director; the Deputy Director of Public Works; the Chief of Planning and Development, Department of Parks and Recreation; and a Deputy Corporation Counsel.

Your Committee noted that all four Councils must unanimously approve each proposed State bill in order for the bill to be included in the 2008 HSAC Legislative Package. Your Committee further noted that the proposed State bill entitled "A BILL FOR AN ACT RELATING TO GOVERNMENT" was not approved by the County of Hawaii and, therefore, did not need to be considered by your Committee.

Your Committee discussed the need to limit the number of proposals in the HSAC package to those that impact all four counties. Your Committee explained that having too many bills in the HSAC package would make the package less effective.

Your Committee decided that the following bills entitled, "A BILL FOR AN ACT RELATING TO PRODUCT BRANDING AND LABELING", "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCTS", "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES", and "A BILL FOR AN ACT RELATING TO COUNTIES, ESTABLISHING A PERMANENT FUND FOR LOW INTEREST LOANS TO COUNTIES", should not be part of the HSAC Legislative Package because they were either island specific or related to matters that could be addressed without amending State law.

Your Committee noted that there were potential problems with the proposed State bill entitled "A BILL FOR AN ACT RELATING TO GRAY WATER". If enacted, reviews of gray water permits for health-related purposes by State and Federal agencies may be required, and the review process for these permits could take years. Your

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Committee suggested instead that the Council track similar legislation pertaining to gray water that may be introduced in the 2008 legislative session.

Your Committee voted to recommend approval of the following proposed State bills, along with their corresponding justification sheets, for inclusion in the 2008 HSAC Legislative Package: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY", "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS", "A BILL FOR AN ACT RELATING TO HOUSING", "A BILL FOR AN ACT RELATING TO PROCUREMENT", and "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS".

Your Policy Committee RECOMMENDS the following:

1. That the following proposals with their corresponding justification sheets, attached hereto, be APPROVED for inclusion in the 2008 HSAC Legislative Package:
  - a. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY";
  - b. [A proposed State bill entitled "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS";
  - c.] A proposed State bill entitled "A BILL FOR AN ACT RELATING TO HOUSING";
  - [d.]c. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PROCUREMENT"; and
  - [e.]d. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS"; and
2. That a copy of this committee report be TRANSMITTED to the HSAC Executive Committee.

Adoption of this report is respectfully requested.

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**DANNY A. MATEO** **Chair**

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**BILL KAUAKEA MEDEIROS** **Member**

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**G. RIKI HOKAMA** **Vice-Chair**

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**MICHAEL J. MOLINA** **Member**

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**MICHELLE ANDERSON** **Member**

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**JOSEPH PONTANILLA** **Member**

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**GLADYS C. BAISA** **Member**

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**MICHAEL P. VICTORINO** **Member**

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**JO ANNE JOHNSON** **Member**