

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

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

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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

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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

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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

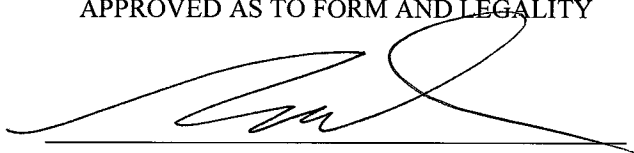
WHEREAS, Maui County Council members sometimes must leave community meetings or decline invitations to attend community meetings, to ensure compliance with the Sunshine Law, resulting in distress or confusion among some meeting attendees and other members of the public; and

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

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.

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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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