



Prevailing Winds

Special Edition The 2012 End-of-Session Legislative Report

District 24 - Manoa, University, Moili'ili

Personal Message from Representative Isaac Choy

How time flies. My father always told me that time waits for no one. This is certainly the case for me. Each year seems to go faster than the last. Having just finished my fourth session at the legislature, this also marks the end of my second term in office.

To say that public service was a calling for me would be a stretch. To think that I could have been prepared for public service was equally wishful. It has been a humbling experience.

During my career as an accountant in private practice, I tried to give value to my clients; this is the same attribute that I bring to my work every single day at the legislature. I hope I am giving you value as your representative.

I sincerely thank you for giving me this opportunity to represent you in the Hawaii State House of Representatives. I will continue to work with your confidence as my driving force.

Should you have any questions or concerns, please feel free to contact me.

Please enjoy this **Special Edition of**

Prevailing Winds —

The 2012 Legislative Report.

Aloha and Mahalo,

Isaac —

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Manoa Road Task Force



Have you ever noticed how some roads in Manoa never get fixed and are overgrown with weeds and brush? The road leading up to Manoa Falls is one that has been ignored for too long. This road is currently listed as a *private* driveway, and neither the city nor state will take ownership. As a result, no road maintenance or repair can be authorized. This is a serious safety concern to residents, pedestrians and vehicular traffic using this long and winding narrow road daily. In 2010, Councilmember Ann Kobayashi appropriated funds to maintain this portion of Manoa Road, but since the issue of ownership has not been resolved, nothing could go forward and the road remains in disrepair. It seems that once you touch it, you own it, and therefore, no one wants to repair it.

My efforts to **PASS HCR 153/HR115** were successful.

The purpose of the Manoa Road Task Force is to discuss ownership, maintenance, and repair responsibility of the portion of Manoa Road leading up to the Lyon Arboretum. This task force of stakeholders must reach consensus on the issue and report its findings and recommendations, including proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2013. Task force members will include city, state, district-elected officials and private individuals. I am confident that this issue can be finally resolved.

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Estate Tax Laws

In 2011, we tried to reinstitute the Hawaii State Estate tax laws. Unfortunately with the uncertainty of the federal estate tax laws, we had to estimate on how much the estate tax exemption would be.

I spent most of last summer helping to rewrite the Estate and Gift tax code for the state of Hawaii.

Through a collaborative effort with tax professionals, we were able to **PASS HB2328 CD1**. This conforms to the Federal Estate tax laws which will make it easier to follow. If you have a sizeable estate, you should see an accountant for proper planning. By the way, this is the only tax reduction measure that passed the legislature this session.



Procurement

State government is far from perfect; I could spend my entire career trying to improve government systems and procedures. The emphasis on process instead of profit is not something I am use to.

One of my earlier thoughts during the recession was to get state construction projects started and completed as fast as possible. I learned that one of the reasons construction projects were delayed were the protests to the bidding process.

In **HB1671 SD2** - I devised a procurement protest procedure. It:

- Requires a bond to initiate a protest.
- Simplification of the rules of evidence.
- Creates deadlines for decisions.

So far, I received great reports from the administrative hearing officers that protests are way down and the process is moving along quickly.

On a similar subject: Last session, we tried to streamline the permit process to get construction jobs going faster. These were not new projects rather projects that were on the books for years. Most were for repairs and maintenance. The last administration tried to get billions of dollars of “shovel-ready” construction projects started. Thirteen months after trying to get construction off the ground, only \$700,000 dollars of projects had begun.

Our streamlining efforts were met with great resistance from concerned residents who felt that they our efforts were a detriment to our environment. It was interesting that no matter how many assurances were given in that the federal government laws would still have to be followed, the slippery slope argument prevailed. We will continue to review these procedures to protect the environment.



L-R: State Librarian Richard Burns, Senator Brian Taniguchi, Representative Isaac Choy, Library Manager Christel Collins



The State Budget

The economy is always the main concern for Hawaii residents.

The State House of Representatives' priorities in 2012 included economic recovery, assisting new industries and job creation.

For the first time in four years, the legislature was not faced with a revenue shortfall. Lawmakers were able to balance the state budget with no major revenue enhancements or cutting support programs and services vital to serving Hawaii's people.



House Finance and Senate Ways and Means Committees meet on final State budget for HB2012.

HB2012 State Budget Bill

In 2012, the legislature passed a state budget that responsibly supports the state's core functions, recognizing that while the economy is improving, normal levels are still years away.

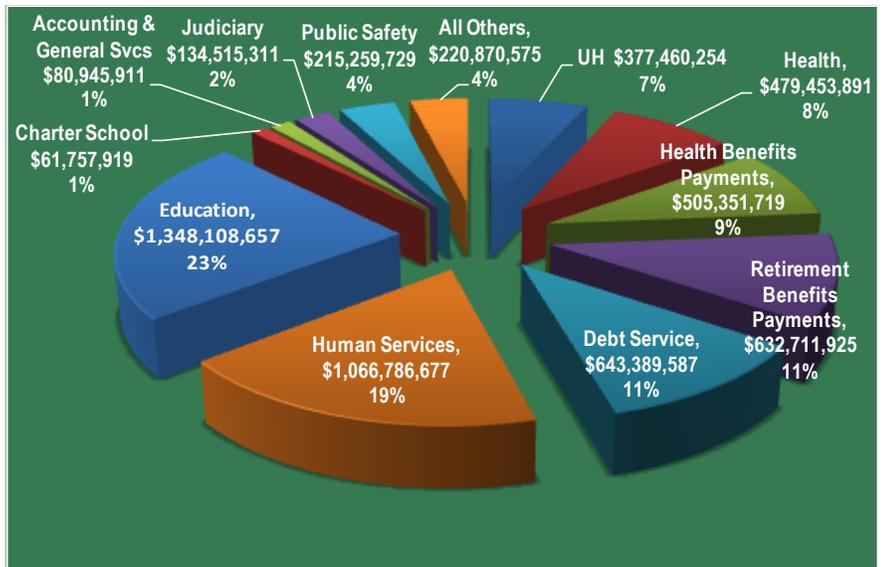
The appropriation for operations totals \$11.2 billion in all means of financing. Of the total, \$5.6 billion is comprised of general funds.

Funding for capital improvement project (CIP) appropriations amount to \$3.2 billion for all means of financing. Of that total, \$827 million is comprised of general obligation and reimbursable general obligation bonds.

In addition to giving priority to "shovel-ready" projects, the legislature considered projects that addressed critical health, safety, and building code requirement needs; reduced the current repair and maintenance backlog; and provided jobs for unemployed and underemployed residents.

General Fund Appropriations Fiscal Year 2013 \$ 5,766,612,155

All Others (<1%)		
Legislature	\$ 31,831,052	0.55%
Libraries	\$ 28,070,484	0.49%
Land & Natural Resources	\$ 25,738,532	0.45%
Budget & Finance	\$ 23,229,913	0.40%
Attorney General	\$ 22,816,779	0.40%
Taxation	\$ 21,711,148	0.38%
Defense	\$ 17,250,929	0.30%
Human Resources Development	\$ 14,218,165	0.25%
Labor & Industrial Relations	\$ 12,270,160	0.21%
Agriculture	\$ 10,297,218	0.18%
Bus., Econ Dev. & Tourism	\$ 7,123,263	0.12%
Governor	\$ 2,921,286	0.05%
OHA	\$ 2,370,872	0.04%
Lt. Governor	\$ 1,020,774	0.02%



Highlights of the 2012 Legislative Session

Hawaii State Legislature Regular Session of 2012

	Introduced	Passed	Acts	Vetoed
House Bills	1,219	179		
Senate Bills	1,072	166		
TOTAL	2,291	345		

The Governor will issue an intent-to-veto list by the 35th day after *sine die*— JUNE 25TH. This list does not necessarily mean that a measure will be vetoed, only that it may be vetoed. If a bill does not appear on this list, it will become law with or without the Governor's signature.

The Governor has 45 days after *sine die* to veto bills - JULY 10TH.

Listed below are some of the many measures that passed the 2012 Legislative Session.

Government Reform

Employer-Union Health Benefits Trust Fund; Other Post-Employment Benefits Trust

Authorizes the board of trustees of the Hawaii employer-union health benefits trust fund to create a trust fund for the purpose of receiving employer contributions that will prefund post-employment health and other benefit costs for retirees and their beneficiaries. (HB2491 SD1)

Protecting Consumers, Business and Labor

Property Foreclosures, Liens, and Encumbrances; Mortgage Rescue Fraud Prevention Act

Requires the office of consumer protection to educate consumers about fraudulent activities that may be committed against homeowners who face property foreclosures, liens, or encumbrances, as appropriate. Establishes criminal penalties and a mandatory fine for certain violations of the mortgage rescue fraud prevention act. (HB2375 SD2)

Construction Contracts; Subcontractors and Materialmen; Payments

Shortens the time by which subcontractors are to receive progress and final payments from contractors on private construction projects. Provides interest penalties for late payments. (SB2412 HD2)

Improving Our Schools

Education; Board of Education; State Libraries

Authorizes affiliates of the Friends of the Library of Hawaii and certain nonprofit organizations supporting state library branches to use state library facilities for concessions, vending machines and other activities and to maintain their own accounts for the net proceeds under specified conditions. (HB1054 CD1)

Public School Facilities; Public Land Development Corporation

Establishes the School Facilities Special Fund to accept revenue generated from the non-permanent disposition of public school lands and facilities to fund school facility construction and upgrade to meet twenty-first century school standards. Includes a reporting requirement. (SB2534 HD2)

Taking Care of Our Elderly

Home-and Community-Based Services; Kupuna Care Program; Elderly Population; Appropriation

Codifies authorization to establish the kupuna care program. Appropriates funds for the needs of the State's older adults and elderly population. (SB2320 CD1)

Care Home Operators; Liability Insurance

Requires operators of adult foster homes, adult residential care homes, assisted living facilities, and expanded adult residential care homes to carry liability insurance to cover the operations of the care home. Exempts care home operators operating under a contract with either the Department of Health or Department of Human Services who are in compliance with the liability insurance coverage requirements under the contract. (HB2776 CD1)

Capitol Website:

www.capitol.hawaii.gov



- For full text of measures that passed the 2012 Legislature
- List of acts
- Notice of veto
- List of vetoed measures

Our Community

Historic Preservation Program; Fees; Signage

Limits department of land and natural resources fees for its comprehensive historic preservation program to amounts that are proportional to the nature and complexity of the projects or services provided, and adjusted from time to time to ensure that the proceeds, together with all other fines, income, and penalties collected under this chapter, do not surpass the annual operating costs of the comprehensive historic preservation program; requires development and implementation of interpretive signage for historic or cultural properties owned by the State and the counties. Requires the Hawaii historic places review board to develop policies on signage in historic districts. **(HB1972 CD1)**



Malama Manoa at the Capitol

Public Safety

Fireworks; Aerial Luminaries Package

Bans the ignition, possession, selling, offering for sale, and use of aerial luminaries. **(HB2113 SD1)**

Cyberbullying; Penal Code

Amends the offense of use of a computer in the commission of a separate crime to also include knowingly using a computer to pursue, surveil, contact, harass, annoy, or alarm a victim or intended victim of certain offenses. **(HB2295 SD2)**

Personal Information; Unlawful Use of Hawaii Identification Card or Driver's License

Allows the scanning and retention of personal information contained in a Hawaii identification card or driver's license for limited purposes only. **(SB2419 CD1)**

Civil Rights

Civil Unions; Reciprocal Beneficiary Relationship; Solemnization; Names

Amends various statutory provisions related to civil unions for clarity and conformity. Effective retroactive to January 1, 2012. **(HB2569 CD1)**

Health Services

Kidney; Liver; Transplants; Appropriations

Appropriates emergency funds, subject to dollar-for-dollar private matching funds, to be expended by the Department of Health for grants to The Queen's Medical Center to perform kidney and liver transplants and to the National Kidney Foundation of Hawaii to maintain its chronic kidney disease management program. **(HB608 CD2)**

Insurance; Cancer Treatment

Limits out-of-pocket costs for cancer treatment under health insurance plans. **(HB1964 HD2)**

Transportation

Ignition Interlock; Repeat Intoxicated Drivers

Clarifies recommendations of the Ignition Interlock Implementation Task Force. Allows for renewal of a driver's license revoked for impaired driving. Allows repeat intoxicated drivers to install ignition interlock devices in any vehicle they operate, by eliminating the requirement to surrender motor vehicle registrations and license plates. Provides guidelines for ignition interlock instruction permits and ignition interlock permits. Allows individuals with a lifetime revocation to apply for reinstatement of license and privilege to operate a motor vehicle without an ignition interlock after five years with an ignition interlock permit. Requires courts to grant petition for reinstatement if certain requirements are met. **(HB2320 CD1)**

Emergency Vehicle; Move Over

Requires motorists to "move over" when passing a stationary emergency vehicle on a highway. Requires drivers to slow down to a reasonable and prudent speed that is safe under the circumstances when an emergency road situation exists ahead of the driver. Defines "emergency vehicle." Exempts violation from proof of financial responsibility law. Provides for a violation if a violation does not involve death or bodily injury. Requires prosecution for existing applicable criminal offenses for death or bodily injury. **(HB2030 SD1)**

Promoting Renewable Energy

Energy Systems Development Special Fund; Barrel Tax

Extends the repeal date of the energy systems development special fund and periodic evaluation and plan of action requirements of the special fund to 2013 to match that of the environmental response, energy, and food security tax. **(HB1726CD1)**

In The Community

Magoon Research Facility

Some of the issues for Manoa is the status of the Magoon Research Facility next to Noelani Elementary School. The University of Hawaii would like to build additional faculty housing next to the facility. The College of Tropical Agriculture would like to continue using the site due to its convenient location. The sentiment of the residents I have heard from is to keep it as an agricultural research facility. We will be hearing more about this subject in the coming months.



Sustainable Organic Farm Training (SOFT) Program

CONGRATULATIONS to **Noelani Elementary School** and the **UH College of Tropical Agriculture and Human Resources (CTAHR)** who have partnered up to provide Noelani's first grade students



with an exciting hands-on program experiencing seed to harvest growing their own vegetables & herbs.

Manoa Innovation Center

The lease for the Manoa Innovation Center is due to expire and the University of Hawaii wishes to take over the building for more office space and classrooms. The Manoa Innovation Center is fully occupied with tenants paying above market rents. I personally feel that it does not make sense to move the tenants of the innovation center and spend money to build another center elsewhere. I'm sure this discussion will continue into the next legislative session.



Hale Kipa

The Hale Kipa facility on *Loulu Street* is on the market to be sold. Neighbors are relieved to have their quiet neighborhood back.

Thank you, Hale Kipa, Damon Street facility for providing it's neighbors with a 24-hour hotline number.

I'm pleased to say that since our Hale Kipa Community Meeting in 2010, there have been no reported incidences to the Hale Kipa hotline.



Councilmember Ann Kobayashi, Representative Isaac Choy, Senator Brian Taniguchi update the community on current city and state legislation and listen to their concerns at the Manoa Legislative Mid-Session Town Meeting.



Manoa NSW Coordinators & Block Captains gather to enjoy stew and rice, network and listen to speakers talk about security cameras at the Manoa NSW 3rd Annual Coordinators & Block Captains Meeting.



The **Manoa Neighborhood Security Watch (NSW)** network is actively protecting our community and making their neighborhoods a safer place to live. The Manoa NSW Coordinators, Block Captains and Members should be commended for all their efforts in their service to our community. Please thank them when you see them patrolling in their yellow t-shirts.



WOULD YOU LIKE TO:

- ▶ **Instill** a greater sense of security, well-being and reduce the fear of crime in our community, as well as a greater sense of community and put the "neighbor" back in "neighborhood?"
- ▶ **Reduce** the risk of being a victim?
- ▶ **Be prepared** to respond to suspicious activity?
- ▶ **Access** HPD crime activity information in your neighborhood?
- ▶ **Network** with and be able to receive updated information from the Manoa NSW blog. Be on the email blast alert list, access to program resource materials, meetings, support from HPD, other Manoa NSW groups?

If you answered **YES** to any of the questions above and would like to receive more information on how you can **JOIN** or **FORM** a **NSW** in Manoa and be part of the NSW network:

CONTACT: the Manoa **Neighborhood Security Watch Recruitment Team**
Raleigh Ferdun @ 988-3714 / Norman Wong @ 944-1993
 or Carole from the office of Representative Isaac Choy at 586-8475



L-R Coordinators Raleigh Ferdun (Upper Woodlawn NSW) & Wes Oda (Keahi St/Huelani Dr NSW) talk about security cameras with WWAP NSW members at their annual potluck.

The Manoa NSW Recruitment team on hand at the Manoa Legislative Town Meeting providing information to residents on how they can form a NSW in their neighborhood.

NEW Manoa Public Library Grand Opening - Sat., June 9, 2012



Under Construction



The week before the Grand Opening



GRAND OPENING



Noelani Elementary School's May Fair



MY LEGISLATIVE PARTICIPATION

HAWAII House of Representatives

Vice-Chair: Economic Revitalization
and Business

Member: Finance
Agriculture
Tourism
International Affairs

NATIONAL: Council of State Governments (CSG-WEST)

Member: Fiscal
Economic Development
Suggested State Legislation

National Council of State Legislatures (NCSL)

Member: Budgets and Revenue

District 24 Capital Improvements Projects

The following projects have been approved by the Legislature and are in the State budget for fiscal year 2012 and 2013:

MANOA ELEMENTARY SCHOOL	Plans, design and construction for the resurfacing of the blacktop play area for the students.	\$500,000 (FY2012)
	Design and construction for a roof over the existing asphalt play-court.	\$500,000 (FY2013)
	Lump sum repair and maintenance.	\$465,000 (FY2013)
NOELANI ELEMENTARY SCHOOL	Design and construction to expand the current school library space for an expanded library collection, work space, and inclusion of a Technology/Media Center.	1,000,000 (FY2012)
	Campus wide electrical upgrades	\$600,000 (FY2013)
	Lump sum repair and maintenance	\$362,000 (FY2013)