

# SENATOR GILBERT KAHELE

JUNE 2015



## A Message from Senator Kahele

Aloha mai kakou,

Serving my country was an inflection point - it set my life on a new course. As a Marine, I find myself in constant pursuit of re-attaining the meaningfulness of those years, chasing the feeling I had when my profession involved working in challenging conditions with teams of great people to solve big problems whose scope exceeded personal gain. Because I was in the military, I'm allowed to self-identify myself as having served my country.

Most recently, I had the privilege to visit the Island of Iwo Jima and the battle fields of Normandy. History has taught us over and over again that freedom is not free. When push comes to shove, the ultimate protectors of freedom and liberty are the brave young men and women in our armed forces. Throughout our history, they've answered the call in bravery and sacrifice.

We are a country of people who are not afraid to disagree. Disagree we often do when it comes to times of war. But, let us honor those who go because they are doing what they are ordered to do and they do it with courage and great sacrifice. When they come home, we should show them respect for the risk they have put themselves in to protect our country even if they themselves should disagree with the directions, they still went forward as ordered.

Much respect and gratitude for those who serve and those who have served. And remember "All Gave Some - Some Gave All".

A handwritten signature in black ink that reads "Gilbert Kahele".

## Thirty-Meter Telescope (TMT)

Governor Ige stated that the State of Hawai'i must change the way it exercises responsibility for Mauna Kea and proposed to change the management of the entire summit, all of which is state land, to bring cultural voices into the leadership structure.

He announced the formation of a Mauna Kea Cultural Council which will work with the Board and Department of Land and Natural Resources and the Governor's office to ensure that all acts from here forward are sensitive to and observant of the host culture.

He also said that the state will increase its oversight of the activities currently taking place on the mountain under existing leases and sub-leases.

Governor Ige asked the University of Hawai'i to take 10 significant actions related to enhanced stewardship in general, for more information click on [TMT](#) link.

Governor Ige asked the TMT team to increase its support for Native Hawaiian students interested in science and technology through admission to and scholarships at its own or partner institutions with first priority given to students on Hawai'i Island and then to students statewide.

### Serving Hawai'i's Senate District 1 - Hilo

Chair, Senate Committee on Tourism and International Affairs  
Vice Chair, Senate Committee on Higher Education and the Arts



# 2015 Legislative Session in Review

State lawmakers pass measures that align with legislative priorities

At the end of the 2015 Session of the 28th Legislature, the Hawai'i State Senate is proud of its accomplishments: passing more than 200 bills that address Hawai'i's keiki, kupuna, homeless, the environment, and the economy. Highlights of this session include the passage of a financially prudent budget that positions the state to be in a better position not just for this biennium, but for many years into the future. At the same time, Senators made decisions that benefit education, public safety, healthcare and protect our natural resources. Senators also remained committed to passing initiatives that support the Senate's Legislative Agenda to move Hawai'i towards a more resilient and sustainable state. Here you will find a summary of some of the bills passed this legislative session. To view the full text of the bills, go to the Legislative website: <http://www.capitol.hawaii.gov/>

## End of Session Highlights:

### State Budget

HB500, CD1: Appropriates nearly \$12.9 billion in state spending for the fiscal year that begins July 1, and budgets nearly \$13.3 billion for the following year.

### Turtle Bay

SB284, CD1: Allows the state to enter into an agreement with the owners of Turtle Bay that would protect 665 acres of undeveloped land on the North Shore of Oahu, which includes the purchase in fee of 65 acres around Kawela Bay.

### Tobacco Sales

SB1030, CD1: Increases the minimum age required to purchase any tobacco product or electronic smoking device to 21 from 18. Defines "tobacco products" to include electronic smoking devices.

### Community-Based Renewable Energy Projects

SB1050, CD1: Establishes a community-based renewable energy program, which would allow electric utility customers to participate in renewable energy projects that produce electricity, which they can sell back to electric utility companies.

### Senate Majority Agenda

#### Hawai'i Resiliency and Sustainability

SB892, CD1: Appropriates funding for Hawai'i resiliency and sustainability strategy in the areas of broadband, energy efficiency and smart grid, and water and sewer infrastructure.

### Kupuna Care

SB964, CD1: Provides an additional \$3 million to fund the Kupuna Care program in fiscal year 2016, which is in addition to the base budget of \$4.8 million.

## Other Notable Bills:

### CONSUMER PROTECTION

#### Lava Insurance. SB589, CD1:

Establishes provisions that property insurers may refuse to renew homeowner policies in a lava zone limited to 5 percent

each year of the total amount covered policies of the insured in force in that lava zone after an emergency has been declared in an area because of a lava flow. Establishes provisions for the removal of a moratorium on issuing new policies if residential property insurance is unavailable during a state of emergency due to lava flow and may provide a waiting period of no longer than 6 months for policy coverage to take effect.

**Food/Excise Tax Credit.** SB555, CD1: Increases the food/excise tax credit. Repeals credit for individual taxpayers with adjusted gross incomes of \$30,000 or above and for heads of households, married couples filing jointly, and married couple filing separately, with adjusted gross incomes of \$50,000 or above. Repeals residency requirement.

**Rail Tax.** HB134, CD1: Allows the City and County of Honolulu to extend the half-percent excise tax surcharge for five additional years, until 2027, to provide more funding to cover the projected cost overruns for the city's \$6 billion rail transit project. Allows the neighbor island counties to impose a similar surcharge.

#### Metropolitan Planning Organizations.

SB180, CD1: Creates a new law pertaining to metropolitan planning organizations, bringing the State into compliance with Federal regulations. Without this law, Hawai'i is in jeopardy of losing up to \$12 million a year in Federal Highway Funds.

**Public Records.** HB287, CD1: Amends the state public-records law to withhold from public scrutiny records whose disclosure could result in a substantial and demonstrable risk of physical harm to an individual.

**Consumer Protection.** SB464, CD1: Requires persons charging a consumer's credit or debit card or account for an automatic renewal or continuous service offer to first obtain the consumer's affirmative consent. Requires disclosure in a form that may be retained by a

consumer of terms, conditions, and cancellation procedures for automatic renewal and continuous service offer contracts. Requires free trial offers to disclose the means for cancelling a contract prior to the expiration of the free trial period.

### HOMELESS

**Homeless ID Cards.** SB273, CD1: Allows homeless people to apply for state identification cards using a signed statement from a social service organization, attorney, member of the clergy, correctional institution staff or health professional as evidence of the person's address and waives all fees for original or renewal identification cards for homeless individuals.

### PUBLIC SAFETY

**Sex Trafficking.** SB265, CD1: Establishes the offense of sex trafficking by replacing the term "promoting prostitution in the first degree" with the term "sex trafficking," a class A felony. Includes the offense of sex trafficking in various laws intended to protect or provide remedies to victims of sex trafficking, or prosecute or sentence individuals convicted of sex trafficking.

**Gambling Lawsuits.** SB148, HD1: Adds gambling to the illegal activities covered by "nuisance abatement" laws, which allows citizen lawsuits to be filed against property owners who repeatedly allow illegal gambling activities to take place on their properties. Exempts social gambling.

**Powdered Alcohol.** SB550, HD2: Bans the possession or sale of powdered alcohol products, making the consumption, possession or sale of powdered alcohol products a misdemeanor offense punishable by up to six months in jail. Allows possession of powdered alcohol products for research purposes.

**Domestic Violence.** SB388, HD1 (Act 30): Requires each county police department to post its policies relating to domestic violence, officer-involved

domestic violence and standards of conduct on its official website.

**Major Disaster Fund.** SB1211, CD1: Increases the expenditure ceiling on Major Disaster Fund moneys. Allows for additional funds required for matching federal disaster relief funds. Requires the Adjutant General to report any allotment of fund moneys or any expenditure of fund moneys to the Legislature within one month of the allotment or expenditure. Appropriates funds for deposit into the Major Disaster Fund.

## HEALTH

**Medical Marijuana.** HB321, CD1: Establishes a regulated system of medical marijuana dispensaries for certified medical marijuana patients, with applications by potential dispensary operators accepted by the state starting in January. The bill allows dispensaries to begin operation as early as July 2016.

**Marijuana Discrimination.** SB1291, CD1: Prohibits discrimination against medical marijuana patients and caregivers by schools, planned community associations, condominium property regimes, and condominiums. Prohibits courts from denying a parent custody or visitation rights with children because of medical marijuana use.

**Privatization of Maui Hospitals.** HB1075, CD1: Allows the State to enter into negotiations to change one or more state-owned medical facilities to a new private nonprofit corporation. The bill specifies Maui Memorial Medical Center, Kula Hospital & Clinic and Lanai Community Hospital as candidates for the nonprofit.

**Autism Coverage.** SB791, CD1: Requires insurance companies to provide coverage for autism diagnosis and treatment until a child turns 14. Establishes a maximum benefit of \$25,000 per year for applied behavioral analysis for services for children 13 and under.

**Hospital Worker Raises.** SB1117, CD1 (Act 51): Makes an emergency appropriation of \$15 million to the Hawai'i Health Systems Corp. to pay for unionized hospital workers to keep the state's network of hospitals operating.

## UNIVERSITY OF HAWAI'I

**Affirmative Consent.** SB387, CD1: Establishes an affirmative consent task force to review and make recommendations on the University of Hawai'i's executive policy on domestic

violence, dating violence, sexual assault, and stalking.

**Graduation Pathway System.** HB547, CD1: Requires the University of Hawai'i to provide guidance to students to increase the rate of on-time graduation through a Graduation Pathway System. Appropriates funds for the Graduation Pathway System and to the John A. Burns School of Medicine for repairs.

**Tuition and Fees.** HB541, CD1: Requires each UH campus to prepare an operations plan, to be reviewed by the President and VP for Budget and Finance and DVO of UH, for each fiscal year. Requires the moneys in the UH Tuition and Fees Special Fund for each UH campus to lapse to the credit of Program ID No. UOH900 (University of Hawai'i, system wide support).

## EDUCATION

**Preschool Open Doors Program.** SB64, CD1: Appropriates \$6 million to continue funding additional positions for the Preschool Open Doors Program and for subsidies of the program.

**Student Hours.** SB 822 (HSCR 1552) (Act 21): Clarifies the implementation schedule and calculation method for minimum number of days and student hours required for public schools. Applies the requirement for a 180 day, 1,080 hour school year to all school years beginning with the 2016-2017 school year.

**Multitrack.** SB 1345, CD1: Requires the Department of Education to develop a transition plan to end multitrack schedules in public schools and report to the Legislature regarding the plan and any proposed legislation. Requires the DOE to give priority to overpopulated schools in making its annual capitol improvement budget request to the Director of Finance.

**Dual Credit Programs.** SB374, CD1: Renames the "running start program" to the "dual credit program" and broadens the participation to include ninth and tenth graders from public and home-schooled students for courses offered on University of Hawai'i campuses. Replaces a standardized test with an assessment and repeals tuition and fees requirement.

## AGRICULTURE

**Livestock Biosecurity.** SB1060, CD1: Allows for agricultural loans to be administered for livestock biosecurity projects to assist the livestock industry by establishing a low-interest biosecurity loan program within the Department of

Agriculture for construction, improvements, purchase of equipment and other costs related to biosecurity projects.

## ENERGY AND ENVIRONMENT

**Ethanol Repeal.** SB717, CD1: Repeals the requirement that gasoline for motor vehicles be mixed with ethanol, effective December 31.

**Renewable Energy.** HB623, CD1: Increases the State's renewable portfolio standards to 30 percent of net electricity sales by the end of 2020, to 70 percent by the end of 2040 and to 100 percent by the end of 2045. Requires the Public Utilities Commission to include the volatility in its renewable portfolio standards study and report to the Legislature.

**Barrel Tax.** SB359, CD1: Expands the state environmental response, energy, and food security tax—also known as the "barrel tax" - to include fossil fuels and bases the tax on 1 million British thermal units sold by a distributor to a retail dealer or consumer.

**Beach Protection.** HB444, CD1: Authorizes the use of a portion of transient accommodations tax revenues for beach restoration and conservation.

**Cesspool Credit.** HB1140, CD1: Provides a temporary income tax credit of up to \$10,000 to help offset the cost of upgrading or converting a qualified cesspool to a septic system or an aerobic treatment unit system, or connecting to a sewer system.

## ECONOMIC DEVELOPMENT

**Manufacturing.** SB1001, CD1: Establishes and appropriates funds for the manufacturing development program, through which the High Technology Development Corporation may distribute grants to Hawai'i manufacturers for purchasing equipment, training employees, improving existing energy efficiency equipment or planning the implementation of a new manufacturing facility.

## VETERANS

**Veterans High School Diplomas.** SB181, CD1: Allows the Department of Education to continue awarding high school diplomas to qualified veterans who did not receive a high school diploma as a result of compulsory induction into active service in the U.S. Armed Services or any person whose high school education was interrupted due to wartime practices such as internment during World War II.



# Hawai'i State Senate Reorganizes Leadership



A majority of State Senators passed a resolution to have Senator Ronald Kouchi (Kaua'i, Ni'ihau) preside as its President on May 5th.

Senator Kouchi was elected to the State Senate in 2012. He has served as the Senate Vice President, and has been Vice Chair of the Committee on Agriculture, Vice Chair of the Committee on Tourism, and the Majority Caucus Leader. Prior to his appointment on September 7, 2010 to the State



Senate, he served 22 years on the Kaua'i County Council, including 12 years as Council Chair. He is a former director of the Kaua'i Island Utility Cooperative and the Kaua'i Visitor Bureau. "This new alignment is consistent with our policy of making the best use of our members' skill and interests," said President Kouchi. "We believe these assignments will make us more effective as a body moving forward."

As the Senate reorganizes, members of Senate leadership will not act as committee chairs. This division of duties allows the Senate to more broadly balance and distribute power within its chamber and better respond to the needs of our state. Senate leadership will be as follows:

<b>Senate President:</b>	Senator Ronald Kouchi	<b>Majority Floor Leader:</b>	Senator Josh Green
<b>Senate Vice President:</b>	Senator Will Espero	<b>Majority Caucus Leader:</b>	Senator Brickwood Galuteria
<b>Majority Leader:</b>	Senator J. Kalani English	<b>Majority Whip:</b>	Senator Donovan Dela Cruz

The new confirmed committee assignments are effective immediately; the following are the new committees and the assigned Chairs:

## Commerce, Consumer Protection, and Health (CPH)

Chair: Senator Rosalyn Baker  
Vice Chair: Senator Michelle N. Kidani

## Economic Development, Environment, and Technology (EET)

Chair: Senator Glenn Wakai  
Vice Chair: Senator Sam Slom

## Education (EDU)

Chair: Senator Michelle N. Kidani  
Vice Chair: Senator Breene Harimoto

## Government Operations (GVO)

Chair: Senator Donna Mercado Kim  
Vice Chair: Senator Les Ihara, Jr.

## Hawaiian Affairs (HWN)

Chair: Senator Maile S.L. Shimabukuro  
Vice Chair: Senator J. Kalani English

## Human Services (HMS)

Chair: Senator Suzanne Chun Oakland  
Vice Chair: Senator Gil Riviere

## Higher Education and the Arts (HEA)

Chair: Senator Brian T. Taniguchi  
Vice Chair: Senator Gilbert Kahele

## Housing (HOU)

Chair: Senator Breene Harimoto  
Vice Chair: Senator Brickwood Galuteria

## Judiciary and Labor (JDL)

Chair: Senator Gilbert S.C. Keith-Agaran  
Vice Chair: Senator Maile S.L. Shimabukuro

## Public Safety, Intergovernmental, and Military Affairs (PSM)

Chair: Senator Clarence K. Nishihara  
Vice Chair: Senator Will Espero

## Tourism and International Affairs (TSI)

Chair: Senator Gilbert Kahele  
Vice Chair: Senator J. Kalani English

## Transportation and Energy (TRE)

Chair: Senator Lorraine R. Inouye  
Vice Chair: Senator Mike Gabbard

## Water, Land, and Agriculture (WLA)

Chair: Senator Mike Gabbard  
Vice Chair: Senator Clarence K. Nishihara

## Ways and Means (WAM)

Chair: Senator Jill N. Tokuda  
Vice Chair: Senator Donovan M. Dela Cruz



**HOW TO REACH US:** Hawai'i State Capitol, Room 213

Phone: (808) 586-6760 or Toll Free From Hawai'i Island: 974-4000 ext. 66760

Email: [senkahele@capitol.hawaii.gov](mailto:senkahele@capitol.hawaii.gov);

For an electronic version of this newsletter, visit or click on Senator Kahele's webpage below:

<http://www.capitol.hawaii.gov/>