



2017 Legislative Report

Hawaii State Senate District 5 Wailuku • Waihe'e • Waiehu • Waikapu • Kahului

Dear Friends and Neighbors:

The 2017 Legislative session adjourned sine die on May 4, 2017, with 215 bills sent to the Governor for consideration.

This was a budget year so HB100 was the most significant measure passed by the legislature. Members of the Senate, along with their House counterparts, approved the allocation of about \$40 million over the next two years on homeless programs, including \$500,000 each year for services for homeless individuals with serious and persistent mental health challenges; \$800,000 for outreach and counseling services for chronically homeless individual families with severe substance use disorders and \$300,000 each year for clean and sober housing for chronically homeless individuals.



The budget bill also included investing in our children, from preschool to college: \$90 million was allocated to address conditions for school facilities statewide and \$9 million was allocated to Hawaii Promise which will assist students with paying for community college fees. HB100 also includes \$1 million in general funds appropriated in each fiscal year for the Early College High School Initiative.

HB100 also includes grants-in-aid awards for Maui non-profits, including the Boys and Girls Club of Maui, Hale Mahaolu, Hale Makua Health Services, Ka Hale A Ke Ola Homeless Resource Centers, La'a Kea Foundation, and Maui Youth and Family Services.

Lawmakers passed measures to address our environment including funding to fight invasive species such as the Coffee Berry Borer and to provide support in the Rapid Ohia Death response. They also passed SB559 which ensures statewide support for Hawai'i's green initiatives and measure the efforts being made to mitigate the effects of climate change throughout the state. By passing HB607, Hawai'i becomes the first state in the nation to pass legislation which authorizes a program to support those who provide care for the elderly.

We have included summaries of a number of the bills that passed in this newsletter.

There's an old saying that "all politics is local." The Legislature passed SB423 which ensures that public school students will receive a school meal, even if the student's meal fund account balance is zero. I introduced that bill because a grandmother told me about her grandchild being denied a school lunch while an application for free or reduced student meals was being processed.

I've been honored to represent our community and it continues to be a privilege to serve as your State Senator. 2017 also marked my last session as chair of the Judiciary and Labor Committee. This year, along with the measures dealing with crime and punishment, campaign spending and elections and ethics and lobbying, the committee also confirmed the appointments of Intermediate Court of Appeals Judge Derrick H.M. Chan, Circuit Court judges Catherine H. Remigio, Keith K. Hiraoka, Todd W. Eddins, and District Court judges Brian A. Costa, Darolyn H. Lendio Heim, and Trish K. Morikawa. During my three years chairing the Judiciary and Labor Committee I've had the privilege of approving Circuit Court judges Shirley Kawamura and Melvin Fujino (Big Island) and District Court judges William Domingo, Dyan Medeiros, James McWhinnie, James Kawashima, Dakota Frenz (Big Island) and Michael Soong (Kauai).

The 29th Legislature will reconvene on Wednesday, January 17, 2018 and I look forward to serving our community well in my next assignment. Hopefully we can move forward on improving quality of life issues as the state budget situation stabilizes. I look forward to seeing you at one of the Maui's community events in the coming months,

Aloha,

Gilbert S.C. Keith-Agaran

Measures Introduced That Passed

Relating to Arbitration SB 314 SD1 HD1 CD1

Amends provisions relating to disclosure by arbitrator under the uniform arbitration act.

Relating to Court Jurisdiction SB322 SD1 HD1 CD1

Requires the several circuit courts to have concurrent jurisdiction with the family court over endangering the welfare of a minor in the first degree, endangering the welfare of a minor in the second degree, or endangering the welfare of an incompetent person. Provides that district and family courts shall have concurrent jurisdiction regarding the offense of endangering the welfare of a minor in the second degree and endangering the welfare of an incompetent person under certain conditions.

Relating to Counties SB407 SD1 HD1 CD1

Allows the counties to make short term investments with similar authority as the state director of finance; requires counties' investments in bonds of any improvement district to be of investment grade or supported by the general obligation pledge of the county in which the improvement district is located.

Relating to Student Meals SB423 SD1 HD1 CD1

Prohibits denying a student a meal for failure to pay within: (1) the first 21 days of the first semester of a school year while the student's application for free or reduced lunch is being processed; or (2) 7 days after the student's meal fund account balance is zero or negative. Also authorizes the Dept of Education to adopt rules or policies for the collection of funds for negative student meal balances.

Relating to Workers' Compensation SB859 SD1 HD1 CD1

Grants an employee the right to have a chaperone present during an independent medical examination relating to a work injury for workers' compensation purposes and, with the approval of the examining physician or surgeon, to record the medical examination; repeals on 6/30/2019.



Students from Maui High and Baldwin High participated in the Kick Butts Day event on March 20, 2017.



Volunteers with the American Cancer Society – Cancer Action Network Hawaii-Pacific visited on March 22, 2017.

Relating to Foreclosures SB1227 HD2 CD1

Makes permanent the affirmation requirement and form that is filed by an attorney on behalf of a mortgagee who is seeking to foreclose on a residential property under a judicial foreclosure action.

Significant Bills That Failed

Relating to Elections SB334 SD2

Could have enacted voting by mail uniformly across all counties for all elections commencing in 2020; along with a limited number of voter service centers that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting; and provide other election services.

Relating to Health SB1129 SD2

Would have established a medical aid in dying act that involved a regulatory process under which an adult resident of the State with a medically confirmed terminal disease may obtain a prescription for medication to be self-administered to end the patient's life.

Relating to Labor SB425 SD2 HD1

Could have required employers to provide a minimum amount of paid sick leave to employees to be used to care for themselves or a family member who is ill or needs medical care.

Constitutional Amendment SB683 SD2 HD1

Would have proposed amendments to the Constitution of the State of Hawaii to advance the State's goal of providing a public education for the children of Hawaii by authorizing the legislature to establish, as provided by law, a surcharge on residential investment property and visitor accommodations.

END OF SESSION HIGHLIGHTS

Maui Region Hospitals SB207 SD2 HD2 CD1

Authorizes the expenditure of general funds for a one-time lump sum cash bonus severance benefit to affected Maui region hospital employees.

Kupuna Caregivers Program

HB607 HD1 SD2 CD1

Authorizes the Executive Office on Aging to establish the Kupuna Caregivers Program to assist community members in obtaining care for elders while remaining in the workforce. (This will provide caregivers support/services and respite from the demands of caregiving.)

Family Leave HB213 HD1 SD1 CD1

Permits an employee to take family leave in order to care for the employee's sibling with a serious health condition; specifies notice and certification requirements.

Relating to Taxation HB209 HD1 SD1 CD1

Establishes a state earned income tax credit; repeals the sunset date for amendments made to the refundable food/excise tax credit by Act 223, SLH 2015.

Film/Digital Media Industry Tax Credit

HB423 HD2 SD2 CD1

Amends the qualifications a production must meet in order to claim the tax credit; extends the sunset date to 1/1/2026; requires Dept of Business and Economic Development to submit reports regarding the activities and expenditures of the tax credit along with details on the number of jobs created in the State and the fiscal impact of every film production receiving the tax credit.

Drug Paraphernalia HB1501 HD2 SD1 CD1

Reclassifies drug paraphernalia possession and delivery offenses from felonies to violations subject to a fine of no more than \$500.

Animal Forfeiture HB1516 HD1 SD1 CD1

Permits duly incorporated humane/prevention of cruelty to animals societies to petition for full custody of an impounded pet animal or equine animal prior to the filing of certain criminal charges against the owner or custodian of the animal. Clarifies that an acquittal or dismissal in a criminal proceeding does not preclude civil proceedings under animal cruelty offenses.

University of Hawaii Research

HB847 HD1 SD1 CD1

Establishes the Innovation and Commercialization

Initiative Program to give the University of Hawaii the legal authority to create, promote and participate in new economic enterprises and expand workforce opportunities based on inventions and discoveries generated by or at the University; repeals 6/30/2021.

Technology Transfer at the University of Hawaii

HB425 HD1 SD3 CD1

Makes certain sections of the Code of Ethics inapplicable to technology transfer activities sponsored by University of Hawaii if the activities comply with the regulatory framework and research compliance program approved by the Board of Regents. (Currently, certain requirements of the State Ethics Code inhibit the efficient and effective commercialization of research generated at UH.)

Hawaiian Homes Commission Act

HB451 HD1 SD2 CD1

Reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one thirty-second.

County Access to Private Property

HB606 HD2 SD2 CD1

Authorizes the counties, through their employees or authorized agents, to enter private property to control or eradicate invasive species and pests.

Ethics Violations Fines HB508 HD1 SD1 CD1

Increases the maximum administrative fines for ethics violations; clarifies the assessment of fines in the context of a settlement agreement.

Relating to Ethics HB852 HD2 SD1 CD1

Authorizes the state ethics commission to post on its website for public inspection, the names of legislators, delegates to the constitutional convention, or certain employees who fail to file their financial disclosure statements by the statutory deadline; also increases the administrative fine and late penalty fee for failure to timely file financial disclosure statements

Governor's Deadlines

Please note that some of the bills described in this newsletter are still pending Governor David Ige's action.

June 26, 2017 - Notice of Intent to Veto
(35th day after *sine die*)

July 11, 2017 - Veto Deadline
(45th day after *sine die*)

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Capital Improvement & Repair Projects & Grants-In-Aid

Airports and Harbors

Kahului Airport	
Terminal, security fence, electrical system	\$11.5M
Common use passenger processing system	\$1.3M
Kahului Harbor	
Portable bathroom complex	\$150K

Community

Boys and Girls Clubs of Maui, Inc.	
Expand youth development (grant-in-aid)	\$150K
Central Maui Regional Sports Complex	
Park improvements and safety measures	\$1.029M
Grow Some Food	
Healthy Harvest program (grant-in-aid)	\$50.7K
Hale Mahaolu	
Adult personal care services (grant-in-aid)	\$200K
Hale Makua Health Services	
Physician services (grant-in-aid)	\$400K
Ka Hale A Ke Ola Homeless Resource Centers	
Permanent supportive housing (grant-in-aid)	\$705K
La'a Kea Foundation	
Affordable housing (grant-in-aid)	\$300K
Maui Community Correctional Center	
New medium security housing unit	\$6.32M
Maui Health System	
Repairs/Renovations to MMMC, KH and LCH	\$6M
Maui Youth and Family Services, Inc	
Construction new facility (grant-in-aid)	\$400K

Education

Kahului Elementary	
Heat abatement (plans/design/equipment)	\$700K
Kihei High (New School)	
Plans/design/construction/equipment	\$63M
Maui High	
Gym floor, band choir building renovation	\$1M
Maui Waena Intermediate	
Heat abatement (plans/design/equipment)	\$800K
UH Maui College	
Hookipa & Lualima building upgrades	\$300K
Ka'a 'Ike & Paina renovations	\$1.1M
Library improvements	\$440K
Waihe'e Elementary	
Administration building (plans/design/construction)	\$12.336M
Parks, Roads and Baseyard	
Iao Valley State Monument	
Flood damage reconstruction/restoration	\$3M
Makena State Park	
Two new comfort stations	\$2.5M
Maui District Baseyard	
Renovations of baseyard office	\$100K
Puunene Avenue (vicinity Kuihelani Highway)	
Improvements to intersections	\$3.25M