

SENATOR GILBERT KEITH-AGARAN

Hawaii State Senate District 5

MARCH 2018 • VOLUME 10 • ISSUE 2 WAILUKU • WAHIEE • KAHOOLAWE

A MESSAGE FROM GIL

Aloha Kākou,

The 2018 legislative session just passed the midway point and the remaining bills have survived the gauntlet of public hearings and testimony from community advocates, private-sector stakeholders and government agencies.

Of the approximately 1,000 Senate bills introduced, over 400 measures passed through all their assigned committees and crossed over to the House, while over 300 House bills were sent to the Senate. The legislative process of hearings and amendments will now be repeated by each chamber.

In this issue you will find highlights of Senate measures that the House will now consider, including issues related to kupuna care, housing and homelessness, quality education, clean water, and renewable energy.

As part of my duties as Vice Chair of the Ways and Means Committee, my attention will be consumed with fashioning a balanced state budget, including funding proposed state Capital Improvement Projects and Grants-in-Aid for community non-profits.

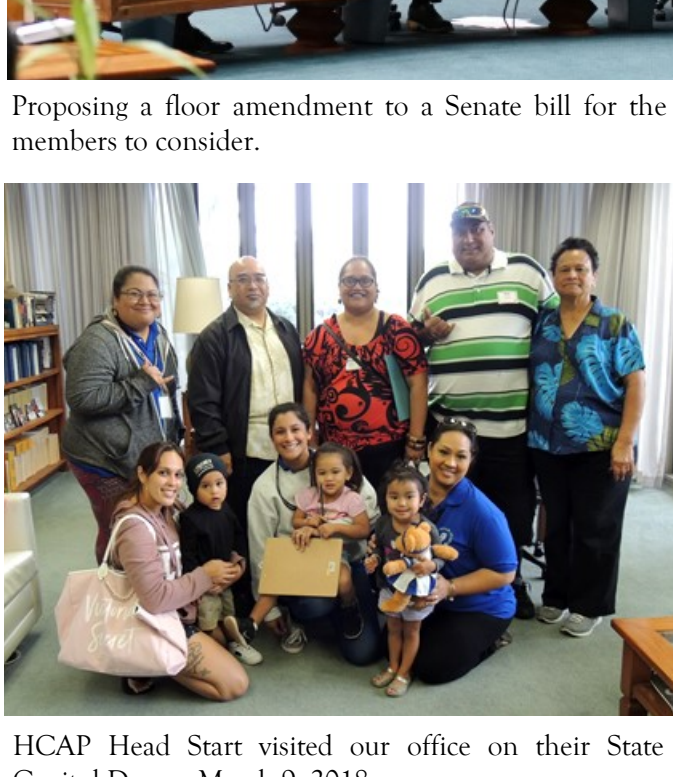
As always, I welcome your comments about how our work at the Capitol affects your life on the Valley Isle. Mahalo for your continued attention to keeping Maui one of the best places to live, work, and raise our families.

Sincerely,

IN THIS ISSUE:

- A Message from Gil
- Non-Profit Organizations Seek Grants-in-Aid
- Senate Bills Cross Over to House

PHOTOS



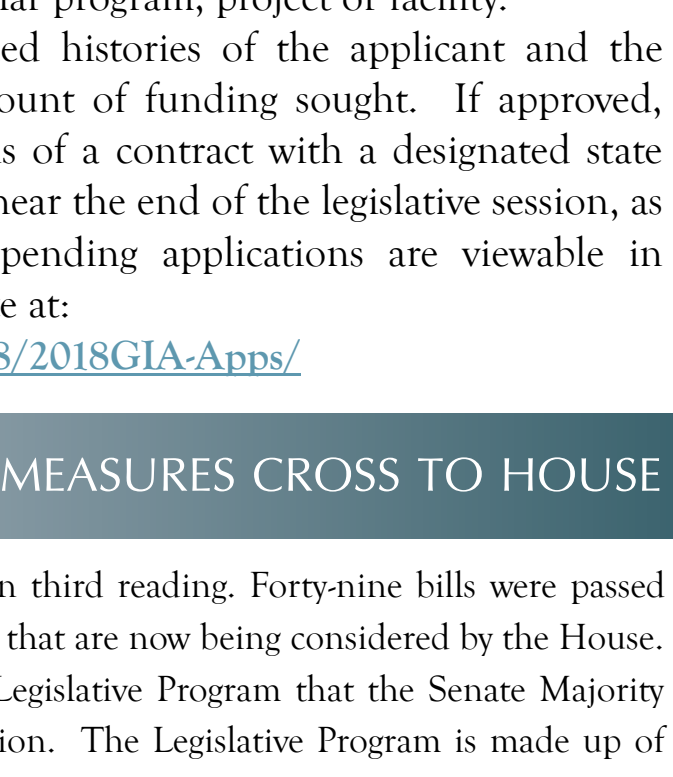
As part of my leadership role as Assistant Majority Whip, my staff and I assist with assigning committee referrals to House Bills that will be heard by the Senate.



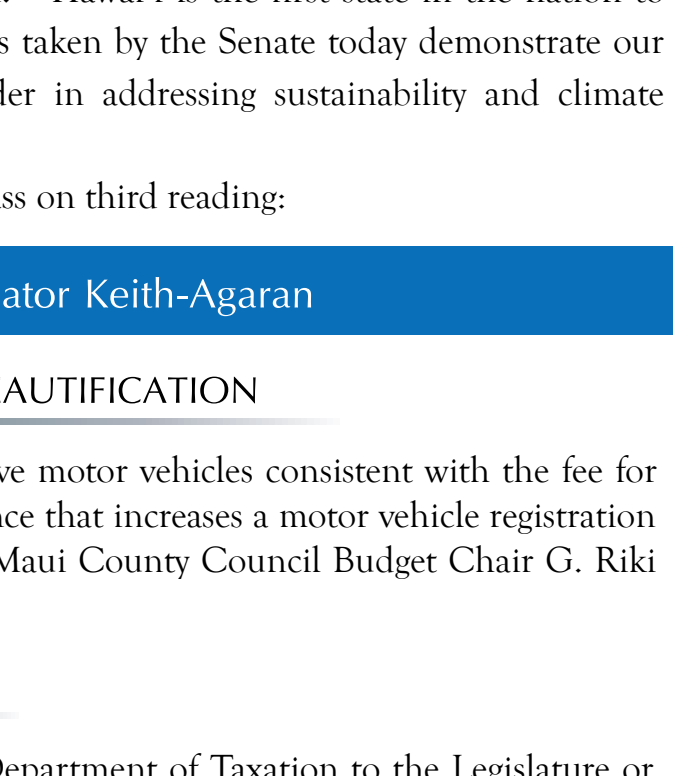
Proposing a floor amendment to a Senate bill for the members to consider.



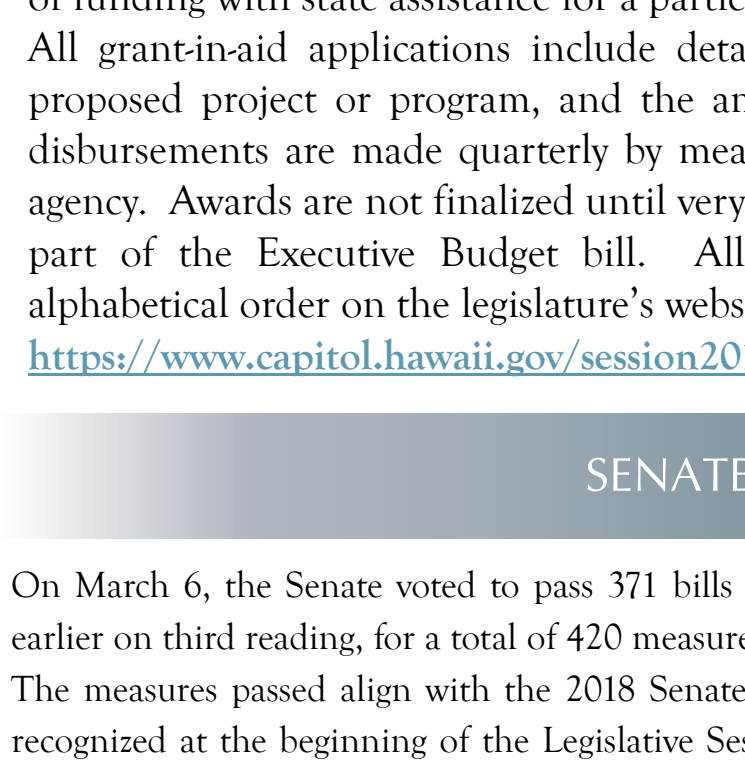
HCAP Head Start visited our office on their State Capitol Day on March 9, 2018.



Senator Keith-Agaran and myself measuring our flexibility at the Capitol's Physical Therapy Day.

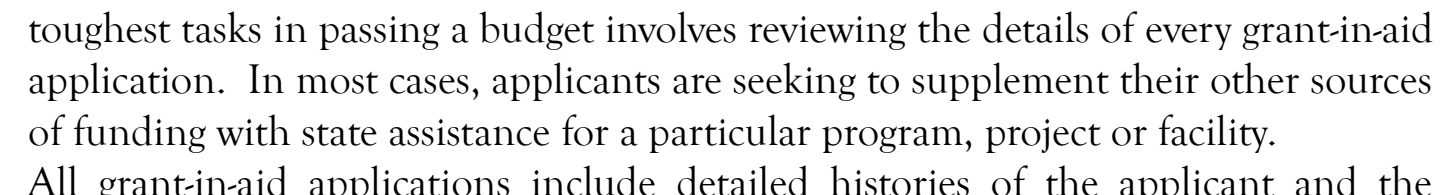


Members and staff of the Boys & Girls Clubs of Maui visited the State Capitol on March 15.



Visiting the Maui Gold Pineapple booth at the annual Agriculture Day at the Capitol.

NON-PROFIT ORGANIZATIONS SEEK GRANTS-IN-AID



Members of the public spoke on behalf of their organizations before a joint Ways and Means and Finance panel.

On March 16 in the Capitol auditorium, before a joint Senate and House panel, over 200 qualified organizations delivered their presentations in support of their 2018 applications for grants-in-aid from the state.

Chapter 42F of the Hawaii Revised Statutes sets out the requirements for individuals and organizations who wish to apply for a grant-in-aid. One of the toughest tasks in passing a budget involves reviewing the details of every grant-in-aid application. In most cases, applicants are seeking to supplement their other sources of funding with state assistance for a particular program, project or facility.

All grant-in-aid applications include detailed histories of the applicant and the proposed project or program, and the amount of funding sought. If approved, disbursements are made quarterly by means of a contract with a designated state agency. Awards are not finalized until very near the end of the legislative session, as part of the Executive Budget bill. All pending applications are viewable in alphabetical order on the legislature's website at:

<https://www.capitol.hawaii.gov/session2018/2018GIA-Apps/>

SENATE MEASURES CROSS TO HOUSE

On March 6, the Senate voted to pass 371 bills on third reading. Forty-nine bills were passed earlier on third reading, for a total of 420 measures that are now being considered by the House. The measures passed align with the 2018 Senate Legislative Program that the Senate Majority recognized at the beginning of the Legislative Session. The Legislative Program is made up of the 17 Sustainable Development Goals that provide a framework for improving the quality of life now and for future generations.

"By using the Sustainable Development Goals as a guide for enacting the UN's goals at the state level, we will reinforce the efforts already made and continue to build a more resilient future for Hawai'i," said Senator Gil Keith-Agaran. "Hawai'i is the first state in the nation to settle the debate on climate change and the actions taken by the Senate today demonstrate our commitment to support Hawai'i as a global leader in addressing sustainability and climate change challenges."

The following are a few of the measures to pass on third reading:

Bills Introduced by Senator Keith-Agaran

SB 2256 SD1 RELATING TO HIGHWAY BEAUTIFICATION

Makes the motor vehicle registration fee for U-drive motor vehicles consistent with the fee for all other motor vehicles. Makes any county ordinance that increases a motor vehicle registration fee applicable to U-drive vehicles. (Requested by Maui County Council Budget Chair G. Riki Hokama.)

SB 2257 SD1 RELATING TO TAXATION

Requires that revenue estimates provided by the Department of Taxation to the Legislature or to an executive or administrative office with respect to proposed legislation be accompanied by a description of the methodology used and assumptions made in providing the estimate. Requires that the estimate and description be open to public disclosure. Effective 7/1/2050.

SB 2258 SD1 RELATING TO LICENSING

Clarifies that the licensing requirements for hearing aid dealers and fitters shall not apply to audiologists licensed pursuant to chapter 468E, Hawaii Revised Statutes. Clarifies that to be eligible for licensure as an audiologist, a person shall not be required to be licensed as a hearing aid dealer and fitter.

SB 2614 SD2 RELATING TO TAXATION

Extends the period by one year that a county may adopt a surcharge on state tax, under certain conditions, from March 31, 2018, to March 31, 2019.

SB 2619 SD2 RELATING TO AERONAUTICS

Replaces criminal penalties for certain airport offenses addressed in Chapter 261, Hawaii Revised Statutes, or in certain administrative rules or orders issued pursuant thereto, with a civil penalty. Effective 7/1/2050. (SD2)

SB 2620 SD1 RELATING TO PROCUREMENT

Removes \$10,000 maximum limit on a cash or protest bond that must be posted for a procurement award protest.

SB 2868 SD3 RELATING TO TAXATION

Imposes registration requirements and the transient accommodations tax on transient accommodations brokers, travel agencies, and tour packages that enter into arrangements to furnish transient accommodations at noncommissioned negotiated contract rates on their share of the proceeds. Applies to taxable years beginning after 12/31/18. Effective 7/1/2050.

SB 3037 SD1 RELATING TO INTERNATIONAL EDUCATION PROGRAMS

Appropriates funds for the Office of International Affairs to fund, by grant, one or more programs sponsored or organized by a University of Hawaii campus to implement international college experiences for University of Hawaii students. Effective 7/1/2050.

SB 3038 SD2 RELATING TO THE TRANSIENT ACCOMMODATIONS TAX

Redistributes transient accommodations tax revenue by allocating more funds to the special land and development fund and less funds to the tourism special fund, to improve certain state resources and services. Effective 7/1/2050.

Liquor Statute Bills

In response to resident concerns and complaints about how the Maui Liquor Commission has been changing its interpretation and implementation of the State liquor laws, the Senate moved a package of bills for the House to consider. The bills propose certain changes to address anomalies in requirements demanded by the Maui Liquor Commission from non-profits, community groups and Valley Isle restaurants, retail establishments and bars. The growing craft distillery and craft brewery businesses are also seeking several changes.

SB 2612 SD1 RELATING TO LIQUOR LICENSES

This bill authorizes the waiver of fees and other requirements for applicants for a class 10 special liquor license required for fundraising events. It enables a club club (like the Maui Country Club) to sell wine from the social club's inventory to the club's members for off-premises consumption under the license. The bill specifies that the license includes the ability to auction off, at a live or silent auction, liquor in sealed or covered containers or services that provide liquor.

SB 2613 RELATING TO INTOXICATING LIQUOR

This bill addresses problems that restaurants have been experiencing in getting liquor or transient licenses. The bill authorizes the liquor commission to issue a new restaurant liquor license prior to the restaurant commencing operation. The bill also requires an applicant for a new restaurant liquor license to include a certification that the applicant intends and shall derive no less than thirty per cent of the establishment's gross revenue from the sale of foods. It clarifies that a restaurant liquor license is transferrable, provided that the transferee certifies that the transferee intends and shall derive no less than thirty per cent of the establishment's gross revenue from the sale of foods.

SB 2945 RELATING TO LIQUOR

This measure eliminates an old requirement that the applicant for a liquor license or a renewal of a license, or in the case of a transfer of a license, both the transferor and the transferee produce either a tax clearance certificate from the Internal Revenue Service (IRS) or proof of entering into an installment plan agreement with the IRS. The IRS no longer maintains an office on Maui and applicants have raised concerns about the timely processing of requests from the Oahu IRS office.

SB 2549 SD1 RELATING TO LIQUOR LICENSES

This bill deals with several challenges faced by non-profits with the Maui Liquor Commission. The bill requires the liquor commission to reduce submission requirements for the issuance of temporary licenses for the sale of liquor for a period not to exceed one day for fundraising events by nonprofit organizations. The proposal also permits nonprofit organizations that have been issued a temporary liquor license for a fundraising event the ability to auction off, at a live or silent auction, liquor in sealed or covered containers or services that provide liquor. It removes, from the list of factors the liquor commission may consider when deciding on a previously denied, refused, or withdrawn liquor license application, language that allows the Maui Liquor Commission wide discretion to consider any other considerations deemed by the liquor commission to affect the application, issuance, or exercise of a liquor license.

SB 2710 SD1 RELATING TO INTOXICATING LIQUOR

This measure permits brewpub and small craft producer pub licensees to allow minors, who are accompanied by a parent or legal guardian of legal drinking age, on the licensee's premises until 10:00 p.m. The commission had allowed a prior operator to have minors at his tasting site. A new operator of the same site was denied the same permission to allow minors to accompany parents.

SB 2712 SD1 RELATING TO INTOXICATING LIQUOR

This bill includes distilled beverages containing spirits and added blending materials that contain less than twelve per cent of alcohol by volume in the cooler beverage definition. The bill applies the same tax rate on draft beer to all beer.

SB 2711 SD1 RELATING TO INTOXICATING LIQUOR

This bill allows craft breweries the same authority as wineries to sell and ship directly to customers, and clarifies the requirements for operating retail outlets in more than one county.

Other Bills Passed from the Senate to the House

SB 2988 SD2 RELATING TO KUPUNA CARE

Requires the Executive Office on Aging to include in its annual report to the legislature a section that details outcomes of the Kupuna Caregivers Program. Requires the Executive Office on Aging to offer a plan to maximize the number of participants in the program and offer certain core services and to submit a copy of the plan to the legislature. Includes activities of daily living and attendant care as services covered by the program. Appropriates \$3,400,000 for implementation of the program.

SB 3030 SD1 RELATING TO AGRICULTURE

Establishes a farmer apprentice mentoring program to teach and train farmers to utilize a whole farm system approach to agriculture. Makes an appropriation to the Department of Agriculture for the farmer apprentice mentoring program. Effective 7/1/2050.

SB 2387 SD2 RELATING TO THE HAWAII FARM TO SCHOOL PROGRAM

Requires the Department of Education to establish a farm to school program. Requires the farm to school coordinator in the Department of Agriculture to work in collaboration with the Department of Education on any farm to school program. Establishes two full-time equivalent (2.0 FTE) farm to school staff positions within the Department of Education. Appropriates funds. Effective 7/1/2050.

SB 3070 SD2 RELATING TO EDUCATION

Establishes a Hawai'i teacher stipend program to be administered by the Department of Education to address the shortage of teachers in the Hawai'i public school system. Appropriates funds for the program for fiscal year 2018-2019.

SB 2346 SD2 RELATING TO ADDRESS CONFIDENTIALITY

Establishes the address confidentiality program within the Department of the Attorney General to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep the location of their physical address confidential.

SB 2717 SD2 RELATING TO CESSPOOLS

Establishes a grant program and special fund to assist lessees on Hawaiian home lands with cesspool upgrade, conversion, or connection costs. Establishes that a recipient of a cesspool upgrade grant shall not be eligible for the cesspool upgrade, conversion, or connection income tax credit. Appropriates moneys for the grant program.

SB 3001 SD2 RELATING TO ENERGY

Establishes an Alternative Energy Research and Development Pilot Program and appropriates moneys for grants under the pilot program. Repeals the pilot program on 6/30/2020.

SB 2996 SD3 RELATING TO AN AIRPORTS CORPORATION

Authorizes the establishment of the Hawaii Airports Corporation within the Department of Transportation for administrative purposes. Sets out appointment of members to the board of directors and powers and duties of the Hawaii Airports Corporation. Transfers the aeronautics functions of Department of Transportation to the Hawaii Airports Corporation by the established transfer completion date agreed upon by the Hawaii Airports Corporation, the Director of Transportation, and the Governor, which shall be no later than 7/1/2021. Effective 1/1/2019.

SB 2989 SD2 RELATING TO HOMELESSNESS

Expands eligibility and credit amount of the low-income household renters' income tax credit and adjusts the credit for inflation. Appropriates funds for the continued administration of the family assessment center for homeless families and for a housing homeless children rental assistance pilot program. Exempts adoption of interim rules from chapter 91, HRS, and procurement of services by federally-certified financial counselors from chapters 103D and 103F, HRS. Effective 7/1/2050.

SB 2424 SD2 RELATING TO HOUSING FOR NATIVE HAWAIIANS

Authorizes the construction and use of micro housing units on Hawaiian home lands approved by the Department of Hawaiian Home Lands, and leased to native Hawaiian beneficiaries who meet the minimum Hawaiian blood quantum requirement, notwithstanding county zoning laws. Authorizes the use of the Hawaiian home loan fund and Hawaiian home general loan fund for assistance in purchasing or renting micro housing units for use on approved Hawaiian home lands and leased to beneficiaries who meet the minimum Hawaiian blood quantum requirement. Makes appropriations to the Department of Hawaiian Home Lands for construction of micro housing units, subject to certain conditions, and to build general organizational capacity of native Hawaiian-controlled nonprofit housing developers. Effective 7/1/2050.

SB 2479 SD2 RELATING TO ABANDONED VEHICLES

Requires the counties to take into custody any abandoned vehicle on a public road within ten business days. Specifies that the requirement to provide written notice to the registered owner of an abandoned vehicle under section 290-2, Hawaii Revised Statutes, applies only to abandoned vehicles that have been reported stolen. Amends the conditions that constitute a delinquent vehicle. Repeals the requirement that abandoned vehicles be disposed of by public auction.

SB 2571 SD2 RELATING TO WATER POLLUTION

Bans the sale, offer of sale, or distribution in the State of any SPF sunscreen protection personal care product that contains oxybenzone or octinoxate, or both, without a prescription issued by a licensed health care provider. Takes effect 1/1/2063.

SB 2399 SD2 RELATING TO THE INVASIVE SPECIES PROGRAM ADMINISTRATION

Restructures the Hawaii invasive species council as the Hawaii invasive species authority, to be administratively attached to the Department of Agriculture, to coordinate implementation of the Hawaii interagency biosecurity plan and to improve coordination of the State's invasive species prevention, early detection, rapid response, control, enforcement, and outreach programs. Appropriates funds for the authority and relevant interagency invasive species projects. Effective 7/1/2050.

SB 2603 SD2 RELATING TO GOVERNMENT ACCOUNTABILITY

Requires the chair of the appropriate subject matter committee to hold either a public hearing or informational briefing for any report of a study or an audit enacted with a legislative appropriation or adopted by concurrent resolution and conducted by an executive department or agency, including the Hawaii Health Systems Corporation; the Legislative Reference Bureau; the Auditor; the Judiciary; or the Office of Hawaiian Affairs, within one year of receipt of the report or study, except if an extension is granted by the senate president or speaker of the house of representatives or if the requirement is waived by the senate president or speaker of the house of representatives. Exempts financial and other regularly occurring studies and audits.

SB 1304 SD3 RELATING TO NATIVE HAWAIIANS

Appropriates funds to the University of Hawai'i to translate the Hawai'i State Constitution into the Hawaiian language. Requires courts, to the extent reasonably possible, to provide interpreter services if any party to a proceeding requests that the proceeding be conducted in the Hawaiian language and appropriates funds to the Judiciary for this purpose.

SB 2928 SD2 RELATING TO THE HAWAII FARM TO SCHOOL PROGRAM

Establishes and appropriates funds for a farm to school pilot program within the Hawai'i Department of Agriculture to provide grants to schools, early care and education centers, nonprofits, soil and water conservation districts, and food producers participating in the Hawai'i farm to school program. Makes appropriations to continue the Hawai'i farm to school program and coordinator position and to assist farmers and ranchers achieve Good Agricultural Practices Certification from the United States Department of Agriculture. Repeals on 6/30/2021.

SB 2085 SD2 RELATING TO AGRICULTURE

Establishes a grant program to be administered by the agribusiness development corporation to provide grants for agriculture-related improvements to existing and emerging farms and agribusiness operations.

SB 2108 SD1 RELATING TO HEALTH CARE ASSISTANCE

Requires the Department of Human Services to provide health care premium assistance for individuals at various income ranges up to 300% of the federal poverty level.

SB 2922 SD1 PROPOSING AMENDMENTS TO ARTICLES VII AND X OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE LEGISLATURE TO ESTABLISH A SURCHARGE TO INCREASE FUNDING FOR PUBLIC EDUCATION

Proposes amendments to the Constitution of the State of Hawai'i to advance the State's goal of providing a quality education for the children of Hawai'i by authorizing the legislature to establish, as provided by law, a surcharge on visitor accommodations and on residential investment property.

SB 2567 SD2 RELATING TO CESSPOOLS

Requires cesspools located in cesspool upgrade areas and identified as priority level 1, 2, or 3 to be upgraded within an unspecified number of days after the sale of the property on which the cesspool is located. Allows the Director of Health to issue exemptions. Allows cesspools located in additional priority upgrade areas and identified as priority level 4 to be required to be upgraded within an unspecified number of days after the sale of the property on which the cesspool is located, upon determination of the Director of Health. Designates the presence of a cesspool as a material fact for the purposes of a residential real property seller's mandatory disclosure. Requires realtors to advise their clients with respect to the requirements of this Act. Takes effect on 12/31/2050.

SB 2242 SD2 RELATING TO EDUCATION

Appropriates moneys for the establishment of a workforce development microgrant program to award grants to technical high school students for costs associated with public or workforce training related to certain industries.

SB 3023 SD2 RELATING TO MINIMUM WAGE

Includes persons with disabilities under the minimum wage requirements. Requires the Department of Business, Economic Development, and Tourism to study the impacts of raising the minimum wage and recommend to the legislature how the minimum wage should be adjusted in the future. Effective 7/1/2050.

SB 2990 SD2 RELATING TO FAMILY LEAVE

Requires the Department of Labor and Industrial Relations to adopt rules by 1/1/2020 that establish paid family leave for all workers. Authorizes the Department to adopt interim rules. Establishes the Paid Family Leave Implementation Board to assist the Department and report to the Legislature; repeals the Board on January 1, 2024. Establishes a Paid Family Leave Special Fund. Appropriates funds. Effective 7/1/2050.

SB 2943 SD2 RELATING TO TRANSIT-ORIENTED DEVELOPMENT ZONES

Expands eligibility and credit amount of the low-income household renters' income tax credit and adjusts the credit for inflation. Appropriates funds for the continued administration of the family assessment center for homeless families and for a housing homeless children rental assistance pilot program. Exempts adoption of interim rules from chapter 91, HRS, and procurement of services by federally-certified financial counselors from chapters 103D and 103F, HRS. Effective 7/1/2050.

SB 2331 SD1 RELATING TO TRAILS

Makes an appropriation to the Department of Land and Natural Resources to improve na ala hale, the Hawai'i statewide trail and access program, by improving access to and maintaining state controlled recreational trails statewide and promoting hiker safety and hiker etiquette education and outreach. Effective 7/1/2050.

SB 2305 SD1 RELATING TO INCARCERATED PARENTS

Requires the establishment of a pilot visitation center for children of incarcerated parents in correctional facilities in the State and a plan for visitation centers at all state operated correctional facilities. Appropriates funds to the Department of Human Services to work with other stakeholders to implement this Act. Effective 7/1/2050.

SB 3083 SD1 RELATING TO EMERGENCY MANAGEMENT

Clarifies that certain types of remuneration received by an owner of private property who in good faith provides emergency access to land, shelter, or subsistence during a disaster shall not disqualify the owner from receiving the exemption provided under section 663-10.7, HRS, from civil liability for any resulting injury or damage. Requires the owners of buildings open to the public to provide shelter to visiting members of the public in cases of emergency or disaster. Requires the owners of buildings open to the public to inform the appropriate county emergency management agency of the designated shelter area. Provides immunity from civil liability for owners of buildings open to the public who provide shelter to visiting members of the public in cases of emergency or disaster. Effective 7/1/2050.

