Senate District 2 End of 2013 Legislative Session Review





Kea'au, Pahoa, Kalapana, Kapoho, Kurtistown, Mountain View, Glenwood, Volcano, Pahala

www.russellruderman.com • http://www.capitol.hawaii.gov

From the Senator...

It has been an honor to represent and serve you during the 2013 legislative session. As a freshman Senator, I learned a tremendous amount how 2,872 bills introduced, becomes 293 bills passed in just four months. This legislative session has been an interestingly challenging, but exceptionally rewarding opportunity to serve you.

This month I've focused on reconnecting with the communities I represent. I had the pleasure of seeing the education of our children firsthand by visiting many schools in my district. I was inspired by the dedication of both teachers and students to succeed in spite of a variety of odds. Thank you to the principals, teachers, staff and especially students of all of the schools that opened their doors to me.

To the schools I didn't get to visit before school let out for the summer break, I look forward to a visit in the Fall. I'm also pleased to announce many Capital Improvement Projects for our schoolssee the Legislative Wrap-up for details.

As always, If you have any questions, need assistance, or more information regarding a particular issue, please do not hesitate to contact my office.

Aloha,

frost

2013 LEGISLATIVE WRAP-UP FOR DISTRICT 2 A review of some of the 293 Bills that passed the Legislature

The 2013 Legislative Session ended on May 2nd. The following are a few of the bills that Sen. Ruderman has authored, worked on, or may be of interest to you. Included in the update are some of the issues that have been worked on throughout the past few months as well. Additionally, the list of CIP's that Sen. Ruderman has fought for is included.

Publicly-funded Elections

After seeing the results of the last election for the Big Island Publicly-Funded Elections pilot project, and from comments we had received, Senator Ruderman introduced SB381, which would have changed the funding formula for the comprehensive public funding pilot project to average the amount of money used by winning candidates in the last two election cycles for all county district races and limited the number of candidates in the pilot program to twenty-five per election cycle. The bill did not make it out of conference committee. It is promising that the program may eventually expand to other political races since there were other public funding elections bills that were introduced and discussed this past session.

Videoconferencing Testimony

The Senate videoconferencing pilot project began this session with three Senate committees utilizing this technology. Senator Ruderman commends the three committee Chairs, Senators Jill Tokuda and Glenn Wakai for being responsive and supportive of the use of technology to allow expanded access for neighbor island participants in the legislative process. Two companion bills, SB369, which Senator Ruderman introduced in the Senate and HB358 introduced by Representative Nicole Lowen, would have required both chambers of the legislature to implement rules to permit residents to present testimony through audiovisual technology. The bills did not pass this session, but Senator Ruderman will work with the Senate during interim to pursue continuation and changes to the existing pilot project for next session. You can show the importance of providing videoconferencing opportuities by participating in next year's Senate pilot program - we'll keep you posted!

Hawaii Health Systems Corporation

Bills to privatize a few of the hospitals within the Hawaii Health Systems Corporation failed to pass this legislative session. One of the primary concerns with the proposed management takeover by Banner Health is what happens to long-term employees and the level of health care that is so crucial to Hawaii's residents. Our hospitals should be responsive to our community's concerns, and it remains uncertain if a mainland organization can accomplish this. On the other hand, it was said that Banner Health would bring a higher level of health care than we will ever get from state-run hospitals. This is an important decision with wide-ranging repercussions no matter which choice we make and the issue has been shelved for further study.

Geothermal

Unfortunately, the geothermal bills Senator Ruderman introduced and supported to restore county oversight in future geothermal planning (SB371 & HB106), which was removed by Act 97 of 2011, did not survive this legislative session. On the upside, legislation aimed to fasttrack the geothermal permitting process (such as with HB252) was blocked. Next legislative session, Senator Ruderman plans to reintroduce legislation to restore county oversight, better include affected communities in the permitting process (not with mediation), and safeguard

2013 LEGISLATIVE WRAP-UP continued on page 3

Senator Russell Ruderman

Hawai'i State Senate 2nd District

"The Natural Choice for Puna and Ka'u"

Member of the **Senate Committees on**

Education **Energy and Environment** Water and Land Ways and Means



HOW TO REACH US

Hawai'i State Capitol, Room 217 415 S. Beretania Street Honolulu, Hawai'i 96813

> Phone: 808.586.6890 Fax: 808.586.6899 From Hawai'i Toll Free 974.4000 + 66890

Email: senruderman@capitol.hawaii.gov

To receive this Legislative Update by email please send your request to:

ruderman1@capitol.hawaii.gov

For updates and more information:

www.russellruderman.com



SEN. RUDERMAN MEETS WITH HELCO REPS Grid expansion and alternative energy resources discussed

As soon as session ended, Senator Ruderman scheduled meetings to follow-up on issues and projects impactina our community. He met with HELCO and the discussion focused mainly on the eclectic arid of Hawai'i Island, Albizia eradication and geothermal development.

HELCO will be participating in an Albizia eradication stakeholder meeting, which Senator Ruderman's office is coordinating, to organize efforts and resources amongst agencies to control and eradicate Albizia. Albizia is a hazard and being a fast-growing tree, an expensive endeavor.

When the discussion turned to geothermal, Senator Ruderman made it clear that the Puna community is opposed to further geothermal development in the area. He also imparted

that efforts should be made to locate resources closer to the population that will most benefit from the resource.

HELCO indicated that they are aware of the greater need for electricity in West Hawai'i and the current restraints and expense with transmission over long distances. It was explained there is an added cost to tap geothermal resources outside the East Rift zone due to the lack of information on areas other than Puna and it may require drilling at a considerable depth. Information and willingness to develop won't be available until costly explorations wells are dug, which may prompt legislation to be introduced next session to further geothermal development outside of Puna.

It may take 5 years or more to get another geothermal facility up and running and HELCO will make an announcement in December. Δ

conferences in bringing together the people,

agencies and ideas needed to foster a caring

The conference brought together the large

network of partnering organizations from

Legal Aid to the County Office of Aging. The

impressive outreach done by this small rural

community in maintaining the health of its

and community-based health care system.

KA'U RURAL HEALTH CONFERENCE UPDATE

The Ka`u Rural Health Community Association's (KRHCA) 16th annual rural health conference was well attended by agencies and organizations. At this conference, former Representative Bob Herkes and his wife Joanna were honored for all the assistance they provided to keep Ka'u's health care options operative and expanding. As a State Representative, Mr. Herkes also helped to implement volcanic emmission

(VOG) monitors in the community. Α 16 year old bonzai plant denoting the 16 years that the KRHCA organization has been in existence was presented to Mr. Herkes in recognition of his community service.

Representative Onishi's community

liaison, B.J., presented

a resolution signed by the Representative and Senator Ruderman recognizing the accomplishments of KRHCA over its 16 year history. Senator Ruderman also provided a letter acknowledging the value of their annual



Honorees Rep. Bob Herkes and his wife Joanna.

unanswered questions about the impacts of the development on community health. The position statement was handed out to all members attending and brought to the attention of legislators present. Δ

residents is a great example of positive actions by individuals organizations and our district. within **KRHCA** members recently approved a statement position on the proposed Aina Pono project. Коа The organization concluded that it could not support the project at this time due to

2013 LEGISLATIVE WRAP-UP continued from page 1

natural resources and public safety from adverse effects geothermal systems.

<u>Albizia</u>

The highly invasive Albizia tree is a widespread and costly problem throughout the State. The Albizia tree is an invasive species native to the South Pacific and was introduced to Hawaii in 1917. Albizia is a fast growing tree with shallow roots, brittle wood, and a weak structure and due to its rapid growth rate and soil-altering roots and foliage, Albizia poses a threat to lowland native forests. Falling Albizia trees and branches also pose a safety hazard to homeowners and motorists and have damaged overhead and underground utilities. In 2009, following two near fatalities involving large branches dropping onto passing cars and adjacent houses, the Hawaii Dept of Transportation spent \$1 million per mile to remove 1,500 Albizia trees along Kuhio highway on Kaua'i - the larger trees cost \$10,000 per tree.

Albizia is a problem in our district, so this session Senator Ruderman introduced SR41 SD1, which urges the Invasive Species Council to develop and implement a comprehensive interagency plan for the control and eradication of Albizia throughout the State, starting with the island of Hawaii; and find partners to utilize the Albizia trees that are removed. The resolution also urges the Department of Agriculture to investigate biocontrol agents for the control of Albizia. We have been working closely with agency stakeholders to move forward on the issue.

Higher Education in Puna

Establishing coordinated efforts to bring a comprehensive higher education learning center to the district of Puna in partnership with the University of Hawaii at Hilo was one endeavor Senator Ruderman undertook this session. Senate Resolution 150 passed this session and he will be meeting with the University of Hawaii at Hilo to begin the work that is needed to make this a reality.

Of the 293 bills passed this legislative session, here are a few quick clips of bills that Senator Ruderman thought would be of interest to you:

Transportation and Public Safety

Get ready to buckle up! SB4 HD2, requires all front and back seat passengers to be restrained by a seat belt assembly or child passenger restraint while the motor vehicle is being operated upon any public highway. The law will take effect upon its approval by the Governor.

<u>Agriculture</u>

HB353 HD1 SD2 CD1 appropriates \$250,000 in matching funds for each year of the 2013-2015 fiscal biennium for the Department of Agriculture to research and develop methods for the prevention and treatment of coffee berry borer infestations. The bill also appropriates \$300,000 in matching funds for the 2013-2014 fiscal year for the Department of Agriculture to fund efforts to control and mitigate the damage from coffee berry borer infestation. Effective July 1, 2013.

Energy

SB19 SD1 HD2 CD1 will exempt landlords and lessors who install renewable energy systems on their property and provide, sell, or transmit electricity generated from those renewable energy systems to tenants or lessees on the premises from the definition of public utility, under certain conditions. This should help landlords and lessors to pass on the energy cost-savings to tenants and lessees.

SB1087 SD2 HD3 CD1 establishes a regulatory financing structure that authorizes the Public Utilities Commission and Department of Business Economic Development and Tourism to provide low-cost loans for green infrastructure equipment to achieve measurable cost savings and Hawaii's clean energy goals. The upfront costs of green infrastructure equipment are a barrier preventing many electric utility customers from investing in these installations and benefiting by achieving lower energy costs. Existing programs may not serve the entire spectrum of the consumer market, particularly those consumers who lack access to capital or who cannot afford these up-front costs, thereby creating an underserved market. This measure will establish a means of acquiring and providing alternative low-cost financing underserved markets, enabling the to installation of green infrastructure equipment in those markets.

<u>Health</u>

Two medical marijuana related bills passed this session. SB642 HD2 CD1 amends the definitions of "adequate supply" to mean an amount of marijuana jointly possessed between the "qualifying patient" and the "primary caregiver" that is not more than is reasonably necessary to, assure the uninterrupted availability of marijuana for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition; provided that an "adequate supply" shall not exceed seven marijuana plants whether immature or mature, and four ounces of usable marijuana at any given time.

The department of health shall require, in



rules adopted pursuant to chapter 91, that all written certifications comply with a designated form completed by or on behalf of a qualifying patient. The form shall require information from the applicant, primary caregiver, and primary care physician as specifically required or permitted by this chapter. The form shall require the address of the location where the marijuana is grown and shall appear on the registry card issued by the department of health. The certifying physician shall be required to be the qualifying patient's primary care physician. All current active medical marijuana permits shall be honored through their expiration date. Qualifying patients shall register with the department of health.

HB668 HD2 SD2 CD1 authorizes the transfer of the medical use of marijuana program from the Department of Public Safety to the Department of Health and establishes the Medical Marijuana Registry Special Fund.

According to a report prepared by the Department of the Attorney General, there were three hundred fifty-three reported cases of forcible rape in Hawaii in 2011 and according to the United States Department of Justice, over half of all rapes are not reported to the police. There are an estimated thirty-two thousand rape-related pregnancies every year in the United States. HB411 SD2 (Act 027) ensures that female sexual assault victims are provided with medically and factually accurate and unbiased information and access to emergency medical care at Hawaii's hospitals.

Education

SB237 SD2 HD1 CD1 establishes a pilot program to generate revenue through the lease of three locations of public school lands for public purposes and requires reporting. In the wake of the Public Land Development Corporation, Senator Ruderman supported this measure for public-private partnerships because it is limited in scope, cautious in implementation, clearly defined and controlled, and for the highest public purposes. We can all agree that

2013 LEGISLATIVE REVIEW continued on page 4

2013 LEGISLATIVE WRAP-UP continued from page 3

our aging educational facilities need a funding source for the repair, maintenance and upgrade of our schools.

Historic Preservation

SB1171 SD1 HD2, which authorizes the phased review of certain projects by the Department of Land and Natural Resources' State Historic Preservation Division to ensure consistency between state and federal law. Removes language that provided the Governor with the option to request the Hawaii Advisory Council on Historic Preservation to report in cases where an agency, officer, or other person is dissatisfied with a decision of the Hawaii Historic Places Review Board. It was a difficult decision for Senator Ruderman as the bill moved thorough session, and he took the input he received very seriously. Senator Ruderman fully supported all efforts to preserve Hawaiian culture and history. He realizes these are treasures that cannot be replaced if lost. On the other hand, Senator Ruderman also realizes that key projects, such

as the much-needed widening of Highway 130 between Keaau & Pahoa, may be delayed or cancelled without this bill. This project is crucial to the safety of our community, as I'm sure you know. Although this is a difficult issue for these reasons, Senator Ruderman sided with Hawaiian activists who are protecting the iwi of their ancestors, and fighting to preserve important archeological sites. Thus, he voted against the passage of this bill.

What's Next?

If Governor Neil Abercrombie does not sign or veto the bills that have been passed by the Legislature by the 45th day after sine die (the last day of session, the bills are given an act number and become law. This year, the 45th day falls on July 8, 2013. In other words, unless the Governor vetoes the bill by the thirty-fifth day, the bill will become law either with or without the Governor's signature. In counting the days, Saturdays, Sundays, holidays, and any days the Legislature is in recess are excluded.

Resolutions

A resolution is a legislative measure, which does not have the effect of law, but is used by the Legislature to express its sentiments, request particular action, state its policy, and provide direction. Here are a couple of Senator Ruderman's Senate Resolutions that passed this session. SR38 SD1 supports the efforts by non-governmental organizations, such as such as the East Hawaii Community Development Corporation, 4 Ag Hawaii, Kohala Center, Malama Kauai, Ulupono Initiative, and the Sustainable Living Institute of Maui to develop opportunities and solutions with local agricultural producers and value-added food processors to enhance food safety and food security practices in Hawaii.

Also, passing this session was SR86 SD1, which expresses the Senate's concern over the use of hydraulic fracturing in Hawaii. Fracking has created serious problems, such as groundwater contamination and increased 2013 LEGISLATIVE REVIEW continued on page 6

Senate District 2, Puna - Ka'u Capital Improvement Projects

Funding was allocated for library positions at Pahala and Naalehu libraries as part of the statewide libraries budget. Kau Irrigation Syster 00,000

m	\$2,50)

- Design and construction for system improvements

Geothermal Well Plugging and Abandonment \$2,550,000 - Design and construction to plug and abandon two geothermal wells and restore well sites. The two wells are SOH 1 and SOH 2 which are outside of the Wao Kele O Puna Rainforest.

Pahoa Bypass/Post Office Road Intersection	\$2,000,000

- Plans, design, construction, and equipment for traffic signal at the Pahoa Bypass/Post Office Roads Intersection

Na Pua Noeau Center

\$644,484

Received a general fund appropriation of for the 2013-2015 fiscal years provided that funds are matched on a dollar-for-dollar basis by the office of Hawaiian affairs. The Center is an educational program for K-12 Hawaiian students on six islands and six UH campuses.

Department of Education CIP's

RTTT ZSI – Race to the Top Zones of School Innovation Ka'u-Keaau-Pahoa complex

Keaau Middle School	\$675,000	
 Plans, design and construction for covered walkways; 	ground and site	
improvements; equipment and appurtenances		
Pahoa High and Intermediate School	\$3,500,000	
– Plans, design and construction for the renovation of the gymnasium; ground		
and site improvements; equipment and appurtenances		
Kau High and Pahala Elem Bldgs J & K	\$68,000	
Renovate Restrooms		
Kau High and Pahala Elem Misc. R&M for RTTT ZSI	\$106,000	
Keaau High Football Field Maintenance	\$2,000	
Keaau High Misc. R&M for RTTT ZSI	\$68,000	

Keaau Middle B, D, E, G – Demolition	\$375,000
Keaau Middle Bldg F, Repair Restroom & Locker Rm.	\$51,000
Keaau Middle Misc. R&M for RTTT ZSI	\$31,000
Keaau Middle Electrical Upgrade	\$300,000
Keonepoko Elem Misc. R&M for RTTT ZSI	\$48,000
Keonepoko Elem Electrical Upgrade	\$200,000
Mtn. View Elem Repair/Replace Playground Equip't	\$100,000
Mountain View Elem Upgrade Fire Alarm System	\$194,000
Mountain View Elem Misc. R&M for RTTT ZSI	\$31,000
Mountain View Elem Misc R&M for RTTT ZSI	\$103,000
Mountain View Elem Electrical Upgrade	\$400,000
Pahoa Elem Misc. R&M, RTTT, ZSI	\$159,000
Pahoa Elem Electrical Upgrade	\$200,000
Pahoa High and Inter Misc. R&M for RTTT ZSI	\$289,000
Pahoa High/Inter Electrical Upgrade	\$300,000
Keaau Middle & Hilo Intermediate	\$360,000
2007 Whole School Renovation	
Mountain View Elem & Keaau Middle	\$4,000
RTTT ZSI, Misc. R&M Electrical Work	
Keeau MS Music Bldg.	\$20,000
additional Construction funding)	

Crant-In-Aid

Hawaii Invasive Species Council	\$6,000,000	
Provided for fiscal years 2013-2015 to prevent the introductio	n of invasive	
species, implement invasive species control, conduct, research and outreach, and		
eradicate established invasive species.		
Hawaii County Economic Opportunity Council	\$170,000	
- Funds for the partial replacement and maintenance of HCEOC's ex	xisting vehicle	
fleet to continue servicing the needs of low-income residents who	face severely	
restricted access to basic services and have little or no transportation	on services.	
HCEOC	\$50,000	
Also received funding for the plans, design and construction for N	Naalehu office	
emergency repairs and handicapped access improvements.		

PAHALA LIBRARY CELEBRATES ITS GOLDEN 50th ANNIVERSARY

The event featured hula and music in the morning, demonstrations of arts and crafts, and an award presentation in the afternoon with cake. Civic groups were there teaching Hawaiian crafts like lauhala weaving.

In preparation for this event, the library had a haiku contest for elementary grade levels and for middle/high school grade levels. During the award portion of the event, 1st and 2nd place prizes were presented in each division. The 4 winners were presented a cash prize and other goodies and read their haiku.

All the haiku entered in the contest had been printed and bound as a book to reside permanently in the library.



Blaise DeLima, Constituent Services Representative, for the Office of Congresswoman Tulsi Gabbard first presented a letter from Gabbard. She then read and presented a congratulatory letter from Brian DeLima, Big Island School Board member (also her father). Senator's Community Liaison, Eileen O'Hara then presented the congratulations from the Senate to Branch Manager Debbie Wong Yuen. There were historic displays depicting all the past branch heads and photos of the library when new, as well as the old library which existed before 1963. Δ

KA'U COFFEE FESTIVAL & HO'OLAULE'A Local coffee growers gaining global recognition

Spectacular weather and a great turnout made this one of the best Ka'u Coffee Festivals yet for this all day event held at the Pahala Community Center grounds. The Ka`u Coffee Growers were well represented with many tasting booths and novel coffee



products for sale. Agricultural support services provided information from booths while tasty food was provided from many organizations including the 4-H club sponsoring locally raised beef. Music and performances were taking place on stage continuously, while tours to the nearby Hilo Coffee

Mill were offered throughout the day. Although total acreage of Ka`u Coffee is still small with an estimated 30 growers comprising the Ka'u Coffee Growers Cooperative. The coffee produced has made headlines globally for its full-bodied flavor and smooth taste. Much of this newly emerging local industry, which is proving to be a significant economic driver for the Ka`u district, is being farmed on acreage whose future is uncertain. The 400 acres in production by the Moa'ula Coffee Farmers is part of a larger County approved planned unit development (PUD) that has failed to move forward and the 5,800 acres that comprise the PUD will be auctioned off later in May. Δ



Senator Ruderman's Moment of Contemplation

Throughout the legislative session, each Senator is given a day where they have the Senate podium for two minutes to impart a moment of contemplation on their colleagues before them and the public watching above. The Senators' moments of contemplation were as diverse as the districts they represent- from an Oli from a Hawaiian priest to loud reminder of the people and small businesses suffering under Hawaii's unfriendly business climate. Senator Ruderman took a different approach.



After honoring the victims of violence, especially in Boston as well as elsewhere in the world, Senator Ruderman began:

"For today's moment of contemplation, I suggest a moment of silence. Not for a guided meditation, as I would not presume to tell you what to think, but just to still our minds. When we quiet the thoughts and voices that occupy our mind nearly every waking moment, we can connect with a voice which is much deeper inside us, full of peace and wisdom. It's like diving beneath the waves to where the water is still.

This inner place is also where we can connect with our true essence. It's useful to do so periodically to keep ourselves on the right path.

I realize that one minute is not enough to really quiet all those surface voices. But it can be a useful reminder, like a touchstone.

So, I suggest we take one minute of silence. Since we are all busy, and I've talked too much already, I'll shorten that minute to 45 seconds! Please join me, if you so choose, in a moment of silence." – Senator Russell Ruderman Δ

SENATOR'S OFFICE PARTICIPATES IN LEGISLATIVE INTERN PROJECT

Senator Ruderman participated in the 2013 High School Legislative Intern Pilot Program, which is a legislative intern program sought to connect student participants with their community's legislators, and with other civic-minded students in Hawai'i public high schools through meetings held at the Capitol with neighbor island students contributing via interactive webcasting.

This year, our office was fortunate to have Lori Doctor, a senior student from Hawaii Academy of Arts and Sciences, participate. Lori successfully completed intern assignments designed to learn the legislative process, and observed the legislature at work utilizing technology as the only high school student participating remotely from Senate District 2 on the Big Island. Lori was selected from several candidates by her school Principal, Steven Hirakami, to participate in this educational pilot program.

During the legislative session, Lorifollowed bills relating to education that focused on charter schools, and organized videoconferencing

and written testimony at her high school to encourage her school community to be more involved in the legislative process. Throughout the process, she had an open dialog about these experiences with legislators, legislative staff, other participating students, and program educators to ensure a complete experience and to provide feedback for future program improvements.

Lori showed great initiative as a participant in the legislative pilot program this year and her direct involvement in the political process has helped to expand her horizons and develop experience in legislative activities. Senator Ruderman commends Lori on her successful completion of the 2013 High School Legislative Student Intern Pilot Program, as well as the community service and leadership skills she has demonstrated as a graduating senior of Hawaii Academy of Arts and Sciences.

Lori will be presented with a congratulatory certificate from the Senate at our upcoming Town Hall Meeting on May 30th, at 6:00 – 7:30 p.m., at Keaau Community Center.

Senator Ruderman is hopeful the program will continue next session and will follow-up with the schools in our district once the information becomes available.

There are ways for everyone to get involved in the legislative process and we encourage you to do so. The Hawaii State Legislature is currently not in session, but to get involved in the 2014 legislature, we encourage you to get involved in the legislative process by:

1) Register on http://www.capitol.hawaii.gov

2) Track bills and subscribe to hearing notices you are interested in. More information on how to do this please visit http://www.capitol. hawaii.gov/submittestimony.aspx

3) Submit testimony on legislation online or email your testimony directly to the committee using the list of email addresses at: http://www.capitol.hawaii.gov/ submittestimony.aspx.

In order to submit testimony through the online system, the measure which you wish to submit testimony for must currently be scheduled for a hearing and formally referred to a committee. Δ

2013 LEGISLATIVE WRAP-UP continued from page 4

seismic activity, on the mainland where it is being used to mine for gas and oil in areas where such drilling would normally be unproductive. While Hawaii does not have any



oil or gas resources, similar forms of fracking called "Enhanced Geothermal Systems" or "hydro shearing" can be used for geothermal energy production. This technology is very new and is now being tested in Australia, Japan, and Nevada. The objective of this resolution was to protect public safety, our precious natural resources, and environment from a technology not proven to be safe.

Over a thousand bills and resolutions are introduced each session and a few hundred survive the Legislative process. That being said, Senator Ruderman will re-group with stakeholders during the interim to work on issues for the 2014 session. Δ