



Senator  
J. KALANI ENGLISH

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### MESSAGE FROM KALANI

In this issue we are pleased to provide you with a brief synopsis of some of the bills passed by the Senate and sent to the House for their consideration. Additionally, we highlight a few of the accomplishments of the Department of Transportation in 2011. While this is a lot of information, we hope it is helpful to you to better understand the scope of our work in the legislature.

Finally, we outline the goals and projects of Senate Bill 2012, the Invest in Hawai'i Act, which allocates five hundred million dollars towards job creation and our economy.

*J. Kalani English*

# SENATOR J. KALANI ENGLISH

HAWAI'I STATE SENATE • 6TH DISTRICT

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## HAWAI'I STATE SENATE RECOGNIZES AUTHOR OF THE DESCENDANTS

Just a few days after attending the Academy Awards in Los Angeles, Kauai Hart Hemmings, author of the novel, "The Descendants," was recognized by the Hawai'i State Senate.

Senators honored Hemmings with a certificate of recognition for the success she received in having her novel adapted into a screenplay for the movie, *The Descendants*, which won an Academy Award for the Best Adapted Screenplay. The film also garnered four Oscar nominations.

"We are very proud of Kauai Hart Hemmings and the role she played in showcasing Hawai'i to the rest of the world," said Sen. English. "She shares the story of life in our islands through the eyes of a Kamaaina, a perspective that needs exposure," continued Sen. English.

Along with the Oscars, the movie was nominated and has won numerous other awards, including two Golden Globe Awards. *The Descendants* stars George Clooney, Amara Miller and Shailene Woodley. The film was shot in Honolulu and in Kauai's Hanalei Bay.

"Scenery from Kauai's iconic properties

and landscapes are beautifully photographed and highlighted in the film, thanks to Kauai and the producers of the movie," said Senator Ronald D. Kouchi, who represents Kauai. "We are pleased with being able to share our island life-style with those who watch the movie."

The soundtrack uses Hawaiian music, featuring artists including Gabby Pahinui, Ray Kane, Keola Beamer, Lena Machado, Sonny Chillingworth, Jeff Peterson, and Reverend Dennis Kamakahi.



*Former State Senator Fred Hemmings, Sen. English, Kauai Hart Hemmings and Suzy Hemmings on the Senate floor. March 1, 2012.*

# SENATE PASSES THE INVEST IN HAWAII ACT

On February 21st the Senate unanimously passed The Invest in Hawaii Act of 2012, Senate Bill 2012. The Bill is now in the House for consideration.

Garnering bipartisan support, Senate Bill 2012, is an aggressive \$500 million general obligation bond funded Capital Improvement Program package aimed at creating jobs by investing and stimulating our local economy in all corners of the state. "We are proud of this legislation, which has united all members of the Senate," said Senate President Shan Tsutsui. "This bill will get our economic engine going and create much-needed jobs that will get thousands of people off the bench and back to work."

With Hawaii experiencing the lowest interest rates on record and significant savings made from the State's most recent bond authorization and issuance, now is the time to invest in our State. The program will appropriate funds for shovel-ready projects that will create jobs for all trades in the construction industry – from carpenters to consultants. According to conservative estimates by the Department of Business, Economic Development, and Tourism's (DBEDT) job multiplier, this measure could create or sustain more than 5,000 jobs.

"This is a great opportunity to address our long-standing infrastructure needs," said Senator English. "The current financial climate enables us to remedy lagging repair or replacement projects while simultaneously creating jobs for Hawaii's residents."

Projects under consideration will focus on repair and maintenance needs to address aging infrastructure concerns and to extend the useful life of existing state owned assets and facilities. It will also include those that address health and safety code concerns. A portion of Governor Abercrombie's \$300 million request for construction projects that are shovel-ready or address repair and maintenance concerns are funded by the measure.

The State departments currently identified as part of the Program are: the Department of Education, including the State Public Library System; the University of Hawaii, including athletic facilities; the Department of Accounting and General Services; the Department of Agriculture; the Department of Defense; the Department of Health, and health care facilities of the Hawaii Health Systems Corporation, the Department of Human Services; the Department of Land and Natural Resources; the Department of Public Safety and the Judiciary. Funding will be allocated depending on each department's needs and ability to commence work immediately.

Another priority of the Bill is to develop sustainable and renewable energy resources, such as photovoltaic technology. Investing in renewable energy and upgrades to information technology initiatives throughout schools, hospitals, and office buildings will ultimately lead to cost savings and a reduction of the State's carbon footprint. In order to expedite the backlog of repair and maintenance projects, Senate Bill 2012 makes revisions to the State's permitting, approval and procurement processes. As a result, the accelerated processes will expedite the creation of jobs and facilitate the return to work for many of our residents. "This measure means that badly needed repairs and deferred maintenance projects that many state facilities have waited years to do can finally be given the green light to proceed. Passing this legislation now would be an excellent way for us to create the needed jobs for our unemployed trade workers. All companies, including small businesses, are encouraged to register with the State Procurement Office's online system in order to be eligible to bid on projects," said Senator Michelle Kidani, who serves as Vice Chair of the Senate Committee on Ways and Means and oversees Capital Improvements Projects for the Senate. "The process is fair and transparent with bids posted publicly for everyone to see."

If the measure passes the House and the Governor approves the Bill, projects could begin immediately.

For more information on SB2012 visit: [http://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=2012](http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=2012)

## STATE-WIDE CAPITAL IMPROVEMENT HIGHLIGHTS

*These are some projects outlined in Senate Bill 2012*

**\$150,000,000** for repair and maintenance projects and to address infrastructure needs, such as science and technology, electricity, and other utility infrastructure improvements, within the public school system.

**\$3,000,000** for repair and maintenance projects within the Hawaii State Library system.

**\$40,000,000** for repair and maintenance projects of the Hawaii Health Systems Corporation.

**\$90,000,000** for capital renewal and deferred maintenance projects of the University of Hawaii at Manoa and the University of Hawaii at Hilo.

**\$25,000,000** for capital renewal and deferred maintenance projects within the University of Hawaii community college system.

**\$60,000,000** for repair and maintenance projects of the Department of Accounting and General Services.

**\$40,000,000** for repair and maintenance projects of the Department of Human Services.

# DEPARTMENT OF TRANSPORTATION 2011 HIGHLIGHTS

Below is a partial summary of the accomplishments of the Department of Transportation in 2011.

## AIRPORTS

**Re-Roof Terminal Building, Kahului Airport, \$3.6 Million:** The project re-roofed Holdrooms C, D, E, and F along with the associated Concourses to preserve and maintain the facility. Project completed on or by 12/30/11.

**New Passenger Information Systems, Phase I, Kahului Airport, \$1.2 Million:** This project replaces the existing FIDS and BIDS throughout the entire terminal that was not working for many years. The new FIDS and BIDS provides flight information to all arriving and departing passengers along with Maui scenery as the background. Project completed on or by 12/21/11.

**ARFF Station Misc Repairs & Improvements, Kahului Airport, \$778,800:** This project scope was to re-roof the OGG ARFF, paint the interior and exterior and install a fuel management system for the ARFF truck re-fueling station to preserve and maintain the facility. Project completed on or by 11/21/11.

**Apron Pavement Structural Improvements, Kahului Airport, \$17 Million (\$15 Million fed funds):** This project repaved a portion of the apron fronting the entire passenger terminal and extended the concrete apron between the existing hardstand and the asphalt apron to preserve and maintain the facility. Project completed on 7/3/10.

**Taxilane E & General Aviation Markings, Kahului Airport, \$427,587:** This project striped Taxiway "E". This project provides greater airfield safety for the traveling public. This project was required to comply with the FAA Part 139 requirements. Project completed on 2/28/11.

## HIGHWAYS

**Honoapiilani Hwy Widening, Lahainaluna Rd to Aholo Rd, Lahaina, Maui, \$20 million:** Widening of an existing two lane segment of road to a 4-lane divided highway with landscaped medians, sidewalks, shoulder bike route, and rock textured noise walls. The project addresses previously experienced traffic congestion with improved facilities for pedestrians and cyclists while providing an aesthetic surrounding for all users experiencing this segment of highway. Completed in February of this year.

**GoAkamai Website Update:** The GoAkamai website ([www.goakamai.org](http://www.goakamai.org)), released in 2010 is HDOT's Traveler Information website which offers comprehensive information about real time traffic conditions on Oahu roadways 24

hours a day, 7 days a week. In cooperation with the City and County of Honolulu, GoAkamai provides a one-stop traveler information resource and includes a freeway congestion map, access to State and City traffic cameras throughout Oahu and more. Work on enhancing the GoAkamai website continues in 2011, which includes development of a beta version of mobile apps for iPhones, Android and Blackberry systems. The final version is expected to be released in 2012.

## Motor Vehicle Safety Office (MVSO)

In May, which was designated national Motorcycle Safety Awareness Month, the HDOT debuted a new motorcycle safety advertising spot. During Federal Fiscal Year 2011, we worked to expand motorcycle rider training courses beyond Oahu to the Neighbor Islands so that riders in other counties can enroll in these life-saving courses. Training courses on the islands of Kauai, Maui and Hawaii should begin by June 2012.

The Hawaii Ignition Interlock Law took effect on January 1, 2011, with public education programs and logistical coordination already underway. With new technology and this comprehensive legislation, we are preventing convicted drunken drivers from operating their vehicles on our roads while intoxicated.

The HDOT and county police departments are continuing the 52/12 enforcement program, which ensures that at least 52 sobriety checkpoints will be set up each year in each county in support of statewide DUI enforcement.

In May, FMCSA conducted judicial training on the Federal Motor Carrier Safety Regulations and the Commercial Driver's .04 – 0.79 BAC driving under the influence issues for District Court judges statewide.

In June, NHTSA Judicial Outreach Liaison Judge Peggy Hora conducted a session on Impaired Driving for Hawaii judges from around the state. Family Court and District Court judges were among the 75 or so participants in the two-day training. Due to the numerous positive evaluations and comments we received, we are looking forward to providing additional training opportunities for the Judiciary in the future.



# HAWAI'I STATE SENATE PASSES BILLS ON THIRD READING

Ahead of the First Crossover deadline, the Hawai'i State Senate passed 372 Senate Bills.

The First Crossover deadline was March 8, 2012. This is the last day for a final vote on a bill to occur in its originating chamber before it is passed on to the other chamber for further consideration. During First Crossover, all Senate bills that pass Third Reading must crossover to the House and all House bills that pass Third Reading must crossover to the Senate by the March 8 deadline.

## ECONOMY

### SB 2012

The Invest in Hawai'i Act of 2012 (PASSED Senate 2/21/12)  
Measure Title: RELATING TO PUBLIC FUNDS.

Description: Issues \$500 million general obligation bonds to fund the repair and maintenance or capital renewal and deferred maintenance projects of various departments: the University of Hawai'i, Hawai'i Health Systems Corporation, Judiciary, etc.

### SB 3050

Measure Title: RELATING TO FILM, TELEVISION, DIGITAL, AND NEW MEDIA DEVELOPMENT.

Description: Assigns to the Hawai'i Tourism Authority the responsibilities for film, television, digital, and new media development. Repeals the film industry activities within the Department of Business, Economic, Development, and Tourism.

### SB2111

Measure Title: RELATING TO FILM AND DIGITAL MEDIA INDUSTRY DEVELOPMENT.

Description: Establishes the Hawai'i film and digital media special fund; amends the motion picture, digital media, and film production income tax credit.

## EDUCATION

### SB2789

Measure Title: RELATING TO EDUCATION.

Description: Requires, beginning with contracts negotiated for the contract period beginning July 1, 2013, that teachers be employed by the Department of Education for three years before being eligible for tenure. Provides the Department the directive, means, and flexibility to establish a performance management system that cultivates and supports highly effective educators and that implements our State's race to the top commitments.

### SB2484

Measure Title: RELATING TO TAXATION.

Description: Authorizes a state income tax credit for certain expenses paid or incurred by a school teacher during the taxable year.

### SB 2648

Measure Title: RELATING TO CAMPAIGN FINANCE.

Description: Authorizes campaign funds to be used to award scholarships to students attending an institution of higher education or vocational education school full time in a program leading to a degree, certificate, or other recognized educational credential.

### SB2005

Measure Title: PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAI'I STATE CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII.

Description: Amends article X, section 6, of the Hawai'i State Constitution to modify the appointment process for the Board of Regents of the University of Hawai'i; repeals reference to the candidate advisory council for the board of regents of the University of Hawai'i.

### SB2545

Measure Title: RELATING TO EDUCATION.

Description: Establishes the Executive Office on Early Learning. Establishes the Early Learning Advisory Board to replace the Early Learning Council. Repeals junior kindergarten programs at the end of the 2013-2014 school year. Beginning with the 2014-2015 school year, requires students to be at least five years of age on July 31 of the school year in order to attend kindergarten.

### SB2546

Measure Title: RELATING TO THE UNIVERSITY OF HAWAII.

Description: Amends the form and function of the University of Hawai'i Regents Candidate Advisory Council. Repeals section 304A-104.5, HRS. Effective 7/1/2050. (SD2)

### SB2115

Measure Title: RELATING TO CHARTER SCHOOLS.

Description: Establishes a new chapter governing charter schools based on the recommendations of the Charter School Governance, Accountability, and Authority Task Force established by Act 130, Session Laws of Hawai'i 2011.

## ENERGY & SUSTAINABILITY

### SB 3003

Measure Title: RELATING TO GEOTHERMAL RESOURCES.

Description: Differentiates between "geothermal resources exploration" and "geothermal resources development". Designates "geothermal resources exploration" and "geothermal resources development" as permitted uses in all State land use districts and conservation district zones.

### SB 2001

Measure Title: RELATING TO THE PUBLIC LAND TRUST.

Description: Amends the Hawai'i state planning act to include promoting the development of indigenous renewable energy resources that are located on public trust land as a source of firm power and ensuring that the development of energy resources on public trust land directly benefits native Hawai'ians and public beneficiaries of the trust.

### SB2281

Measure Title: RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Description: Authorizes an agency or an applicant to bypass the preparation of an environmental assessment and proceed directly with an environmental impact statement for proposed actions that are determined by the agency to require an environmental impact statement.

# HAWAI'I STATE SENATE PASSES BILLS ON THIRD READING CONTINUED

## SB2511

Measure Title: RELATING TO ENVIRONMENTAL PROTECTION.  
Description: Requires businesses in the State to collect a fee for single-use checkout bags provided to a customer. Allows businesses to keep twenty per cent of the fees for the first year of the program and ten per cent of the fees thereafter, subject to income and general excises taxes. Requires fees to be collected on single-use checkout bags not prohibited by county ordinance. Deposits all fees into a special account in the environmental management special fund.

## HUMAN SERVICES

### SB2579

Measure Title: RELATING TO MINORS.  
Description: Establishes a new chapter for the safe harbor of sexually exploited children. Grants the Family Court exclusive jurisdiction over any person under eighteen who is charged with certain offenses of prostitution. Establishes that persons who are under eighteen and suspected of or charged with certain offenses of prostitution shall not be prosecuted, and shall be subject to the provisions of the safe harbor for sexually exploited children chapter.

### SB2319

Measure Title: RELATING TO THE HOMELESS.  
Description: Appropriates unspecified funds to the homeless programs office of Department of Human Services (DHS) and the rental housing trust fund. Appropriates unspecified funds to Department of Health for substance abuse treatment, mental health support services, and clean and sober housing services, and to DHS for a homeless prevention program, rental assistance program, and matching funds for shelter plus care grants.

## TRANSPORTATION

### SB3010

Measure Title: RELATING TO TRANSPORTATION.  
Description: Temporarily exempts Department of Transportation and its contractors from certain state requirements for certain bridge rehabilitation projects.

### SB2960

Measure Title: RELATING TO AERONAUTICS.  
Description: Prohibits the Department of Transportation from assessing landing fees upon air carriers for flights landing at Molo-kai Airport, Lanai Airport, Kapalua-West Maui Airport, Hana Airport, Kalaupapa Airport, and Waimea-Kohala Airport.

## HEALTH

### SB2228

Measure Title: RELATING TO PSEUDOEPHEDRINE.  
Description: Establishes an electronic tracking system for the sale of products containing pseudoephedrine base. Requires the Department of Public Safety Narcotics Enforcement Division to implement the electronic tracking system in conjunction with the existing narcotics tracking system.

### SB416

Measure Title: RELATING TO HEALTH.  
Description: Authorizes the Hawai'i Health Systems Corporation to bring the Hawai'i Medical Center East facility under its governance through formal affiliation, acquisition, or both.

## CONSUMER PROTECTION

### SB2427

Measure Title: RELATING TO THE PUBLIC UTILITIES COMMISSION.  
Description: Requires the Public Utilities Corporation to implement best practices in the areas of regulatory frameworks, rules and procedures, and information technology and public access.

### SB2429

Measure Title: RELATING TO FORECLOSURES.  
Description: Implements the 2011 recommendations of the Mortgage Foreclosure Task Force, and other best practices, to address various issues relating to the mortgage foreclosures law and related issues affecting homeowner association liens and the collection of unpaid assessments. Makes permanent the mortgage foreclosure dispute resolution program and the process for converting nonjudicial foreclosures of residential property into judicial foreclosures. Repeals the provision excluding participants of the dispute resolution program from converting nonjudicial foreclosure proceedings to judicial actions.

## HAWAIIAN AFFAIRS

### SB2783

Measure Title: RELATING TO THE PUBLIC TRUST LANDS.  
Description: Conveys Kakaako Makai lands to Office of Hawaiian Affairs, and resolves all disputes and controversies, and extinguishes, discharges and bars all claims, suits, and actions relating to OHA's portion of income and proceeds from the public trust lands for the period November 7, 1978 through June 30, 2012.

## MISCELLANEOUS

### SB2893

Measure Title: RELATING TO GAMBLING.  
Description: Establishes a nine-member gambling commission exempt from section 26-34, Hawai'i Revised Statutes, attached to the office of the auditor, to undertake a comprehensive analysis of the social and economic costs and benefits of different forms of gambling and their impacts on the State in order for legislators to make informed policy decisions regarding gambling.

### SB2494

Measure Title: RELATING TO ANIMAL CRUELTY.  
Description: Requires specified persons who own, control, or have custody or control of ten or more dogs over age four months with intact sexual organs to meet minimum standards of care to ensure the proper treatment and care of dogs and the dogs' offspring. Prohibits any person from owning or having custody of more than thirty dogs over age of one year with intact sexual organs. Requires the licensing of dog breeders; authorizes each county to develop license requirements and fees; establishes minimum standards of care; authorizes each county to pursue civil penalties for noncompliant dog breeders.  
(Other Animal Cruelty Bills: SB2492, SB2503, SB2208)

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**HAWAII STATE SENATE CONFIRMS MAUI RESIDENT  
AS COMMISSIONER TO THE  
PUBLIC UTILITIES COMMISSION**

The Hawai'i State Senate voted to confirm Maui resident Michael Champley as commissioner to the Public Utilities Commission (PUC). Champley was appointed by Governor Abercrombie in September 2011 and began serving immediately on the PUC on an interim basis. His appointment was subject to Senate confirmation.

"Mr. Champley's extensive professional experience in the energy industry, commitment to public service, and proven leadership throughout his career are all important characteristics that make him an asset to the PUC," said Senator Roz Baker, who chairs the Senate Commerce and Consumer Protection Committee that recommended Champley's confirmation.

"Mr. Champley's extensive experience and analytical skills make him an excellent choice for the PUC. He has the reputation of knowing how to address complex and crucial issues relating to the utility industry," said Senate President Shan Tsutsui.

"With more than four decades of experience in the industry, Mr. Champley has proven to have a thorough understanding of the regulatory process from

a utility perspective and is highly qualified to serve as a member of the Public Utilities Commission," said Senator J. Kalani English, who represents Hana, East and Upcountry Maui, Moloka'i, Lana'i and Kaho'olawe.

Prior to his appointment, Champley worked as a Maui-based senior energy consultant focused on clean energy resource integration in Hawai'i. He has over 40 years of experience analyzing, integrating and managing complex economic, public policy and technical issues confronting an evolving regulated energy utility industry. Champley was a senior executive with DTE Energy, a major electric and gas energy company where he held various executive positions, including Senior Vice President-Regulatory Affairs and Senior Vice President-Power Supply.

Champley holds a Bachelor of Science in electrical engineering from the University of Dayton and a Master of Business Administration from Indiana University with emphasis in finance and public utility economics and regulation.

*Maui Senators congratulate Michael Champley on his confirmation. L-R: Senate President Shan Tsutsui, Sen. English, Michael Champley and Sen. Roz Baker. March 8, 2012.*



*Sen. English spent some time with the members of the retired Maui Hawai'i State Teachers Association (HSTA-R). The HSTA-R members visit the State Capitol annually to voice their concerns and update the legislators on their current activities. This year, Sen. English meets with Dottie Aganos and Sharmen Graydon to discuss their 2012 agenda. February 23, 2012.*