

State Senator Sam Slom

Senate District 9 • Waialae-Kahala — Aina Haina — Kuliouou— Niu — Hawaii Kai
Hawaii State Capitol, Room 214 • Honolulu, Hawaii 96813
Phone (808) 586-8420 or 586-8424 • Fax 586-8426 • Cell 349-5438
Email: senslom@capitol.hawaii.gov • Website: www.hawaiisenateminority.org



Waialae - Kahala Neighborhood Board #3 • Hoaloha Kai Montessori School • 7:00 pm • Thursday, April 17, 2014.

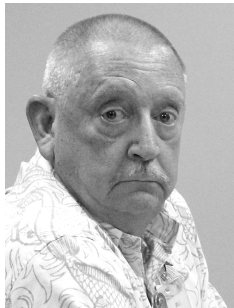
Demonstrators At Capitol Want To Keep Kaka'ako Residential

With conch shells, Hawaiian flags, posters, and a large group of flag-wrapped children, proponents of **SB 3122** demonstrated in the Capitol Atrium two weeks ago. Protestors who wanted to preserve their right to live in the contested neighborhood wore distinctive red t-shirts, while the haunting call of conch shells attracted even more attention. Senator **Sam Slom** supports the people's position on this issue. For more photos of the demonstration, see the Senate Watchdog site at <http://hawaiisenatewatchdog.wordpress.com/2014/04/01/protest-at-capitol-for-sb3122/> and add your comments.



Over 60 Staff Positions Vacant at Hawaii State Hospital

Senators Slom, Shimabukuro, Baker, and Co-Chairs Green and Hee received testimony from **William Elliot**, Acting Hawaii State Hospital Administrator (photo inset left), in another hearing of the **Special Investigative Committee on the Hawaii State Hospital**. Five individuals had been issued subpoenas for the meeting on Wednesday, April 9 in Conference Room 16. However, for two and a half hours Senator Hee repeatedly queried Mr. Elliot, who has worked for the Hospital for 20 years, on his qualifications, job descriptions, and participation in hiring and overtime staffing decisions.



The next hearing will convene on April 30th at 10 a.m., beginning with the testimony of Dr. Fridovich.



Senator Slom on the floor at April 8's second crossover vote.

Hundreds of Bills Crossover Again

Hundreds of bills crossed over and back from both houses of the legislature as the second crossover deadline came and went last week. Most of the major legislation that passed and crossed were voted in the House and Senate on April 8.

The \$23.7 billion State Budget bill (**HB 1700 SD1**) passed out of the Senate and crossed back to the House on March 31. While the budget has been described as "austere" by majority leadership, the Senate Minority has come up with an alternative budget that strips \$975 million in total spending when compared to what HB 1700 currently proposes.

Read more about the Senate Minority alternative budget on page 4 of this report.

Other bills crossing over from House to Senate include:

HB 1926 SD1: Senator Slom was the only legislator to vote against this bill so far, that will still allow police officers to "engage" with prostitutes short of actual penetration when investigating underage sex crimes.

HB 2507 SD1: "Marketplace Fairness Act" is also another name for a new "streamline tax" that will tax internet purchases. Senator Slom has consistently voted "no" on this.

HB 2012 SD2: Event ticket sales, unfair and deceptive practices. Senator Slom voted "no" on the "Bruno Mars" bill.

HB 2009 SD1: Milk control special fund. Slom voted "no".

HB 2101 SD2: Conveyance tax applied to Kahoolawe Reserve Trust Fund. A bad idea that Senator Slom voted against.

The budget bill as well as hundreds of others are now in the conference committee process, which commenced this week and will wrap by next Friday, April 25.

Federal Investigation on Health Connector Spending Requested

Senator Slom filed a complaint with the U.S. Government Accounting Office (GAO) asking for a federal investigation of how Hawaii's Health Connector grant money was spent.

In a request to the GAO for a federal investigation **Senator Sam Slom** expressed serious concerns over what seems to be waste and abuse of up to 204 million dollars in federal government grant monies Hawaii received under the Affordable Care Act. Senator Slom wrote, "To date, Hawaii has spent over \$80 million on information technology contracts, though the site still does not function properly." CGI Corp. is the same company that was initially contracted to build the federal government health insurance exchange website that also has continued to fail and leave people's data open to hackers. Senator Slom asked, "As part of this last-ditch enrollment effort [to make enrollment numbers], HHC sent representatives to Planned Parenthood, grocery stores, and other public places to separately walk individuals through enrollment."

"Even more disturbing is the lack of transparency regarding requirements attached to federal grant money and HHC's expenditure reports." HHC is governed by a board, but despite requests to the Director of Health, who is an ex officio board member by statute, no information has been forthcoming. Senator Slom is extremely concerned that the Director of a member of the governing board of the HCC is indicating that her agency does not administer or oversee the HHC. Senator Slom questioned "if a member of the governing board is not overseeing the HHC, who actually is?"

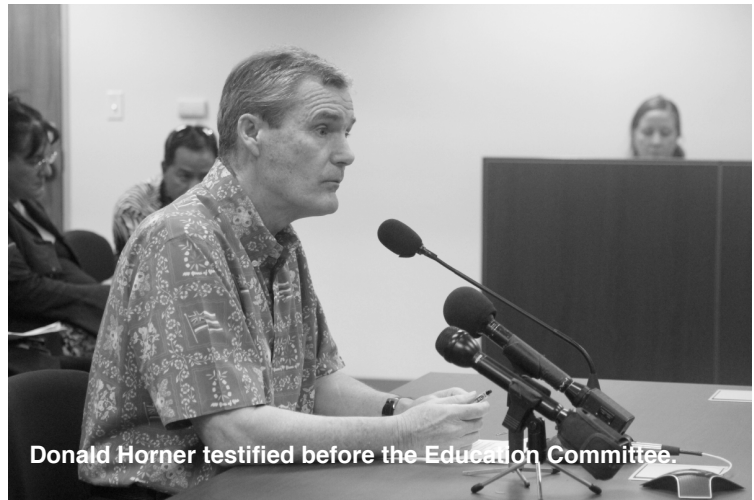
Following the release of information pertaining to Tom Matsuda, Director of the HHC, Senator Sam Slom forwarded a copy of his complaint to the Chairman of the House Oversight Committee (Congressman **Darrell Issa**), Representative Jordan and Representative Lanford of the sub-committee of House Oversight Committee.

A similar letter was also sent to Hawaii's Department of Health Director **Linda Rosen**.

New Drunk Driving Prevention Program Established

With 71 volunteer drivers, a new, no-cost designated driver service has been established on Oahu. **The Drunk Driving Prevention Program (DDPP)** was designed to help prevent the high number of fatalities caused by intoxicated drivers—in fact, 44% of all traffic-related fatalities in Hawaii involve a driver under the influence of alcohol. Nationally the Center for Disease Control reports almost 300,000 incidents of drinking and driving per day. Drunk driving costs the U.S. \$132 billion per year.

Brandon Wegner, National President and Chairman of DDPP, met with Senator **Sam Slom** in an effort to educate the public on the availability of his all-volunteer charity. Donations to purchase breathalyzers, dash cams, GPS systems and advertising are welcome. Visit the DDPP website at <http://www.ddpp.us> for more information.



Donald Horner testified before the Education Committee.

Minority NewsBytes: Appointees & More

Donald G. Horner and **James Williams** were confirmed by the Senate Education Committee for another term on the Hawaii State Board of Education. The Education Committee's confirmation of the two board members are subject to full floor vote by the Senate.

Richard Ha, owner of **Hamakua Springs Country Farms**, was confirmed by the Senate on April 4 to another 4-year term on the State Board of Agriculture. Ha was honored a few years ago by Junior Achievement of Hawaii as an inductee to the Hawaii Business Hall of Fame.

The Doris Duke Foundation, which operates the **Shangri La** museum, has announced it will erect a fence near the Cromwell swimming area to prevent people from diving into the shallow water as a safety precaution. Access to the area will still be available, except that there will be no diving.

SB1007 has garnered massive support among outdoor enthusiasts, who are currently denied access to a number of trails and public lands due to the liability concerns resulting from the 2012 Brems fatalities on Kauai. The State was required to pay a \$15.4 million settlement after two hikers misunderstood trail markers and fell from a cliff. As one supporter noted in testimony, "Let the public make up its own mind to use or not use a place after seeing a warning. Most of the time that will result in great recreation, exercise, and use of the outdoors. In the infrequent times when injury occurs, that remains the risk of the individual." Senator Slom's office has received a number of requests to pass **SB1007** and let individuals decide for themselves whether or not an area comprises too much of a risk for their level of experience. Other testimony recommended that "the costs of placing signs along trails throughout the State is a far more fiscally responsible method of dealing with these issues than being forced to pay yet another million dollar lawsuit." The bill was unanimously passed by the Senate at third reading.

Occupational therapists in Senator Slom's district are requesting his support of **SB2472 SD2 HD3**, "Relating to Occupational Therapy Practice." This bill would establish a more formal program for licensing and a professional career track.

Amended Drafts of SB 2633 and HB 1678 Denounced by the Public

Rarely has a draft amendment created such a stir after the initial introduction of a bill—in this case, two similar bills. Both **SB 2633 SD1 HD1** and **HB 1678 HD1 SD1** attempt to amend the definition of “historic property” by exempting residential properties. Opposition has been voiced across the board, from testimony by architectural firms, archaeological societies, Hawaiian cultural groups, to concerned e-mail by private citizens from Waialea Bay to Kailua-Kona. And perhaps most significantly, as noted by **Dr. Mark Nokes** in a message to Senator Slom and his legislative colleagues, “The public were denied the opportunity to testify on these changes.”

The bills were originally introduced in an effort to protect culturally significant historic sites. However, the poorly constructed amendments are deeply flawed. “The SD1 version of this bill opens the door for all kinds of abuse by land speculators and developers,” wrote a concerned citizen. **Glenn Mason**, AIA, President of Mason Architects, submitted testimony pointing out two major flaws: “First, on its face it appears to establish that historic residences are less important than other properties, and ... would set a dangerous precedent that is contrary to Federal preservation law and interpretations. The second major flaw is the assumption that the current law imposes onerous time delays in getting building permits. My own experience as an architect working on historic residences has shown this not to be true.”

Joe Ferraro, FAIA, LEED AP, Principal of Ferraro Choi, stated that “Hawaii’s historic houses are a significant part of our state’s historic and cultural resources. They are links to where Hawaii’s kupuna lived, where they raised their children, and the neighborhoods that were formed around them. They represent a building type that was in many cases designed by local and immigrant tradesmen rather than through architectural commissions. They are no less important than other architectural works and are irreplaceable treasures.”

Dr. Sara Collins, Legislative Chair of the **Society for Hawaiian Archaeology**, spoke for over 150 professionals when she wrote, “Residential construction projects can often have an effect on non-architectural historic properties, such as human burials or buried cultural layers, which are adjacent to the structures or are potentially disturbed during project related excavation.” In other words, as one protestor put it, “At the last minute the two above bills were radically changed to exempt burial sites, trails and heiau from Hawaii’s historic Preservation Law. The public was denied opportunity to comment on these changes. What kind of Democracy is that?”

SENATE COMMITTEES

WAM—Ways & Means | JDL—Judiciary & Labor
CPN—Commerce & Consumer Protection

AGL—Agriculture | ART—Arts & Technology

EDH—Economic Development & Housing | EDU—Education

ENE—Energy & Environment | HRE—Higher Education

HWN—Hawaiian Affairs | HTH—Health | HMS—Human Services

PSG—Public Safety & Military Affairs | TSM—Tourism & Government
Operations | TIA—Transportation & International Affairs

WLH—Water, Land & Housing | HSH - Investigative Committee

April 18, 2014 - Good Friday (State Holiday)

Hawaii Senate Minority Website hawaiisenateminority.org
Hawaii Senate Watchdog

hawaiisenatewatchdog.wordpress.com/

Hawaii Senate Informer [facebook.com/hawaii.senate.informer](https://www.facebook.com/hawaii.senate.informer)
Senator Slom on Twitter twitter.com/Senator_Slom



Historic residential properties could be demolished in the latest drafts of SB 2633 and HB 1678.

Writing in strong opposition to **SB 2633 SD1**, Executive Director of the **Historic Hawaii Foundation**, **Kiersten Faulkner**, noted that current regulations define “historic properties as any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.” Unfortunately this definition disregards “two additional criteria used to screen properties: historic *significance* and *integrity*.”

“The historic and cultural resources of Hawaii are a great legacy and irreplaceable treasures. No less than other types of historic properties, the homes and neighborhoods of Hawaii depict the architectural, social and economic history of the Islands. The natural beauty of Hawaii is complemented by its neighborhoods, small towns, vernacular architecture, blend of indoor and outdoor design features, and other characteristics ... The houses of Hawaii are a reflection of its physical setting and social history.”

Hawaii’s Thousand Friends provided two examples of two potentially devastating losses if the bills pass: “1) The former navy officer housing at Kalaeloa now owned by Hunt Corporation ... has been allowed to deteriorate. The only thing keeping these residences from being demolished is their 50-year old status. Pass this amendment and they are gone. 2) In Maunawili Valley, on Oahu, the home where Queen Liliuokalani rested on her trips around the island and where she was inspired to write Aloha ‘Oe still exists ... Will passage of this bill give the landowner the ammunition needed to demolish this historic residence?”

Dr. Robert Fox of Honolulu commented, “Case in Point. Alii Nui Princess Ruth Keekauliki’s beautiful mansion in town was bulldozed and now all we have are postcards and old photos. Is this the way to treat the heritage of the Hawaiian state and its people? Please think for the long term ...” Another example offered was the famous architect, Vladimir Ossipoff, who did create public buildings, yet the majority of his work—considered art—was residential. In another e-mail, a private citizen called the bills “a back door attack on cultural and environmental protections for the benefit of corporate and other big bucks speculation,” a motivation mentioned by many.

Perhaps the clearest, simplest objection voiced was: “Please respect cultural sites. Another Target or McDonalds we do not need.”

If you have strong feelings on these bills, please let Senator Slom know your views. As always, you can reach him directly on his cell phone, (808) 349-5438. As the Legislative Session winds down, time is running out.

Hawaii Senate Minority Announces New Alternative Supplemental Budget

The Hawaii Senate Minority Alternative Supplemental Budget for the fiscal years 2014-2015 reflects a decrease of \$795 million in total funding compared to the proposed Senate Budget.

The Alternative Supplemental Budget proposes a comprehensive plan that will make Hawaii's government less expensive, yet more effective, for our state's taxpayers and small businesses by advancing two simple fiscal and economic objectives:

1. Reduce the rising cost of living for Hawaii's taxpayers and improve the deteriorating business climate through tax reform;
2. Make government less expensive and more effective through budget cuts.

Three highlights of the Hawaii Senate Minority Alternative Supplemental Budget proposal:

I. Balance the Budget in the long run by using conservative revenue estimates

In less than six months the state's financial outlook has shifted from a proclaimed \$844 million surplus to looming long-term budget deficits. Although the recent downgrade by the Council on Revenues has come as a surprise to some, the Senate Minority has long argued that the economy has not turned a corner and our state's overall business climate has not improved.

- To correct overly optimistic revenue projections, the Supplemental Alternative Budget is based on a more conservative set of long-term revenue projections.
- Under both the more conservative revenue estimates as well as the current Council on Revenues' projections, both the House and Senate Budgets are not in balance--and without any future adjustments are projected to deplete the state's cash reserves as early as FY 2016.
- The Senate Minority Alternative Budget is the only proposal that balances the state's checkbook beyond the current fiscal biennium under both revenue assumptions.

II. Reduce The Size And Cost Of Government By \$795 Million In FY 2015 And Limit Future Growth To Inflation Only

The Senate Minority Alternative Supplemental Budget clarifies the tough decisions that have to be made today to reposition Hawaii for a better tomorrow. The \$795 million consists of \$480 million in general funds and \$315 million in special funds. This reflects a 7 percent decrease in comparison to the current Senate Budget.

The proposed budget cuts are derived from the following:

- \$17 million in general fund savings from discontinued programs
- \$110 million in general and special fund savings by removing vacant budgeted positions
- \$146 million in general fund savings through a 10 percent across-the-board cut in discretionary spending
- \$207 million in general fund savings from targeted cuts on various programs within the Department of Education, Health, and the University of Hawaii
- \$315 million in special fund savings with an across-the-board 10 percent cut.

III. Leave The State Treasury With A Projected General Fund Balance Of \$486 Million In Fy 2019

With the highest cost of living and the worst business climate in the nation, tax reform could reposition Hawaii's economy to make it more competitive in the long run. Although revenue losses are often cited as a barrier to tax reform, the Senate Minority Alternative Supplemental Budget proves the contrary and shows that Hawaii could indeed move in a different direction, with sustained balanced budgets and lower taxes.

Read the full report here: <http://hawaiisenateminority.org>

Bill Will Compromise Civil Liberties

Despite a long list of good intentions and numerous supporters, **House Bill 849** is a dangerous bill. The dangers inherent in the bill are the overly broad definitions of emergency powers. **Elaine Dunbar** of Lihue defined these as "sweeping powers."

Edward T. Teixeira, the former vice director of civil defense, strongly opposes the bill, calling it a "rushed and desperate attempt to reform the state civil defense system by a name change ... Passing this bill out of your committee without a thorough review by your committees will be a disservice to the people of the State."

Specifically, civil liberties may not be observed if an emergency is declared; compulsory immunizations and quarantines can be required; personal property can be "redistributed;" electronic media transmissions can be suspended; even county laws can be suspended. If someone is accused of "hoarding," all emergency supplies may be taken by the government. The governor can declare any person, place, or situation a "public nuisance," authorizing entry to private property without the owner's permission. The public right to gather may be restricted. Forced evacuations are permitted. "The governor or mayor shall be the sole judge" of any danger that would constitute a state of emergency. And during a state of emergency, the governor or mayor can take over any private property they choose to requisition; if the owner is unwilling to accept the compensation value offered, that person will be penalized by a 25% reduction in the compensation amount. Then there is an extensive section defining theft and property crimes. Theoretically a hungry person who picks a mango from someone else's tree can be accused of criminal property damage in the first degree. This section seems to favor the wealthy and persons with extensive property.

Hawaii residents can only hope that some of these issues will be edited and clarified in conference committee, as the resulting chaos could be catastrophic.

Budget Growth - All Means of Financing - Millions (\$)

