



Reading, writing and...condos?

Several bills were introduced this year allowing public school lands to be leased out for condos, workforce housing, or? A picture is worth a thousand words... thank you John Pritchett for showing us the reality of this scenario!

## Legislative Session at a Glance

### GLAD

#### Good bills that passed

##### HAWAII'S COMMERCIAL HEMP PROGRAM

**(SB1353):** Establishes a State framework for hemp production based on the passage of the 2018 Federal Farm Bill which legalized hemp nationally.

**LOCAL FARMERS (HB463):** Assists small and medium farms in passing Federal food safety rules by obtaining food safety certifications.

**ADC AUDIT (HB1561):** Requires a yearly report on the properties managed by the Agricultural Development Corporation as well as a performance and financial audit of the Corporation. Funds the Corporation's operations for the next two years.

**HELPING OUR KEIKI (HB250):** Provides school health services including screening for physical and behavioral health conditions, referrals, and disease prevention/control.

**HOUSING FOR THE HOMELESS (HB257):** Allows private lands to be used for hosting Ohana Zones, which assists the homeless in finding and transitioning into permanent housing. Provides for medical and other necessary services. SB470 is a similar bill.

**SUSTAINABILITY FOR HAWAII (SB375):** Plan which doubles local food production and increases food exports by 2030.

**CROSSWALK SAFETY (SB98):** Clarifies that a driver of a motor vehicle must stop for a pedestrian when any part of the pedestrian's body, wheelchair, cane, crutch, or bicycle is beyond the curb or the edges of the traversable roadway or moves onto the roadway within an intersection or crosswalk.

**HOPE FOR THE HOMELESS (SB471):** Provides core homelessness services, including outreach programs, rapid re-housing programs, Housing First program, family assessment centers, stored property and debris removal services, and the state rent supplemental program.

**VOTING BY MAIL (HB1248):** Implements a statewide vote-by-mail system beginning in 2020. Walk-in voting centers will open 10 days before an election for those wanting to cast a paper ballot.

**KEEPING KEIKI HEALTHY (SB0549):** Ensures that healthy beverages are the default option in children's meals purchased at restaurants throughout the State.

**MENTAL HEALTH TREATMENT (SB1124):** Strengthens the Family Court's ability to order those with serious mental illness to undergo intensive psychiatric treatment through an assisted community treatment program.

**DECriminalIZING CANNABIS (HB1383):** Makes possession of three grams or less of cannabis punishable by a \$130 fine and no jail time. Individuals with prior low-level cannabis convictions can also have their records expunged under this legislation.

**THE WATER RIGHTS BILL (HB1326): *Did not pass!*** This special legislation would have extended temporary permits for stream diversions for a dozen private users statewide including Alexander & Baldwin while limiting water rights for many local farmers and ranchers.

**PRESCHOOL EDUCATION (SB78):** Establishes State-funded pre-kindergarten programs and private-partnership funded pre-kindergarten programs in the public schools administered by the Executive Office on Early Learning.

**ELECTRIC VEHICLES (EVs) FOR THE STATE (SB661):** Provides State procurement priority to fuel-cell EVs and expands the current incentives for electric vehicles to include fuel-cell EVs. These vehicles develop a charge using hydrogen fuel cells instead of relying on traditional electrical infrastructure.

**RESTORING HISTORIC BUILDINGS (SB1394):** Allows for the restoration and redevelopment of historic buildings, providing a tax credit to help offset rehabilitation costs. Owners could claim a maximum of 30 percent of the building's cost or renovation.

**NURSING FACILITY CARE (HB1449):** Helps low income individuals whose Medicaid payments do not cover the actual costs of care by extending the Nursing Facility Sustainability Program to 2021.

*Legislative Session at a Glance* continued on page 4

## REPRESENTATIVE

*Cynthia*

# THIELEN

## 2019 Legislative Report

## It's Never Over Until It's Over



Dear Neighbor,

Mahalo to all who contributed to and took an interest in the many issues during our 2019 Legislative Session.

Working with lawmakers on both sides of the aisle, I gained support for a new law abolishing the statutory time limit in which childhood sexual-abuse survivors may file lawsuits. This allows all adults who endured sexual abuse as toddlers and minors to seek justice during adulthood without a time limit. Although this Legislation passed both Chambers (triple committee referral) with only the bill date changed, it died in Conference Committee. To kill such an important piece of legislation at the 11th Hour is not only disappointing, it is ludicrous.

On a positive note, an updated sexual-harassment policy at the Capitol was implemented and now includes protections for State workers including staff and legislators, which I formally called for 26 years ago.

Sadly, the fight for Hawaii's farmers to speedily obtain licenses for growing industrial hemp is forced to continue – even after Congress removed hemp from its schedule of classified drugs in 2018. This is because the Hawai'i Department of Agriculture moves at a snail's pace; under-performs in comparison to other state agricultural departments that are eagerly and expertly promoting various ways to capitalize on growing hemp; and is negligent in its duties to competently serve the public when it comes to equally helping all Hawai'i farmers with hemp. Now that the hemp door is open nationally, it's a \$22 billion-a-year industry. Climate-wise, Hawai'i is #1 place to grow it in the U.S. We've come so far in my 20-plus years' advocacy for agricultural hemp; I'll continue fighting.

Speaking of fighting, I shared my eye-opening experience from the front line about how Hawaii's medical cannabis law fails hospital patients. My published op-ed details the unsuccessful battle I faced to obtain a prescription for medical cannabis to combat my post-surgery pain and how instead, I was offered the addictive, #1 killer in America, opioids, which I refused.

Another first this session included the global Youth Climate Strike. Millions of students from elementary school through college, scientists and environmental groups around the world participated, calling for planet-wide action to minimize humans' harmful contributions to our rapidly, dangerously changing climate. Based on my record of championing the environment since the '70s, I was one of the legislators invited to speak at Hawaii's event at the Capitol alongside award-winning researchers, environmentalists and grade school-aged climate activists.

This year, I also served as Ranking Member on these committees: Judiciary; Energy & Environmental Protection; and Water, Land, & Hawaiian Affairs. And I continued my work as a longtime member of the Women's, Keiki and Kupuna caucuses.

What a Session this was with much excitement, twists and turns. The goings-on at the Capitol stress the roles that constituents and all citizens can play to accomplish short-term and long-term goals.

Mahalo again and I'll see you in our community soon.

With warm aloha,

*Cynthia*

Representative Cynthia Thielen

# The Business of Living in Hawai‘i

Minimum-wage issues drew maximum interest this session with heated testimony. Although all the minimum wage bills died this session, undoubtedly they will be resurrected next year.

**HB1191** passed the Senate, raising the minimum wage to \$15-an-hour by 2023 – one year earlier than the original bill stipulated – and to \$17-an-hour for full-time State employees. The two incremental increases apply to all employees, even if they don’t receive health coverage through their employers.

Added to the bill was an income tax credit of 20 percent of the total cost of the wage increase – up to \$50,000 – for small businesses of 50 employees or less, not currently contingent on whether they provide health insurance.

**SB 789** passed the House, which replaced the Senate bill’s original \$15-an-hour wage increase by 2024 with blank dollar amounts. The newest version also created a separate increase schedule for employers that are not required to provide health coverage for part-time workers, but that opt to provide it anyway. However, those dollar amounts are blank. It also prohibits employers from paying people with disabilities less than the minimum wage.

Chambers of Commerce statewide – concerned about the resulting insurmountable costs to small businesses – opposed the measures, stating, “Hawai‘i can’t afford another minimum wage increase.”

## Early Education = Future Leaders

**SB78** continues the Executive Office on Early Learning as the administrative authority for state-funded pre-kindergarten programs and continues the program in State and charter schools.

Early education is important because research from across the nation clearly shows that children who attended pre-kindergarten are better ready for kindergarten and future learning. Longitudinal studies have also proven that high-quality programs are especially effective for high-risk children, including low-income and otherwise disadvantaged children, with the great potential to improve their lives.

Currently more than 40 percent of Hawaii’s keiki start kindergarten without any experience in an early learning program and many are almost two years behind those who attended an early-learning program.

## Advocating For Women And Children

The Women’s Legislative Caucus is a bipartisan group of House and Senate legislators that advocate for opportunities for women, children, and families of Hawai‘i. This Session, the Women’s Caucus introduced legislation to provide equal opportunities in education, increase protection from sexual misconduct in the workplace, and provide stronger support for sexual assault victims and women through better health care insurance coverage.

One of the few Caucus bills which survived the legislative process was **SB1033**. This bill requires licensure of midwives and temporarily exempts birth attendants as well as Native Hawaiian healers from licensure requirements.

Sadly, many important bills benefitting women and families did not pass this session. **SB1041**, prohibiting written nondisclosure agreements involving sexual assault and sexual harassment as part of an employee’s conditions of employment died in Conference Committee. **SB1034**, clarifying the existing health-insurance mandate for coverage of low-dose mammography was deferred, along with **HB18**, repealing the statutory limitations on the time period a survivor of childhood sexual abuse may file suit.



◀ *Families in need, including those served by the Windward Spouse Abuse Shelter, once again had a Happy Easter through the annual Easter basket drive sponsored by the Women’s Legislative Caucus.*

## Students Speak their Truth

Some 200 Kailua students participated in the legislative process this session by orally testifying at our annual Legislative Road Show at Kailua’s schools. The fifth-, seventh- and eighth-graders chose bills that were introduced at the Capitol, researched them, decided if they were for or against the measures, then testified in front of our mock panel. Introducing youngsters to the process and leading them toward active citizenship with their teachers’ help is a privilege.

The students chose from four House Bills:

- **HB318**: Requires the Department of Education to evaluate the pros and cons of staggered school start times, including effects on school bus schedules.
- **HB549**: Requires new developments to plan for the impacts of projected sea level rise, and prohibits development in areas significantly affected by projected sea level rise.
- **HB681**: Allows dogs in restaurants at the restaurant owner’s or manager’s discretion.
- **HB1280**: Lowers the voting age to 16 in state and local elections.

In a thank-you letter sent to our office, a Kailua Intermediate student said: “From this process of giving testimony in a public hearing, I will use this experience as practice for future job, college or scholarship interviews. This experience will increase my chances of getting the job.”



*A 5th-grader testifies about a House bill during our annual Road Show at Kailua’s schools, where we reached 200 students this year.*



*Kick Butts Day brought high schoolers to the Capitol, testifying for a bill to end selling flavored tobacco. Candy flavors hook kids to nicotine; in Hawai‘i, 1 out of every 4 high schoolers vape.*

## Protecting the ‘Āina is Part of Our Kuleana

Hawaii’s stunning natural environment, consisting of 11 of the world’s 13 climate zones, is rife with native/endangered flora and fauna, and the potential for renewable energy infrastructure. The unique qualities and variance within the islands also lend to ecosystems’ fragility and requires the protection of the State Legislature to ensure its preservation and welfare.

Many bills aimed at reducing pollution, increasing sustainable energy initiatives, and continuing conservation efforts for endangered plants and animals passed this Session.

**HB1548** appropriates funds to the Department of Land and Natural Resources to study and combat rapid ohia death. **HB1028** expands the type of revenue that can be deposited into the Endangered Species Trust Fund.

**HB808** expands the existing prohibition on knowingly capturing or killing a manta ray in State marine waters to apply to all rays and to also include knowingly taking, possessing, abusing, or entangling a ray.

Many outstanding and necessary sea level rise and climate change bills were introduced this year. Disappointingly, most were killed during the legislative process. This worldwide emergency needs to be addressed now, especially since we live in an island state. Simple discussion does not protect from flooding, loss of infrastructure, and property destruction. Protecting our ‘āina from the changes rapidly occurring around the globe must be a priority next year.

## Yes, Something Must Be Done

Tragically, on April 29, 2019, a Novictor Oahu tour helicopter flight crashed on Oneawa Street in the middle of Kailua town, killing the three people inside.

Spurred by this catastrophe, Rep. Thielen has called upon Hawaii's Congressional Delegation to work with the Federal Aviation Agency (FAA) to create Special Federal Aviation Regulations around our residential neighborhoods and sensitive natural resource areas.

The frequency of flights occurring all day, every day is not just a nuisance for residents, but a public health issue. While FAA controls the airspace, the State and Counties control land-based uses. We are working on legislation to manage tour helicopters' land uses, like the way the State manages fisheries for the benefit of the resource.

Proposed solutions include a bill that would require the Department of Transportation to limit the number of operator permits issued, including setting reasonable hours for use of the State airports. Another bill would direct Counties to oversee uses of private or County helipads, imposing day/hour limitations. There is also a loophole in the GET taxation of helicopter companies which needs to be closed.

## Kupuna Care & Caregivers

The Kupuna Legislative Caucus is dedicated to improving our senior citizens' quality of life, as well as their caretakers. Seniors are the most rapidly growing age group in Hawaii's population.

**SB1025** helps increase the impact and goals of the Kupuna Caregivers Program. Established in 2017, this program provides working caregivers with additional resources to cover a variety of support services for qualified kupuna. This includes adult day care, assisted transportation, homemaker services, and many other important services. Kupuna Care ensures that caregivers continue earning their retirement benefits. This helps businesses retain experienced workers and provides peace of mind that loved kupuna are well cared for while caregivers remain in the workforce.

This program allows caregivers who are juggling employment with their caregiving responsibilities to simultaneously take care of their kupuna and themselves. **SB1025** specifically awards up to a maximum of \$210 a week to family caregivers for the purpose of a variety of services for their kupuna.

The Healthy Aging Partnership Program will continue its good work with the passing of **HB468**. This program improves the health status of older adults by empowering residents to engage in healthier lifestyles. The Healthy Aging Partnership Program has successfully adapted evidence-based health promotion programs and disease-prevention programs for Hawaii's senior multicultural population.



*Rep. Thielen testifies against Bill 85 regarding transient rentals at a Honolulu City & County hearing.*

## We Hear You Loud & Clear

This year's Windward Legislative Survey results spoke volumes. Thank you for making your voices heard.

The overwhelming majority – 71% – believe the Pali Lanes building and surrounding area including the parking lot should be upgraded and the bowling alley continue to operate. I am working with Kailua's *Save Pali Lanes* group and Alexander & Baldwin to save the bowling alley.

Following closely in our survey, 70% said they want the minimum wage raised to \$15 by year 2020, paired with tax incentives for small businesses to counter any hardships resulting from the increase. Legislation addressing this issue did not pass this session, however will be revisited in 2020.

The next highest response rate addressed the issue of recreational cannabis with some 58% preferring legalization for adults while 40% oppose legalization. Legislation decriminalizing recreational cannabis was passed this year and is waiting the Governor's signature.

One of the biggest mixed responses concerns fireworks. Two of the most popular options were 1) increase the penalties for any persons or companies that import unsanctioned fireworks and 2) stop selling consumer fireworks statewide.

Building a HECO power plant in a remote area that's out of public view garnered the most votes, followed by the idea that its power comes solely from renewable energy sources. Both ideas have value. In the meantime, HECO has not yet disclosed what kind of powerplant it will propose for the Windward side nor its proposed location.

The embattled Rail failed to garner even half of our respondents' support. Most want to see it moved inland due to the rising sea level. Rep. Thielen fully supports an inland move for safety and operational reasons, and to stimulate the development of residential and commercial buildings away from the near-future flood zones.

A big mahalo for completing our Survey. Your input shapes outcomes at our Capitol, where it is a privilege to represent our Community's collective voice.



*Save Pali Lanes! Work continues to protect this historical designation. Here, Rep. Cynthia Thielen and Sen. Laura Thielen*

## Helping the Homeless

One of our most challenging issues, homelessness in Hawai'i, was addressed in several bills introduced this Session. The development and funding of programs aimed at alleviating both potential and chronic homelessness were a top priority this year.

These programs ranged from identifying and assisting people who are at risk of homelessness, to providing job training and placement for those who are currently houseless, to increasing mental health services/general outreach programs including involuntary commitment for the seriously mentally ill.

**SB471** appropriates funds to homeless programs including outreach, rapid re-housing, Housing First, Family Assessment Centers, diversion programs and a coordinated statewide homelessness initiative. The bill also appropriates \$3 million to fund stored property and debris removal services and establishes a long-term rental assistance pilot program for individuals over 60-years-old.

**SB398** requires the Department of Human Services and the State Procurement Office to educate and train nonprofit organizations offering homeless outreach services or housing programs in rural areas throughout our State. These organizations must clearly understand the State procurement system, including the proposal and bid processes, to effectively administer and grow services and housing options.

## GLAD



Rep. Thielen celebrates with House Finance Chair Sylvia Luke and House Agricultural Committee Chair Richard Creagan on the passing of Hawaii's first commercial hemp bill!

## BAD

### Bills that passed

**HOUSING & ZONING (HB820):** "Gut & replace bill" which allows residential housing and commercial property to be built on public lands such as schools and libraries. Other similar bills include **SB1190, SB1303, SB0976.**

**TRANSIENT ACCOMMODATIONS (SB1292):** Requires platforms such as AirBnB to register as tax collection agents. This started as a "good bill" however morphed in House Finance, allowing platforms to keep short-term rental owner's information secret. Another "Zombie Bill", **SB1292** was originally killed on the Senate floor but resurrected for a second vote and passed.

**SURCHARGE ON ELECTRIC VEHICLES (SB409):** Adds an annual vehicle registration surcharge fee for electric vehicles to supplement the State highway fund.

## SAD

### Good bills that died

**PLANNING FOR SEA LEVEL RISE (HB765):** Would have required incorporation of sea level rise projections in all new plans and updates to existing state plans generated under the Hawaii State Planning Act.

**SEXUAL ASSAULT OF A MINOR (HB18):** Would have repealed statutory limitations on the time that a childhood sexual-abuse survivor could seek justice against an adult perpetrator through civil action. Although this bill made it through triple referral in both the House and the Senate as well as three floor votes in both the House and the Senate, it was deferred in Conference Committee by House leadership.

**REQUIRING POLICE ACCOUNTABILITY (HB285):** Would require Hawaii's four county police chiefs to disclose the identity of an officer upon an officer's suspension or discharge from a county police department.

**CLIMATE CHANGE (HB1487):** Creates the Honolulu Shoreline Climate Protection Pilot Project to collect data and find tangible solutions to protect urban Honolulu from the impacts of climate change.

**HOMELESS EMPLOYMENT (HB713):** Provides homeless individuals with work opportunities and connects them with service providers.

**ANIMAL CRUELTY (HB200):** Prohibits tethering or restraining a dog less than six months old, tethering with a tow or log chain, using a choke collar, pinch collar or prong collar without the owner present; or keeping the dog from necessary sustenance.



## THIELEN'S TURF ...

STATE REP. CYNTHIA THIELEN

# Congrats To Million-dollar Wave Energy Winner

A total of \$25 million was awarded to 12 ocean-energy projects in the U.S., including \$1.3 million to University of Hawai'i at Mānoa's research project in waters off Marine Corps Base Hawai'i. The funds from the U.S. Department of Energy will go toward a three-year project in our Windward area, advancing UH's wave-energy converter concept and conducting testing in the open sea.

The university's Hawai'i Natural Energy Institute will lead a team of researchers to

develop a wave-energy converter, appropriately called the Wave Focusing Energy Converter project. Its purpose is to capture wave energy to drive a hydro turbine, which produces energy. It's scheduled to begin this May and resulted from a Ph.D. project by Richard Carter of Kāne'ohe, who earned his doctorate at UH in 2014.

Ultimately, the wave power-generating project could produce low-cost electricity through high-conversion efficiency and low up-front costs. In this research-and-development

phase, an underwater disk will create a concentrated water flow to harness wave energy.

Although wave energy is not commercially viable anywhere on large-scale power grids, the next 15 years might bring a big change.

"If it proceeds like we think it will, then this project could be scaled up for testing ... and ultimately made commercial in Hawai'i," says Patrick Cross, researcher and project leader at HNEI. This "could result in job creation, a broadening of our local

renewable energy portfolio, another clean-energy source for Hawai'i and furtherance of Hawai'i's reputation for cutting-edge innovation in renewable energy," he states.

Hawai'i, through legislation adopted in 2015, is positioned to become the first U.S. state to produce all its electricity from indigenous renewable sources. It has established interim targets of 30 percent by 2020, 40 percent by 2030, 70 percent by 2040 and 100 percent by 2045.

I believe we can do it; we're getting closer every

year, thanks to committed researchers like Dr. Cross. Other worthy collaborators on this million-dollar-winning project include UH's Department of Physics, National Renewable Energy Lab and Sea Engineering, Inc.

The projects' results in this emerging field of wave power will be tested in wave tanks on the mainland. Some of the test sites under consideration for UH's project are the Navy's Maneuvering and Seakeeping Basin in Maryland, and tank facilities at University of Maine and

Stephens Institute in New Jersey, according to Cross.

Congratulations to UH's School of Ocean and Earth Science and Technology and its team for advancing next-generation marine energy, and for paving the way for Hawai'i and the rest of our nation to secure a dependable and sustainable supply of energy!

Contact state Rep. Cynthia Thielen (R-50: Kailua, Kāne'ohe Bay) at 586-6480, [repthielen@capitol.hawaii.gov](mailto:repthielen@capitol.hawaii.gov) or in person at Room 443 at the state Capitol.



◀ Vietnam War patriot General David Bramlett was recognized at the Capitol for extraordinary service to our Country & continuing service to our State.

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