

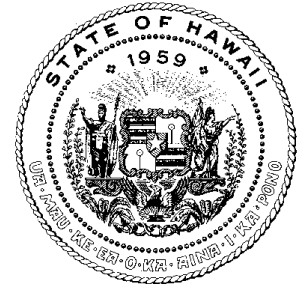


Hawaii State District 18 Representative

Mark Jun Hashem

Hahaione, Kuliouou, Niu Valley, Hawaii Loa Ridge,
Aina Haina, Wailupe, Kahala

February/March 2011



Aloha Friends of
District 18:

I hope that this newsletter finds you well and prosperous in this new year! Let me once again humbly thank you for the opportunity to represent our interests in the Hawaii State Legislature. I have enjoyed getting to know you while walking the district. Answering emails and phone calls have helped me to introduce and support bills based on what is important to you. The bills I have introduced this session reflect this. I look forward to working with you this session and in the future. If you have any concerns regarding our community please feel free to email me or call my office.

I pledge to be your voice in our state government. Please, let me know how I can help.

Mahalo,

Big Bucks Spent on Special Funds

Many district 18 residents have asked for an audit of the Department of Education. The DOE has a \$1.6 billion operating budget and has not been audited in decades. Unfortunately, an audit would cost \$1.2 million which we currently cannot afford.

In a February 15 House Finance committee hearing, a testimony given on HB79 (which I co-sponsored) suggested that the government spends approximately \$5 billion annually in special funds. Special funds are spent on programs that are less regulated and

separate from our \$11 billion operating budget. HB79 looks to abolish special funds completely. Please note I do NOT support abolishing all special funds. Most special funds are needed or are mandated by the federal government like unemployment insurance. Special funds work best when they are directly related to the service they provide. A great example is the public library system whose

late fees and DVD rental fees go directly back to funding the library system. We need conversation about this issue. I supported this bill to make a point. We are facing tough economic times and the people of Hawaii cannot have both lower taxes and a plethora of special programs. Before we raise our taxes, we must find ways to streamline the

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Paying a Visit



On February 17, 90 Hahaione Elementary 3rd graders came to visit the Hawaii State Capitol. While in the House gallery Rep. Hashem proposed a "bill" to extend recess by 15 minutes. As Rep. Hashem played speaker, Hahaione "representatives" debated the bill and voted the bill down wanting to keep recess as it is! Most children cited that they wanted to learn more!

Recourse for Boulder Problem

Loose boulders all over East Honolulu have caused serious and imminent public safety hazards in recent months. On February 7, 2011 a boulder above Kawaihae Street came careening down the valley damaging support pillars for a town house. This inci-

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dent is indicative of a growing problem around our neighborhood. This problem is completely avoidable. Dozens of resident's homes are put in danger due to the negligence of private property owners of ridge land above East Honolulu Valleys.

Fortunately, my staff has looked into this issue to provide recourse for residents living below boulder infested private properties.

Section 128-10.3, Hawaii Revised Statutes, may provide the

remedy for District 18 residents to address private property owners who have neglected their land and put other homes at risk. It states that "the governor may authorize designated state employees to enter private property at reasonable times to mitigate situations deemed by the governor to be hazardous to the health and safety of the public." In this statute is a 10 day period for the property owner to rectify the situation on their own. The statute allows the governor to seek reimbursement and recovery of all costs and expenses in-

curred in the mitigation of a hazardous situation. This takes the financial burden off the taxpayers and places it on the individuals responsible for the problem.



A boulder sits idle in a parking lot after it damaged support pillars of a Hawaii Kai town house.

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programs we currently have. If a centralized state department with an operating budget of \$1.6 billion cost \$1.2 million to audit, one can only imagine the cost to audit \$5 billion of special funds.

HB79 proposes an alternative. It looks at special funds and brings that money back into the state government for more transparency and accountability. The goal IS NOT to raid special funds to balance the budget. Rather it is a way for the gov-

ernment to do an audit without having to pay for one. If all special funds had to be re-apportioned every year with the state budget, organizations who receive such funding would have to justify receiving tax payer money every year. This will make all special fund recipients directly accountable to the tax payer by having to testify annually to legislators. All special fund recipients would do the same thing as state departments

have to do every year. By providing better oversight this could help fund programs in need. Also, with an annual check, the state can adjust its funding as revenue allows. Even though it was clear from the beginning HB79 would not pass, I hope a conversation will be opened regarding special funds. \$5 billion of special funds separate from our \$11 billion operating budget is a lot of money we should keep a better eye on.

Agriculture Bill Will Help Farmers Fight Theft

While talking to residents living in Kuliouou, I met with a local retired farmer. I was shocked to find out that the farmer once caught people on her farm, red handed, with a truck full of her bananas. What's more shocking, even though she caught them, she had no legal recourse to seek justice. According to the judge, since she could not definitively prove that the produce in question came from her trees, therefore they could

not charge the thieves with anything. The judge was forced to throw out the case.

In response to such an unfair situation, I introduced **HB1524**. The law helps local farmers deter theft by amending the current Hawaii Revised Statutes to say, "Possession, while on the premises and without the consent of the owner, of more than five pounds of an agricultural product of the type that is grown on the premises is prima facie

evidence that the product is or has been stolen, unless the person in possession of the product provides a bill of sale." **HB1524** will help farmers get reparations from thieves they catch on their property. It is unfair for farmers to fight an uphill battle to protect their produce on their own land AND in court.

Mid-Session Highlights for 2011

HB118

RELATING TO THE GENERAL EXCISE TAX.

General Excise Tax

Provides a grace period for general excise tax payments and broadens certain requirements for consolidated, year-end general excise tax payments.

HB961

RELATING TO CONTRACTORS.

Contractors; Exemption

Excludes cost of materials, taxes, and all other items other than labor in determining whether cost of project is less than \$1,000 for purposes of "handyman" exemption from contractor licensing law.

HB962

RELATING TO TAXATION.

Income Tax; Exemption; New Businesses

Exempts new businesses from income tax. Requires that new businesses claiming the exemption have either: (1) been in existence for less than 3 years, or (2) earned less than \$100,000 in gross sales during any of the first 3 taxable years.

HB575

RELATING TO SALARIES.

Salaries; Legislature

Extends the 5% legislative salary decrease from 06/30/2011, to 06/30/2013.

HB1523

RELATING TO LANDOWNER LIABILITY.

Landowner's Liability;

Neighbor's Remedy

Establishes a cause of action for neighbors owning land within one hundred feet of land that has not been properly maintained by its owner.

HB1307

RELATING TO TAXATION.

Tax Credit; Residential Construction and Remodeling

Provides a temporary tax credit for residential construction and remodeling projects. Requires a report to the legislature comparing the impact on jobs and the state budget for various tax credit applications. Sunsets 12/31/13.

HB1646

RELATING OF EDUCATION.

Education

Provides that the board of education is prohibited from closing

schools that have a good standing pending or better as provided in the No Child Left Behind Act of 2011.

HB1639

RELATING TO EDUCATION.

School Repair and Maintenance; Environment; Green building

Requires that at least ten percent of funds appropriated for school repair and maintenance be set aside and used to fund the repair, maintenance, and upgrading of school facilities to meet green building standards.



Meet Representative Hashem's Staff

This year, Representative Hashem has four session staff members. Members of his staff include **Angelica Moore** (Committee Clerk, Left), **Kathy Kato** (Office Manager, Center Left), **Dorothy Mulkern** (Legislative Aide, Not Pictured), and **Casey Nishimura** (Legislative Aide, Right). All members of Rep. Hashem's staff are working hard to support Representative Hashem and District 18. All staff members are available to hear your concerns. You may contact and ask for any of them by calling the office at 586-6510.

When Sending Emails

I thank all of you for your correspondence via phone, email and personal meetings. They have helped me develop ideas for many of my bills. We receive 100's of emails everyday from all around the state and country. My office asks that you please write your name and address when submitting emails to us. In the first sentence of your email please state that you are a constituent! My staff only answers and relays correspondence from District 18 residents.



Pictures in Brief

(Top Right): Representative Mark Hashem with Representative Linda Ichiyama doing an interview with Steve Uyehara on Sunrise.

(Top Left): Representative Hashem with his mother Tokuko at the Opening Day ceremonies which was held on January 19, 2011.

(Bottom Left): Mark Hashem explains to the 3rd graders of Hahaione Elementary about the unique architecture of the Hawaii State Capitol.

Unfair Unemployment Tax

Tore Lerrand, a Hawaii Kai resident, runs a successful small business from his home. He works extremely hard on his business and wouldn't dream of firing his one employee—himself. He is a one-man small business operation.

After having a conversation with Torre, I discovered that even as a one-man enterprise Tore is still subject to the employment security laws. These laws require businesses to pay for their employee's unem-

ployment insurance. However, in Tore's case, he has no employees except himself yet he is forced to pay for unemployment insurance. This does not make sense since it is almost impossible for a small business owner to collect unemployment insurance.

To address this illogical practice, I have submitted **HB963** which exempts sole proprietors from employee security laws giving a much fairer shot to entrepreneurs going it alone.

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