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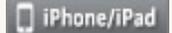
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House Kills Geothermal 'FrankenBill' Favored By Hawaii Senate

By [Chad Blair](#)[CONNECT](#)

| 04/26/2013

UPDATED Saturday, 4/27/13, 11 a.m.

In a case of Hawaii House-Senate brinksmanship that went right down to the wire Friday evening, a controversial bill easing geothermal permitting was killed.

[House Bill 252](#) was pushed by Sen. [Malama Solomon](#), who argues that geothermal energy is the future of Hawaii in terms of bringing down energy costs.

The problem was that the bill was a so-called Frankenstein measure, containing the language of two separate measures. The bill originally dealt only with the Native Hawaiian roll commission.

Angry with the Senate's insertion of the geothermal language into HB 252, House conferees led by Rep. Chris Lee deferred the measure indefinitely, meaning the measure is almost certainly not coming back this session.

The monster is dead.

Talk Of The Capitol

The Frankenstein and gut-and-replace bills had upset advocates of open, transparent government, and many



Chad Blair/Civil Beat

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moved to ask legislators to halt the practice.

The most well-known Frankenstein bill surfaced midway through the session and became a poster child for the questionable legislative procedure.

By the end of this week, most everyone around the Capitol had heard about HB 252.

Senate conferees led by Sen. Brickwood Galuteria and Solomon tried to keep the bill alive all day.

The bill's conferees met briefly several times throughout Friday in public, as is required, only to quickly agree to reconvene later in the day, as is common during conference committee craziness.

Behind the scenes, leadership in both chambers were in discussions.

The fate of HB 252 began to hold up other measures, and as the 6 p.m. deadline approached, discussions intensified. Several sources said Solomon would kill about a half-dozen measures that she had control over if the House did not agree to HB 252.

Finally, around 5:40 p.m. or so, the conferees gathered one last time in a packed conference committee room, but the dejected look on the faces of Galuteria and Solomon strongly gave away the news: HB 252 would not make it out of conference committee.

Lee told the Senate members that the House "appreciated" the work of the other chamber on HB 252 but that his chamber had reached "an impasse" on the measure. He asked Galuteria and Solomon to try again next year.

Galuteria defended HB 252, saying senators had taken "great pains" to make sure the bill comported with legislative rules. He rejected the notion that the bill was a gut and replace job and said it was in fact merely an addition to another bill that dealt with the same topic: "related to government — the widest title we could ever possibly find," he explained.

Galuteria, the Senate majority leader, also said HB 252 has been approved by Senate legal counsel and had broad support. He described the bill's deferral as a "lost opportunity" to move the state forward on geothermal development.

"We end up throwing the baby out with the bathwater, which is very unfortunate," he said. "Geothermal is here to stay, and the sooner we get there, the better."

Galuteria then asked Solomon to comment.

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She too called the bill's demise "unfortunate" and said it is taking a "Herculean effort" to get geothermal going on her native Big Island. Solomon expressed hope that the state's Department of Land and Natural Resources would help Hawaii County develop its potential.

"No matter what, geothermal is the only power we have in this state to be able to lower the cost of electricity for our constituents," she said, adding that Big Islanders pay the highest costs.

As of 6:30 p.m. Friday, it wasn't clear about how other Frankenstein and gut-and-replace bills had fared in the final day of conference committee, or how the seven bills Solomon threatened to hold if HB 262 didn't make it.

Updated

Here's what happened to the bills before Solomon:

- DEAD: [House Bill 414](#) on flood mitigation for Waipio Valley, [House Bill 1227](#) on funds for Iolani Place, [House Bill 1330](#) on funds for the Division of Conservation and Resources Enforcement, [Senate Bill 803](#) establishing an irrigation water conservation program and [Senate Bill 1361](#) on control of Banyan Drive.
- ALIVE: [Senate Bill 5](#) regarding compensation for taking public land and [Senate Bill 722](#) on inventorying public buildings on trust lands.

Here's what happened to the gut and replace bills:

- DEAD: [House Bill 399](#) regarding work leave and organ donation, [House Bill 473](#) on agreements between NELHA and DBEDT, [House Bill 747](#) on funds for agribusiness development, [Senate Bill 15](#) that creates a biofuel and ethanol task force and [Senate Bill 948](#) on taxing Internet sales.
- ALIVE: [House Bill 785](#) on defining Native Hawaiians for the roll commission and [Senate Bill 757](#) regarding the DOE and farming.

Here's what happened to the other Frankenstein bills:

- DEAD: [House Bill 70](#) establishing the Public Private Partnership Authority, [House Bill 487](#) on livestock and agribusiness development, [Senate Bill 66](#) requiring more government financial disclosures and [Senate Bill 753](#) on land transactions and food production.
- ALIVE: [House Bill 546](#) setting up an EUTF task force, [House Bill 1405](#) on renewable energy and the PUC, [Senate Bill 515](#) on homeless and housing programs, [Senate Bill 642](#) on medical marijuana amounts and [Senate](#)

[Bill 1214](#) on using wheelboots.

- RECONSIDERED: [House Bill 529](#) requiring liability insurance for adult care homes. The measure passed conference committee Thursday, but the House on Friday chose to reconsider previous action it had taken on HB 529. The issue will be before the Senate on Tuesday.

DISCUSSION: *A victory for good government? A loss for geothermal? Neither? Both?*

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Discussion

10 comments ▼



Curtis Kropar · ★ Top Commenter

"or how the seven bills Solomon THREATENED to hold if HB 262 didn't make it."

Not sure about everyone else. but I am getting tired of hearing about this type of attitude.

[Reply](#) · [6](#) Like · April 26 at 11:43pm



Bart Dame · ★ Top Commenter

The geothermal permitting process deserves consideration on its own. I happen to believe geothermal can be a cost-effective benign means for generating electricity. But if that is true, why do its proponents INSIST on using sneaky and dishonest work like this passed?

I am disappointed that Brickwood continues to argue geothermal development matters are germane to a bill for promoting a they used a bill title like, "Relating to government" does not make his argument more credible. It makes it more damning. The insistence a bill cover ONE subject was to ensure unrelated matters get the SEPARATE consideration they deserve.

Just because one can try to stretch the subject matter of a bill's title to cover the entire universe does not overcome the constitutional mandate.

[Reply](#) · [3](#) Like · April 27 at 10:26am



Bart Dame · ★ Top Commenter

I am not even certain Milani is totally wrong with what she is attempting to do. I am not familiar enough with the model. In the abstract, I think it is fully desirable that native Hawaiians benefit from the development of geothermal as beneficiaries, but as active participants. I respect Pele enough to believe it has to be done in the right way.

The fact that pro-geothermal development advocates are making campaign contributions to OHA candidates does invalidate what they are trying to do. Our lousy political system requires "private" sponsorship of political candidates.

Having said these semi-positive things about Trask, I think it is legitimate to demand everything be done transparent. FrankenBill was an extreme caricature example of CORRUPT legislation. [See More](#)

[Reply](#) · [Like](#) · April 27 at 10:45am



Janet Fox Mason · [★](#) Top Commenter · Honolulu, Haw aii

Process matters. Too bad that two important topics (Native Hawaiian Rolls and Geothermal energy) were lost when when these considerations.

[Reply](#) · [👍 1](#) · [Like](#) · April 27 at 5:57pm



Elaine Kauai · [★](#) Top Commenter

Obviously there has been more going on behind the scenes in this legislative session in particular. Not saying it hasn't been sessions but this one managed to expose the tip of the iceberg.

If 'leadership' is not there as remedy and recourse to correct, then what does the public have left in this process? Basically message is to just get out of their way.

So looking at the rampant abuse of the process and the established pattern of manipulation for private gain, threats, revenge close to being described as racketeering.

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Kealii Makekahu · [★](#) Top Commenter

• ALIVE: House Bill 785 on defining Native Hawaiians for the roll commission! This is sad targeting the KS people since they have the numbers to even laugh at. SAD

[Reply](#) · [Like](#) · April 28 at 1:10pm

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