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Hawaii News

State Legislature marred by secrecy, maneuvering and epic fail on rail

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Posted May 07, 2017

May 7, 2017



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The state Legislature wrapped up its session at the state Capitol on Thursday. Sens. Kalani English, in foreground at right, Jill Tokuda, Clarence Nishihara and Rosalyn Baker talked to one another during a recess.

Analysis

It is an odd-numbered year so most voters probably won't notice or remember, but this was not the finest hour for Hawaii's elected officials, or for openness in government.

The most obvious misstep was the state Legislature's embarrassing failure during its regular 60-day session to adopt a clear policy — any policy — to cope with the city's inability to cover runaway cost increases for its 20-mile train project.

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Should city government, which was supposed to control costs and manage the project, raise the money to cover rail's estimated \$3 billion shortfall? Or should the tourists pay for it? Or should it be all of Oahu's residents who pay, from the richest to the poorest?

No one knows, because lawmakers couldn't agree on a bill.

Gov. David Ige has now suggested the leaders of the state Legislature huddle to strike a deal that the deadlocked House and Senate can embrace. Once that has been done, Ige suggested Wednesday he is willing to call lawmakers back into public session to formally approve the negotiated agreement.

Ige explained that everyone involved wants the \$10 billion rail project to be completed, but it would be a waste of time to have lawmakers come back to the Capitol to continue arguing publicly about the matter.

Honolulu Mayor Kirk Caldwell quickly endorsed Ige's plan, announcing immediately after the 2017 session closed on Thursday that he will continue his lobbying offensive to get lawmakers to agree to provide more money for rail. He will then ask Ige to call a special session to seal the deal.

The message to the public from the chief executives of both the state and the city is that the public process has been too difficult, and this deal needs to be done in

private. Once a decision has been made, everyone can go down to the Capitol to watch them rubber-stamp the agreement.

Trust issues

For voters who wonder if they can trust Hawaii's political leaders to do the right thing during the upcoming secret negotiations, a word of caution: These people don't even trust each other.

For example, newly elected House Speaker Scott Saiki said Thursday he is willing to contemplate what to do next about rail as soon as the city provides "accurate numbers, specific numbers, so that we can consider them."

When asked why he doubts the cost estimates that the city and Honolulu Authority for Rapid Transportation have already supplied, Saiki replied: "Because the city and HART have changed numbers whenever they have submitted them ... throughout the session."

Caldwell replied that "I think we've given very clear numbers, we told them we need about \$8.2 billion total to build this project," and estimated rail will cost as much as \$10 billion when financing costs are figured in.

And what were lawmakers doing this past legislative session while they weren't resolving the rail shortfall? They were fretting over their own status and power so much they effectively reorganized the House twice and the Senate once in the same session.

House members on March 13 removed Rep. Angus McKelvey from the influential post he held as chairman of the House Consumer Protection Committee, a power shift House members said was prompted by McKelvey's political maneuvering. McKelvey's colleagues complained he let them take the fall publicly for some unpopular decisions, including action to kill a bill that would have increased regulation of pesticides.

That reorganization was done against the wishes of House Speaker Joseph Souki, who wanted McKelvey (D, Lahaina-Kaanapali-Honokohau) to remain in place. That proved to be important later — it demonstrated Souki himself was vulnerable because he could no longer control events in the House Democratic caucus.

House members openly speculated Souki might soon leave if he could win appointment to the lieutenant governor's job if Lt. Gov. Shan Tsutsui departs to run for Maui mayor.

Last week a majority of senators agreed to remove Ways and Means Chairwoman Jill Tokuda after a 16-9 floor vote on Tuesday in which Tokuda and some of her allies opposed a plan to extend the half-percent excise surcharge for rail by another 10 years, to 2037.

Tokuda said the rail issue was a catalyst for her removal, but said that her removal essentially was “a power grab.” The losing rail vote proved she was vulnerable because a majority of her colleagues disagreed with her, and she is being replaced by state Sen. Donovan Dela Cruz.

Souki's ouster

Finally, on Thursday at the start of the last day of the session, the Democrats in the House pressured Souki to resign, and replaced him with Saiki.

Saiki denied his rise had anything to do with rail. He said Souki was removed in a highly unusual end-of-session coup because the new House leadership wants to use the summer months to restructure its organization and plan its program.

However, Souki supports extending the excise surcharge tax for rail permanently to build the 20-mile rail line. Souki's colleagues and now rivals for power in the House are Saiki and Finance Committee Chairwoman Sylvia Luke, who have opposed plans to make the excise surcharge permanent.

With the construction unions mobilizing to get more funding for rail to create more jobs, and with the tourism industry up in arms at the possibility of a hotel room tax increase to fund rail, Souki had an opportunity to call on powerful industry allies to help him regain control over both the House and the rail issue. He was removed as speaker before that could happen.

All of that political maneuvering took place in private, either in the closed-door Democratic caucuses or in lawmakers' offices at the Capitol.

And now comes the new plan by Ige, Caldwell and lawmakers to finally resolve the rail debate with more closed-door negotiations. That plan is reminiscent of an earlier moment in the session, when Souki was asked by a reporter why lawmakers were being so secretive about political maneuvering in the House.

Souki joked that “we are always secretive. It's part of being a legislator.”

He was kidding, but it's unclear if voters will get the joke.

[How Major Bills Fared At The Capitol](#) by [Honolulu Star-Advertiser](#) on Scribd

HOW MAJOR BILLS FARED AT THE CAPITOL

State lawmakers adjourned the 2017 session on Thursday after reviewing hundreds of bills on issues ranging from rail to homelessness. Here is the status of some of the most significant measures. Bills that have been passed have been sent to Gov. David Ige for his signature or veto. The governor can also allow bills to become law without his signature. Lawmakers can override the governor's veto with a two-thirds vote in both the House and the Senate.

GOVERNMENT	TAXES	EDUCATION	CONSUMER PROTECTION/LABOR	CRIME	HEALTH/SOCIAL SERVICES	ENVIRONMENT	HOMELESS
PASSED	PASSED	PASSED	PASSED	PASSED	PASSED	PASSED	PASSED
<p>State budget HB 100 HD 1 SD 1 CD 1 Would authorize \$14.1 billion in state spending in the year that begins July 1, and \$14.3 billion in state spending the following year. Additional funding for raises for public workers was included in separate bills.</p> <p>Media access SB 655 SD 2 HD 2 CD 1 Would allow the news media access under some circumstances to areas closed to the public under the emergency management powers of the governor and mayor. Would limit the liability of the state and counties.</p> <p>Blood quantum HB 451 HD 1 SD 2 CD 1 Would allow a lessee with an interest in Hawaii Home Lands to will that interest to a spouse, children, grandchildren, brothers or sisters who are at least one-third-second Hawaiian.</p> <p>FAILED</p> <p>Vote by mail Would have launched voting by mail in all Hawaii counties in all elections beginning in 2020.</p> <p>Airport authority Would have created the Hawaii airport corporation within the Department of Transportation and transferred the DOT's aeronautics functions to the newly created airport authority.</p> <p>Beach liability</p>	<p>Earned credit HB 200 HD 1 SD 1 CD 1 Would establish a nonrefundable state earned income tax credit for low-income working people worth up to 20 percent of the federal earned income tax credit. Would reinstate higher income tax brackets and rates for higher-income taxpayers similar to those that were imposed in 2009 and repealed in 2015. The new rates would take effect Jan. 1 and increase taxes for joint filers with taxable income greater than \$300,000, head-of-household filers with taxable income greater than \$225,000 and single filers with taxable income greater than \$150,000.</p> <p>Film credit HB 423 HD 2 SD 2 CD 1 Would extend the film production income tax credit from 2019 to Jan. 1, 2026, and cap the total amount of tax credits that companies may claim each year at \$35 million. Would require the state Department of Business, Economic Development and Tourism and state Department of Taxation to report on the number of jobs created in Hawaii and the fiscal impact of every film production that receives the credit.</p> <p>FAILED</p> <p>Rail tax Senate version of the bill would have extended the half-percent excise surcharge for rail by 10</p>	<p>School lunches SB 425 SD 1 HD 1 CD 1 Would prohibit schools from denying a student a meal during the first 21 days of the school year while their application for free or reduced lunch is being processed, and during the first seven days that their meal fund account has a balance of zero or is in the negative.</p> <p>School air conditioning HB 857 HD 1 SD 2 CD 1 Would allow the Department of Education to borrow money interest-free from the Hawaii green infrastructure loan program to install air conditioning and other heat abatement technologies at public schools.</p> <p>Community colleges HB 100 HD 1 SD 1 CD 1 Would allocate \$1.8 million in fiscal year 2018 and 2019 to community colleges to help qualified students pay for in-state tuition.</p> <p>FAILED</p> <p>Collegiate tuition freeze Would have prohibited the University of Hawaii Board of Regents from increasing college tuition for a decade.</p> <p>Public school innovation grants Would have established the Public School Innovation Grants Program, which would allocate grants to public schools that come up with innovative ways to teach</p>	<p>Family leave HB 213 HD 1 SD 1 CD 1 Would allow an employee to take family leave to care for their sibling with a serious health condition.</p> <p>Rent payments SB 119 SD 1 HD 1 CD 1 Would limit late fees for rent payments to 8 percent of what is owed.</p> <p>Child day care insurance HB 874 HD 2 SD 2 CD 1 Would require child care providers subject to regulation by the Department of Human Services to maintain liability insurance.</p> <p>FAILED</p> <p>Legal marijuana Would have legalized the personal use and possession of marijuana for recreational purposes, and sale of less than one ounce of marijuana.</p> <p>Child day care inspections Would have required the Department of Human Services to publish reports of child care facility inspections and complaint investigations on its website.</p> <p>Equal pay Would have prohibited employers from retaliating against employees who disclose or inquire about their co-worker's wages.</p> <p>Longline fishing Would have prohibited the state Department of Land and Natural</p>	<p>Paraphernalia HB 1501 HD 2 SD 2 CD 1 Would reclassify all felony drug paraphernalia offenses as noncriminal violations, making them punishable by fines of up to \$500 but no jail time.</p> <p>Firearm checks HB 459 HD 1 SD 1 CD 1 Would require police departments to notify county prosecuting attorneys, the attorney general, the U.S. attorney and the Department of Public Safety when an application for a firearm license is denied.</p> <p>Drunk driving HB 306 HD 2 SD 2 CD 1 Would authorize authorities to fit repeat drunken driving offenders with an alcohol monitoring device so their alcohol intake can be continuously monitored.</p> <p>FAILED</p> <p>Red-light cameras Would have created a red-light enforcement program to be run by the counties using fixed cameras mounted at intersections. Would have implemented the system in 2019 to issue tickets to motorists captured on camera running red lights.</p> <p>Body cameras Would have required on-duty law enforcement officers to wear body-worn cameras, and would have established statewide policy for the use of body-worn cameras. Would have provided matching funds to each</p>	<p>Pregnancy centers SB 501 SD 1 HD 2 CD 1 Would require clinics run by religious organizations opposed to abortion to notify women of where they can obtain health insurance, if needed, that will cover comprehensive family planning services, prenatal care and contraception. Would require the clinics to comply with patient privacy requirements.</p> <p>Environmental health HB 100 HD 1 SD 1 CD 1 Would provide funds for the Department of Health to hire an epidemiologist to investigate suspected health clusters from environmental sources, such as lead poisonings.</p> <p>Birth control SB 513 SD 1 HD 2 CD 1 Would allow pharmacists to prescribe hormonal contraception, including birth control pills. Would enable pharmacies to receive health insurance reimbursements for the service.</p> <p>Medical marijuana HB 1488 HD 1 SD 1 CD 1 Would add arthritis, lupus, epilepsy and multiple sclerosis to the list of conditions that can qualify for medical marijuana prescriptions. Expands the number of marijuana plants a patient can possess to 10 plants from seven. Allows the Department of Health to increase the number of plants that can be grown at production centers to 5,000 from 3,000.</p>	<p>Aquarium fish SB 1240 SD 2 HD 1 CD 1 Would prohibit the state from issuing any new aquarium fishing permits and would require the state Department of Land and Natural Resources to propose legislation by 2019 that addresses sustainable aquarium fishing practices.</p> <p>Climate change SB 559 SD 1 HD 2 CD 1 Would require the state to expand strategies to reduce greenhouse gas emissions statewide in alignment with the goals laid out in the 2015 Paris Agreement on global warming in light of President Donald Trump's vows to withdraw from the treaty.</p> <p>Cesspools HB 1244 HD 1 SD 2 CD 1 Would phase out the state's cesspools by 2050, requiring homeowners to convert to a septic system or aerobic treatment system, or connect to a sewer system, unless they are given an exemption by the state Department of Health.</p> <p>Recycling HB 623 SD 1 CD 1 Would require state agencies to provide on-site recycling collection for plastics, paper and beverage containers under a pilot program overseen by the state Department of Accounting and General Services.</p> <p>FAILED</p> <p>Sea walls Would have establish</p>	<p>Mobile court SB 718 SD 1 HD 1 CD 1 Would establish the community court outreach project in Honolulu, which operates a mobile court that travels to areas where the homeless congregate to use plea agreements to resolve cases involving nonviolent offenses. Almost \$900,000 in funding for the initiative for the next two years was included in the state budget.</p> <p>Program funding HB 100 HD 1 SD 1 CD 1 Would include state budget appropriations of \$3 million for the Housing First program to quickly put homeless persons in housing; \$3 million for rapid rehousing for the homeless; \$1.5 million for homeless outreach services; \$250,000 for legal services for homeless persons; \$500,000 to assist homeless people with serious and persistent mental illness; and \$800,000 to treat homeless persons with severe substance abuse problems.</p> <p>Homeless camps HB 83 HD 1 SD 2 CD 1 Would require the Hawaii Interagency Council on Homelessness to work with the state Department of Human Services and Department of Land and Natural Resources in a working group that would make recommendations on the possible creation of "safe zones"</p>

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