

## HAWAII

# Survival And Defeat: Hawaii Lawmakers Winnow Bills

Calmer than past sessions but still chaotic, House and Senate members worked to agree on legislation before the deadline.

APRIL 29, 2016 · By Nathan Eagle   

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In a frenzied finish to meet a 6 p.m. deadline Friday, Hawaii lawmakers negotiated agreements to pass a slew of bills out of conference committee and on to the full House and Senate for final approval next week.

But they also left a lot on the table during an all-day marathon of meetings, and inserted last-minute amendments to effectively make other measures moot.

Cooler classrooms, giving tax collection powers to Airbnb, and a bigger rainy day fund were among the highlights of legislation that passed. But efforts to fix the formula to determine Hawaii's progress toward 100 percent renewable energy failed, along with many others.

Nathan Eagle/Civil Beat



*Sen. Roz Baker and Rep. Della Au Belatti work on a bill to mandate unannounced inspections during a conference committee meeting Friday.*

Health Department inspectors will continue giving the operators of long-term care facilities a heads up before they visit for relicensing, at least for the next three years.

[Senate Bill 2384](#) was amended Friday to mandate unannounced inspections, but not until July 1, 2019. In the meantime, the department is expected to provide data on their current unannounced visits and the more-thorough unannounced inspections that are tied to relicensing.

“We understand the desire to have unannounced visits connected with annual relicensing, but there were a lot of concerns raised,” Rep. Della Au Belatti, who chaired the conference committee on the House side, said in an interview.

“What this compromise does is strikes a balance,” Belatti said. “We’re going to be asking the department to report back — hard numbers — on an annual basis.

“Everyone is concerned about patient safety, and that’s why we worked so hard to get

this compromise,” she said.



Nathan Eagle/Civil Beat

*Rep. Chris Lee, left, and Sens. Jill Tokuda, center, and Michelle Kidani go over an energy bill in conference committee Friday.*

The measure also requires unannounced inspections for medical marijuana production centers and dispensaries, but the deal between Belatti and Sen. Roz Baker, who chaired the conference committee on the Senate side, would implement that mandate immediately.

The Department of Health announced Friday [the list of eight companies](#) that were selected to be licensed to grow and sell medical marijuana.

House Finance Chair Sylvia Luke and Senate Ways and Means Chair Jill Tokuda agreed to set aside \$150 million for the state’s rainy day fund — a priority issue to the governor.

Tokuda called it a “very prudent approach” to preparing for an eventual downturn in the economy.

In other higher-ticket items, public school classrooms will see some [relief from the heat](#). Lawmakers agreed to provide \$100 million to cool down classrooms.

Gov. David Ige had made it a priority to cool down 1,000 of the hottest classrooms by year's end. His plan called for using [Green Energy Marketing Securitization](#) funding to pay for it, but lawmakers agreed to use general funds instead.

“Today was a huge victory for students across the state who will finally be able to focus on their learning rather than the heat,” Hawaii State Teachers Association President Corey Rosenlee said in a statement.

“This money is going to allow us to experiment and bring the cost of air conditioning classrooms down,” he said, pointing to the example of two elementary schools on Molokai that converted quickly and affordably to air conditioning this spring, using solar technology.



Cory Lum/Civil Beat

*Rep. Chris Lee, right, House Majority Leader Scott Saiki, standing, and Rep. Aaron Ling Johanson, in white shirt, work to reach final agreements on bills before 6 p.m. Friday.*

They also agreed to a related bill, pushed by Rep. Chris Lee, that sets a net-zero energy

goal by 2035 for the Department of Education. A similar [measure passed last year](#) for the University of Hawaii.

“I look forward to seeing this stuff get done,” Lee said moments before the vote.

In an interview afterward, he said the department currently spends upwards of \$48 million a year on electricity, and routinely comes back to the Legislature asking for more money to fund increasing utility costs.

“This pushes the Department of Education to think about how they’re going to transform and create a plan,” Lee said. “Every dollar we spend on utilities is a dollar that could go to classrooms instead.”

Several other energy bills died after the House and Senate failed to reach agreement on a bill related to geothermal energy. Sen. Lorraine Inouye, clearly frustrated, said since the House wouldn’t agree to her measure, which would have preempted county authority, she refused to consider any of the other energy bills before her.

“Nobody gets everything they want,” Lee said.

House Majority Leader Scott Saiki said the Legislature can reconsider fixing the renewable energy portfolio standards formula next session, which is scheduled to begin in January.

Cory Lum/Civil Beat



*Sen. Gil Keith-Agaran reclines with one of many wigs he wore Friday.*

The move spelled death for one of the governor's other priorities — fixing what he [considers a flawed formula](#) for determining whether the state is meeting its goal of providing 100 percent of Hawaii's electrical power with renewable energy sources by 2045.

The current formula the law uses, which is based on electricity sales rather than generation, would let the state meet that goal while still relying significantly on fossil fuels.

The administration had proposed simply changing the definition of “renewable portfolio standard” by substituting a single word. It would mean the percentage of electrical energy “generation” — instead of “sales” — that is represented by renewable electrical energy.

[House Bill 2991](#) was gutted and replaced earlier this month in the Senate. In its latest form, the measure had nothing to do with changing the renewable formula, and instead

was about energy tax credits.

A last-ditch effort to fix the formula fell short after Sen. Roz Baker on Thursday joined the conference committee of House and Senate lawmakers trying to reach an agreement on the bill.

Blue Planet Executive Director Jeff Mikulina was frustrated the Legislature was unable to do so much as fix a flawed formula this session. Noting a few exceptions, he said it was a “disappointing” year.

He had sent a letter to conference committee chairs Thursday, calling on Inouye and others to support the conference draft that clarifies the way the state’s renewable portfolio standard is calculated.

“This is a sensible policy change that matches the understanding of Hawaii’s citizens who have resoundingly approved of the legislature’s decision to enact a 100% renewable energy target,” he wrote.



Cory Lum/Civil Beat

*A staff member works to keep her bosses organized during the chaotic end of the day.*

Hawaii lawmakers agreed to pass a bill to allow travel companies such as Airbnb to collect taxes on behalf of the state.

Airbnb is a popular option for tourists visiting Hawaii, but residents have become increasingly critical about the site's impact on the availability of long-term rentals and its impact on public lands.

House Bill 1850 is expected to bring in about \$15 million in revenue, but many advocates were upset that the final version deleted an amendment that would have required Airbnb to ensure that vacation rentals advertised on its site comply with local land use laws.

Sen. Laura Thielen from Kailua, who authored the amendment, said people have used Airbnb to sell camp sites on public beaches and parks illegally, resulting in littering and the desecration of public sites. She wanted the company to be required to filter its posts, but said Sen. Kalani English — the lead Senate negotiator on the bill — disagreed.

“Airbnb is making a profit off of this illegal activity and the cost to the state is the loss of historic and cultural places and the loss of public recreational lands; and whatever revenue we get in tax will not offset that loss,” Thielen said.

Airbnb, which is worth an estimated \$24 billion, hired five lobbyists to help get the bill through, including Bruce Coppa, who was Gov. Neil Abercrombie's chief of staff. Additional lobbyists included John Radcliffe, Blake Oshiro, Ross Yamasaki and George Morris from Capital Consultants of Hawaii.

Cory Lum/Civil Beat





*Capitol Consultants of Hawaii lobbyists George "Red" Morris, left, and Blake Oshiro confer on the railing at the Capitol.*

Common Cause Executive Director Carmille Lim was disappointed that some of the good-government bills that the nonprofit advocated for died at the end.

"We're obviously disappointed that lawmakers killed three key bills that would have strengthened our democracy for this legislative session," she said.

The bills would have moved the state toward a vote-by-mail election system, established automatic voter registration, and improved public access to public meetings by creating a system of electronic notice and ensuring the board packets are available.

All in all, though, Saiki said he thought the conference committee process went pretty smoothly.

The full House and Senate will take up the surviving bills for final approval on Tuesday and Thursday.

— *Anita Hofschneider contributed reporting to this story.*

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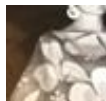
Nathan Eagle is a reporter for Civil Beat. You can reach him by email at [neagle@civilbeat.com](mailto:neagle@civilbeat.com) or follow him on Twitter at [@nathaneagle](https://twitter.com/nathaneagle).

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**Patricia Blair** · University of Nebraska-Lincoln

A definite cop out on SB 2384, showing disrespect for the well-being of Kapuna. .A disappointing year once again, except for possible cool classrooms. Good report, Nathan, complimented well by Cory's photos.

Like · Reply · 1 · Apr 30, 2016 1:12am

**Andrea Peatmoss**

1)How many people have received GEMS solar financing by now? It was zero not long ago...please check Nathan or CB. I believe it is supposed to be used for individuals...Environment Hawai'i did a study on this awhile back.  
2)Very bad not to have changed that one word to 'generation' and pass 2991...it keeps up the shibai on no fossil fuel use by 2045, futher polluting our next generations. They should have done what Ige asked on that one. (Also, LNG is derived from fracking...and should not be allowed in Hawai'i nei, even as interim measure at HECO, Ige is right on that too. What's happe... See More

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**Cathy Goeggel** · President (title) at Animal Rights Hawai'i

That photo of Gil Agaran's ridiculous wig and disgraceful disrespect for his fellow legislators and citizens is representative of Hawai'i's top rating in the recent national corruption poll.

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