

Hawaii Reporter

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Battle Over Bills At the Legislature Results in 27 More Vetoes, Record Number of Veto Overrides

By Malia Zimmerman, 7/11/2007 10:56:38 AM

Tempers flared on Tuesday, July 10, 2007, at the Hawaii State Capitol when the majority party called a special session to override several of the governor's 27 legislative vetoes.

Gov. Linda Lingle and Senate President Colleen Hanabusa with House Speaker Calvin Say held two different press conferences to announce their plans for veto, and veto overrides, respectively.

Lingle scolded the Legislature, saying "the process is flawed and the lawmakers know it" because in the final days of the 60-day working session in conference committee, Democrats regularly make changes to bill drafts and political deals behind closed doors and out of the public's view without public input. Lingle called on the Democrat majority to extend the special session to fix technicalities or funding sources in 6 of the 27 bills that she planned to veto.

Democrats who called their own press conference in response said they would not "fix" the bills, as the governor requested, either because they liked the bills as they were, or because it was too complicated to amend in one day (to which Rep. Gene Ward, R-Hawaii Kai, who was at the Democrats' press conference, exclaimed "Baloney, it can be done in just minutes").

Senate President Colleen Hanabusa and House Speaker Calvin Say got testy when presented by the press with Lingle's veto justification. They have 43 of 51 seats in the House and 20 of 25 seats in the Senate -- more than the required two-thirds for a veto override. They'd issued a press release a week earlier saying that all of the 33 bills that the governor identified as possible vetoes, were also possible veto overrides. They said they'd mustered enough support to override 13 of the governor's 27 vetoes.

Rep. Colleen Meyer, a seasoned Republican lawmaker, said afterward that there is a growing group of dissidents in the House who don't support the leadership, and that is why more veto overrides weren't planned.

Rep. Kirk Caldwell, D-Manoa, who also spoke for the House Democrat Leadership during the press conference, said those 13 bills were the House members priorities, and also in line with the Senate priorities. Sometime after, one of those bills relating to agriculture dropped off the list, because when the public was handed an "Order of the Day" outlining the veto overrides, the list was down to 12 in the Senate and 11 in the House.

"People Over Roads?"

While around 20 members of the Association of Retired Persons held a rally outside demanding the governor pass the pedestrian safety bill, because the state should put "people over roads," the governor was in her executive offices explaining to the press why she planned to veto the measure.

While she supports the bill (it was part of her legislative package), the dispute between the executive and legislative branches is over which state account the pedestrian money comes from. In conference committee in the final days of the session, Democrats switched the money source from the state general fund to the state highway fund. Lingle said by raiding the highway fund of \$3 million, the state will miss out on a 4 to 1 match of federal highway funds -- or around \$12 million; she insisted she won't release the money because there is money elsewhere in the system to improve pedestrian safety while being fiscally sound.

Outside, Democrats held their own press conference. They said they disagreed with the governor's veto and

thought it was best to take the money from the highway fund because the state's Council of Revenues recently revised its state economic forecast downward by \$90 million. When asked about the 4 to 1 federal highway fund match that Hawaii will miss out on, Say said this is the first time he's heard that argument, that the governor never told lawmakers this before, and he added that it just isn't true. The governor's staff notes that the governor has said since getting into office in 2002 that because previous legislatures had raided the highway fund by \$150 million over 10 years, Hawaii had lost out on hundreds of millions of dollars in matching federal highway funds, and that she would not allow the raids to continue. The Reason Public Policy Institute rated Hawaii earlier this month as having the 45th worst roads in the nation, and Hawaii repeatedly has been awarded this distinction, something Lingle noted Tuesday.

Repeat DUI Offenders Won't Get License Back After All

Another point of dispute was a Drunk Driving bill that in special cases allowed someone who had 4 DUI convictions and had lost their driver's license, the ability to get it back. The bill was written essentially for one pastor, Democrats admit. The governor vetoed it and Honolulu City Prosecutor Peter Carlisle held a press conference a day earlier to say he was against it. Democrats in the House and Senate could not gain enough support for a veto override, especially when Mothers Against Drunk Driving made it clear the organization opposes the bill. The veto stands.

State Open to Additional Lawsuits Because of New Prison Laws, Governor Says

But yesterday, Democrats overrode another bill that the governor strongly opposes -- this one relating to Hawaii's prisoners. The bill requires the state to have brought by July 1, 2007, all prisoners incarcerated in the mainland home for the last year of their sentence. Lingle says that bill requires the state to have already brought home two weeks ago around 308 prisoners who fit that profile. But where will they be housed? she asks.

Lingle notes Hawaii's prisons are already full, and to meet this requirement, prisoners will have to be released early before their sentence is completed. While the governor agrees it is a good idea to have prisoners serve the end of their sentence at home, she says she needs more time to implement the plan and asked Democrats to extend the deadline.

Hanabusa, who before becoming Senate president was the Senate Judiciary chair, says the governor has had more than enough time to make accommodations.

When the press asked Democrat leadership where they would house the prisoners, Hanabusa said they just make the laws, and figuring out how to implement them wasn't their problem.

Lingle says there is no way to abide by the July 1 deadline, which already passed, and because of that, the state will face additional lawsuits.

Hawaii Consumers Get New Tax

The governor also vetoed SB 1066 -- Relating to invasive species -- which requires that all cargo containers are taxed at \$1 each. Lingle says the state already has money to combat invasive species.

But the Democrats overrode the veto. Lingle and Republicans opposing the measure say the tax will increase the costs of doing business and purchasing goods in the state. Sen. Gordon Trimble, R-Waikiki, who opposed the tax hike, said the tax is unfair because it will be levied even if the container is empty. In addition, it is a tax on the "box" -- other cargo coming into Hawaii not in a cargo container won't have that tax levied. Sen. Sam Slom, R-Hawaii Kai, says the \$1 tax per container is just the start; once it is established, the tax is sure to increase regularly, he says.

Governor Shortens Veto List

Just before her July 10th noon deadline to veto bills, Lingle removed 4 from her list of 33, including:

- A bill that allows workers, not employers, to decide whether to use paid leave during family leave absences;
- The VEBA bill, which enables the Hawaii State Teachers Association (not the state) to run its own health plan and exclude or accept teachers as they choose;
- The Diamond Head state monument bill, which keeps 55 percent of revenues from that park for use at that park, rather than subsidizing other state parks and monuments;
- A bill to allocate funding for the Waimano Ridge task force. Lingle said the task force had already been funded, so she would not release the money, but that she wanted to acknowledge the community based task force's effort.

She'd already removed two other bills from this list. See the story here:

["Gov. Lingle Removes Two Bills from Potential Veto List"](#)

She actually vetoed these 27 bills

(Gov. Lingle's veto justifications are posted here: http://www.hawaii.gov/gov/gov/leg/2007-session/Folder.2007-04-13.1315/index_html)

- SB0046 - Relating to government operations
- SB0613 - Relating to education
- SB0755 - Relating to County Ethics Commissions
- SB0837 - Relating to agriculture
- SB0870 - Relating to the designation of Hawaii's archaeological data survey
- SB0946 - Relating to administrative license revocation
- SB1004 - Relating to psychologists
- SB1060 - Relating to workers' compensating law
- SB1988 - Relating to honey
- HB0091 - Relating to public accountancy
- HB0436 - Relating to human services
- HB0855 - Relating to workers' compensation
- HB1659 - Relating to procurement
- HB1670 - Relating to the ingenuity charter
- HB1764 - Relating to the issuance of revenue bonds to assist Hawaii's Health Systems Corporations or any of its regional subsidiary corporations
- HB1818 - Relating to government employees

These Bills Were Vetoed by the Governor, But Overridden by Democrats on July 10

- SB0932 - Relating to a comprehensive offender reentry system
- SB1066 - Relating to invasive species
- SB1191 - Relating to pedestrian safety
- SB1922 - Relating to creative media
- HB0030 - Relating to international trade agreements.
- HB0310 - Relating to technology
- HB0718 - Relating to Kakaako
- HB1270 - Relating to state planning
- HB1503 - Relating to employment
- HB1605 - Relating to traffic control
- HB1830 - Relating to child protection

Not a Happy Ending to the Session, Governor Says

Lingle issued a statement after the conclusion of the special session saying she was grateful for the

tremendous input her administration received from the public, which are key factors in her decision to veto, sign, or allow bills to become law without her signature.

But she also expressed disappointment that the Legislature demonstrated again its unwillingness to work with her administration to make "common sense amendments" and "simple fixes" to bills that will ultimately be subject to legal challenges or will be deemed unconstitutional.

Lingle says Democrats initiated the veto overrides because they placed "partisan politics ahead of the well being of the people it is supposed to serve."

Her administration issued a chart showing that 45 percent of her vetoes made this year were overridden by Democrats.

She noted that when Democrat governors were in office for 40 years prior, the governor's vetoes were not overridden. In fact, until 2001, when the Legislature overrode just one of then Gov. Benjamin Cayetano's vetoes relating to raising the age of sexual consent to 16 years old, no vetoes were overridden since statehood in 1959. For example, in 1995, 327 bills passed, then Gov. Benjamin Cayetano vetoed 83 bills, and 0 were overridden.

In 1996, 345 bills passed, Cayetano vetoed 27 bills, and 0 were overridden.

In 1997, 399 bills passed, Cayetano vetoed 14 bills, and 0 were overridden.

In 1998, 334 bills passed, 23 were vetoed by Cayetano, and 0 were overridden.

In 1999, 349 bills passed, 43 were vetoed and 0 were overridden.

In 2000, 340 bills passed, 41 bills were vetoed and 0 were overridden.

This pattern of 0 overrides (with the exception of 1 in 2001) continued until Gov. Lingle took office as the first Republican governor in 40 years.

In 2003, 269 bills passed, Lingle vetoed 50 and 6 were overridden;

In 2004, 274 bills passed, Lingle vetoed 36 and 7 were overridden;

In 2005, 277 bills passed, Lingle vetoed 26 and 12 were overridden;

In 2006, 354 bills passed, Lingle vetoed 32, and being an especially important election year for around a dozen Democrats running for an open congressional seat, no special sessions were called and there were no veto overrides.

But in 2007, 328 bills passed, the governor vetoed a total of 42 and there were 19 veto overrides.

"Hawaii's citizens expect their elected officials to work collaboratively to do what is in the best interest of all the people of Hawaii. The Legislature failed to fulfill this responsibility and instead used pure political power to enact laws that will put the public's safety at risk, could reduce our ability to repair highways and bridges, and could negatively impact our state's fiscal integrity. It is clear to all who watched the special session today that the Legislature had developed a calculated override plan and put it into effect, regardless of the negative consequences to the public," Lingle says.

Democrats pledged to come back next year to get passed the bills she vetoed, which they did not have the votes to override. The next legislative session begins in January 2008.

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