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Hawaii 'surf reserves' bill hits sudden wipeout in Legislature

By **Dan Nakaso**
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A state Senate bill that some considered a final bow for retiring Republican state Sen. Fred Hemmings unanimously passed the Senate, but died in the House in what one GOP lawmaker called "probably the worst ending to a legislative session that I've ever seen."

A YouTube video of the April 29 proceedings on the final day of House business has been widely circulated in Republican circles. It shows House Speaker Calvin Say, a Democrat, repeatedly rejecting efforts by the six-member House Republican caucus to get an explanation on why the bill introduced by Hemmings to create "surf reserves" in Waikīkī and on O'ahu's North Shore was headed to an almost certain death.

Technically, SB 2646 was "recommitted" to a future legislative session and can be reintroduced by any member.

But Hemmings' Republican colleagues said a new bill — even if one were introduced — would not carry the name of the 64-year-old senator from the Windward side who won the World Surfing Championship in 1968 and went on to serve in the House from 1984 to 1990 and was elected to the Senate in 2000.

During the April 29 House session, Rep. Corinne Ching, R-27th, (Nu'uuanu, Liliha, 'Ālewa Heights) called Hemmings a "true keiki o ka 'āina" who led Punahou School as its quarterback and went on to win surf

championship after surf championship — before she was admonished by Say for failing to speak on the issue of whether to recommit SB 2646.

'it's unorthodox'

Rep. Gene Ward, R-17th, (Kalama Valley, Queen's Gate, Hawai'i Kai), then told Say that the bill to create new surfing reserves had gone through "hearing after hearing after hearing" only to be killed in the House.

"Why at the 11th hour are we doing this?" Ward asked. "It's unorthodox."

After being told he was out of order by Say for focusing on Hemmings — and not the issue of recommitting the bill — Ward responded, "Let's be real. This is the swan song for one of Hawai'i's best. I challenge you to say I'm out of order to speak for Fred Hemmings."

Say quickly complied.

"Representative, you are out of order," Say interrupted. "You are out of order."

Rep. Kymberly Pine, R-43rd, ('Ewa Beach, Iroquois Point, Pu'uoloa) also was admonished by Say to restrict her remarks on the House floor to the issue of whether to recommit the bill.

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Pine has served six years in the House and worked for seven years before on the House minority staff. In an interview, she called the final day of House business "probably the worst ending to a legislative session that I've ever seen.

"Here you have a surfing legend who surfed with Duke Kahanamoku who's retiring. This bill had gone through every hearing possible. Rep. (Corinne) Ching was in tears. She couldn't believe they would dishonor a fellow member like this."

After a majority of House members voted to recommit the bill by voice vote, the proceedings grew worse for Republicans.

The Democratic-dominated House then resurrected and passed a controversial bill that would give same-sex and heterosexual couples the ability to enter into civil unions and enjoy the same rights as married couples under state law.

"It was one blow after another," Pine said.

questions on bill

SB 2646 was patterned after a similar concept in Australia, Hemmings said.

It would have created two separate surf reserves on O'ahu — one from the Ala Wai to the War Memorial Natatorium in Waikīkī; the other from Ali'i Beach in Hale'iwa to Sunset Beach along the North Shore.

He wrote the bill to formally tell the world that the sites have historical, cultural and sports value, said Hemmings, R-25th, (Kailua, Waimānalo, Hawai'i Kai).

"It's nothing but a celebratory piece of legislation," Hemmings said. "It would have no effect other than to honor surfing sites. It did not cost any money. It did not require any oversight on the part of government. It did not change any rules or regulations."

Say, D-20th, (St. Louis Heights, Pālolo Valley, Wilhelmina Rise), said the decision to recommit the surfing reserves bill had nothing to do with the Republican caucus, Hemmings or Hemmings' retirement.

Rather, Say said, several House members — many of them surfers — had legitimate questions about the ramifications of creating so-called surfing reserves.

"I've known Fred all these years," Say said. "Whether a bill has Fred's name or Calvin Say's name on it, I would rather go with the consensus of the majority caucus who felt that surfers never had an opportunity to comment on this issue which, frankly, nobody understood its objective or intent."

Rep. Maile Shimabukuro, D-45h, (Wai'anae, Mākaha, Makua), said many of the surfers in her district knew little about the issue and did not have an opportunity to testify.

Two days before, Shimabukuro successfully pushed for an amendment to the bill to remove Mākaha as a possible site as a surf reserve.

"I don't even understand exactly what a surfing

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reserve means," Shimabukuro said. "It's such a new concept. I surf and I have never heard about it."

Hemmings has his own theories about why his final bill died, but preferred to keep them private.

"It was a very positive effort that was turned into a very negative, sour affair and the whole world saw it," Hemmings said. "As a result, Hawai'i will not assume its rightful role as the cultural and spiritual leader of the surfing world."

But rather than dwell on the end of his last piece of legislation, Hemmings said he was looking forward to his new life outside of the state Capitol.

"I'm going surfing," he said.

Reach Dan Nakaso at dnakaso@honoluluadvertiser.com.

FIND OUT MORE

Watch a YouTube video of House Republicans arguing against "recommitting" or deferring SB 2646, which would have created two "surf reserves" on O'ahu: www.youtube.com/watch?v=Jn_dqCAVZM4

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