

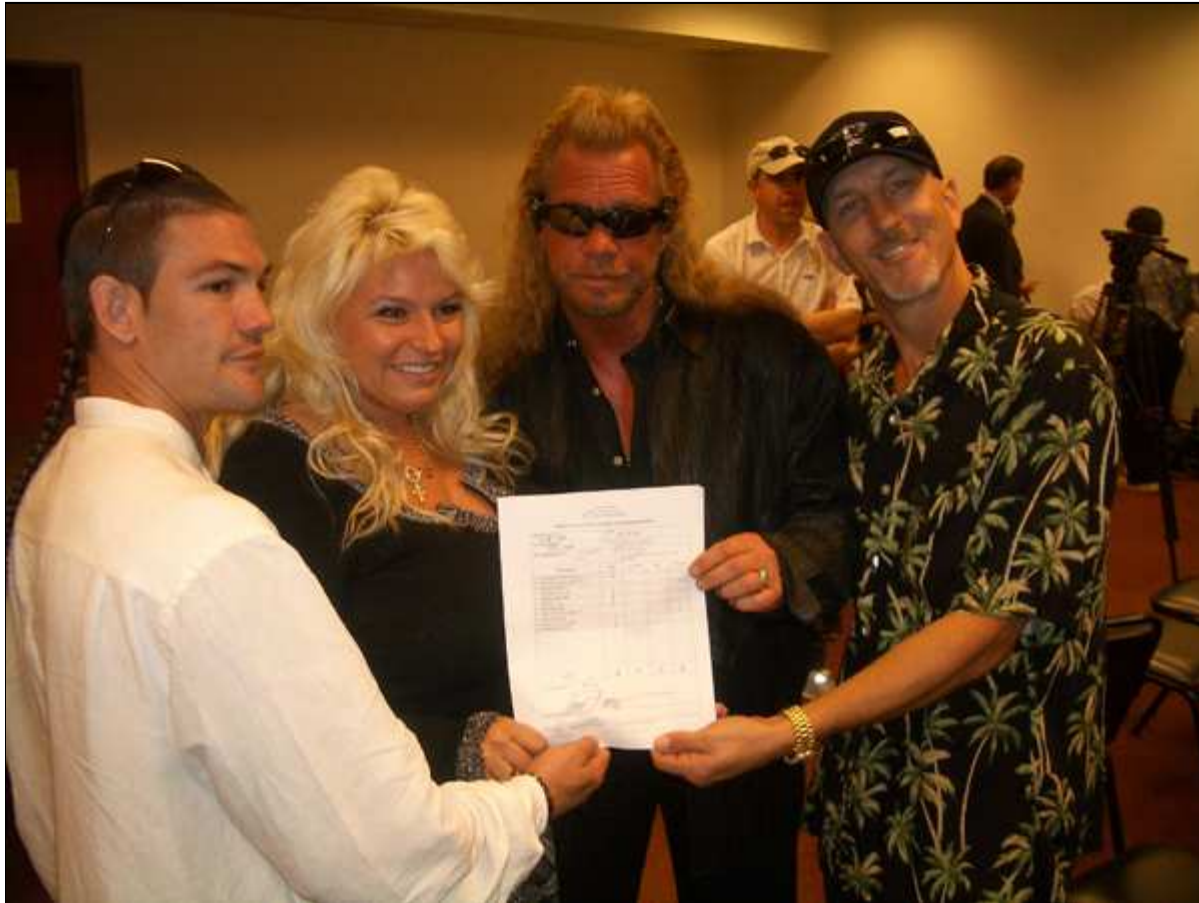
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Dog at the Capitol Circus; Crossover at the Capitol; House Members Hash Out Bill Language on Several Controversial Measures

By Malia Zimmerman, 3/8/2007 12:45:02 PM



Dog at the Capitol Circus

The Hawaii State Capitol turned into a circus on Wednesday -- yes, even more so than usual. Duane "Dog" Chapman, his wife Beth, his brother Tim, and his son Leland made an appearance on the third floor of the Capitol to testify in favor of a resolution authored by Rep. Gene Ward, R-Hawaii Kai. The resolution called on the President of Mexico and the courts in Mexico to drop extradition efforts against the Chapmans as well as to emphasize the state's support for the Chapmans.



Dwayne "Dog" Chapman testifies at a House Committee Hearing. Photo by Michele Van Hessen.

Local media packed the hearing room, as did several dozen fans with signs in support of the Chapmans. One man in a big cowboy hat claiming to be an undercover agent from Texas walked around from person to person loudly proclaiming he'd just flown in from Texas to support Dog, but he was so noisy, it was difficult to hear Dog testify. The man then proceeded to plop himself down in front of lawmakers and demand that all media in the room turn off their camera and all reporters stop taking notes because he is an undercover agent and doesn't want his cover blown. When lawmakers said they needed to consult with staff lawyers because this was a public hearing, he stormed out of the room never to return.

The alleged Texan was followed by a more bland character who also ordered the media turn off their cameras and recording devices -- they didn't. One lawmaker essentially told him -- "too bad so sad, we want the cameras off sometimes too but this is a public hearing so suck it up." This testifier, who introduced himself as Brett Pruitt, offered no written testimony, but proceeded to oppose the resolution and bash the Chapmans, essentially saying they should be deported to Mexico to face that country's justice system. Pruitt also accused Hawaii lawmakers of grandstanding and creating two tiers of justice -- one for the Chapmans and another for everyone else. He said they should abide by the "Rule of Law." Apparently Pruitt follows the Chapmans to hearings at the Capitol every year to disparage them. One thing is clear -- he isn't a fan.

Dog said in his testimony that is what is great about America is people can have -- and express -- contrary opinions and he welcomed Pruitt's appearance so he could speak one-on-one with him.

Beth wasn't so cool. Understandably she was outraged at Pruitt's insults of her family and she "boomed" him and called him a "piece of trash." She escorted herself outside so the House Sergeant at Arms standing at the door didn't have to. Beth had already offered emotional testimony about how her family should be revered, not punished, for capturing Andrew Luster, one of America's most wanted criminals and a serial rapist who was planning to strike again in Mexico. She and her husband noted that when Luster was captured, he had a video camera, date-rape drugs and other tools he used when he raped three women in California. She stressed that her family did everything possible to follow the laws in America and Mexico, even hiring a Mexican police officer to oversee the apprehension, yet her husband, son and brother-in-law were still arrested for "deprivation of liberty" -- a misdemeanor -- and held in a Mexican prison until they were released on bail. Thanks to them, Luster is now in a California prison serving a more than 100-year sentence instead of on the loose, hurting more women, Beth said.

House International Affairs Committee Chair Rep. Rida Cabanilla did her best to control the hearing, reading

a long list of rules before the hearing even started and by imposing an odd collection of restrictions on other state Representatives in her committee -- including only allowing them to ask one question in a round of questions and not allowing "discussion" until the discussion period. It was almost as if she believed she was teaching a kindergarten class full of little hoodlums. Elected Representatives seemed surprised at her demands, but they didn't protest. For the most part, the fans -- and the lawmakers -- were well behaved.

In the end of the more than hour-long hearing, all of the lawmakers on the committee -- Republican and Democrat -- offered their resounding support to the Chapman family. The Chapmans were thrilled by the bipartisan support, especially since none of Hawaii's congressional delegation has advocated for the Chapmans. The governor has also remained silent, a fact noted by the Democrat members of the House committee. The House resolution now moves to the House Judiciary committee. There is a similar measure in the Senate introduced by Sen. Sam Slom, a Republican who represents the district in which the Chapmans live. A hearing on that resolution has not been set.

After the hearing, Beth and Dog shot a brief introduction for their upcoming A&E show, met with fans, signed autographs and took photos with lawmakers and fans. They walked the halls to meet with lawmakers and lobby for two bills Beth is lobbying for -- two bills she helped get introduced to better regulate the bond business. Accompanying them was their agent, Mona Wood.

Dog and Beth also spoke with *Hawaii Reporter* in an exclusive interview about their upcoming legal battles, their trip to Hollywood and Las Vegas, their upcoming season and Dog's book due out this August. More on these stories and Beth's lobbying efforts soon in *Hawaii Reporter*.

To say this was an unusual hearing at the Hawaii State Capitol is an understatement. But at the very least, it wasn't boring.

Crossover at the Capitol

Some might believe the term "crossover" at the Capitol is a day where lawmakers cross dress or use each other's restrooms -- but not so.

This is one of three days in the 60-day session where bills from the House go to the Senate and vice versa, so each House can consider the other's bills.

Any bills that have not been exchanged by Thursday are dead, although the content of bills can always be included in related bills that have passed.

Some of the highlights and low lights of the crossover:

- The governor wants more money for the bottle recycling program, which taxes consumers 6 cents on each bottle or can sold in Hawaii -- 5 cents redeemable at recycling centers. She also wants retailers to collect the bottles and cans on site. This is the same governor who opposed the program vehemently when she ran for office in 2002 and after she was elected that year and gained the support of retailers because she actively campaign against burdening them with such collection without compensation. SB 1702 SD 2 passed with the support of Democrats and Sen. Mike Gabbard, a Republican. Sen. Ron Menor spoke in favor of the bill saying there is an exemption process for stores that cannot comply. Sen. Gary Hooser asked "who is bringing all this garbage into our state? It is the retailers. They should take some responsibility." On the other side of the debate, Sen. Sam Slom opposed the bottle tax bill, saying the bottle recycling tax program has been flawed from the beginning and hurts consumers and retailers. Slom noted the program has a surplus of \$24 million to \$25 million now, and doesn't need to be allocated any more taxpayers funds. Slom also says there is something wrong when people and businesses have to be forced to comply. His reasoning was ignored and Sen. Roz Baker threw at Slom the fact that his Republican governor was asking for the money and expansion of the program. The bill passed officially on Thursday. Senators Fred Hemmings and Gordon Trimble also spoke against it.
- Drug testing of teachers -- that is a long shot with the Hawaii State Teachers' Association

campaigning behind the scenes trying to stop what they believe is an imposition on their members. But Sen. Clayton Hee, chair of the Judiciary, isn't giving up on the idea. He wants teachers to be drug tested -- either randomly or for cause -- especially since over the last few months, four public teachers have been caught either doing or dealing drugs. Other public employees are already tested, so the idea isn't foreign. One bill that mandated drug testing of lawmakers and teachers was held on Tuesday, but the teacher portion was wrapped into another bill -- SB 96 -- and is still alive. Hee took a drug test himself on television and the results are in -- he doesn't act the way he does because he is on drugs -- he's drug free. How about the other lawmakers? How about the teachers? The requirement doesn't seem too tough -- the test is a mouth swab and costs \$17 a kit. Those caught on drugs would be given treatment.

- Another big debate is over the Hawaii Superferry, set to launch this July if lawmakers don't stop it. The Superferry, which would offer affordable travel between the main islands for people, their cars, their pets and light cargo, is being protested by some lawmakers, particularly in the Senate, who say it will hurt the environment and spread invasive species. They debated furiously on Tuesday and Thursday, mainly along party lines. Through SB 1276, SD 2, these Senators want to require an Environmental Impact Statement and passed a so-called compromise version that would force the State Department of Transportation to complete the EIS and pay for it rather than the Superferry owners. Opponents say this is just a delaying tactic and say anyone that doubts that should note the very four senators who authored an editorial piece in Tuesday's The Honolulu Advertiser denouncing the Superferry also voted for this bill. The bill will crossover to the House, but Transportation Chair Joe Souki is expected to hold it there. The Senators will likely resurrect it on their side, and in the end, whether or not there will be a delay for the superferry or an EIS required will be hashed out in the final days of the session.

Other bills that passed in the Senate included one to lower the age to run for governor, another that allows all mail ballots for elections, and others for more taxes and fees. The \$3 car rental fee that was temporary, was made permanent through one bill. The Department of Education was allocated millions more for repair and maintenance of school campuses.

In summary of the day, Sen. Gordon Trimble, R-Waikiki, led the Senate in "no" votes, offering speeches on several dozen of his votes, both affirmative and negative. This while Sen. Mike Gabbard, R, offered the least resistance to the Democrats' proposals to raise taxes, fees and impose new regulations on business. Gabbard rarely opposed a bill.

House Members Hash Out Bill Language on Several Controversial Measures

In the House, there were fewer Republicans than last year to oppose the Democrats' proposals -- just 8 of 51 members are Republican. The GOP placed 224 bills on consent calendar and 149 on ordinary calendar, which meant someone in the minority caucus either opposed or strongly supported one of the 149 bills they wanted to comment on.

Some of the bills debated included a bill to legalize red light cameras on Oahu, something Gov. Lingle is in favor of. In the Senate, the enthusiasm for such cameras is not so strong, especially since van cameras -- cameras placed on vans set up in speed traps around the state -- created such an outrage in Hawaii in 2001 and were eventually outlawed. In the House, Transportation Chair Joe Souki and his committee cohorts continue to ignore the public's perception and push forward camera legislation every year.

Other legislation moving through crossover include the Governor's Innovation and Tax Packages, which are moving forward, some inserted in Democrat bills.

- A bill to strengthen ethics requirements for lawmakers is also being forwarded. House Minority Leader Lynn Finnegan notes the ethics bill is good but has some flaws: "There are some things that are still lacking, such as the issue of fundraising during the Legislative session and being allowed to accept certain gifts. However, I am glad that it is being actively discussed and we will take a little step now towards reform, with hopes to further down the road to improve later on through other measures."
- Medical Malpractice Reform is a hot topic during this session, and doctors are taking an active role at

the state Capitol in lobbying for such reform. The problem is most lawmakers are not doctors -- in fact there is just one medical doctor in the Hawaii State House -- Rep. Josh Green. But there are plenty of lawyers -- including tort lawyers who don't want reform -- who are elected, thus the clash of professions over power and money. That is why it was not surprising that once again, medical tort reform did not make it through crossover, despite broad support from the public. Finnegan says: "We are very saddened that medical tort reform was killed. It's an extremely emotional and sad issue when we look at some very unfortunate situations. However, the bigger picture needs to be kept in mind and the bottom line is that our citizens have real problems when there is limited access to health care. Capping the non-economic damages, or in other words, pain and suffering, in medical malpractice suits would keep more doctors in Hawaii. There is really no way to put a dollar amount on pain and suffering."

- As in the Senate, there were matching bills in the House related to the Electorate Process that the minority party is opposed to because they open the system to fraud. "There are bills pertaining to the way Hawaii State Elections are conducted (HB1133, HB848, HB764) that we have concerns with. Our reservations on these measures have to do with preserving the accuracy and transparency of the democratic process. The intention to increase voter turnout is a good one but there may be unintended consequences that we need to be aware of. Making something easier does not necessarily make it better," Finnegan says. She notes HB1133 -- relating to election day registration -- also is a bad bill because it "places a new and difficult burden of responsibility on poll workers" and "offers no protection against last minute fraudulent registration or voters in the name of people who had died or moved."
- HB252 -- relating to conveyance taxes for speculative sales -- purports to stop, or slow down, the practice of speculative real estate sales by increasing the tax on conveying the property. "Rep. Gene Ward, who is opposed, says: "Essentially, this is under the guise of soaking those rich people who don't live here and grab their money and run. However, what we really have here is another way to gouge the hardworking local taxpayers of Hawaii. Anytime you add another tax burden on property, you drive up the price of the rental housing market."
- Another bill opposed by Ward and other Republicans in the House and Senate is HB758 -- relating to employees, which requires employers with 50 or more employees to allow rest or meal periods for employees who work more than five consecutive hours. Ward says: "This bill is unnecessary as many employers already provide meal breaks or other break periods for their employees and the bill does not consider that some employees may want the option of working through breaks or meals."

'Some measures in the House supported by both parties include:

- HB564 -- or DEBIT CARDS for teachers, so they can buy the supplies they need limiting their out-of-pocket expenses.

"Our teachers are committed to educating their students, but they are frustrated. They find themselves limited by the resources they are given or find themselves waiting for long time periods for supplies they need to educate their students. ... Input from their teachers suggest that they are spending about \$800 each for supplying their classroom. These dedicated teachers need help," says Rep. Corinne Ching, R-Nuuanu.

- HB 506 -- relating to Ethanol -- will allow companies to take a tax credit for facilities, thus lowering their costs.
- HB1830 -- relating to child protection -- allows a "safe haven" for parents who no longer can care for their child and want to put that child up for adoption.
- HB 1848 -- relating to aquatic resources -- will address concerns by local fisherman what Rep. Karen Awana calls the "vast power of Department of Land and Natural Resources" and the department's ability to close off traditional fishing areas.
- HB 1660 -- relating to revenue bonds for the purchase of land to develop Kalaeloa Community Development District -- allows the state to issue bonds to benefit the entire Ewa Plain by fostering job creation and pumping nearly \$7 billion into the state's economy via construction payments alone.

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