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Hawaii surf reserves proposal may be revived by governor

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Hawai'i Republicans have not forgiven Democrats for scuttling a bill designed as a farewell for a retiring GOP senator on the last day of the legislative session, and now the measure may be revived by executive order, Gov. Linda Lingle's senior policy adviser told a cheering party convention.

If Lingle does issue an executive order, it would be the latest of six dozen out of her office — but the only one that anyone can recall in Hawai'i history that would resurrect a bill killed by lawmakers.

Nationally, newly inaugurated President Obama immediately began issuing executive orders that addressed topics ranging from abortion funding to bioethical issues to establishing a White House counsel on women and girls. Among President Bush's executive orders was the 2008 creation of the Papahānaumokuākea Marine National Monument in the Northwest Hawaiian Islands, the largest marine preserve on Earth.

And generations of Americans of Japanese descent will never forget President Roosevelt's Executive Order 9066 that sent an estimated 120,000 Japanese-Americans to U.S. internment camps following Japan's attack on Pearl Harbor.

During his eight years as Hawai'i's governor, Ben Cayetano issued executive orders increasing the speed limit on H-1 Freeway from 55 mph to 60 mph around Kapolei and to name the John A. Burns and Queen Lili'uokalani highways.

But Cayetano — and other longtime Hawai'i politicians — could not remember when a Hawai'i governor had ever issued an executive order that revived a bill that had died during the legislative session.

"An executive order does not have the force of law," Cayetano said yesterday. "It can be overturned by the next governor, or the Legislature can come in and pass a law and make it moot."

Video replay

At Saturday's GOP Convention at the Hilton Hawaiian Village's Coral Ballroom, state Rep. Gene Ward, R-17th, (Kalama Valley, Queen's Gate, Hawai'i Kai) showed his fellow Republicans a YouTube video of the April 29 final day of the legislative session in which minority Republicans were admonished for questioning why a bill introduced by Republican state Sen. Fred Hemmings to create "surf reserves" in Waikīkī and on O'ahu's North Shore was headed to an almost certain death.

As the 600 Republicans groaned at the video, Ward could hear people exclaiming, "Oh my goodness."

"We fought for Fred and obviously lost the battle," Ward said yesterday. "I showed the video so people could see that we really did stand our ground."

Without knowing what would happen next, Ward — the convention's chairman — said he then recognized Lingle senior policy analyst Linda Smith, who told the crowd that Lingle intends to issue an executive order that would turn Hemmings' bill into reality.

"People were cheering," Ward said. "It was like, 'Wow, a bad story ends really, really on a high note.'"

Lingle spokesman Russell Pang, speaking for Smith, said yesterday that plans for an executive order on the surf reserve issue "have not been finalized."

But if one is issued, Pang said it would be the first by Lingle in her eight years as governor that would revive a bill that was killed by the Legislature.

Many of Lingle's previous executive orders enacted agreements reached by state negotiators and employee unions in the face of the state's budget problems, Pang said. Others established councils on the Neighbor Islands designed to advise the governor on Neighbor Island issues, he said.

Speaker of the House Calvin Say could not recall an executive order by any governor that overturned a bill.

Say played a prominent role in the YouTube video, fighting to keep Republicans focused on the issue of whether to "recommit" Hemmings' bill to another session — and effectively kill it — rather than letting them veer into testimony about Hemmings' political, surfing and sports legacy in the Islands.

Yesterday, Say said he hopes Lingle will consult with surfers in Waikīkī and on the North Shore before issuing an executive order on surf reserves.

surfer testimony

Although the state Senate unanimously approved Hemmings' bill, Say and other House Democrats told The Advertiser after the final day of the session that they were concerned that surfers did not have the chance to testify before House committees.

"For me it would be great if she (Lingle) did do an executive order for Waikīkī and the North Shore," Say said yesterday. "If it's the will of the surfers and whoever else uses Waikīkī and the North Shore areas, I don't see any problem with it. But I would hope that she would solicit input from the affected surfers first. Let's get their input."

SB 2646 would have created two separate surf reserves on O'ahu — one from the Ala Wai to the War Memorial Natatorium in Waikīkī and the other from Ali'i Beach in Hale'iwa to Sunset Beach along the North Shore.

Hemmings, R-25th, (Kai- lua, Waimānalo, Hawai'i Kai), patterned the bill after surf reserves in Australia and said he wanted to tell the world that the O'ahu spots have historical, cultural and sports value.

Hemmings called his bill "nothing but a celebratory piece of legislation" that did not cost any money, require government oversight or change any rules or regulations.

Technically, House Democrats cast voice votes on April 29 to "recommit" Hemmings' bill to a future legislative session, meaning it could be reintroduced by any member.

But Hemmings' Republican colleagues said a new bill 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.

"Everyone saw that it was just clearly a vindictive thing that the Legislature did to a politician," Rep. Kymberly Pine, R-43rd, (Ewa Beach, Iroquois Point, Pu'u'loa), said yesterday. "It doesn't cost any money but it does put honors on certain surfing areas that should be honored."

Smith's announcement at the GOP convention means that Lingle "took this in her own hands," Pine said. "It's more a statement of disapproval of the Legislature than anything else."

Hemmings did not attend the GOP convention and said yesterday that he is following in the footsteps of Gen. Douglas MacArthur:

"I'm just an old soldier trying to fade away," he said.

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