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The 2008 Legislative Session In Review

Guest Perspective from Inside the Capitol

By Daniel P. de Gracia, II, 5/2/2008 3:09:48 PM

With the 24th Legislature of the State of Hawaii in adjournment on May 1, following a whirlwind 2008 Session, voters all around the State will be curious as to what exactly happened. So to all the taxpayers around the 50th State and all you ships at sea, let's take a look at what's hot and what's not for the 2008 Legislative Session In Review.

THE PINE TREE AWARD: BEST REPRESENTATIVE

Former Louisiana Governor Charles "Buddy" Roemer told the story of a North Carolina man who had a knack for carving ultra realistic looking dog statues out of pine wood, so real that they looked like they were actually barking. When asked how he made them look so real, the North Carolina artist replied, "When I get up in the morning, I sharpen my knife and I cut out everything that doesn't look like a dog." Roemer suggested that in electing someone, we ought to do the same thing and cut out everything that doesn't look like what we hold ideal for that office, and when we see what's left, that's who we should vote for.

Out of 51 members of the lower chamber of the Hawaii State Legislature, the people of District 17 (Kalama Valley, Queen's Gate, Hawaii Kai) will be exceptionally pleased that their new representative of the last two years, Dr. Gene Ward (R) wins the Pine Tree Award for Best Representative for being an exemplary model of what a State Representative should be. He was by far the most professional, most ethical, and most discerning legislator of the 2008 legislative session. He firmly stood by the principles of the United States Constitution and Hawaii State Constitution, firmly supported low taxes and smaller, more effective government, and firmly defended innovation, free thinking, and the spirit of American creativity.

During committee hearings, Rep. Ward was almost always in attendance not just during decision making but during the full length of the hearings to listen to the voices of the people, and he showed no restraint in questioning bill and resolution language that was fiscally unsound, punitive to the people, unpatriotic, or just unwise. On the floor, Rep. Ward was known for fiery floor speeches which hearkened back to the days of Patrick Henry.

When the Finance Chair and others tried to turn discussion of the Fiscal Year 2009 Executive Supplemental Budget (HB 2500 CD1) into a mutual admiration society meeting, Rep. Ward excoriated his colleagues for blindly doling out money in a manner that increased dependence on the government and reduced one's incentive to not just make ends meet, but prosper. "Mr. Speaker," Rep. Ward said in regards to Temporary Assistance For Needy Families (TANF), "The old saying applies here that if you give a man a fish, you feed him for a day.

If you teach a man to fish, you feed him for a lifetime." Though the bane of many of his Democratic colleagues existence at the State Capitol who often scolded and ridiculed him with sarcastic and sophomoric insults on the floor, Rep. Ward was a man who the good and noble people of District 17, and ultimately the people of Hawaii could trust to always do the right thing.

THE PINE TREE AWARD: BEST SENATOR

The residents of Hawaii Kai will yet again be surprised to know that not only did their State Representative serve with exceptional honor, but also their State Senator, Sam Slom (R, Senate District 8) dominated the upper chamber with a tour de force fight against wasteful spending, pork barrel projects, unnecessary regulation, bigger government, and more taxes.

The Pine Tree Award for Best Senator goes to Sen. Slom, who, like Rep. Ward, was known for making amazing floor speeches which combined incredible discernment with witty remarks that always let the people know what the score was and what was at stake. And unlike most legislators who vote "with reservations" as a polite way to dissent, Sen. Slom made no hesitation to vote no time and time again on bills and resolutions that harmed the people, benefitted the few, or added unnecessary regulation to the State. Sen. Slom was the conscience of the Senate and served with intelligence, character, and devotion to duty – and never once did he wear old contact lenses or have a bad foot this Session.

Clearly, the people of Hawaii Kai have much to be proud of.

BEST BILL OF THE 2008 SESSION

The best bill of 2008 goes to HB 2557 CD1, better known as the Journalism Shield Bill, which was introduced by Rep. Blake Oshiro (D, District 33; Aiea, Halawa Valley, Halawa Heights, Aiea Heights) to enable the media to keep confidential their sources, thereby encouraging as a side effect whistleblowing and greater transparency in government. Under the new law which is awaiting signature from the Governor, "No fine or imprisonment shall be imposed against a person claiming the privilege" of the journalistic shield.

WORST BILL OF THE 2008 SESSION

The absolute worst bill of the 2008 goes to House Judiciary Chair, Rep. Tommy Waters' committee amendment of SB 945, HD1, which hijacked a bill originally intended to require state justices to file public financial interest disclosure statements with the State Ethics Commission so as to be more easily available to the public to view and access into an instrument of retaliation against House Health Committee Chair Dr. Josh Green (D, District 6; North Kona, Keauhou, Kailua-Kona, Honokohau) for supporting a limit on noneconomic awards for pain and suffering in medical malpractice suits. Rep. Waters (D, District 51; Lanikai, Waimanalo) who refused to hear a bill amended at the last minute by Rep. Green's committee to accomplish tort reform, mocked Rep. Green on the floor by asking members to "observe a minute of silence for the death of tort reform."

As drafted by the House Judiciary Committee under the leadership of Rep. Waters, SB 945 in amended HD1 form would have prohibited Green from continuing in his subcontract with the Hawaii Health Systems Corporation (HHSC) as a Big Island emergency room physician. The amended bill was so egregious that fifteen Representatives voted no on Third Reading, launching vociferous opposition to what they all agreed was a punitive attack on Rep. Green.

The question remains, however, whether blame for the attempted retaliation against Green rests solely with Judiciary Chair Waters, or with Speaker of the House Calvin Say, who was rumored by some sources to have announced in a caucus meeting that any bill coming down from the Senate on tort reform would be "dead on arrival" and the same would apply for any measure in the house. While that statement has not been verified by the Speaker and no representative as yet is willing to confirm or deny whether or not that conversation actually took place, such an invisible policy would certainly fit the framework of what the public saw this year.

LEGISLATURE WANTS A PRIME MINISTER, NOT A GOVERNOR: MOST CONFUSING BILL OF 2008

Last night Gov. Lingle vetoed SB 2828 HD2 which essentially requires the governor to ask "Mother, may I" from the Legislature when it comes to declaring an emergency. Not surprisingly, the Legislature overrode the veto by 2/3rds vote in a joint session that same night. Rep. Ward had said earlier this year that the whole purpose of having an executive branch is to execute, "and execute decisively" and alluded to what he called "an irrational fear of Lingle" that was prevalent among his colleagues. It seems clear from the track record of bills introduced or passed by the Democratically controlled Hawaii State Legislature over the last few years that the prevailing thought is not for a Governor, but rather for a Prime Minister of Hawaii.

HAWAII'S TURTLEGATE?

The controversial SB 2423 CD1 which gives the governor the go-ahead to "acquire lands owned by Kuilima Resort Company, Oaktree Capital, LLC, and their successors in interest, commonly known as Turtle Bay Hotel and Resort located in Kahuku, Oahu" passed the Senate in a vote that divisively split the chamber 14 votes in favor, 11 votes against.

On January 30 of this year, Lingle had said that "The Turtle Bay property is an important part of the North Shore community. It remains a rural countryside, removed from the more populated areas of Honolulu and represents a vestige of Hawaii that is precious and significant to us all." Some insiders wonder why the country is being kept country at the expense of the working class who live in other portions of Oahu who are forced to deal with increasing populations with little or no infrastructure relief.

TOP RUMOR OF THE 2008 LEGISLATIVE SESSION

Last year saw the Vice Speaker of the House fall from grace for being arrested after drunk driving that resulted in a crash, and this year, the public is reeling yet again from allegations that Sen. Ron Menor (D, Senate District 17; Mililani, Mililani Mauka, Waipio) not only was arrested for DUI, but lied to the public in his press release which conflicts with official police reports.

According to Menor, he only had one to two glasses of wine and had a fractured foot. But according to the police, "Menor's breath smelled of alcohol from about two to three feet away, and he was swaying back and forth; his eyes were also red and watery, and he appeared tired."

While the public can make their own determination on what really happened, the top rumor of the 2008 Legislative Session involves yet another story of a drunken legislator at the Hawaii State Capitol.

Allegedly on the night of First Crossover, two female representatives were in the women's restroom of the Capitol fourth floor, one of which was drunk and exceedingly violent, having followed the other into the restroom to challenge the other why she had voted no on a measure regarding Smart Growth, and had consistently shown a record of voting no on other bills introduced or supported by that representative.

The discussion apparently ended with the drunken representative shouting, "You're nothing to me! You're insignificant!" while the other fled for safety, fearing for her safety. Furthermore, rumors persist that just days earlier in a caucus meeting, the same two representatives had an unusually shrill ad hominem clash behind closed doors over a bill that involved a legislative protocol fund passed by the Finance Committee which had no appropriations inserted in it, suggesting that bad blood was already in play.

Regarding the incident on the night of First Crossover, apparently no police report was filed and the matter was supposedly dealt with internally by the Speaker of the House with no public investigation made known. Whether the incident occurred or not remains to be seen, but two things remain certain: there are surveillance cameras all over the State Capitol premises, and one of them had to record the events that happened on that night. It might be interesting if the Department of Public Safety kept video records from that night – what would we see?

WHAT MADE IT INTO LAW

As of the morning of May 2, 56 bills have been signed into law. Persons interested in viewing a comprehensive list, updated as the Governor signs bills into law, can be found by visiting the following website:

http://capitol.hawaii.gov/session2008/lists/acts_list.asp

WHAT DIDN'T MAKE IT INTO LAW

Likewise, as of May 2, 13 bills have been vetoed, four of which were overridden last night by the Legislature. A regularly updated list of bills can be found here:

http://capitol.hawaii.gov/session2008/lists/vetoed_list.asp

ALL TIME BESTS

Best Democrat: Sen. Lorraine Inouye (D, Senate District 1)

Best Republican: Sen. Sam Slom (R, Senate District 8)

Best Bill Introductions: Rep. Rida Cabanilla (D, District 42)

Best Resolution Introductions: Rep. John Mizuno (D, District 30)

Best Floor Debate Speeches: Sen. Sam Slom (R, Senate District 8)

Best Publicity: Sen. Mike Gabbard (D, Senate District 19)

Best Charisma/Charm: Rep. Kymberly Pine (R, District 43)

Best Statesman: Sen. Will Espero (D, Senate District 20)

Best Dressed: Rep. Scott Nishimoto (D, District 21)

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