

Trimble Tribune

2008 Legislative Session Wrap

Palama - Chinatown - Kaka'ako - Ala Moana - Waikiki May 2008

An Unremarkable Session, Marred by Bad Behavior

No Tax Relief for You

During the past five years, the State's budget surplus has been in the hundreds of millions of dollars. Due to energy costs and increased taxes and fees, the cost of living has also risen dramatically. Utility and property taxes average 80% more than they did five years ago. The price of essential goods like eggs, milk and flour (which, like medicine, are not taxed in any other state—only in Hawaii) are also spiraling upwards.

The writers of our state constitution recognized an important fact: a budget surplus may mean that taxes are too high. To remind legislators that surplus money is not theirs, the constitution provides for a refund or credit when the surplus exceeds 5% of the general fund revenue for two consecutive years. Even though Governor Linda Lingle proposed tax relief of over \$120 million, the Senate Committee on Ways and Means amended the bill to offer an insulting \$1 tax credit on your 2008 tax filing.

The Question of Conflict of Interest

The last few weeks of our four month session are the most crucial in determining the final details of proposed law. Yet, eight legislators—four from the Senate and four from the House—ignored their legislative responsibilities to accept free air travel, ground transportation and hotel accommodations for Hawaiian Airlines' inaugural flight to the Philippines. The State Ethics Commission's Executive Director, Dan Mollway opined that these gifts, potentially worth thousands of dollars, could be accepted.

*Continued inside.
See **Bad Behavior**.*



Senator Trimble took part in Senator Sam Slom's (District 8) presentation to artist Peggy Chun and Waldorf School students.

Senator Trimble's Legislative Wrap-Up Series

Pupus and refreshments served.
At a school near you!

**Win Interisland
Ferry Tickets!**



**Thursday, May 8 - Disaster Preparedness
6:30-8:00PM, Waikiki
Jefferson Elementary School Cafeteria**

Ed Texeira, Vice Director of Civil Defense
Dr. Chiyome Fukino, Director of the Department of Health

**Tuesday, May 13 - Economy
6:30-8:00PM, Palama**

Ka'iulani Elementary School Cafeteria
Ted Liu, Director of the Department of Business, Economic Development and Tourism
Linda Smith, Senior Policy Advisor to the Governor

**Wednesday, May 14 - Constitutional Convention
6:30-8:00PM, Kaka'ako**

McKinley High School Harata Hall
Ed Case, Former US Congressman
Grant Tanimoto, General Consul of the Campaign Spending Commission

BAD BEHAVIOR, continued from front.

Ordinary folks, however, might see a conflict of interest since there are three different bills (HB 2250, SB 2913, and HB 509) before the state Legislature to decrease costs for interisland carriers, including Hawaiian Airlines. Further, neither daily newspaper bothered to report these discrepancies, until I rose on the floor of the Senate to question the appropriateness of the opinion. (See a list of legislators who went to the Philippines on the left.)

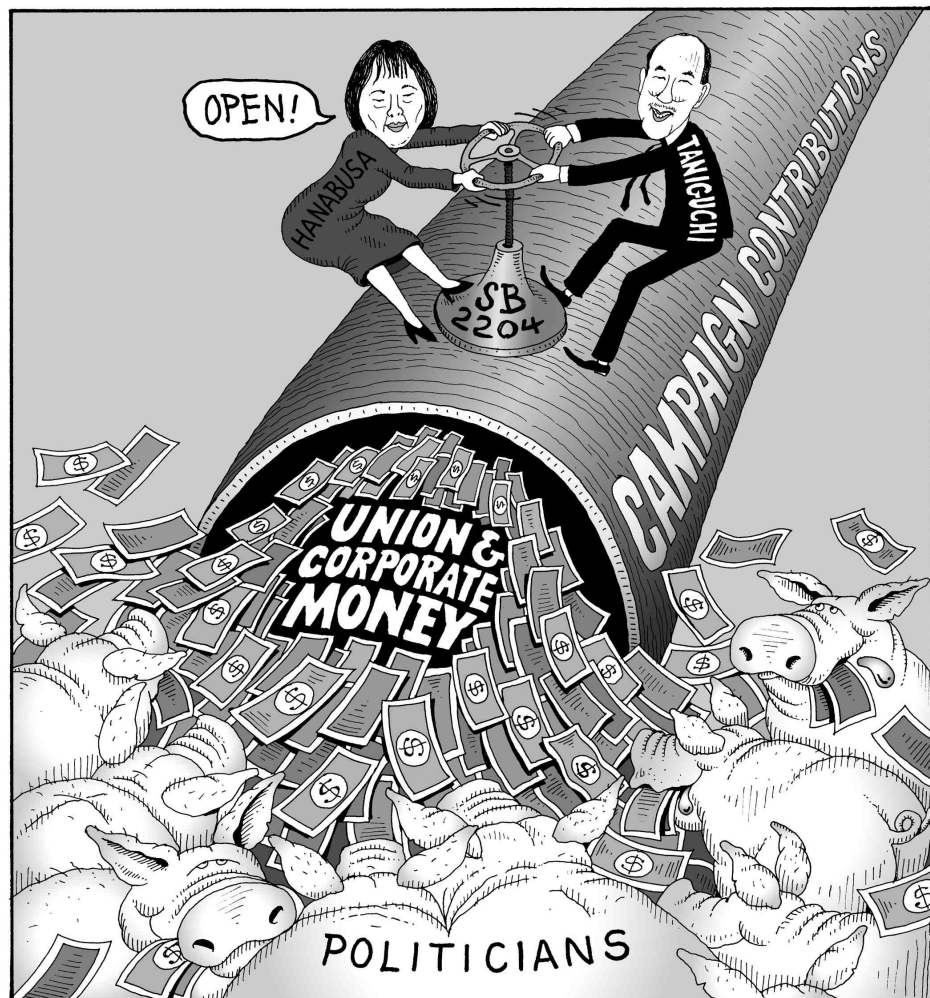
Although this trip was not taxpayer funded, it was worse in many ways. The very implication of a trip bought and paid for during the legislative session by private interests should have raised red flags to the Executive Director of the State Ethics Commission. How could there not be a conflict when these legislators are accepting gifts worth thousands of dollars from a business whose future they are helping to shape?

Paperless to Peopleless

Under the stewardship of Senate President Colleen Hanabusa, significant changes are being made in the manner that the Senate conducts its affairs. During the 2007 session, testimony was scanned to form an electronic record. This enabled Senators and staff to quickly and simultaneously use their computers to access bills, committee reports and testimony to which the committee reports referred.

Starting with the 2008 session, all committees started accepting email testimony. All inputted testimony also became available to the public over the Internet at the time of a bill's hearing. If testimony was not received 24 hours before the hearing it was considered late. At the beginning of the session, Senate Committee Chairs stated that late testimony would not count. Later in the session, this stance was softened so that testimony received before the end of the day of the hearing was added to the electronic file.

Once all written testimony has been acknowledged, Committee Chairs customarily ask if there are other testers



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present. Unlike other years, at almost every hearing, testifiers found that their submitted written testimony had not been received by the committee. Stranger yet, I felt a palpable lessening in opposing testimony than years past.

Not that opposing testimony makes a difference anyway. Most members of the majority party do not attend regular hearings until the time comes to vote. After the testimony period is completed, members would file into the room and support the recommendations of the Chair without having read the bill, the testimony or the proposed amendments. Decision making was often deferred without rhyme or reason, obscuring the process for the typical citizen participating in the legislative process. Most disturbing was the practice of rewriting the bill and incorporating new sections about which no one had been given the opportunity to testify.

Some independent observers have commented that this behavior is

indicative of a two step process. Step One: Paperless; Step Two: "Peopleless." During my six sessions of service as Senator, I have seen a marked decline in the number of people testifying in hearings. In fact, there are very few "regular people" now—most are paid lobbyists. It is almost as if legislators did not care about the voice of the people.

Buying Influence under the Guise of Campaign Finance Reform

When Governor Linda Lingle ran for re-election, the majority party changed the law to a \$1000 limit on the amount of money that could be transferred from corporate treasuries. Now, the same Democrats claim that this was an inadvertent error that they would now like to correct. If the law was truly a mistake, that indicates the carelessness that legislators employ at work.

*Continued on back. See **Bad Behavior**.*

BAD BEHAVIOR, continued from inside

If the change was purposeful, then legislators are guilty of petty politics. Yet, they are not being held accountable, either way.

This session the Chair of the Senate Judiciary Committee gutted SB 2204, originally intended to allow a public funding pilot program for the County Council race on the Big Island, to insert language that would allow unlimited transfers of money into corporate PACs. After public outcry, this measure died in the House, but the Chair of the Senate Judiciary Committee persisted. HB 661, a similar bill to the original SB 2204, was similarly treated. On the floor of the Senate, transfers of up to \$25,000 from corporate treasuries into their corporate PAC was added into the bill. Strangely, the Honolulu Advertiser failed to mention that it was Senate Republicans who opposed the effort by Senate Democrats to restore corporate money to local elections. Shame!

The Session in Sum

Democracy works best when there is active and broad-based participation, unfortunately the majority of the people we see down here are paid to come here. Political watchers have said that there was no single, hot-button issue during the session that made it interesting.

In fact, I would say that this session was not only interesting, but also incredibly dangerous. Good law can only happen when lawmakers are kept honest. Without public participation, there is too much room for “error” to become law. In America's representative democracy, the people put their trust into the officials they elect to govern on their behalf—but that does not mean that the official is always doing so. This November, voters will have an opportunity to remember who is doing a good job of representing them, and who is not. Make sure to make the most of it! □

Please come!

Legislative Wrap-Up

Great speakers!
Food and Prizes!

See Front for details.



Senator Trimble visited State Civil Defense with staff, Elenoa; Civil Defense Planner, Anne Stevens; and Vice Director of Civil Defense, Ed Texeira (L-R).

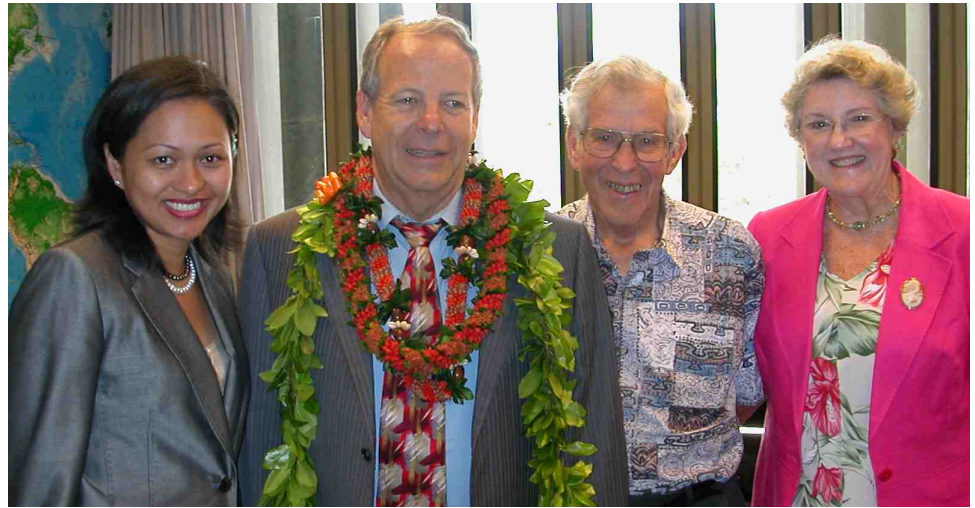
Senator Gordon Trimble
State Capitol, Room 203
Honolulu, HI 96813

A CONSTITUTIONAL CONVENTION: Our Best Hope for Change

"Shall there be a convention to propose a revision of or amendments to the Constitution?" In November, voters will be asked this question. Section 2, Article XVII of the state Constitution requires that the question appear on the ballot at least once every ten years. Hawaii's last constitutional convention was in 1978. Since then, the Constitutional Convention (ConCon) question has not been fulfilled.

ConCons give Hawaii's people a direct hand in determining the most basic laws that govern our state. The Hawaii Constitution establishes foundational principles, such as rules for the branches of government and the creation of major public agencies. For example, the '68 ConCon proposed collective bargaining for public employees—and the '78 delegates sought to create the Office of Hawaiian Affairs during their tenure. Without a ConCon, changes to the Constitution are done piecemeal, without consideration for how the entire document is affected. A ConCon is a nexus of ideals and efficiency, ultimately, making government better.

In 30 years, a ConCon has not convened. The most frustrating reason is the confusion over the words, the "majority of the ballots cast..." in the Constitution. In 1996, 3176 more voters favored a convention than did not, yet



Rep. Lynn Finnegan (HD32) and Rep. Colleen Meyer (HD47) celebrate Senator Trimble's Birthday with his father, Robert A. Trimble.

the state Supreme Court decided that blank ballots counted as "no" votes rather than abstentions. For this reason, the question was placed again on the ballot in 1998, but failed 34% to 59%.

If a ConCon is approved in November, the convention will take place in 2010. Two delegates from each State House District will be elected. Delegates draft and approve amendments to the constitution which are then placed on the ballot for final approval by the people. Ours is the only state that reviews its constitution periodically—we should take advantage of this rare opportunity to modernize the constitution.

Time and again, the Legislature has failed to enact either campaign finance reform or strong ethics laws to support clean elections and reduce the power of special interest groups. The state's ethics rules need to be revisited to determine whether corporations should continue to have an influence on elections. Such as, in the case of the legislators going to the Philippines, the Constitution could be amended to disallow legislative-exemption of ethics laws that apply to public employees. A ConCon is an opportunity to tighten ethics, beyond the reach of legislators. Hawaii's people deserve better than having to wait for legislators to enact reforms on their own bad behavior.

During a ConCon, the effectiveness of government can be reassessed, as well as a re-delegation of functions for county and state governments. For example, precedence setting rulings by our Supreme Court vaguely construe the interpretation of law in a way that hinders progress. ConCons empower and enable Hawaii citizens to make clear what they want for themselves. History has shown that relying on an incompetent state legislature to deliver change is impossible. Voting for a ConCon will guarantee change. And not just any change—but a change in which you have a direct voice. The time to do so is now. ■

MISSING IN ACTION	
Who went to the Philippines?	
Senators	Positions
Donna Mercado Kim (D - SD14)	Vice Chair Tourism and Government Operations
Kalani English (D - SD6)	Chair Transportation and International Affairs
Will Espero (D - SD20)	Vice Chair Economic Development and Taxation
Ron Menor (D - SD17)	Chair, Energy and the Environment
Representatives	Positions
Tom Brower (D - HD23)	Vice Chair, Agriculture
Rida Cabanilla (D - HD42)	Chair, International Affairs
Joey Manahan (D - HD29)	Vice Chair, Tourism and Culture
Glen Wakai (D - HD31)	Vice Chair Economic Development and Business Concerns

Questions? Comments?
sentrimble@capitol.hawaii.gov
 or 586-7100.

HAWAII'S CHANGING ENERGY POLICIES: the Right Way

At the start of the session, minority legislators called for energy independence in 10 years. The majority party instead pushed poor legislation, ignoring simple solutions. Observers worldwide agree that Hawaii is one of the few places that is capable of true energy independence. The goal for independence is human and not partisan.

Humans are too dependent on crude oil for energy. Hawaii particularly falls victim to the barrel of crude that costs >\$100, not only in the prices we pay at the pump, but also our electric bills, airline ticket prices, and cost of goods that are brought by ship to Hawaii. As locals, in the heart of Honolulu, we may not always recognize the abundance of natural re-sources at our fingertips. Yet, there are tremendous opportunities to take advantage of these sources of energy—and the technology is there. On Maui, 24.6% of the island is powered by a combination of wind, solar, and other renewable energies. Downtown Honolulu will be subject for a massive seawater air conditioning plan. We are making steps towards harnessing these great resources, but accomplishments happened with incentives—not severe mandates.

If we are interested in continuing this trend towards energy independence, and especially freedom from fossil fuels, we cannot rely on the majority



The House and Senate Minority caucuses revealed their joint legislative package, including a call for energy independence in 10 years.

party's approach. This session, 325 bills were referred to the Senate Energy and Environment Committee. Most of the bills actually heard were studies, mandates, and outright bans. A ban on incandescent bulbs (SB2842) and on styrofoam (SB2629) were heard without understanding societal costs. Questions, like who will this policy hurt/help the most, were never answered. We passed a mandate to require communities to allow outdoor clothes-lines and discourage electric clothes dryer usage (SB2933). But no one suggested the simple answer: an indoor clothes drying rack costs \$12.98 at Walmart—no mandates required!

Hawaii is at a stage where there is progress could be made, but we do not encourage substantive advancement. We need to develop a proper framework of credits and incentives to help the private sector convert our state to energy efficiency. The framework should apply to all possibilities: biomass, geothermic, solar, wind, and wave. Further, the framework should phase out once they are no longer needed. This session had the potential to set this framework up, but we never looked beyond the here-and-now. Our committee entitled “Energy and Environment” resulted in a two-headed donkey that did not improve either subject area. □

Place
Stamp
Here

Senator Gordon Trimble
State Capitol, Room 203
Honolulu, HI 96813

2008 VOTER QUESTIONNAIRE

Please take some time to complete and return to Senator Gordon Trimble, State Capitol Room 203, Honolulu, HI 96813 or fax to 586-7109.

Strongly Agree Neutral Strongly Disagree

Living Hawaii

1. I have reduced my energy usage due to increased costs in the past year.
2. The changing economy has affected my quality of life in the past year.
3. Unnecessary noises from vehicles are a public nuisance.
4. I prefer to buy locally-grown food products.
5. I feel just as safe in my neighborhood as I did one year ago.
6. The infrastructure in my community is being properly maintained.

Education

1. The Department of Education is adequately administering our schools.
2. Schools in my neighborhood need to be renovated and better maintained.
3. Giving the schools more money will solve their problems.
4. School facilities should stay open later in the day for students to stay.

Taxes

1. Hawaii residents are overtaxed.
2. The 5-cent bottle deposit effectively encourages recycling.
3. Higher taxes on imported oil will reduce energy use.
4. Government should be responsible for funding long term care and housing for the elderly.

Government

1. Policy from the 2008 Legislative Session made my life better.
2. A balance of power among political parties will result in better laws.
3. Government should avoid making laws that cannot or are not likely to be enforced.
4. Hawaii should hold a state Constitutional Convention.

Campaign Finance Reform

1. Elected officials listen most to those who give them campaign contributions.
2. Corporate contributions to elected officials should be banned.
3. Government union contributions to elected officials should be banned.

Comments/Questions:

Contact me at:

Name: _____

Address: _____

Phone: _____

E-mail Address: _____

Thank You!!