

# SENATOR POHAI RYAN

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*Serving Senate District 25:*

*Hawaii Kai, Waimanalo, Keolu Hills, Lanikai & Kailua*

*Vice Chair, Hawaiian Affairs. Committee Membership: Public Safety, Military Affairs & Govt. Operations, Ways & Means, Water Land & Housing*



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## Governor's Veto List

Governor Neil Abercrombie has vetoed 13 measures passed by the Legislature this year.

The following list outlines each bill and the governor's reasoning behind his action:

### HB 46 - RELATING TO PUBLIC HOUSING:

The purpose of this bill was to prohibit smoking in all public housing projects, including within the residential units, common areas and within 20 feet of the buildings.

Governor explained that he agreed with the underlying objective of the bill but stands with the Hawaii Public Housing Authority that it would be a better approach to implement an incremental ban within the next 12 months.

### HB 283 - RELATING TO STATE FUNDS:

The purpose of this bill was to authorize transferring

\$196,000 from the Agricultural Loan Revolving Fund to the Pest Inspection Quarantine and Eradication fund for the purposes of controlling the coffee berry borer.

The Governor's stated reason for the veto is that it is unnecessary since the Dept. of Agriculture already has funds



available for this purpose, derived from the barrel tax funds.

### HB 1617 - RELATING TO PUBLIC LANDS:

This bill authorized the Board of Land and Natural Resources to extend commercial, hotel, resort, and industrial lease renewals to 55 years when the lessee is making land improvements.

The Governor stated that he objects to such a lease renewal policy because it would allow a lessee to keep exclusive use of public lands for up to 120 years, which is beyond the lifespan of a business owner and unfair to other businesses who desire an opportunity to bid on use of public lands. But it should also be noted that the lessee is not prevented from being considered during future bid processes.

### HB 1671 - RELATING TO PROCUREMENT:

This measure was intended to expedite the protest review process by the State Procurement Office

*(Continued on page 2 and 3)*

**COMMUNITY RECOGNITION**

If you know someone in our community that achieved something notable, let us know! We are looking for people to recognize through State Senate Certificates for their outstanding efforts in the community. These people can be sports league winners, boy or girl scout troops or admirable businesses — these are just some examples. The parameters for these citations are very broad, and we would love to hear from you. Please call our office at 587-8388.

**VETOES...CONTINUED**

through implementing various changes to the current process.

Governor vetoed the measure because he believed these changes would not be effective and that operational burdens to the agencies would be too great, and that the timeline for implementation, July 1st, 2012 was impractical.

**HB 1984 - RELATING TO HAWAIIAN LANGUAGE:** This bill required that all Hawaiian words on state and county government emblems, symbols, documents and letterhead must be properly spelled, punctuated and diacritically marked.

The governor felt this bill was too broad and didn't take into account the wide ranging possible consequences, including legal challenge in the instance of misspelled words on contracts, deeds, orders or judgments.

**HB 2436 - RELATING TO THE INFORMATION PRIVACY AND SECU-**

**RITY COUNCIL:** The purpose of this bill is to allow the CIO or designee to serve as Chair of the Council.

The Governor chose to veto the measure because it's companion, SB2698 was also passed and signed into law as Act 71.

**SB 2158 - RELATING TO BAIL:** The purposed of this bill is to require law enforcement agencies to accept cash bail, pre-filed and original bail bonds when the court is closed.

The governor vetoed this bill because the Dept. of Public Safety asserts that they do not have the staff, funds and facilities to provide these additional services.

**SB 2214 - RELATING TO COLLECTIVE BARGAINING:** This bill would have transferred the authority to decide amounts of EUTF contributions in the case of disputes from the Legislature to an arbitration panel.

The governor objected because he believes it

would be counter-productive to collective bargaining and sound financial planning.

**SB 2424 - RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS:** This bill's purpose is to facilitate implementation of Act 129 (2010) which required PEOs to register with the state and receive GET exemptions.

The governor objected because he stated that there may be need for further regulation including licensing. He feels it needs further consideration.

**SB 2536 - RELATING TO CLEAN AND SOBER HOMES AND HALFWAY HOUSES:** This bill would have establishes a clean and sober home and halfway house task force and pilot program for Oahu.

The Governor objected because he believed this bill embraced more than one subject which is unconstitutional. He also believes this effort will be addressed under

## VETOES...CONTINUED

the new Justice Reinvestment Initiative Working Group.

**SB 2640 - RELATING TO WASTEWATER:** This bill would allow the use of individual wastewater systems as an on-site means of disposal in lieu of a county sewer system .

The governor's concerns were health related., stating it is more beneficial for all wastewater be treated by the county plants.

**SB 2946—RELATING TO TRANSPORTATION:** This bill made various extensions to the rental motor vehicle surcharge tax and changes as to where the funds are deposited.

The Governor vetoed the measure because it does not deposit the \$7.50 surcharge into the general fund and may have affected resident and military families who rent cars at non-airport facilities more disproportionately.

**SB 3017 - RELATING TO THE TRANSIENT ACCOMMODATIONS TAX:** This bill clarifies that the \$10 tax charged for complimentary accommodations applies to prizes but not to promotional or marketing purposes.

The governor vetoes the bill because he states that the Dept. of Taxation has already published comprehensive guidance outlining these conditions.

### Hawai'i State Senate Confirms Judicial Nominees

In a Special Session, the Hawai'i State Senate on June 29, 2012 confirmed the appointments of Judge Richard W. Pollack and Peter T. Cahill to the State Supreme Court and Maui Circuit Court.



*(Hawaii State Senate Confirms Judge Richard W. Pollack to the Supreme Court.)*

Justice Pollack was nominated by Governor Neil Abercrombie on June 5, 2012 to serve as an Associate Justice on the State Supreme Court. He fills the vacancy created by the retirement of Justice James E. Duffy, Jr.

Justice Pollack, 61, has been serving as a judge in the Circuit Court since 2000, presiding over the civil and criminal trial calendar. During that time period, he served as a substitute justice and substitute Intermediate Court of Appeals judge on numerous occasions.

Justice Pollack is an adjunct professor at the William S. Richardson School of Law where he currently teaches Law of Evidence and Criminal Procedure. Prior to his appointment to the Circuit Court bench, Justice Pollack served as the State Public Defender from 1987 to 2000. He managed a statewide office of 99 attorneys and was actively involved in appellate work during his tenure.

On June 14, 2012 the Judicial Selection Commission appointed Peter T. Cahill to fill a position opened by the recent retirement of Judge Shackley F. Raffetto from the Second Circuit Court, located on the island of Maui .

Cahill currently serves as an attorney at Cahill & O'Neill on the island of Maui, concentrating on injury and wrongful death cases. Prior to his employment at Cahill & O'Neill, he worked as a lawyer at Krueger & Cahill and the Law Office of James Krueger.

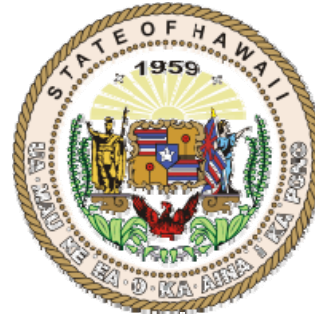
Cahill earned his Bachelor of Arts degree at Seton Hall University in South Orange, New Jersey, and his Doctor of Jurisprudence from the University of Notre Dame Law School.



*(Hawaii State Senate Confirms Peter T. Cahill to the Maui Circuit Court.)*

**HAWAII OFFICE OF ELECTIONS****Important Information**

- Primary Absentee Application by: August 4, 2012
- Primary Election: August 11, 2012
- General Registration Deadline: October 8, 2012
- General Absentee Application by: October 30, 2012
- General Election: November 6, 2012



For more information and to applications, please visit the website at:

[www.hawaii.gov/elections](http://www.hawaii.gov/elections)

Or call (808) 453-VOTE (8683)

# Senator on the MOVE!



7/04 – Kailua 4<sup>th</sup> of July Parade

7/04 – Independence Day at Maunaloa Bay, Hawaii Kai

7/05 – Kailua Neighborhood Board meeting

7/06 – Hawaii Clean Energy Day Forum

7/07 – Makapuu Clean-up

7/07 – 50<sup>th</sup> Annual Hawaii State Farm Fair, Kuoloa

7/07 – Legislators BBQ and family day at Kuoloa

7/09 – Waimanalo Neighborhood Board meeting

7/10 – Dept. of Agriculture site visit to Waimanalo Irrigation System

7/10 – Waimanalo Community Coastline Planning meeting

7/12 – PLDC community round-table

7/12 – Hawaii Council of Community Assoc. annual meeting

7/12 – Hui O Koolaupoko reception, Kailua

7/13 – Kailua Chamber of Commerce political forum

7/15 – Intl. Youth Camp Koolaupoko Lions at Maunawalea Ranch

7/17 – Clarence T.C. Ching complex ground breaking

7/17 – Lanikai Community traffic forum

7/18 – Courtesy visit with Bel-lows Commander

7/19 – Hawaii Youth Services Network annual meeting

7/20 – Native Hawaiian Roll Commission signing ceremony

7/21 – Hawaii Kai Town Center Sunset Concert

7/23 – Sheet Metal Workers school supply distribution

7/26 – Hele St., Kailua Community Traffic forum

7/27 – MCBH Legislative Forum regarding base noise

7/27 – Hawaii Family Drug Court Commencement

7/28 – Convoy of Hope at Kailua Rec Center

7/31 – Hawaii Kai Neighborhood Board meeting