

**THE
TWENTY-SIXTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2011
JOURNAL OF THE HOUSE**

FIRST DAY

Wednesday, January 19, 2011

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 10:04 o'clock a.m.

The Honorable Mark M. Nakashima, being the Representative who was elected from the First Representative District of the State of Hawaii, called the House to order at 10:04 o'clock a.m.

The Members of the House, guests and audience rose for the singing of the National anthem which was led by Ms. Jenni Panoncial, followed by *Hawaii Pono'i* which was led by Mr. Sean Na'auao. Thereafter the Pledge of Allegiance was led by Master Makoa Paresa, a student at University Lab School and youngest son of Lon and Marie Paresa.

The invocation was then delivered by Kahu Kamaki Kanahele.

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 1) was read by the Temporary Clerk and was disposed of as follows:

H.R. No. 1, entitled: "HOUSE RESOLUTION ELECTING THE TEMPORARY CHAIR OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," declaring the Honorable Mark M. Nakashima, Representative from the First District, as the duly elected Temporary Chair of the House of Representatives of the Twenty-Sixth Legislature, was jointly offered by Representatives Takumi, Evans and Wooley.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, H.R. No. 1 was adopted.

Representative Nakashima then stated:

"Members of the House of Representatives of the Twenty-Sixth State Legislature, I am honored to serve as your Temporary Chair this morning. Thank you. Let us commence with the Order of the Day."

The Temporary Chair appointed Ms. Patricia Mau-Shimizu as Temporary Clerk of the House of Representatives.

The Temporary Chair then called upon Representative B. Oshiro for the report of the Committee on Credentials.

SPECIAL COMMITTEE REPORTS

Representative B. Oshiro, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) as follows:

"Your Committee on Credentials begs leave to report that it has thoroughly considered the matter of the seating of the members elect of the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2011, and finds that, based on the certificates of election issued by the Office of Elections (attached), the members-elect

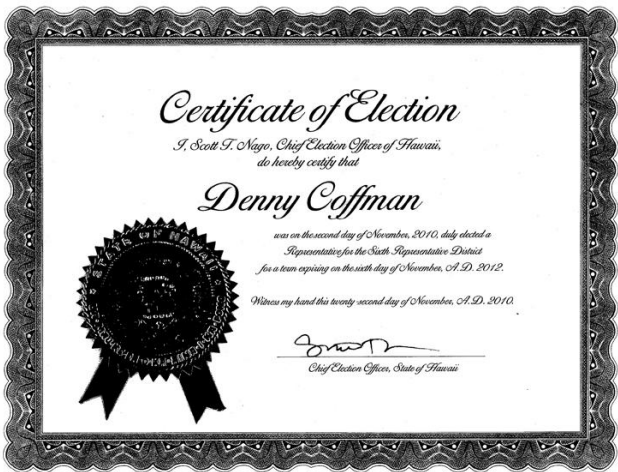
are duly qualified to sit as members of the House of Representatives as follows:

First District:	Mark M. Nakashima
Second District:	Jerry L. Chang
Third District:	Clift Tsuji
Fourth District:	Faye P. Hanohano
Fifth District:	Robert N. Herkes
Sixth District:	Denny Coffman
Seventh District:	Cindy Evans
Eighth District:	Joseph M. Souki
Ninth District:	Gilbert S.C. Keith-Agaran
Tenth District:	Angus L.K. McKelvey
Eleventh District:	George R. Fontaine
Twelfth District:	Kyle T. Yamashita
Thirteenth District:	Mele Carroll
Fourteenth District:	Hermine M. Morita
Fifteenth District:	James Kunane Tokioka
Sixteenth District:	Dee Morikawa
Seventeenth District:	Gene Ward
Eighteenth District:	Mark J. Hashem
Nineteenth District:	Barbara C. Marumoto
Twentieth District:	Calvin K.Y. Say
Twenty-First District:	Scott Y. Nishimoto
Twenty-Second District:	Scott K. Saiki
Twenty-Third District:	Tom Brower
Twenty-Fourth District:	Isaac W. Choy
Twenty-Fifth District:	Della Au Belatti
Twenty-Sixth District:	Sylvia Luke
Twenty-Seventh District:	Corinne W.L. Ching
Twenty-Eighth District:	Karl Rhoads
Twenty-Ninth District:	Joey Manahan

Thirtieth District:	John M. Mizuno
Thirty-First District:	Linda Ichiyama
Thirty-Second District:	Aaron Ling Johanson
Thirty-Third District:	Blake K. Oshiro
Thirty-Fourth District:	K. Mark Takai
Thirty-Fifth District:	Henry J.C. Aquino
Thirty-Sixth District:	Roy M. Takumi
Thirty-Seventh District:	Ryan I. Yamane
Thirty-Eight District:	Marilyn B. Lee
Thirty-Ninth District:	Marcus R. Oshiro
Fortieth District:	Sharon E. Har
Forty-First District:	Ty Cullen
Forty-Second District:	Rida T.R. Cabanilla
Forty-Third District:	Kymerly Marcos Pine
Forty-Fourth District:	Karen L. Awana
Forty-Fifth District:	(Vacant)
Forty-Sixth District:	Gil Riviere
Forty-Seventh District:	Jessica Wooley
Forty-Eighth District:	Ken Ito
Forty-Ninth District:	Pono Chong
Fiftieth District:	Cynthia Thielen
Fifty-First District:	Chris Lee"

The report was submitted by Representatives B. Oshiro, Ward and Choy, with the following Certificates of Election attached:













Certificate of Election
I, Scott T. Nago, Chief Election Officer of Hawaii,
do hereby certify that

Henry J.C. Aquino

was on the second day of November, 2010, duly elected a Representative for the Thirty-Fifth Representative District for a term expiring on the sixth day of November, A.D. 2012.

Witness my hand this twenty-second day of November, A.D. 2010.




 Chief Election Officer, State of Hawaii

Certificate of Election
I, Scott T. Nago, Chief Election Officer of Hawaii,
do hereby certify that

Marilyn B. Lee

was on the second day of November, 2010, duly elected a Representative for the Thirty-Eighth Representative District for a term expiring on the sixth day of November, A.D. 2012.

Witness my hand this twenty-second day of November, A.D. 2010.




 Chief Election Officer, State of Hawaii

Certificate of Election
I, Scott T. Nago, Chief Election Officer of Hawaii,
do hereby certify that

Roy M. Takumi

was on the second day of November, 2010, duly elected a Representative for the Thirty-Sixth Representative District for a term expiring on the sixth day of November, A.D. 2012.

Witness my hand this twenty-second day of November, A.D. 2010.




 Chief Election Officer, State of Hawaii

Certificate of Election
I, Scott T. Nago, Chief Election Officer of Hawaii,
do hereby certify that

Marcus R. Oshiro

was on the second day of November, 2010, duly elected a Representative for the Thirty-Ninth Representative District for a term expiring on the sixth day of November, A.D. 2012.

Witness my hand this twenty-second day of November, A.D. 2010.




 Chief Election Officer, State of Hawaii

Certificate of Election
I, Scott T. Nago, Chief Election Officer of Hawaii,
do hereby certify that

Ryan J. Yamane

was on the second day of November, 2010, duly elected a Representative for the Thirty-Seventh Representative District for a term expiring on the sixth day of November, A.D. 2012.

Witness my hand this twenty-second day of November, A.D. 2010.




 Chief Election Officer, State of Hawaii

Certificate of Election
I, Scott T. Nago, Chief Election Officer of Hawaii,
do hereby certify that

Sharon E. Har

was on the second day of November, 2010, duly elected a Representative for the Fourth Representative District for a term expiring on the sixth day of November, A.D. 2012.

Witness my hand this twenty-second day of November, A.D. 2010.




 Chief Election Officer, State of Hawaii



[Note: Maile S.L. Shimabukuro was elected to the House of Representatives, Forty-Fifth district, certified by the Office of Elections, later appointed to the Senate, and resigned from her House seat effective January 3, 2011.]





NEIL ABERCROMBIE
GOVERNOR

December 21, 2010

The Honorable Shan Tsutsui
Senate President
Hawaii State Senate
Twenty-Sixth Legislature
State Capitol, Room 409
Honolulu, HI 96813

Dear Senate President Tsutsui,

In accordance with the provisions of section 17-3(b)(2) of the Hawaii Revised Statutes, it is my honor to appoint Dr. Malama Solomon to fill the vacancy as the member from the First Senate District and Maile Shimabukuro to fill the vacancy as the member from the Twenty-First Senate District, Twenty-Sixth Legislature, State of Hawaii.

Sincerely,
Neil Abercrombie
NEIL ABERCROMBIE
Governor, State of Hawaii

RECEIVED
2010 DEC 29 P 1:30
CHIEF CLERK'S OFFICE
HOUSE OF
REPRESENTATIVES
OFFICE OF THE PRESIDENT
RECEIVED
10 DEC 27 P 4:35



RECEIVED
2010 DEC 29 P 1:30
HOUSE OF REPRESENTATIVES
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HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813
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2010 DEC 29 P 10:36
CLERKS OFFICE

December 28, 2010

Representative Calvin K. Y. Say
Speaker of the House
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Speaker Say:

I wish to inform you that I have accepted an appointment by Governor Neil Abercrombie to the Senate's 21st District, which became vacant with the election of Senator Colleen Hanabusa to the U. S. Congress. Therefore, I hereby notify you of my resignation from my House District 45 seat, effective January 3, 2011.

It has been a privilege for me to serve with you for the past eight years in the House of Representatives. I am grateful to you for your service as Speaker during my tenure, as well as the confidence you have shown by appointing me as Chair and Vice-Chair of key committees.

I am anxious to take on new challenges and responsibilities as I continue to represent my Waianae Coast constituents in the Senate. I know that the experience gained and relationships formed during my years in the House will stand me in good stead as I move to the other side of the Legislature. I also look forward to working closely with you and my former House colleagues as we enter a new year and a new legislative session.

My very best wishes to you, Mr. Speaker, for a happy and productive 2011!

Aloha,
Maile S. L. Shimabukuro
Maile S. L. Shimabukuro

c: clerks office

Representative Maile S.L. Shimabukuro, District 45
(Wai'anae-Māhaha-Mākuu)
Vice Chair, Committee on Hawaiian Affairs
Member, Committees on Education, Higher Education, Health & Human Services
Hawaii State Capitol, Room 406, Honolulu, Hawaii 96813
Phone: (808) 586-8460/Fax: (808) 586-8464/E-mail: repshimabukuro@capitol.hawaii.gov





On motion by Representative B. Oshiro, seconded by Representative Ward and carried, the report of the Committee was adopted.

The Temporary Chair directed the Temporary Clerk to call the Roll, which being done disclosed that the following members were present: Representatives Henry J.C. Aquino, Karen L. Awana, Della Au Belatti, Tom Brower, Rida T.R. Cabanilla, Mele Carroll, Jerry L. Chang, Corinne W.L. Ching, Pono Chong, Isaac W. Choy, Denny Coffman, Ty Cullen, Cindy Evans, George R. Fontaine, Faye P. Hanohano, Sharon E. Har,

Mark J. Hashem, Robert N. Herkes, Linda Ichiyama, Ken Ito, Aaron Ling Johanson, Gilbert S.C. Keith-Agaran, Chris Lee, Marilyn B. Lee, Sylvia Luke, Joey Manahan, Barbara C. Marumoto, Angus L.K. McKelvey, John M. Mizuno, Dee Morikawa, Hermina M. Morita, Mark M. Nakashima, Scott Y. Nishimoto, Blake K. Oshiro, Marcus R. Oshiro, Kymberly Marcos Pine, Karl Rhoads, Gil Riviere, Scott K. Saiki, Calvin K.Y. Say, Joseph M. Souki, K. Mark Takai, Roy M. Takumi, Cynthia Thielen, James Kunane Tokioka, Clift Tsuji, Gene Ward, Jessica Wooley, Ryan I. Yamane and Kyle T. Yamashita, a total of fifty.

At 10:19 o'clock a.m., the Temporary Chair declared a recess, subject to the call of the Chair.

At this time, the Members of the House, their guests and audience were entertained by Moanalua String Ensemble – Moanalua High School Chamber Orchestra, directed by Mr. Elden Seto.

The House of Representatives reconvened at 10:39 o'clock a.m.

The Temporary Chair then appointed the Sergeant-at-Arms to escort the Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, to the rostrum and requested that he administer the Oath of Office to the Members of the House.

OATH OF OFFICE

The Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, called upon the Members of the House of Representatives who had been elected to serve in the Twenty-Sixth Legislature of the State of Hawaii to rise, and the Oath of Office was administered in accordance with the provisions of the Constitution of the State of Hawaii, to the following Members of the House:

FIRST DISTRICT:
 Mark M. Nakashima

SECOND DISTRICT:
 Jerry L. Chang

THIRD DISTRICT:
 Clift Tsuji

FOURTH DISTRICT:
 Faye P. Hanohano

FIFTH DISTRICT:
 Robert N. Herkes

SIXTH DISTRICT:
 Denny Coffman

SEVENTH DISTRICT:
 Cindy Evans

EIGHTH DISTRICT:
 Joseph M. Souki

NINTH DISTRICT:
 Gilbert S. C. Keith-Agaran

TENTH DISTRICT:
 Angus L. K. McKelvey

ELEVENTH DISTRICT:
 George R. Fontaine

TWELFTH DISTRICT:
 Kyle T. Yamashita

THIRTEENTH DISTRICT:
 Mele Carroll

FOURTEENTH DISTRICT:

Hermina M. Morita

FIFTEENTH DISTRICT:

James Kunane Tokioka

SIXTEENTH DISTRICT:

Dee Morikawa

SEVENTEENTH DISTRICT:

Gene Ward

EIGHTEENTH DISTRICT:

Mark J. Hashem

NINETEENTH DISTRICT:

Barbara C. Marumoto

TWENTIETH DISTRICT:

Calvin K. Y. Say

TWENTY-FIRST DISTRICT:

Scott Y. Nishimoto

TWENTY-SECOND DISTRICT:

Scott K. Saiki

TWENTY-THIRD DISTRICT:

Tom Brower

TWENTY-FOURTH DISTRICT:

Isaac W. Choy

TWENTY-FIFTH DISTRICT:

Della Au Belatti

TWENTY-SIXTH DISTRICT:

Sylvia Luke

TWENTY-SEVENTH DISTRICT:

Corinne W. L. Ching

TWENTY-EIGHTH DISTRICT:

Karl Rhoads

TWENTY-NINTH DISTRICT:

Joey Manahan

THIRTIETH DISTRICT:

John M. Mizuno

THIRTY-FIRST DISTRICT:

Linda Ichiyama

THIRTY-SECOND DISTRICT:

Aaron Ling Johanson

THIRTY-THIRD DISTRICT:

Blake K. Oshiro

THIRTY-FOURTH DISTRICT:

K. Mark Takai

THIRTY-FIFTH DISTRICT:

Henry J. C. Aquino

THIRTY-SIXTH DISTRICT:

Roy M. Takumi

THIRTY-SEVENTH DISTRICT:

Ryan I. Yamane

THIRTY-EIGHTH DISTRICT:

Marilyn B. Lee

THIRTY-NINTH DISTRICT:

Marcus R. Oshiro

FORTIETH DISTRICT:

Sharon E. Har

FORTY-FIRST DISTRICT:

Ty Cullen

FORTY-SECOND DISTRICT:

Rida Cabanilla

FORTY-THIRD DISTRICT:

Kymberly Marcos Pine

FORTY-FOURTH DISTRICT:

Karen Leinani Awana

FORTY-FIFTH DISTRICT:

(Pending Appointment)

FORTY-SIXTH DISTRICT:

Gil Riviere

FORTY-SEVENTH DISTRICT:

Jessica Wooley

FORTY-EIGHTH DISTRICT:

Ken Ito

FORTY-NINTH DISTRICT:

Pono Chong

FIFTIETH DISTRICT:

Cynthia Thielen

FIFTY-FIRST DISTRICT:

Chris Lee

INTRODUCTIONS OF RESOLUTIONS

The following concurrent resolutions (H.C.R. Nos. 1 and 2) were read by the Temporary Clerk and were disposed of as follows:

H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2011," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, H.C.R. No. 1 was adopted.

H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, H.C.R. No. 2 was adopted.

At 10:43 o'clock a.m., the Temporary Chair declared a recess, subject to the call of the Chair.

At this time, the Members of the House, their guests and audience were entertained by Sean Na'auao and Friends.

The House of Representatives reconvened at 11:22 o'clock a.m.

At this time the Temporary Chair recognized special guests on the Floor:

The Honorable Governor Neil Abercrombie

Lt. Governor Brian Schatz and Mrs. Linda Schatz

Mayor Alan Arakawa, Maui County

Mr. Wallace Rezentes, Jr., Finance Director, Kauai County, representing Mayor Bernard P. Carvalho, Jr.

Council Member Breene Harimoto, City and County of Honolulu

Chief Justice Mark E. Recktenwald

Justice Paula Nakayama

Justice Simeon Acoba, Jr.

Justice James E. Duffy

Chair Collette Machado, Office of Hawaiian Affairs

Brigadier General Michael Keltz, Deputy Director of Operations, Plans, Requirements and Programs at Pacific Air Forces

Consul General David Binns, Consulate General of Australia

Consul General Yoshihiko Kamo, Consulate General of Japan

Consul General Bong Joo Kim, Consulate General of Korea

Honorary Consul Patricia Y. Lee, Dean of the Consular Corp of Hawaii

Director General Paul Chang, Taipei Economic and Cultural Office

Governor and Mrs. George Ariyoshi

Governor and Mrs. John Waihee

Governor and Mrs. Ben Cayetano

Governor Linda Lingle

The Temporary Chair then recognized Representative Blake Oshiro to deliver remarks on behalf of the Majority Caucus.

Representative B. Oshiro rose, stating:

"Thank you, Mr. Chair. Governor Abercrombie, Lieutenant Governor Schatz, Mrs. Schatz, Mayor Arakawa, Councilman Harimoto, Chief Justice Recktenwald and the other Justices, OHA Chair Machado, all of our other honored guests, and to all of our colleagues, families and friends, aloha everyone.

"I want to thank the Majority Caucus for giving me the opportunity to speak today on behalf of them. I'm going to really start out opening our 26th State Legislature taking a page from our new Administration and their themes about this being a new day. However as everybody knows, there's no way I'm ever going to be able to meet his sheer voltage of speech making or even his volume, and so instead what I'm going to do when I talk about the new day is I'm going to talk in terms of how I see it for what I will call our new freshmen class.

"My esteemed colleague, Representative Ward, will be introducing his Republican new freshmen. But I first wanted to take the opportunity to talk to you about our freshmen class. So at this time, I'd like to first call from District 16, we have Representative Dee Morikawa representing Niihau, Lehua, Koloa and Waimea. Dee.

"Next we have from District 18, Kuliouou, Niu Valley, Aina Haina and Kahala, Mr. Mark Hashem.

"Next from District 31 we have Linda Ichiyama representing Moanalua Valley, Moanalua and Salt Lake.

"And finally we have from District 41 Ty Cullen, Waipahu, Village Park and Waikale.

"And so like I said, when I give a speech I tend to have a little bit of informality to my speech making and I hope nobody takes offense with that. I offer it with a lot of enthusiasm and I hope you take it in the way that it's offered and not get offended. Because really, what I've come to learn in my forty years is, I am who I am. I can't pretend to be anybody else, and so I might as well just go for it and present the way I'm going to present.

"And so with that, I first want to start talking about the new day for our freshmen colleagues. I call this a new day for them because when I look at being a legislator, I think there are three stages to being a legislator. The first one is being a politician, and that is what every single one of us, from the day we file our nomination papers, become. When we're campaigning, we are in politics. We're in the heart and soul of it.

"The second level is a legislator, and that's what you are today. When you are sworn in, you are now an official legislator.

"But I think there is actually a third and higher level that we all need to and want to achieve, and that is to become a statesman or a stateswoman. Because that is truly representing your constituents, and doing it so that you know you're doing what's in the best interest of our entire State. What's in the best interest when you need to create policy, and what's in the best interest for all.

"So what I want to talk about today is the ideal of becoming a statesman. Now, whether I or anybody else in this building qualifies to be a statesman, I'm sure is a very subjective sort of determination for a lot of us. And trust me, along the way during your careers you'll be called many, many things. If you're lucky, statesman will be one of them. But there are many, many other labels that actually happen. But in this time, really what we truly need are statesmen. What we really need are statesmen that are willing to work together or collaboratively so that we can really tackle some of the harshest realities and problems that we have.

"First and foremost, I think, will be our budgetary deficit with an estimated \$700 to \$800 million deficit. That is something we're going to have to really carefully analyze so that we can still preserve important governmental services, but not unduly burden the private sector and our residents. And this is after the last two years where we already closed a \$2.1 billion budget deficit in 2009, and \$1.2 billion in 2010. We did all of this without increasing the GET, without increasing the income tax on 97% of our residents, and without taking the counties' share the Hotel Room Tax. I think that kind of careful approach is something that we will continue to need to do, and strive to as we address this budgetary deficit.

"But we also need to be statesmen because when it comes to our fragile economy, what we need to do is make sure that we're doing it in a way that actually will help, and not hurt. I say this because all of the experts have pretty much agreed we've probably hit rock bottom. But all of them disagree in terms of how long it will take for us to recover, what that rehabilitation will look like, and how long that rehabilitation will take. So those are some of the things we'll have to wrestle through in this coming Session.

"But I do think that there are positive signs out there on the horizon, and as statesmen we must be able to recognize those so we can take advantage of them and posture ourselves, really position ourselves to take advantage of them. Looking at the tourism data, our number one industry, we've already seen that the total spending in November 2010 rose 30.4%, or \$227.8 million. Total expenditures for the first eleven months of 2010 were \$10.3 billion which is a 16% increase compared with the same period last year. And for the third consecutive month since September 2010, the total visitor spending increased by double digits in our islands. So for our number one industry, we appear to be doing okay. However at the end of

the day, what we need to do, and what we need to worry about is protecting jobs. What it comes down to is construction projects.

"Unfortunately there is a careful balance that we need to work through right now. The private sector is not yet up to spending and putting the investment and capital out there in construction projects, so that means it's up to the public sector to do that aggressive spending. And the good news is that our State is on the verge of beginning one of the largest public works projects in our history: Honolulu's mass transit. Honolulu's mass transit project will secure jobs, modernize our transit system and shape our island's growth for generations to come.

"But we must also look at ways to diversify our economy, because we can't just rely on tourism. We can't just rely on construction. We need to look at what are the burgeoning industries out there, whether it's renewable energy, whether it's our high-tech industry, whether it is film, whether it's diversified ag. All of these things we must continue to look at and if they show some promise, properly invest in. Because ultimately what it comes down to is keeping jobs here in Hawaii so that our college graduates and our kids get to stay home and have the ability to make a good life for themselves.

"But finally, there is no more need for us to really look at what a statesman is all about, than when it comes to the tragedy in Arizona. For that, I'd like to quote President Obama who made the following remarks:

As we discuss these issues, let us do so with a good dose of humility. Rather than pointing fingers, or assigning blame, let us use this occasion to expand our moral imaginations, to listen to each other more carefully, to sharpen our instincts for empathy, and to remind ourselves of all the ways that our hopes and dreams are bound together.

"What this tragedy unfortunately has shown us, what it's brought to light is really the need for us to get past some of the vitriol and venom when we are in our debates and our political rhetoric. What we need to do is work hard, develop skills at becoming a legislator, and rise to become a statesman. And then we can have a higher level of discussion and discourse, and we can hopefully engage and inspire our public.

"Finally as I close, I think it's kind of inaccurate or maybe misleading for me if I don't bring up the sort of, 'elephant in the room,' and that would be civil unions. For that, I can't really speak on behalf of the Majority. I can't speak on behalf of any Party because this is not a partisan issue. It's not a Caucus issue. What I do want to do is bring that back to the idea of being a statesman, because at the end of the day what we must do is allow ourselves to have an honest and open debate on this topic, and to avoid labels and rhetoric. To find ultimately what is just, and not just let justice become subjugated by economics. We can do both, and so we shall do both.

"Finally, I want to leave us these thoughts on what I think it means for us to be just. To be guided by truth, and reason, and fairness. To get beyond our personal conflicts, or past our political expediency or re-electability. That is ultimately what we must seek as our North Star, our constant point when we navigate through new and unexplored territories and policies.

"When we ride through the waves of uncertainty, we must hold fast to our gut belief of what is just. And so as long as we do, whether we're on the Floor, whether we're in hearings, whether we are talking with the Administration, or sometimes whether we're even in our own Caucus, we can always look back and know that what we did was what we needed to do, and what we were elected to do. Thank you, very much."

The Temporary Chair then recognized Representative Gene Ward to deliver remarks on behalf of the Minority Caucus.

Representative Ward rose, stating:

"*Aloha mai kakou.* Aloha. Welcome to the people's house, your House of Representatives. The place I like to call the marketplace of ideas because this Session, we're going to have a lot of ideas. So Mr. Chairman,

Governor Abercrombie, Lieutenant Governor Schatz, Chief Justice Recktenwald and fellow Supreme Court Justices, former Governors, George Ariyoshi and his wife, John Waihee, Ben Cayetano, and Linda Lingle, thank you for spending your valuable time with us today. County mayors, county councilmen, members of the Consular Corp, special corporate and University guests, ladies and gentlemen, and the great people of the great State of Hawaii. *Mahalo nui loa* for being here, taking your valuable time to come to what is probably one of the most important first days of the Session, because this is when the business of, by, and for the people begins, and we will begin today. I'm very confident of that.

"Today marks a very critical juncture in our history. We have an \$800 million deficit that was mentioned earlier. We have jobs to create. We have an economy to turn around. And we have a new system of educational governance to establish, and a host of other issues, a whole lot of issues to do. It's going to be very busy. It's going to be very intense, but I am very, very confident it's going to be positive. It's going to be productive and it's going to work out okay. Kahu, thank you for your encouragement for that.

"But like my counterpart in the Majority, I too want to acknowledge three new partners who are going to make this Session work well. Allow me a moment to introduce the members of the Freshmen Caucus on the Republican side, almost equal to the numbers on the Democratic side for the first time in a long, long time.

"Without further ado, I'm proud to recognize the addition of Representative George Fontaine from Maui, a retired police captain who has the passion, expertise, and twenty-five years of experience in public safety, law, and justice. Please acknowledge him. He's also the tallest member of the Caucus.

"Also new to the Caucus is a graduate of Yale University, a former member of the White House staff, and the US Mint. He's returning home after graduating from Moanalua High School. And he doesn't want me to say this, but he was the former State debate champion and we expect a lot of good discussion here from Representative Aaron Johanson. Aaron, please stand to be recognized.

"Our next new member answers to the moniker, 'Keep the Country Country.' Big enough hint? He's from the North Shore, widely known for his work in keeping the country, country. He, with a group of others, actually took on the Supreme Court with an outdated EIS and actually ended up winning. Please welcome Representative Gil Riviere. Gil.

"Mr. Chairman, I introduced those people not just so the public and our Members can know them, but because with the other five senior members, the veterans, we represent collectively the majority of the Legislatures in the country of the USA, and a quarter million of the residents that are here. And not only that Mr. Speaker, but the core values that are in the majority of the Legislatures, as well as the US Congress.

"So Mr. Speaker, I say that with pride, but I say it also with the note of what are our core values. What we are going to speak on the Floor here about, our core values of our 'Team Eight.'

"First we will speak out loud and clear not to raise taxes, particularly the GE Tax. Second we will be the watchdogs for fiscal discipline and controlling government spending. Thirdly we will work tirelessly to create a better environment for our local small businesses to thrive, as well as create new jobs. Fourth we will insist on more open and accountable government, especially when it comes to finances and education. And lastly, we'll speak out loud and clear on this Floor about educational excellence and stimulating and accelerating student learning in the Aloha State.

"Okay, let's look at the first core value, no new taxes. You've heard that one before Mr. Chair, ladies and gentlemen. We will be submitting legislation that requires a super majority to increase your taxes and your fees before anything can pass this House. We'll also have fiscal notes where you will have a price tag on everything, what it's going to cost you for every piece of legislation that we are going to pass. Those are things

that are long overdue. It's commonsensical. That's going to be part of our legislative package.

"Mr. Speaker, I also, and both in acknowledging what you and Governor Abercrombie have mentioned, that you will not raise the GE Tax. Thank you for coming out loudly. And thank you for coming out early in that commitment. Governor, I appreciate that. However Governor Abercrombie has said or implied, that he will not furlough government workers, or send prisoners to the mainland, or cut back on invasive species or other government workers, or withhold or delay income tax refunds just to name a few of the hard, tough issues that are going up to the Fifth Floor for decisions. Well, promises made should be promises kept. The economic realities that face us today are daunting, but they are not insurmountable. They simply call for realistic solutions. Again, working together we can, and will, balance the budget. Governor, I'm totally convinced of that.

"Now regarding our core value to create a better environment for our local small businesses so they can thrive and they can create more jobs. Our Caucus wants to stimulate creation of thousands of new green jobs - I repeat, green jobs, by pushing for legislation that puts photovoltaic systems on every roof in this State with no upfront costs. We have the capacity to do this. We need the political will to accomplish it. In this regard, I want to welcome back Governor Lingle to this Chamber and thank her for her service for the past eight years that she served the people of Hawaii. She introduced the Hawaii Clean Energy Initiative whereby we will be clean energy, self-sufficient in 20 years. Thank you, Governor Lingle, for setting us on the right path. We must think and act as real leaders in this area and reject mediocrity particularly when it comes to harnessing the sun, the wind, geothermal, ocean temperature inversion, and yes, even Representative Thielen's favorite, wave energy. We expect you to be pushing this.

"But Mr. Speaker, 2011 is our opportunity to excel in this area and achieve new heights in energy self-sufficiency. We must not think small. We must think big. We are the kinetic. We are the potential world leaders in this. We've got to come together to decide if we will have solar, we will have photovoltaic, because I know we can do it. There are bills and there are methods that can happen, and with the political will, my colleagues, it can be done.

"However, Mr. Chair and my fellow Members, even though we have the potential to lead the world, I'm afraid we need to trim some excess baggage before we can do it. I submit that one thing that could hold us back from world greatness, and remember APEC is coming soon, it is our educational system. Putting it bluntly, Hawaii has lived off of its good looks for too long and now we have to start living off our brains. In short, we must help our students accelerate their learning capacity. To do this, we will introduce legislation that will enable high school students in 11th grade who pass the SAT and AP Test and qualify to get into University of Hawaii, and I saw President M.R.C. Greenwood here, to get into the University of Hawaii, and then skip the 12th grade.

"You study hard and this 'skip a grade' program also comes with a scholarship to the University of Hawaii. It costs about \$10,000 to keep a student into the Hawaii high school system. \$5,000 of that will be moved to the University of Hawaii for scholarship and the other \$5,000 share goes back into the general fund which we know is lacking. So this is a win-win for all. Thank you, Governor Lingle.

"This is the Accelerated Learning bill and it's a win-win for our students, for our educational system, as well as the State budget. Mr. Chairman and colleagues, I hope you will join us in this leapfrogging effort to get more of Hawaii's students into college and excited about their futures. Again, thanks to Governor Lingle, we've made great strides with STEM education and especially robotics. So now is the time to build on this effort. Now is the time to incentivize student learning. And now is the time to assist our future leaders to solve real world problems. Let's let them skip a grade and get a leg up on their careers.

"In summary Mr. Chair and colleagues, your House Republicans have a bold, comprehensive and robust agenda for this Session. We want to ensure taxes are not raised. We want to create jobs. We're going to make sure our public students in school excel. And at the same time, maintain a

fiscally responsible government that is open and accountable to you, the people of Hawaii. We are laser-focused on achieving this. We look forward to working with every Member in this room, caucus, non-caucus, public, and those who have given their years working for the State of Hawaii. We can do it, my fellow colleagues. We must do it. We shall do it. Thank you, and *aloha*. God bless the State of Hawaii, the people of Hawaii, and this great nation."

At this time, the Temporary Chair appointed the Sergeant-at-Arms to escort Reverend Eric Matsumoto of the Mo'ili'ili Hongwanji Mission to the rostrum.

Reverend Matsumoto then offered the benediction.

At this time, the Temporary Chair announced:

"Thank you, Reverend Matsumoto. Members, the House will stand in recess and reconvene today at 3:00 p.m."

At 11:52 o'clock a.m. the Temporary Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:16 o'clock p.m.

The Temporary Chair then announced:

"Thank you, Members. At this point, we will recess until 4:00 p.m. Thank you."

At 3:17 o'clock p.m. the Temporary Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:39 o'clock p.m.

At this time, the Temporary Chair announced:

"Members, please refer to your 3:00 p.m. agenda. We will take House Resolution No. 3 out of order."

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 3) was read by the Clerk and disposed of as follows:

H.R. No. 3, entitled: "HOUSE RESOLUTION ELECTING THE OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," resolving that the following persons be elected as officers of the House: Patricia Mau-Shimizu, Chief Clerk; Kevin R. Kuroda, Sergeant-at-Arms; Brian Takeshita, Assistant Clerk; and Leonard Paresa, Jr., Assistant Sergeant-at-Arms, was jointly offered by Representatives B. Oshiro and Ward.

Representative Ward moved that H.R. No. 3 be adopted.

At 4:40 o'clock p.m. Representative B. Oshiro requested a recess, and the Temporary Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:40 o'clock p.m.

Representative B. Oshiro seconded the motion to adopt H.R. No. 3.

Representative B. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative B. Oshiro's written remarks are as follows:

"Mr. Speaker, I would like to take this time to offer my sincerest appreciation to all the newly elected officers of the House of Representatives. I also want to give my personal thanks to retiring Assistant Chief Clerk, CJ Leong. I have personally appreciated, and benefitted from, CJ's excellence in administering the duties of her office. Those duties, unfortunately, do not always get the attention they deserve – and by extension, CJ too rarely receives the recognition she deserves.

"Her actions however ensure that everything runs smoothly during Session, that measures are filed and received on time, that the Chief Clerk's staff are well taken care of. She is one of the first people in the House every morning, and one of the last to leave – she is devoted to this institution and it shows.

"CJ also has a tremendous sense of humor. I will never forget being greeted by a desk full of giant *Pulelehua*, Kamehameha butterflies, on the day that my Resolution to make this organism our State insect was heard on the House Floor.

"On behalf of my colleagues in the House, I thank CJ Leong for her service as Assistant Chief Clerk and I look forward to working with her in her future capacity."

The motion was put to vote by the Chair and carried, and H.R. No. 3 was adopted.

Thereafter, the Temporary Chair administered the Oath of Office to the officers named.

The following resolution (H.R. No. 2) was read by the Clerk and disposed of as follows:

H.R. No. 2, entitled: "HOUSE RESOLUTION ELECTING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," electing the Honorable Calvin K.Y. Say, Representative from the Twentieth District, be elected as Speaker of the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, was jointly offered by Representatives M. Oshiro and Choy.

Representative Takumi moved that H.R. No. 2 be adopted, seconded by Representative Ward.

Representative Pine rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support of the Resolution. Mr. Speaker, this Resolution is to place our honorable Calvin K.Y. Say as the Speaker of the House of Representatives and I am in support of this Resolution. I want to thank all of my colleagues for putting the people of Hawaii first today. I especially want to thank my Republican colleagues here who I am extraordinarily proud of.

"Our Majority Leader earlier this morning talked about the different types of leadership. He talked about being a statesman. Sometimes that is the hardest type of leader to be, especially when you're being pulled in all of these different directions. And sometimes being the best statesman means you have to do something extraordinary, something you don't really want to do, but you know that it's right.

"And so I'm very proud of my fellow Republican colleagues here because they did something very extraordinary not so long ago. They sent up our support for a Speaker of the House. Not necessarily our first choice, but our first choice in the end is the people of Hawaii and doing their business. And so I'm very proud of them for stepping up first to do that, and I'm extraordinarily proud of the Members of the House here for in the end, and the end of this very first day Mr. Speaker, that we all were statesmen. Mahalo very much to all of you."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Thank you, Mr. Chairman. I rise in support of this House Resolution No. 2. Three points are all I need to make.

"I. All eligible Members of this House should be allowed to vote for the Speaker

"We all are here because we each won our respective elections, having received more votes than our opponents or competitors. I think all of us, except a few fortunate colleagues, faced some competition and our constituents were presented with a choice. But the fact that we are here this day, you and I, is a direct result of recent elections when we were candidates and our constituents cast their votes. And, whether they voted for you or against you, each voter had but one vote.

"Democrats had one vote and Republicans had one vote, too. So, too, did Independents. This principle of "one-man, one-vote" is so deeply rooted in the traditions of our democracy that one could not reasonably consider anything else.

"Mr. Chairman, I believe it was not more than 6 hours ago that we all stood in this Chamber and took a public oath to defend and uphold the Constitutions of the United States of America and the State of Hawaii. As such, I cannot imagine anyone among us, duly elected, officially credentialed, and under oath to uphold the Constitution of the United States of America and the State of Hawaii, would even consider for a minute to disenfranchise a Member of this Body from voting due to his or her political pedigree or association.

"But that seems to be the gist of the argument that some have raised in suggesting that we, your Majority, should not accept the Minority's vote on who shall serve as our Speaker of the House of Representatives. Unfortunately, this type of thinking reveals a misunderstanding of law that compels and requires the Majority to recognize a Minority's vote. It is not a question of discretion or choice to "accept" or not "accept" a Minority Member's vote, but simply whether we will act in accordance with the principle of "one-man, one-vote" and equality under our Federal and State Constitutions, laws, and be a state of "laws and not men."

"Mr. Chairman, neither you nor any Member of this Body can deny me my duty to cast a vote without first finding me ineligible or excused from that duty. I cannot imagine, at this juncture, and at this early stage of the 26th Legislature, that you or this Body would deny any Member his or her right, and even duty, to cast a vote. Should I be in plain error, in either fact or law, I ask my colleagues' indulgence and assistance to set me straight. For I cannot, by any stretch of the imagination, contemplate how anyone would stand in this Chamber and explain to us all, how and by what means a presiding Chair of a House session may exclude a Minority Member from voting for the Office of House Speaker. I have raised this same issue and had similar discussions in other forums, both public and private, and no one, not once, has ever offered any advice on how this may be accomplished without violating the State Constitution, law, or principle. As such, any suggestion that adhering to the law and following the equal protection principles therein is against one's membership in a private political party is simple absurd. It is also incongruent to the principles and traditions of the Democratic Party of Hawaii of which I boast membership and loyalty to. Indeed, in this regard, the words of former Senate President Richard "Dickie" Wong, former Governor Benjamin Cayetano, Hawaii Mayor Dante Carpenter, and current Governor Abercrombie, first spoken when all four were State Senators in 1981, are both interesting and instructive.

"Senator [D.G.] Anderson, for the public's information and your information, the Democrats are trying to resolve the problems. It's very difficult and all of us seated in this chamber understand what some of the problems are. They are not something that is simply resolved and I ask patience from the Minority; I ask patience from the general public.

"It's always been my philosophy that since the people of Hawaii elected the Democrats as the Majority here in the State Senate, it is our responsibility to organize the Senate. What is more important is that we are responsible for organizing the Senate, we should be held accountable for whatever action takes place in this body. This will be reflected in the elections forthcoming two years from now. We

understand what the consequences are if we don't resolve our problems and I think we should be willing to suffer those consequences when the will of the people is made known to us two years from now.

"We are trying, Senator Anderson. I hope that we can resolve our differences and we will keep the Minority informed."

– Richard "Dickie" Wong, Senate President, 4th day of session

* * *

"Mr. President, I would like to add a few remarks to this occasion – this very historic occasion.

"I thank the previous speaker for his remarks. I think, however, if the attitude he displayed continues through the session we will continue to have these historic occasions every two years.

"I think the people of this State are less concerned today about party lines and party loyalties than they are about their elected officials getting to work and getting the job done. No Senator here, on our side, Mr. President, is a 'hostage' of any organization or party. In fact, I think, if there was one common thread running through the coalition, it was that this Senate be kept independent and free and that this Senate operate as a check on the other two branches of government.

"I hope the Minority, in this case, will step back and reflect about what has happened and join us in a very constructive approach to doing the best we can for our people."

– Senator Benjamin Cayetano, Fourth District, 8th day of session

"In his remarks, Mr. President, the chairman dwelled on the issue of Party loyalty. Our modern day political parties have been sterilized by its own ideas. There have been passed down from generation to generation a collection of concepts which are so hallowed and so dense that their only use is to excite emotions and to obscure reason and insight. How many of us really know what we are talking about when we use words like the State, democracy, Republican, party, liberty and loyalty?

"Very few of us could define these terms under strong questioning. And yet we say them frequently and write about them a lot. These terms have ceased to be intellectual instruments for apprehending the facts we have to deal with and have become push buttons which are used to touch off knee-jerk emotional responses which can be destructive.

"Mr. President, some philosopher – I forgot who he was – once said that in matters of political debate Patriotism is the last refuge of every scoundrel. Well, I submit to you, the question of party loyalty must rate a close second."

– Senator Benjamin Cayetano, Fourth District, 10th day of session

* * *

"Mr. President, I think that we have come one step closer to the original intent of our United States Constitution and approach more closely a government 'of the people, for the people and by the people.' Douglas L. Edmonds, a noted juror, once stated, 'How many of us are waiting for the opportunity to do some great thing for the betterment of our community, forgetting that the solution of the problem requires only the active intelligent fulfillment of individual civic duty. The only things which are wrong about our government are the things which are wrong with you and me. Democracy is never a thing done; it is and always will be a goal to be achieved. It means action, not passive acquiescence in things as they are; it requires alertness to duty, a dynamic faith, a willingness to give for the good of all. It can live only as a result of loyalty and devotion to its principles expressed by daily deeds.'

"Mr. President, ours is certainly a new era where the people will now be represented by individuals and not only by special interest groups.

"And, Mr. President, now that I approach the responsibility of the Judiciary Committee I shall bring to the people new ideas and goals more representative to them than to the special groups who have in the past dominated this area.

"As a marine/mechanical engineer and former County Councilman, I am open to all ideas. I will place above all, the people's desires second to none, and 'where justice is for all.'

"I ask the people of this State not to prejudge any of our actions until the facts are in and the deeds are done."

– Senator Dante Carpenter, First District, 10th day of session

* * *

"In respect of some of the previous remarks, I think it is important for the benefit of the public who have observed the proceedings up to this point – in many instances finding it difficult to understand why it is that 25, presumably reasonable people, found it so difficult to put together a combination that will allow the Senate to be organized and to conduct business that they know the reasoning behind it. This has been referred to so often this morning and on other occasions.

"The reason, Mr. President, is a simple one. All of us have special interests; every man and woman on this floor has a special interest. The difference is that when that special interest becomes a private interest at the expense of the public interest, and all the high-flying rhetoric about parties and people's business cannot obscure for a moment that when power-brokers gather together to try to turn their special interest into private interest at the expense of the public interest, it is the public that loses.

"It is far better to go 60 hours, 60 days, 60 years to protect and defend one's fidelity to the Constitution that requires us to conduct ourselves in a manner befitting public policy, than it is to compromise to the point where that public policy in turn finds itself in a disastrous situation.

"We have succeeded with this coalition in protecting the public interest. Each of us with our special interest has subsumed those special interests to the public interest. It is no secret that many of us would have preferred one committee to another committee, but we were asked to look at the big picture – look at the broader consequences; to consider making moves and sharing committee assignments in order that we be able to protect the independence of this body from the power-brokers that seek to subvert that independence.

"The people of this State benefit, therefore, by having a legislative body which is issue-oriented and where the particular desires of individual Senators are submerged in a picture that allows us to see what the public interest is. That's what we're striving to do.

"To that extent, a message has gone forward today and it will require the talent of all of us because this is just the beginning. A message has gone forward that as far as this Senate organization is concerned, each and every group will have to present its point of view and trust that it can prevail on its merits. That is what we are striving to do. If we are able to assume fidelity to that purpose and carry through on it to the end of the 60 days, we will have succeeded.

"I for one will be more than happy, in the upcoming election, to explain my role and to defend my role, which in turn has defended the independence of this body so that the taxpayers and citizens of this State can be assured that constitutional government, on their behalf, has taken place rather than a sell-out to power-brokers who would subvert and destroy everything that the people of our State have worked so hard to put together for their lives. Thank you."

– Senator Neil Abercrombie, Sixth District, 8th day of session

"Mr. Chairman, I hope these thoughts and ideas are taken as they are given. Simply to remind ourselves that when important principles collide

with similarly important political values, it is the principles that must trump the latter. As my esteemed and learned colleague of common surname made clear this Opening Day, we should all strive to be statesmen and stateswomen in our service to the people of Hawaii.

"II. The best person for the job of Speaker is the current Speaker

"The second reason I rise in support of this Resolution is the plain facts. The simple truth is that under the Speakership of the Representative from St. Louis Heights, Palolo Valley, Maunalani Heights, Wilhelmina Rise and Kaimuki, House District 20, we have done well for the people of Hawaii and this institution. Under his leadership we have accomplished some very good things for Hawaii's people. These recent policy declarations and achievements come to mind when I think about Speaker Say's tenure:

- Led the House during the terms of both a Democrat Governor and Republican Governor;
- Collective Bargaining and Civil Service Reform;
- Converted the Public Employees Health Fund to the Employer-Union Trust Fund and Employee Hybrid-Benefits enactment;
- Guided Comprehensive Campaign Spending Law reform;
- Presided over Post 9/11 Special Session;
- Led House through worst recession since 1930s;
- Led House in addressing 2.1 Billion dollar biennial budget shortfall;
- Led House in addressing 1.2 Billion dollar budget shortfall;
- Established the Legacy Lands Funds to protect lands in perpetuity;
- Established a Card Check Union Representation Process for Agricultural Workers;
- Passed the Fix Hawaii Schools Act, which provided public school students an optimal learning environment by funding the repair, maintenance, and renovation of public school facilities statewide;
- Adopted a State Energy Strategy that included increasing the Renewable Energy Technology Tax Credit for certain renewable energy systems and making the tax credit permanent;
- Established the Hawaii Medal of Honor, awarded by the Legislature by Concurrent Resolution to individuals who demonstrated the highest levels of valor in making the ultimate sacrifice;
- Passed the Keiki Care law, which made Hawaii the first state in the nation to ensure that every child is covered by health insurance;
- Pushed for efforts to promote economic development for local food and energy businesses by establishing necessary funding through a small tax increase on a barrel of oil;
- Prevented employers from discriminating against an employee or refusing to hire a potential employee because of the individual's credit history or credit report;
- Passed the Bottle Bill;
- Established an appointed State Board of Education;
- Brought to the Floor a bill establishing a State Civil Unions Law.

"These are just a handful among many, many other Legislative and policy achievements. The actual list would take several pages to complete, but the undeniable record of accomplishment during his tenure is historical fact and it is substantial. Certainly, this is not to diminish the importance and essential work of the Committee Chairs and Vice-Chairs, nor to

disparage the importance of the Majority Caucus and its leaders. The Chairs and Vice-Chairs are without any doubt key players of any significant policy declarations and to whom much credit should be and is attributed. The pre-session work, public briefings, public hearings, the drafting and redrafting of bills and committee reports, and the conference committees, and unlimited number of public and private discussions – all have contributed to the passage of these extraordinary measures and public policy. Likewise, my highlight of the Representative from Palolo Valley should not be construed to overshadow the significance of the Caucus leaders, who, unbeknownst to many of us, worked in the trenches, day-in and day-out, and bore the brunt of public criticism with cool composure on some of the most controversial measures of the day.

"Indeed, a sports analogy, particularly my favorite, football, best describes how the Majority Caucus team over the years has both advanced and defended our goals and objectives. Of course, as with any football team, there have been a few fumbles, interceptions, miscues, blocked kicks, and even sacks, along with touch-backs, penalties, and bad calls. Additionally, throughout the seasons there have always been the "Monday Morning Quarterbacks," "sofa coaches," and peanut gallery, but despite the imperfect performance of each team member, at every occasion, and at every opportunity, we have done well as a team, and our record of achievement is indisputable. And, as we usually credit the Quarterback for engineering the advancement to the goal, the periodic adjusting and constant strategizing, and for even taking the occasional hard hits for the team, whether it be Timmy Chang, Colt Brennan, Andrew Manley, or even Bryant Moniz, the same can be said for the Representative from Palolo. And, for these and similar reasons, I believe I speak for the majority of the Members of this Body, on this particular point, based upon the plain facts set in the public record.

"III. Term Limitations on the Speaker of the House are Shortsighted

"Finally, let me discuss what has been a topic of public discussion regarding the tenure of the incumbent speaker as a basis for he or she being unqualified or disqualified for the Speakership role. In effect, the argument is a based upon a theory of limiting one's service to that post and prohibiting the choice for service beyond a set amount of time. Further, the term limit argument suggests that mere passage of time, for some strange reason, makes one's service undesirable, period– that is, without the examination of fact or measure or analysis or evaluation of fact and fiction regarding the qualifications of the one occupying a post or seat – that one must be removed merely due to the passage of time as measured on a calendar or clock. It turns off the mental facilities and lashes reason to the natural rising and setting of the sun and moon, passage of seasons, and ocean tides, and not one iota, zero, zilch, of reason or human thought.

"It reminds me of the deceptive political propaganda of Republican leader Newt Gingrich, who made the term-limited legislature vogue in the early 1990s. That we are seeing some resurgence of this ill-conceived "progressive" or "good government" policy this day, under the guise of "change," is both sad and frightening. For if we would entertain the notion of term-limiting our Speaker, or any other post or assignment, whether Chair or Vice-Chair or membership, too, we would and probably should expose our own tenure as elected officials to the same consideration and under the same simple notion of "change." To me, that is scary – I dare say, a dangerous proposition – when I consider all I have learned about and studied on the effects of term limits on State Legislatures.

"Mr. Chairman, the facts are term-limited Legislatures hardly demonstrate the ascribed benefits of the time restrictions and in many instances weaken the institution and its ability to reflect the desires of the electorate. I would encourage any Member to seek advice of our peers in those states that have term limits; their impressions may give you pause to reconsider. So, let's put away these short-termed notions of term-limited change for time around the campfire when we want to scare ourselves and keep the impressionable up all night. Finally, it is ironic, and perhaps inadvertent to some of the discussions, that should this policy be adopted, several members of our caucus would be deemed ineligible and would have to relinquish their posts immediately.

"In closing, let me thank you, Mr. Chairman, for maintaining the decorum of this Chamber and for carrying forth your duty with much grace

and dignity. I appreciate the tremendous uncertainty and pressure you are under and know how hard it must be to maintain one's public and private composure. You have my admiration and deep respect.

"Finally, thank you, Representative of District 20, St. Louis Heights, Palolo Valley, Maunalani Heights, Wilhelmina Rise and Kaimuki, for being decisive, honest, conciliatory, transparent, magnanimous, patient and authentic during the 10 weeks since the 2010 General Elections. I, among many others, have personally witnessed you reaching out to all Members of the Democratic Caucus.

"Second, you have reminded all Members that honest communication is a two-way street and that sometimes one cannot impose reason and facts upon these complex and complicated human processes. We are all unique individuals with unique idiosyncrasies and healthy egos. There will always be those whose desires will reveal their bias and prejudice. But, through it all, you remained true to the higher calling of the Speaker's Office and thereby have honored this institution and those who have served and will serve tomorrow. For these reasons, among others, thank you very much for your service to your Democratic Caucus and this State House of Representatives.

"Mr. Chairman, thank you. I yield the Floor."

Representative Choy rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Choy's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this Resolution to elect the Representative from Palolo to the position of Speaker of the Hawaii State House of Representatives during the 26th Legislature.

"Mr. Speaker, at this time in the history of the State of Hawaii, there is no better individual in this Body to assume this position. We are again headed for a Legislative Session where fiscal responsibility will be the order of the day. The Representative from Palolo has taken on very difficult issues such as labor costs, taxes, balancing our budget, protecting our safety nets and unfortunately cutting programs and expenses.

"Very few people, during the last two years, have had a vision and stepped up to take a leadership position during these trying times. The Representative from Palolo is one of those people who did not shy away from his duties. He even had the audacity to remind us that we are here to represent the ordinary populace; the ones not represented by special interest groups and lobbyists.

"In our domain that we call the State Capitol of the great State of Hawaii, we provide the people of our state the leadership to govern ourselves with a spirit of respect & humility. The use of power, especially great power, requires wisdom and restraint. We find ourselves confronted with the question of the definition of leadership & what qualities demonstrate those of a great leader.

"We could just peruse the laundry list of definitions. However, because these trying times in history, we need something more, someone better than the mere words. What we are searching for is greatness in a leader. Ironically, a good leader should also be a good follower. He can demonstrate by example – thus, the difference between a leader and a boss.

"The two most important qualities of an extraordinary leader is the ability to communicate a vision and to be trustworthy. At the same time, we need and want someone to make sound and timely decisions. In addition, will this decision come from an enlightened and inspired perspective?

"We call the practice of medicine an "art" as well as a "science." We can add being an effective leader to that list because the truly great leaders have the technical knowledge, as well as the skill set to motivate and stimulate us into performing not only up to our abilities, but also beyond what we think we are capable of accomplishing. The Representative from Palolo can be this person.

"Mr. Speaker, you and I have been in negotiations since November to resolve the matter of who should be the next Speaker; I thank you for the forthright discussions and gentlemanly demeanor. I wish we could have resolved this situation together, unfortunately we were both furloughed. But I am satisfied that the attempts we made have resulted in a more open process, collaboration and transparency. Something which future Speakers of this House will certainly have to live up to.

"Mr. Speaker, there were some disappointments in our discussions, although gamesmanship is a tool that I am thoroughly familiar with; it was disappointing that the people's business was put on hold. It was also disappointing how "change" was the war cry, but "change" was never defined. Change without direction is just a waste of time.

"Mr. Speaker, it is time to get on with the people's business, we may not have gotten all of the results that we hoped for, but it is time to move on. Again I stand in strong support for Representative Calvin Say as Speaker of the House. Thank you."

The motion was put to vote by the Temporary Chair and carried, and H.R. No. 2 was adopted.

The Sergeant-at-Arms then escorted the newly elected Speaker to the rostrum, who was presented with the gavel.

Speaker Calvin K.Y. Say assumed the rostrum and addressed the Body, stating:

"Thank you, very much, Members. To all of you, thank you very much for your vote of confidence and support. I pledge to all of you that I will execute my duties and responsibilities with fairness, consistent with Hawaii's Constitution and the Hawaii State Statues. I did not have a prepared speech for all of you this afternoon, but I wanted to go back to a time where we, as a nation, were in turmoil. And what I would like to share with you is a speech that was given by one of the greatest Presidents this country ever had, and that was President Abraham Lincoln. This was at his second inaugural address. So with your permission President Lincoln and all of you, may I begin with this dissertation?

At this second appearing to take the oath of the Presidential office there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avert it. While at the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy without war - seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid

against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses for it must needs be that offenses come, but woe to that man by whom that offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both the North and the South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

"I truly hope this Inaugural Address addresses what has happened these past two and half months. We are all here for the greater good of serving the Lord and the people of the State of Hawaii. I thank you very much for your vote of confidence and if there's anything I can do, please do not hesitate to call upon me."

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 4) was read by the Clerk and disposed of as follows:

H.R. No. 4, entitled: "HOUSE RESOLUTION SENDING MESSAGES THAT THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE HAS ASSEMBLED AND IS READY TO TRANSACT BUSINESS," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, H.R. No. 4 was adopted.

ADJOURNMENT

At 4:56 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Ward and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, January 20, 2011.