

SIXTIETH DAY

Thursday, May 5, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:10 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Shigenori Makino, Honpa Hawaii Betsuin, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 858 to 861) were read by the Clerk and were placed on file:

Gov. Msg. No. 858, dated May 3, 2005, transmitting her statement of objections to Senate Bill No. 74 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

May 3, 2005

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 74

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 74, entitled ‘A Bill for an Act Relating to Highway Safety.’

The purpose of this bill is to allow drivers who are at least eighteen years of age to be issued commercial driver’s licenses to drive in intrastate commerce, except vehicles to be used in the (1) transportation of passengers in school vehicles, (2) operation of larger trailer-type vehicles (over 26,100 GVW), and (3) transportation of hazardous materials.

I am vetoing this measure based on extensive research that has unequivocally demonstrated it is not sound public policy to use inexperienced drivers to operate large commercial vehicles. The data come from studies of young truck drivers overseas and in those few states that legally permit drivers under age 21 to operate trucks in intrastate commerce.

Numerous studies compiled by the National Center for Statistics and analysis have documented that younger drivers have more accidents. For example, according to the Insurance Institute for Highway Safety, the rate of motor vehicle deaths per 100,000 drivers age 18 to 20 was nearly twice that of drivers ages 21 and older. Studies of young people driving trucks show that there are 4.3 to 6.2-fold increases in the fatal crash risk among drivers younger than 21. The Insurance Institute for Highway Safety along with the Center for Army Lessons Learned reported that during Operations Desert Storm and Desert Shield soldiers younger than 21 were hospitalized for motor vehicle accidents five times more often than soldiers 40 years or older. A 1996 University of Michigan study found younger truck drivers have more moving violations than those

at an older age and a higher proportion of accidents involving loss of vehicle control.

The issue of how old a person must be to drive a large truck or bus has been debated frequently at the national level. Federal statutes require that drivers must be at least 21 years of age to qualify to drive interstate commercial vehicles. This rule was reaffirmed as a federal policy as recently as 2003. Forty-four states recognize the same standard for intrastate vehicles.

Despite efforts by the Legislature to restrict the types of commercial vehicles younger drivers could operate in Hawaii, this legislation contradicts the premise behind the graduated driver’s license program. That program recognizes that younger drivers are prone to take more risks and jeopardize both themselves and others on our roadways.

While the industry is understandably concerned with the shortage of commercial drivers, there is no demonstrated evidence this bill would alleviate these concerns. On balance, the safety and welfare of the people of Hawaii must be our first and foremost priority.

For the foregoing reasons, I am returning Senate Bill No. 74 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii”

Gov. Msg. No. 859, informing the Senate that on May 3, 2005, she signed into law Senate Bill No. 1235 as Act 40, entitled: “RELATING TO ELDERLY CARE.”

Gov. Msg. No. 860, informing the Senate that on May 3, 2005, she signed into law House Bill No. 555 as Act 41, entitled: “MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE.”

Gov. Msg. No. 861, informing the Senate that on May 3, 2005, she signed into law House Bill No. 556 as Act 42, entitled: “MAKING AN EMERGENCY APPROPRIATION FOR WIRELESS ENHANCED 911.”

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 36 and 37) were read by the Clerk and were placed on file:

Dept. Com. No. 36, from the Department of Education dated April 26, 2005, transmitting the 2004 Superintendent’s 15th Annual Report.

Dept. Com. No. 37, from the State Auditor dated May 3, 2005, transmitting a report, “Financial Audit of the Department of the Attorney General,” (Report No. 05-04).

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 776 to 794) were read by the Clerk and were placed on file:

Hse. Com. No. 776, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 3, 2005:

H.B. No. 19, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 100, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 109, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 115, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 125, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 140, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 150, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 160, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 162, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 164, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 168, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 260, S.D. 1, C.D. 1;
 H.B. No. 263, S.D. 1, C.D. 1;
 H.B. No. 278, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 283, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 295, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 320, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 325, S.D. 2, C.D. 1;
 H.B. No. 332, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 384, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 390, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 393, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 408, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 422, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 438, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 460, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 477, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 500, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 502, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 551, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 553, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 606, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 631, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 712, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 769, H.D. 3, S.D. 2, C.D. 1;
 H.B. No. 785, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 806, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 841, S.D. 2, C.D. 1;
 H.B. No. 843, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 844, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 852, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 864, S.D. 1, C.D. 1;
 H.B. No. 895, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 931, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1017, H.D. 3, S.D. 2, C.D. 1;
 H.B. No. 1051, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1201, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1224, S.D. 1, C.D. 1;
 H.B. No. 1235, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1236, S.D. 1, C.D. 1;
 H.B. No. 1238, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1276, H.D. 3, S.D. 1, C.D. 1;
 H.B. No. 1295, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1300, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1301, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1304, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1308, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1309, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1317, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1320, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1378, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1393, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1430, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1462, S.D. 1, C.D. 1;
 H.B. No. 1476, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1528, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1548, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1550, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1554, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1555, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1556, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1597, S.D. 1, C.D. 1;
 H.B. No. 1599, S.D. 1, C.D. 1;
 H.B. No. 1608, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1614, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1640, H.D. 3, S.D. 2, C.D. 1;
 H.B. No. 1641, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1657, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1659, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1668, S.D. 1, C.D. 1;
 H.B. No. 1672, S.D. 1, C.D. 1;
 H.B. No. 1709, S.D. 1, C.D. 1;
 H.B. No. 1733, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1745, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1747, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1750, S.D. 2, C.D. 1;
 H.B. No. 1758, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1763, H.D. 2, S.D. 2, C.D. 1;
 S.B. No. 3, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 27, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 55, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 76, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 77, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 116, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 117, H.D. 2, C.D. 1;
 S.B. No. 118, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 121, H.D. 1, C.D. 1;
 S.B. No. 122, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 179, S.D. 3, H.D. 2, C.D. 1;
 S.B. No. 212, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 294, S.D. 3, H.D. 1, C.D. 1;
 S.B. No. 459, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 556, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 568, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 617, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 639, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 669, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 673, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 682, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 693, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 700, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 702, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 708, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 738, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 754, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 761, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 791, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 797, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 802, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 807, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 813, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 817, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 944, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 945, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 956, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 960, H.D. 1, C.D. 1;
 S.B. No. 962, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1003, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1018, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1038, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1100, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1117, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1132, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1194, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1250, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1253, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1257, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1262, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1267, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1285, S.D. 2, H.D. 1, C.D. 1;

S.B. No. 1348, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1349, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1352, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1362, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1378, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1394, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1420, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 1427, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1451, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1453, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1473, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1483, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1554, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1579, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1580, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1592, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1620, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1643, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1660, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1661, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1685, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1699, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1702, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1721, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1729, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1732, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1772, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1778, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1780, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1796, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1798, H.D. 1, C.D. 1;
 S.B. No. 1808, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1814, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1816, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1843, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1872, H.D. 1, C.D. 1;
 S.B. No. 1876, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1877, H.D. 1, C.D. 1;
 S.B. No. 1883, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 1889, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1891, S.D. 2, H.D. 2, C.D. 1; and
 S.B. No. 1903, S.D. 1, H.D. 1, C.D. 1.

Hse. Com. No. 777, returning S.C.R. No. 17, S.D. 2, which was adopted by the House of Representatives on May 3, 2005.

Hse. Com. No. 778, returning S.C.R. No. 49, S.D. 1, which was adopted by the House of Representatives on May 3, 2005.

Hse. Com. No. 779, returning S.C.R. No. 51, S.D. 1, which was adopted by the House of Representatives on May 3, 2005.

Hse. Com. No. 780, returning S.C.R. No. 76, S.D. 1, which was adopted by the House of Representatives on May 3, 2005.

Hse. Com. No. 781, returning S.C.R. No. 93, S.D. 2, which was adopted by the House of Representatives on May 3, 2005.

Hse. Com. No. 782, returning S.C.R. No. 109, S.D. 1, which was adopted by the House of Representatives on May 3, 2005.

Hse. Com. No. 783, returning S.C.R. No. 173, which was adopted by the House of Representatives on May 3, 2005.

Hse. Com. No. 784, returning S.C.R. No. 197, S.D. 1, which was adopted by the House of Representatives on May 3, 2005.

Hse. Com. No. 785, returning S.B. No. 61, S.D. 1, which passed Third Reading in the House of Representatives on May 3, 2005.

Hse. Com. No. 786, returning S.B. No. 620, S.D. 1, which passed Third Reading in the House of Representatives on May 3, 2005.

Hse. Com. No. 787, returning S.B. No. 1127, S.D. 1, which passed Third Reading in the House of Representatives on May 3, 2005.

Hse. Com. No. 788, returning S.B. No. 1345, S.D. 1, which passed Third Reading in the House of Representatives on May 3, 2005.

Hse. Com. No. 789, informing the Senate that the House reconsidered its actions taken on April 14, 2005, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 85, H.D. 2 (S.D. 2);
 H.B. No. 450, H.D. 2 (S.D. 2);
 H.B. No. 1029 (S.D. 2); and
 H.B. No. 1740, H.D. 1 (S.D. 2).

Hse. Com. No. 790, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on May 3, 2005:

H.B. No. 20, S.D. 1;
 H.B. No. 161, H.D. 1, S.D. 1; and
 H.B. No. 1749, H.D. 2, S.D. 2.

Hse. Com. No. 791, informing the Senate that the House reconsidered its actions taken on April 28, 2005, in disagreeing to the amendments proposed by the Senate to H.C.R. No. 100, H.D. 1, and has on May 3, 2005, agreed to the amendments to H.C.R. No. 100, H.D. 1, S.D. 1.

Hse. Com. No. 792, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.C.R. No. 229, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.C.R. No. 229, H.D. 1, S.D. 1, was finally adopted in the House of Representatives on May 3, 2005.

Hse. Com. No. 793, informing the Senate that the House has discharged all conferees to the following House concurrent resolutions:

H.C.R. No. 100, H.D. 1, S.D. 1; and
 H.C.R. No. 229, H.D. 1, S.D. 1.

Hse. Com. No. 794, informing the Senate that the amendments proposed by the Senate to the following House concurrent resolutions were agreed to by the House and said resolutions were finally adopted in the House of Representatives on May 3, 2005:

H.C.R. No. 3, H.D. 1, S.D. 1;
 H.C.R. No. 10, H.D. 1, S.D. 1;
 H.C.R. No. 67, S.D. 1;
 H.C.R. No. 200, H.D. 1, S.D. 1; and
 H.C.R. No. 222, H.D. 1, S.D. 1.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1921 (Gov. Msg. Nos. 709, 710, 711, 712 and 713):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1921 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

ANDY P. ANCHETA MPH, term to expire June 30, 2009 (Gov. Msg. No. 709);

SUSAN K. FORBES DRPH, term to expire June 30, 2009 (Gov. Msg. No. 710);

CREIGHTON LIU, term to expire June 30, 2009 (Gov. Msg. No. 711);

SARAJEAN TOKUNAGA, term to expire June 30, 2009 (Gov. Msg. No. 712); and

PATRICIA UYEHARA-WONG, term to expire June 30, 2009 (Gov. Msg. No. 713),

seconded by Senator Tsutsui.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Baker, Fukunaga, Hanabusa, Ige, Ihara, Kim, Sakamoto).

Stand. Com. Rep. No. 1922 (Gov. Msg. Nos. 715 and 716):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1922 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Health Planning Council, Hawaii County Subarea of the following:

LORI CANNON-SALIS RN, CCRN, CRFN, MSN, term to expire June 30, 2009 (Gov. Msg. No. 715); and

KARLSON PUNG, term to expire June 30, 2009 (Gov. Msg. No. 716),

seconded by Senator Tsutsui.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Baker, Fukunaga, Hanabusa, Ige, Ihara, Kim, Sakamoto).

Stand. Com. Rep. No. 1923 (Gov. Msg. No. 721):

Senator Kanno moved that Stand. Com. Rep. No. 1923 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of ERNEST BALATINCZ STS CHST to the Hoisting Machine Operators Advisory Board, term to expire June 30, 2009, seconded by Senator Taniguchi.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Baker, Fukunaga, Hanabusa, Ige, Ihara, Kim, Sakamoto).

Stand. Com. Rep. No. 1924 (Gov. Msg. Nos. 791 and 792):

Senator Kanno moved that Stand. Com. Rep. No. 1924 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Hawaii Workforce Development Council of the following:

JAMES C. TOLLEFSON, term to expire June 30, 2009 (Gov. Msg. No. 791); and

GLENN H. YAMASAKI KIMURA, term to expire June 30, 2008 (Gov. Msg. No. 792),

seconded by Senator Taniguchi.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Baker, Fukunaga, Hanabusa, Ige, Ihara, Kim, Sakamoto).

Stand. Com. Rep. No. 1925 (Gov. Msg. No. 626):

Senator Kanno moved that Stand. Com. Rep. No. 1925 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of EMORY J. SPRINGER to the Hawaii Labor Relations Board, term to expire June 30, 2011, seconded by Senator Taniguchi.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Baker, Fukunaga, Hanabusa, Ige, Ihara, Kim, Sakamoto).

At 11:17 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

Stand. Com. Rep. No. 1926 (Jud. Com. No. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 1926 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of JENNIFER L. CHING as Judge of the District (Family) Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Hanabusa rose in support of the nominee and said:

"Mr. President, I stand in of Jud. Com. No. 2, submitting for consideration and confirmation to the District Court of the First Circuit, State of Hawaii, Judicial Nominee Jennifer L. Ching.

"Mr. President, members, Jennifer Ching came down at, for lack of a better description, the eleventh hour of this Session. I'd first like to thank the members of the Judiciary Committee for taking the time to hear the nominee and also for those members who took the time out to meet the nominee at a coffee hour and making time for her during that period of time. As

you all know, we have the constitutional time constraints and I'm very glad that we were able to cooperate and get Jennifer Ching out. The primary reason is that she is an excellent candidate and one that I hope that we will all consent to today.

"Jennifer Ching is a local girl. The good Senator from Maunawili and the good Senator from Volcano share one thing in common with her and that of course is she is a Punahou graduate. She went to Lewis and Clark and got her Bachelor's as well as her law degree. Upon return to Honolulu, she practiced for a predominantly labor firm of Gill Park Park & Kim and then to a corporate law firm of Chun Kerr & Dodd. From 1982 to the present time, Jennifer Ching has been practicing in the prosecutor's office.

"Jennifer is described by one of her colleagues and the people who came before us in an extremely positive light. This one person said of her, 'as supervisor of the domestic violence and family court teams, Ms. Ching treats those she supervises with great care and respect. Despite carrying a full caseload, Ms. Ching routinely assigns the most difficult cases to herself instead of passing them off to others. During the past 15 years, there were several instances where her team was shorthanded for months and when new deputies without much experience were assigned to work under her, notwithstanding whatever difficult circumstances she faced, Ms. Ching rose to the occasion.'

"Mr. President, for those who were not able to meet with Ms. Ching, I want you to know that your first impression is that she's such a bubbly person. She's so excited about the prospect of being a judge. That's okay, except you've got to realize she's being excited about being a prospect of a family court judge on a district court level. Now that means she has to have certain characteristics to continue in that positive mode – one is a lot of patience, a lot of compassion, and just sheer fortitude, because one of the things that Ms. Ching has done over these years, and you must meet her and look at her disposition to wonder why and how can she continue to do it, she now does family court for the prosecutors and probably in the most difficult of areas, the abuse – helping children, as she said, who have been hurt and who need to be understood.

"Ms. Ching said something very interesting. I asked her a question about why this kind of work doesn't get to her after a while, because she's so positive about it. I said you're seeing probably the worst that you would want to see in society – children being hurt, children being abused – and she's a mother herself. And she said she has found that it is her commitment to family that has given her that inner strength to do what she does.

"One of the funniest things she said was that after she became a prosecutor and went through all of this, she thanked her mother and she told her mother she was very grateful for an uneventful childhood, because it is that uneventful childhood that has managed to so well ground her that she can do what she does.

"Mr. President, for the past two nominees, Mr. Nacino and Ms. Ching, your Committee on Judiciary and Hawaiian Affairs were very impressed by them because the district court level is really the people in the trenches, continually in the trenches. They are the ones who most people come in contact with.

"I must add, Mr. President, I don't believe that we could have a better person going on to the family court, which we know has been plagued with trouble, than someone like Jennifer Ching. And for that reason, Mr. President, I ask that you and my colleagues join me in consenting to the nomination of

Jennifer Ching to the District Court of the First Circuit of the State of Hawaii.

"Thank you, Mr. President."

Senator Slom rose to speak in support of the nominee and stated:

"Mr. President, colleagues, I rise also in support of the nominee, Jennifer Ching.

"I first want to thank the Chair of the Judiciary Committee and Judiciary Committee members for expediting this matter, because as we all know, we certainly need more and better judges. With Jennifer Ching, we have one of the best possible judges we could have.

"The good Chair of the Judiciary Committee gave you a lot of her background. I want to remind you she's been a prosecuting attorney for 23 years and she's been assigned to all major trial divisions, including the career criminal unit, so she has a great deal of experience in that area as well.

"The last 14 years at the prosecutor's, she has spent that, as was mentioned, with the family court. She's handled many sexual assault cases, particularly those involving child victims. I think many people may recall that probably the most important incident that she was involved in, the best known case, involved a defendant mother who had abandoned her 15-month old child near Lake Wilson. The child was found luckily because some passersby had seen the child. The child was bruised, dehydrated, eaten by maggots, and was discovered barely alive. Jennifer professionally and methodically prepared the case, and in the end provided a great service to the child and the community with the conviction of the mother and with more attention to the responsibility of parents. She has a strong commitment to families and children, and as the Chair said, she is a mother herself. That commitment, combined with the legal skills and the great experience, will allow her to make a significant impact on the lives of our children and families that will come before her as a family court judge.

"I hope she's able to retain her humor. I hope she's able to retain her bubbly personality and her positive outlook. Actually, I have no doubt that she will. It's going to be a real challenge, because as the Chair of the Committee says, the district court really is where the rubber meets the road. That's where you get all kinds of cases and that, for most people, is their first experience with the judiciary and the judicial system. And so, we try to have the very best possible people as gatekeepers. Nobody could be better than Jennifer Ching.

"We offer her our support, and besides, we know she's very judicious and makes good decisions because she decided for herself and her family to move and live in Hawaii Kai, and what better decision could she make. (Laughter.) So, I urge all my colleagues to support and unanimously confirm Jennifer Ching as our next judge.

"Thank you, Mr. President"

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hee, Menor).

At this time, Senator Hanabusa introduced Judge Ching, who was seated in the gallery with her family, to the members of the Senate.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

ADOPTION OF RESOLUTION

H.C.R. No. 172, H.D. 1:

On motion by Senator Hee, seconded by Senator Hogue and carried, H.C.R. No. 172, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGULATION OF PAYDAY LENDERS AND DEFERRED DEPOSIT CHECK CASHERS," was adopted.

SENATE RESOLUTION

The following resolution (S.R. No. 137) was read by the Clerk and was disposed of as follows:

Senate Resolution

No. 137 "SENATE RESOLUTION AMENDING RULE 31 OF THE SENATE OF THE TWENTY-THIRD LEGISLATURE OF THE STATE OF HAWAII."

Offered by: Senators Kim, Hanabusa, Sakamoto, Kokubun, Tsutsui, Hee, Hooser, English, Nishihara, Chun Oakland, Taniguchi.

Senator Hee moved that Senate Rule 85(1) be suspended, seconded by Senator Kokubun.

Senator Kokubun stated:

"I request a Roll Call vote, please."

Senator Hee noted:

"Mr. President, members, the reason for the suspension of Rule 85(1) is in order for us to consider S.R. No. 137. Thank you."

The motion was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Baker, Bunda, Espero, Fukunaga, Hemmings, Hogue, Ige, Ihara, Inouye, Kanno, Menor, Slom).

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

Senator Hee moved that S.R. No. 137 be adopted, seconded by Senator Kokubun.

Senator Kokubun stated:

"Mr. President, again I request a Roll Call vote."

Senator Hee rose in support of the resolution and said:

"Mr. President, members, the reason for the matter before us is to clarify the self-governance of the Senate. In order to do so, the majority of the vote just taken has agreed that to the extent that the Senate wishes to call itself back, this resolution must be acted upon. Without going into too much detail other than that,

Mr. President, we wish to thank you for allowing us to offer this resolution.

"Thank you."

Senator Hemmings rose in opposition and said:

"Mr. President, rise to speak against this resolution.

"Mr. President, I, too, want to be honest. This resolution is about power. It's about who the face of this Senate is going to be. And quite frankly, the face I'm looking at across the aisle is not the face I want to have lead this Senate. I'll be voting 'no' against this resolution."

Senator Hee rose and said:

"Mr. President, actually, this isn't about that at all. This is about the effort of the Senate to call itself back into Session, nothing more.

"Thank you."

Senator Hemmings rose again and stated:

"Mr. President, what you just heard is just exactly what the people of Hawaii don't want in politics – and that is double-dealing, backdoor deals, and I stand by my assertion.

"Thank you."

The motion was then put by the Chair and carried, Roll Call vote having been requested, S.R. No. 137 entitled: SENATE RESOLUTION AMENDING RULE 31 OF THE SENATE OF THE TWENTY-THIRD LEGISLATURE OF THE STATE OF HAWAII, was adopted on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Baker, Bunda, Espero, Fukunaga, Hemmings, Hogue, Ige, Ihara, Inouye, Kanno, Menor, Slom).

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 131 to 136) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 131 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 131 was adopted.

No. 132 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 132 was adopted.

No. 133 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 133 was adopted.

No. 134 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-THIRD LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 134 was adopted.

No. 135 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 135 was adopted.

No. 136 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Hee, seconded by Senator Hogue and carried, S.R. No. 136 was adopted.

Senator Hee rose and said:

"Mr. President, I want to announce that having come back to this Body this year, I've enjoyed being with the members of this Body. I've enjoyed you, Mr. President, and your staff. I want to thank everyone who is involved with the Senate and to the extent that we've done the work of the people, I'm very grateful.

"Thank you, Mr. President."

Senator Nishihara rose on a point of personal privilege as follows:

"Mr. President, may I rise on a point of personal privilege?"

"Mr. President and colleagues, as the newest member of the Senate, I have been asked on a number of occasions what I thought of the process of the Legislature and what I made of the workings of the Senate. It is a subject I have given a great deal of thought over the past 60 days that we have been in Session. When I arrived here in early November of last year after winning a seat against a formidable incumbent, I was given his office temporarily until everything got sorted out. I had to hire an entire new staff, acquire new furnishings for the office, and orient myself to my new setting. Throughout those days that followed, I was shown nothing but kindness and genuine offers of assistance, of which I am very grateful. I knew some of you by name and many others only by your offices and political persuasion. I made it my goal to learn more about all of you to the extent possible in this political milieu.

"I was determined to keep my sense of balance and be as honest as anyone can be in developing relationships that require trust. I feel I have succeeded for the most part. I was not placed in the position of chairmanship or other roles of party leadership. It was as it should be for anyone new coming into a new environment – learn the lay of the land, learn the rules of the game, listen more than speak, be open to different points of

view, treat all with respect that all deserve, be congenial, be a good Legislator.

"I came with the belief that it was in the development of mutual trust and shared interest, the human need for developing civil societies and alliances, that the political realm is part and parcel of a democratic process. It is bewildering to one who is new to or not a member of this elite club.

"Like Alice in Wonderland, not all one sees is as it seems, but even Alice found that there are still rules. This Body works within a framework of rules. Laws are crafted within the confines of those rules and the relationships and agreements that bind all of them together.

"I came into this office as the newest, although one of the oldest, but not necessarily the wisest member of the Senate. Age brings years of experience not always transferable to the job. Wisdom, I hope, comes out of that experience. This Session was, I feel and believe, successful for all of us. If we view ourselves as part of the larger body, the institution of the State Senate, those bills that become enacted which are good for the whole society are a credit to all of us. Bills which weren't enacted turn out to be misdirected, ineffectual, or in retrospect, bad. We suffer individually as well as collectively.

"The public, to which we frequently refer to as the reason we are here, seems at times distant or not distant enough. Special interest, lobbyists, ordinary citizens, advocates of all stripes are part of this bubbling political stew set on a 60-day timer. It's a wonder that good legislation shines through.

"Much was said recently about going on faith. I think we all need to do it from time to time. We are all well-meaning souls trying to do the best way we know. Nothing is dead until the sounding of the final gavel. That which is alive at the end may at a future date be in limbo or dead with the stroke of a pen.

"That is what I learned in my kindergarten year in the Senate. I look forward to returning for my first grade year next Session. Thank you, Mr. President."

Senator Hemmings rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"I'd like to make some closing statements. I don't believe this Session is finished with the final gavel today, Mr. President. I believe the ill-conceived and quite divisive resolution that was just passed is going to lead to more subterfuge and petty politics at the expense of open, honest, and honorable government.

"Mr. President, I've disagreed with you on a number of issues, and for the five years that I've been here, we have fought tooth and nail with many of my colleagues across the aisle that have different political ideologies, but in years prior to this year, they've always been honorable fights, and they've always been fights that I am proud to have participated in. I've always been able to stand up at the end of the day and shake hands with each one of you and say 'good job.' We spoke our piece; we had our say; we made our decisions accordingly. And on occasion, under your leadership decisions weren't decided in the Majority Party caucus room behind closed doors. Decisions were made out here on the Floor, oftentimes, with an open and honest vote in the true democratic process.

"Mr. President, we started out this Session with high hopes. The people of Hawaii were enjoying economic prosperity and looking quite confidently to the future. The Council on

Revenues projected a surplus of money coming into the state coffers. We shared your high hopes, Mr. President, in your opening day speech that maybe we could do things that needed to be done to help the poor working men and women of Hawaii – such as reducing their taxes; such as adequately funding human service programs; such as giving the sick, the poor, and the hungry relief from paying taxes. But what happened to the surplus? It was consumed – all of it and then some – by collective bargaining pay raises.

“I say to organized labor, ‘hooray for you!’ You did what you have to do. Labor leaders represented their unions quite adequately, pushed as hard as they could, and got what they wanted. But unfortunately, I can’t say the same for us. We did not do what is best for the people of Hawaii. Even organized labor is going to get more money put in one pocket, but more taken out of the other with increased taxes and financial burdens that are heaped on the working men in Hawaii, especially the poor, the hungry, and the sick by what we’ve done with this Legislature.

“So Mr. President, I would like to say a job well done, but I cannot honestly stand up and say that to the people of Hawaii. I can say on a positive note that we did do some things that we can be proud of. We did change some laws governing the criminal justice system. The DNA registry has been enacted. The Megan Law has been enacted. Unfortunately, the wire tap law fell by the wayside. We did protect competition in the marketplace with the inter-island ferry. And quite frankly, there may have been a few other things that we can be proud of.

“Mr. President, in closing, I do have to say, because if there is anybody I have to be honest with, I have to first be honest with myself, and hopefully that will translate to honesty with the people that sent me here. This Session, especially the last couple of weeks, this Senate that I’ve been so proud of, face has been one of bickering, fighting, arguing, not an honorable face. The face of the Senate has changed its complexion. We have a Senate now that’s going the way of old guard politics or maybe the way that OHA used to be run where people take care of themselves in high office and those who are supposed to serve are left to fend for themselves.

“Mr. President, in closing, I want to say that the health and prosperity of Hawaii so largely depends on what we do here, and this system sorely needs the checks and balances of a two-party system. But more than that, Mr. President, it needs honesty and integrity in leadership, and Mr. President, for that, I thank you.”

Senator Hee rose on a point of personal privilege as follows:

“Mr. President, I rise on a point of personal privilege.

“I’ve sat here during the whole Session and listened to the whining and clichés of ‘Mr. Senator, look at me. Woe is me. Poor me. Help me.’ And for the most part, I sat quietly. I think, though, when one brings into question the Office of Hawaiian Affairs, I want to be very clear that if the previous speaker was speaking about me, the record is clear that while I was there, the portfolio was \$19 million to a high of \$400 million – it’s not there today; that while I was there, we put into place a system of money managers, of custodians, and of consultants mirrored by and recommended by the financial institutions. And while I was there, the Office of Hawaiian Affairs purchased the model for indigenous languages internationally called Nawahi`okalani`opu`u; that while I was there at the revitalization of the piko, of the state, of our culture, of that which the economy is driven upon, of that which the visitors come to be a part of, of the spirit that so many call aloha

was fostered and was given new life and breathe by the Office of Hawaiian Affairs.

“Through the help of those here and its leaders like yourself, the Office has continued to prosper. It has, without question, its share of mistakes. All state departments have that regardless of the party upon which the Governor resides. It has its kaskio. Every department has its share.

“Let there be no doubt irregardless of my brother from Punahou –he kanaka koko ole; my brother from Outrigger – he kanaka haole. Let us be clear that the last thing the kanaka need is an outsider telling the insider what’s wrong with it. We do the best we can and I am proud, clichés notwithstanding, of my 12 years of service to the Office of Hawaiian Affairs, its beneficiaries, and the State of Hawaii.

“Thank you, Mr. President.”

Senator Slom rose on a point of personal privilege as follows:

“Mr. President, I rise on a point of personal privilege.

“Remarks by the Majority Floor Leader notwithstanding, I don’t think that we’re here today to have a referendum on any one individual or past performances, but we certainly have to review our own performances and we have to go back to our constituents. And when the remark is made that all we hear is whining and clichés, since apparently this side of the aisle seems to be the only side that always stands up for discussion and open debate and asks questions and very seldom gets answers, I think that really is the issue.

“I don’t think the public is concerned about out petty individual differences here, but I think that they are concerned about the elitism that has been demonstrated and brought into discussions this year. And this discussion about insiders and outsiders . . . gee, I thought we were all part of the same system, and I thought that our role here and our purpose here is to give voice to those people that call us and beg us to help them. But it seems that we have not listened to them this Session and that gives grave cause for concern, not individual circumstances and political ambitions.

“We’ve had ethical issues and problems raised. They have not been addressed and so they still linger. We have seen good people come forward to volunteer to help lead our community and we’ve seen them trashed and skewered and slandered in this Body. We should be concerned about that rather than outside agencies and about personal remarks.

“We all talked about tax relief and relieving the burden on our people at the beginning of this Session, particularly the least among us – the poor, the disenfranchised, the disabled. And after all is said and done in this Session, Mr. President, we did not do that. We did not lessen their burden – we increased it. We did not improve our business climate – we made it murkier. We did not, as the result of our ethics training, come out of here showing the public that indeed we were more ethical as a group.

“I share the pride in this Body that the good Senate Minority Leader spoke about, and what that means is that we all have an obligation not to each other as much as we have to the public, to the people that send us here, to the people that pay for us, to the people that still have that faith that we will do the right thing. And in the end, that’s what we should be addressing and that’s what we should be talking about. Instead, we’re not.

“And so, for many people, this Session has turned out to be disappointing, disgusting, disingenuous. And that’s sad,

because I know my colleagues work hard and I know that basically they want to do the right thing. But when the right thing is right in front of our faces and it always comes down, it seems to come down to just a straight party-line vote.

"In the nine years that I've been privileged to be here, Mr. President, this is the only year that I can remember – and I keep every vote – it's the only year that we've had so few divisions on issues – personalities, we've had plenty – but on issues. Most of the votes were 20 to 5 or 19 to 6. I can remember the heady days when we would debate issues for hours and then the vote on the issues would be 13 to 12 or 14 to 11. But this year there seemed to be a reluctance to debate many of these issues in public, and that's where these issues should be debated – in Committee and on this Senate Floor. And that's how we should be judged.

"And before anybody has fundraisers or anybody sends out fundraising tickets, we should allow the people that buy those tickets to see what we've actually done. Have we made things better? Have we kept them the same or have we made them worse? And then, and only then, should people say yeah, I really liked what you did; you really stood up; you stood your ground; you had some things I disagree with, but you had some things I agreed with. The public will make the final decision.

"But I feel sad that on this last day that we've come to a point where it is about politics and it is about personalities in this Body among us 25, and we have been ignoring the public outside. Many of them have given up. Many of them don't feel that we have the moral fiber and the political backbone and will to stand up and do what's right. I think we do . . . but I don't think that we've shown that this Session.

"And so, to call these issues to public debate is not whining. It's not complaining. It's not sniveling. It's calling to everyone's attention what our responsibility is and what we should be doing, Mr. President.

"So, to leave on a positive note, yesterday was the past and prologue. We still have many things that we can do and most of us work during the interim. We still listen to our constituents. We still have things that we can do. I think we should all step back after today and take a breath and instead of trying to describe people as insiders and outsiders, let's talk about all of us being inclusive and working together for this great state in solving the very many serious problems that need to be solved and that we have the ability to solve.

"Thank you, Mr. President."

Senator Hooser rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, it's clear that each of us sees the last 60 days through different glasses, different colored glasses, different lenses. I would be remiss, Mr. President, if I didn't comment briefly about the lens that myself and I think many of our colleagues have seen this Session. I, for one, see it as we did much work, good work, and produced many, many good things for the constituents in our communities.

"My constituents, Mr. President, asked me to come here this Session and fight for affordable housing, fight for homeless shelters, and we did that, Mr. President. As a result of the good work we did during this Session, places throughout our state where there were no places for the homeless people to live will have homeless shelters as a result of our effort. We've increased millions and millions of dollars to build new

affordable rentals. Our constituents asked us to come and do that. We listened to them. We took action. We debated. This last Tuesday, I thought we debated fairly extensively, Mr. President, and all through this Session.

"Our constituents asked us to do things about affordable housing. We stepped forward and we did. Our constituents asked us to do things to help solve traffic problems throughout our state. In addition to the millions of dollars, if not hundreds of millions of dollars, we appropriated for highway projects, transportation projects, including the super ferry throughout our state, we put into place actions that would allow the City and County of Honolulu to make their own decisions to resolve their mass transit problems and challenges of the future.

"Our constituents, the people of Hawaii, asked us to deal with these issues and I believe, Mr. President, that we stepped forward and acknowledged and took action according to our constituents' desires.

"The very lowest paid people in our community, the very lowest paid people, Mr. President, asked us for assistance in raising that floor, the minimum wage. Again, we stepped forward, we took action, and we raised that floor. The people in the environmental community came forward in droves asking us to please, please do something, take action, help us protect our sensitive natural environment. We listened, we debated, and we took action.

"Mr. President, the list is extensive. I, for one, am proud of the accomplishments of this Legislature during this past Session and look forward to the next one.

"Thank you, Mr. President."

Senator Sakamoto rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"It's easy for some people who have a litmus test of no taxes and sign a no-tax pledge. It's easy not to help the homeless! It's easy not to help the hospitals! It's easy not to help a lot of people by saying I signed a no-tax pledge! It's not easy to say, How do we help with the scarce resources we have? How do we help with the many issues we have? It's not easy.

"Some people make it seem like we're failures because we failed to . . . or we passed something like taxes because many people want a better way to get from somewhere out in Waianae or Haleiwa or Mililani or Waipahu to town without having to get up at a quarter to five in the morning. It's not easy to pass a tax on anybody. But it's not easy to take your kids to grandma's house at four o'clock in the morning and then take a nap and then come to work. It's not easy. So we have to do the hard things.

"It's easy to sign a litmus test – I don't support taxes – but that's not the job of this Body, Mr. President!"

President Bunda then said:

"I have some remarks and I'm going to ask that those remarks be inserted into the Journal.

"I do want to express to you, the members, my gratitude to all of you. We ensured that we stayed the course. My thanks also goes out to the House members under the Leadership of Speaker Say for their role in achieving our collective goals.

“From myself to you, I just want to congratulate all of you and express my aloha to all of you.”

President Bunda’s closing remarks read as follows:

“Dear Colleagues, as we close this Legislative Session, let’s reflect for just a moment on the issues we have struggled with, argued over, and collectively come to agree upon. I believe we have made great strides this Session. Our decisions reflected our commitment to the future, and what is in the overall best interest for the people of Hawaii – for all the people of Hawaii.

“Good decision-making and sound law making are not about taking the easier route, the straightest road, or the most popular path. It is about making the tough, and sometimes, unpopular calls. It is about having the vision to see what is the right call for the long term and for the greater good of our citizens.

“I want to express my gratitude to all of you who worked with me to ensure that we stayed the course. My thanks also, to the House members under the leadership of Speaker Say for their role in achieving our collective goals.

“To be sure, we did not accomplish all that we hoped to in this Session such as tax relief for the middle class, the people whose tax dollars pay for most of the decisions we make here at the Legislature. But we have made inroads, and let me tell you, they all seem to point in the right direction. Mahalo and aloha.”

ADJOURNMENT

Senator Hee moved that the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, adjourn Sine Die, seconded by Senator Hogue and carried.

At 12:31 o’clock p.m., the President rapped his gavel and declared the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, adjourned Sine Die.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate