

TWELFTH DAY

Monday, February 6, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Michael Silva, Palisades Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators English and Hee who were excused.

The President announced that he had read and approved the Journal of the Eleventh Day.

HOUSE COMMUNICATION

Hse. Com. No. 6, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 1949, and H.B. No. 1949, S.D 1, passed Final Reading in the House of Representatives on February 3, 2006, was read by the Clerk and was placed on file.

ORDER OF THE DAY

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM FRIDAY, FEBRUARY 3, 2006

The President made the following committee assignments of House bills received on Wednesday, February 1, 2006, and Friday, February 3, 2006:

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| House Bill | Referred to: |
| No. 1861 | Committee on Education and Military Affairs |
| No. 1859, H.D. 1 | Jointly to the Committee on Education and Military Affairs and the Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs |

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Friday, January 27, 2006, and Monday, January 30, 2006:

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| Senate Concurrent Resolution | Referred to: |
| No. 10 | Committee on Media, Arts, Science and Technology |
| No. 11 | Committee on Media, Arts, Science and Technology, then to the Committee on Ways and Means |
| No. 12 | Jointly to the Committee on Education and Military Affairs and the Committee on Transportation and Government Operations |
| No. 13 | Jointly to the Committee on Human Services and the Committee on Labor, then to the Committee on Ways and Means |

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| No. 14 | Jointly to the Committee on Water, Land, and Agriculture and the Committee on Intergovernmental Affairs |
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REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Friday, January 27, 2006, and Monday, January 30, 2006:

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| Senate Resolution | Referred to: |
| No. 2 | Jointly to the Committee on Education and Military Affairs and the Committee on Transportation and Government Operations |
| No. 3 | Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs |
| No. 4 | Committee on Transportation and Government Operations, then to the Committee on Ways and Means |
| No. 5 | Jointly to the Committee on Water, Land, and Agriculture and the Committee on Intergovernmental Affairs |

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

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| Senate Bill | Referred to: |
| No. 2004 | Committee on Water, Land, and Agriculture |
| No. 2248 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means |
| No. 2818 | Committee on Media, Arts, Science and Technology, then to the Committee on Ways and Means |
| No. 2869 | Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2960 | Committee on Media, Arts, Science and Technology, then to the Committee on Ways and Means |
| No. 3097 | Jointly to the Committee on Water, Land, and Agriculture and the Committee on Judiciary and Hawaiian Affairs |

Senator Fukunaga, Chair of the Committee on Media, Arts, Science and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. Nos. 2818 and 2960.

Senator Fukunaga noted:

“Mr. President, the reason for the waiver is that we just received the re-referral notice in today’s OD.”

The Chair then granted the waiver.

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

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

“Mr. President, I normally don’t like to do these things, but I think with regard to, I guess, the calendar this morning was H.B. No. 1949, the legislative expense bill. I guess I caught note of the article in Saturday’s paper in which the Minority Leader mentioned that, well, to quote, ‘Those state Capitol workers that did not get paid and the rest of the public need to know that this happened solely because the Democrats, specifically Senator Donna Mercado Kim, delayed the Legislature’s budget process to play petty politics.’

“Mr. President, I guess it bothered me because at our Ways and Means hearing on Thursday, February 2nd, there was a motion to defer action on the bill and that was made by a member of the Minority Party and it was voted on. The only people who supported that motion were the Minority members on the Ways and Means Committee.

“So I just wanted to let the public know that there was an error in the article. Maybe the Minority Leader had forgotten about this, but, anyway, I just wanted to note that for the record because the quote is incorrect.

“Thank you.”

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

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

“I have a pretty good memory, Mr. President, and regarding the previous speaker’s position on this issue, I think the record will clearly reflect that it is a fact that the amendment of H.B. No. 1949, causing it to go to the House and wait 48 hours, is indeed the very specific reason why the bill did not go to the Governor’s Office.

“The previous speaker is exactly right; we did want to defer it because we have many unanswered questions ‘til this day about the prejudicial treatment and also the politicization of the budget. I do want to set the record straight, too, that Republicans did vote against the amendment. And what was the amendment, by the way? I think some Majority Party members expressed concern about it because it was in order to say that an attempt was made to save money. The money was being taken out of wireless technology for this building, which in fact over the long haul probably could have enabled us to be a lot more effective in our jobs. As you know, Mr. President and colleagues, several years ago we received portable computers, but unfortunately because we do not have wireless technology they are not being used to their fullest ability. I think some more enlightened members of the Majority Party recognize that.

“To make a long story short, Mr. President, the other thing that we would love to see in the budget is what you’re demanding from the executive branch of Government now after years and years and years of making budgets without access to transparency and information. We want to know, Mr. President, why Majority Party staff members that are doing equal work get paid considerably more than Minority members. Both caucuses, for instance, receive money for communications staff, but you have twice as many as we do and they get paid considerably more.

“So, Mr. President, I’m very proud, and let the record reflect, that what we tried to do in the Ways and Means Committee was bring some honesty and illuminate the facts on this issue rather than just rubberstamp it and send it through as it is normally done.

“I would like to, in this period of cooperation, offer a solution concerning, and I’ll offer it again, concerning the prejudicial management of this budget that favors one group of Legislators against another and therefore discriminates against our constituents, and that has to do with the City Council and what Congress does – budget by office regardless of political labels.

“I think there are common sense solutions, and in a roundabout way, Mr. President and colleagues. I think this discussion has been healthy. It’s allowing us to put our differences on the table for discussion and let the public decide who’s responsible for what.

“Thank you, Mr. President.”

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

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

“Mr. President, again, the Minority Leader tries to get around the actual statement that was made this morning that he made in the newspaper in the Advertiser on Saturday, and frankly, exactly what is factual true about what was quoted in the paper. He stands there and talks about the amendment that was made in Committee. In fact, he supported the amendment that was made in Committee – the amendment that would have supported or the amendment that brings about a savings to the taxpayers of \$340,000. After supporting the amendment, it was the Minority that asked for a deferral. And it was the Minority that supported the deferral, which would have caused the delay. And it was the Majority that voted against the delay.

“Typically, when the Minority Leader contradicts himself, he reverts to using his favorite term – ‘petty politics.’ And since there was no delay, or if the amendment caused a delay, one that he supported, and was voted for by the Majority and Minority, his statement is inaccurate, hypocritical, and duplicitous, which is one of his favorite words. This, my colleagues, is a clear example of the Minority playing ‘petty politics.’

“Finally, let us not forget that it was the Minority Leader right on this Floor that told us he asked the Governor to consider vetoing the legislative budget. So let’s see if I got this right:

He blames us for a delay, when in fact the only delay was the Governor not in town to sign the measure;

He blames us when ironically the only delay was voted for by the Minority Leader in Committee;

He blames us when he voted against the budget on Thursday – of course a ‘no’ vote would have definitely delayed Capitol workers from getting paid; and

It even gets more bizarre because the Minority Leader tells us in this Body that he asked the Governor to consider a veto. This would have definitely delayed everybody from getting paid. Our good Senator from Nuuanu and the Senator from East Honolulu debated this very issue.

“And again, finally, it was the Governor or Lieutenant Governor who was not around to sign the bill, ultimately causing a real delay.

“Now, this kind of posturing and doubletalk, hypocrisy on the part of the Minority Leader does not surprise me. What I object to is his false statements that we delayed the budget due to ‘petty politics’ when all the time he was the one who wanted the delay, voted for the deferral, and voted against the budget. Every single one of his actions have ultimately or would have ultimately resulted in the Capitol workers not getting paid on time. And this, my friends, they should know about. The public should know about it and the Capitol workers should know about it. And anybody else who made a statement of that nature – shame on you!

“Now, I knew typically that the Minority Leader would have stood up and talked about fairness and talked about the rhetoric without answering his questions because he doesn’t have the decency or is man enough to once again say he spoke without thinking. Frankly, I think his Party should be embarrassed by a leader of his nature.

“Thank you.”

Senator Hemmings rose in rebuttal as follows:

“Mr. President, in rebuttal.

“There’s much to be said, Mr. President, but I think William Shakespeare ironically said it in a speech or rather in a play with a plot, I might add, that is incredibly similar to the machinations of this Senate. It’s from Hamlet, and in closing I’d like to say, ‘The lady doth protest too much, methinks.’”

ADJOURNMENT

At 11:51 o’clock a.m., on motion by Senator Baker, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, February 7, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate