

THIRTY-EIGHTH DAY

Tuesday, March 25, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:38 a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Joe Manning, First Baptist Church of Pearl City, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Thirty-Seventh Day.

At this time, Senator Nishihara recognized and congratulated Rose Pamatigan and Irene Nomura, founders of Hug Me Bears, on their 10th Anniversary of local, national, and global humanitarian service.

At 11:42 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 552 and 553) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 552, advising the Senate of the withdrawal of the nomination of SANDRA L. DAY MBA, CPA to the Board of Taxation Review, 4th Taxation District (Kaua'i), under Gov. Msg. No. 340, dated February 5, 2008, was placed on file.

In compliance with Gov. Msg. No. 552, the nomination listed under Gov. Msg. No. 340 was returned.

Gov. Msg. No. 553, dated March 19, 2008, transmitting the Hawaii Housing Finance and Development Corporation's 2007 Annual Report, pursuant to Section 201H-21, HRS, was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 385 to 391) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 385, returning S.B. No. 2395, S.D. 2, which passed Third Reading in the House of Representatives on March 24, 2008, was placed on file.

Hse. Com. No. 386, returning S.B. No. 2748, S.D. 1, which passed Third Reading in the House of Representatives on March 24, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2748, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," was deferred until Thursday, March 27, 2008.

Hse. Com. No. 387, returning S.B. No. 2827, S.D. 1, which passed Third Reading in the House of Representatives on March 24, 2008, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2827, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," was deferred until Thursday, March 27, 2008.

Hse. Com. No. 388, transmitting H.C.R. No. 6, H.D. 1, which was adopted by the House of Representatives on March 24, 2008, was placed on file.

By unanimous consent, H.C.R. No. 6, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION A RESOLUTION TO COMMEMORATE MARCH 13 AS WORLD KIDNEY DAY AND THE MONTH OF MARCH AS KIDNEY AWARENESS MONTH IN THE STATE OF HAWAII," was deferred.

Hse. Com. No. 389, transmitting H.C.R. No. 66, which was adopted by the House of Representatives on March 24, 2008, was placed on file.

By unanimous consent, H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORT OF SURPLUS LINES INSURANCE MULTI-STATE COMPLIANCE COMPACT," was deferred.

Hse. Com. No. 390, transmitting H.C.R. No. 120, H.D. 1, which was adopted by the House of Representatives on March 24, 2008, was placed on file.

By unanimous consent, H.C.R. No. 120, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOMMENDING THAT REALTORS PROMOTE THE PRINCIPLES OF UNIVERSAL DESIGN," was deferred.

Hse. Com. No. 391, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 118, (S.D. 1);
H.B. No. 2908, (S.D. 1); and
H.B. No. 3161, (S.D. 3),

was placed on file.

STANDING COMMITTEE REPORTS

Senators Inouye and English, for the Committee on Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 3177) recommending that S.C.R. No. 78 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3177 and S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING FEDERAL FINANCIAL ASSISTANCE FOR PERSONS PRESENT IN THE UNITED STATES UNDER THE COMPACTS OF FREE ASSOCIATION," was deferred until Thursday, March 27, 2008.

Senators Inouye and English, for the Committee on Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 3178) recommending that S.R. No. 43 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3178 and S.R. No. 43, entitled: "SENATE RESOLUTION SUPPORTING FEDERAL FINANCIAL ASSISTANCE FOR PERSONS PRESENT IN THE UNITED STATES UNDER THE COMPACTS OF FREE ASSOCIATION," was deferred until Thursday, March 27, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3179) recommending that S.C.R. No. 61 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3179 and S.C.R. No. 61, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ISSUE A REQUEST FOR PROPOSALS TO FORM A PUBLIC/PRIVATE PARTNERSHIP TO

RENOVATE THE STATE'S PUBLIC HOUSING INVENTORY," was deferred until Thursday, March 27, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3180) recommending that S.C.R. No. 63, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3180 and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION IN THE PURPLE RIBBON AND PURPLE ARM BAND CAMPAIGN AGAINST DOMESTIC VIOLENCE," was deferred until Thursday, March 27, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3181) recommending that S.R. No. 36, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3181 and S.R. No. 36, S.D. 1, entitled: "SENATE RESOLUTION ENCOURAGING PARTICIPATION IN THE PURPLE RIBBON AND PURPLE ARM BAND CAMPAIGN AGAINST DOMESTIC VIOLENCE," was deferred until Thursday, March 27, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3182), recommending that S.C.R. No. 85, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 85, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING ASSOCIATIONS OF APARTMENT OWNERS AND CONDOMINIUM UNIT OWNERS' ASSOCIATIONS IN THE STATE TO DEVELOP EMERGENCY AND EVACUATION PLANS FOR RESIDENTS, INCLUDING PROVISIONS FOR SENIORS AND RESIDENTS WITH SPECIAL HEALTH NEEDS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3183), recommending that S.R. No. 47, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 47, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING ASSOCIATIONS OF APARTMENT OWNERS AND CONDOMINIUM UNIT OWNERS' ASSOCIATIONS IN THE STATE TO DEVELOP EMERGENCY AND EVACUATION PLANS FOR RESIDENTS, INCLUDING PROVISIONS FOR SENIORS AND RESIDENTS WITH SPECIAL HEALTH NEEDS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3184), recommending that S.C.R. No. 128 be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 128, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY'S

PUNCHBOWL HOMES FACILITY," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3172 (Gov. Msg. Nos. 342, 343, 344 and 345):

Senator Tokuda moved that Stand. Com. Rep. No. 3172 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Hawai'i Commission for National and Community Service of the following:

RYAN R. PERREIRA, term to expire June 30, 2011 (Gov. Msg. No. 342);

CONCHITA D. STEWART, term to expire June 30, 2011 (Gov. Msg. No. 343);

T. 'AULANI WILHELM, term to expire June 30, 2011 (Gov. Msg. No. 344); and

MARCIE WONG, term to expire June 30, 2011 (Gov. Msg. No. 345),

seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3173 (Gov. Msg. Nos. 346, 347 and 348):

Senator Tokuda moved that Stand. Com. Rep. No. 3173 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Center for Nursing Advisory Board of the following:

AGNES P. CADIZ, term to expire June 30, 2012 (Gov. Msg. No. 346);

JOAN ANNE CRAFT, term to expire June 30, 2012 (Gov. Msg. No. 347); and

ROSE ANN M. POYZER RN, term to expire June 30, 2012 (Gov. Msg. No. 348),

seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3174 (Gov. Msg. No. 485):

Senator Hee moved that Stand. Com. Rep. No. 3174 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of JOSEPH G. PICKARD to the Kaneohe Bay Regional Council, term to expire June 30, 2012, seconded by Senator Kokubun.

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

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3175 (Gov. Msg. No. 487):

Senator Hee moved that Stand. Com. Rep. No. 3175 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of LORI LEIMAMO BUCHANAN to the Legacy Land Conservation Commission, term to expire June 30, 2012, seconded by Senator Kokubun.

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

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3176 (Gov. Msg. No. 488):

Senator Hee moved that Stand. Com. Rep. No. 3176 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of RICHARD FLINT HUGHES PHD to the Natural Area Reserve System Commission, term to expire June 30, 2012, seconded by Senator Kokubun.

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

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM MONDAY, MARCH 24, 2008

Stand. Com. Rep. No. 3167 (S.C.R. No. 113):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EDUCATIONAL WORKFORCE WORKING GROUP TO CONTINUE ITS WORK TO PLAN AND IMPLEMENT THE RECOMMENDATIONS PROPOSED IN ITS 2007 REPORT TO THE LEGISLATURE," was adopted.

Stand. Com. Rep. No. 3168 (S.C.R. No. 75):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 75, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A STUDY ON THE FEASIBILITY OF REMOVING ENROLLMENT CAPS AT CAMPUSES WITHIN THE UNIVERSITY OF HAWAII SYSTEM," was adopted.

Stand. Com. Rep. No. 3169 (S.C.R. No. 72, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION CONDUCT A FEASIBILITY STUDY TO EXAMINE VARIOUS IMPACTS OF A LONGER SCHOOL DAY AND INCREASING THE NUMBER OF DAYS IN THE SCHOOL YEAR ON KINDERGARTEN THROUGH GRADE TWELVE STUDENTS," was adopted.

Stand. Com. Rep. No. 3170 (S.C.R. No. 74, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 74, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO

DEVELOP GUIDELINES TO REDUCE THE TRUANCY RATE IN THE PUBLIC SCHOOL SYSTEM," was adopted.

Stand. Com. Rep. No. 3171 (S.C.R. No. 84, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 84, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE HAWAII PUBLIC SCHOOL FOOD SERVICE TO DEVELOP NUTRITIONALLY-SOUND PUBLIC SCHOOL MENU PLANS THAT INCLUDE VEGETARIAN AND VEGAN MEALS," was adopted.

THIRD READING

H.B. No. 2974, H.D. 2:

Senator Taniguchi moved that H.B. No. 2974, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Slom rose to speak in opposition to the measure and said:

"Madam President, I rise in opposition to this bill.

"It's interesting that this bill uses the word streamlining several times. We're streamlining the process. What they're streamlining is taking away the right to vote for union members in the certification process; also the secret ballot. And it's very interesting in this year in this presidential campaign when everybody is trying to get other people to register to vote, to have the ability to use the democratic process, if people would support such a move by labor unions to disenfranchise their members.

"During the hearing in the Judiciary and Labor Committee, I asked the head of one of the large labor unions, who is in support of this measure, if in fact they had contacted their members; if they got feedback from their union members, the rank and file; if they had any kind of vote from their union members to take away their right of choice, their right of ballot. His answer was no, they didn't talk to their union members.

"I don't know how we can sit here as a Body and talk about democratic process and the importance of voting and then vote to support such a bill that would strip away from large numbers of people that sacred and secret ballot. Thank you."

At 11:53 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 p.m.

Senators Ihara, Kim, Ige and Gabbard requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2974, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 4 (Gabbard, Ige, Ihara, Kim). Noes, 4 (Hemmings, Slom, Trimble, Whalen).

H.B. No. 2656:

On motion by Senator Taniguchi, seconded by Senator Hee and carried, H.B. No. 2656, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2391, H.D. 1:

Senator Taniguchi moved that H.B. No. 2391, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Slom rose to speak in opposition to the measure as follows:

“Madam President, I rise in opposition to this bill.

“I am all in favor of attorneys doing pro bono work and almost all attorneys do pro bono work. I think where the problem comes in here though, we’re asking the government attorneys, the deputy attorneys general to do private pro bono work for organizations that are nonprofit but they are private, in the private sector. I have two problems with that—the mixing of government and private sector work, number one, which I think is a conflict in itself. Number two, however, there is not a committee here that doesn’t meet and hear on a regular basis from an agency that says we want an outside attorney because we don’t have a deputy attorney general that is representing us or that is helping us.

“So I think that pro bono work is excellent. I think we should allow pro bono work within government service. But the most important thing is to have the Attorney General’s Office do what they’re supposed to do with their priority responsibility. Thank you.”

The motion was put by the Chair and carried, H.B. No. 2391, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LEGAL SERVICE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

H.B. No. 3080, H.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, H.B. No. 3080, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROPERTY OF PUBLIC UTILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2169, H.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, H.B. No. 2169, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2138, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Ihara and carried, H.B. No. 2138, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAREGIVER RECOGNITION DAY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Tokuda, Chair of the Committee on Agriculture and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 138.

“Madam President, the waiver is required in order for us to meet the lateral deadline.”

The Chair granted the waiver.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, MARCH 19, 2008

The President made the following committee assignments of House concurrent resolutions that were received on Wednesday, March 19, 2008:

House Concurrent Resolution	Referred to:
H.C.R. No. 16	Jointly to the Committee on Human Services and Public Housing, the Committee on Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs
H.C.R. No. 111, H.D. 1	Jointly to the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
H.B. No. 2540, H.D. 1	Committee on Health, then to the Committee on Ways and Means
H.B. No. 2672, H.D. 2	Committee on Ways and Means
H.B. No. 2807, H.D. 2, S.D. 1	Jointly to the Committee on Agriculture and Hawaiian Affairs, the Committee on Water and Land and the Committee on Intergovernmental and Military Affairs, then to the Committee on Ways and Means

At 12:20 p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with H.C.R. No. 61, to award the Hawaii Medal of Honor to United States military service members with Hawaii connections who were killed in action while serving in dangerous, volatile, and unstable areas of the world, including Iraq and Afghanistan.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, was called to order at 2:00 p.m. by the Honorable Calvin Say, Speaker of the House of Representatives.

The Speaker addressed the Chamber, stating:

“The Joint Session called pursuant to a Concurrent Resolution adopted by the members of the House and the members of the Senate is called to order.

“This is indeed a momentous occasion. We honor members of the Armed Forces of the United States, with ties to Hawai‘i, who fought and died bravely, in a combat zone designated by Presidential Order.

“On behalf of the Senate President and all the Members of the Hawai‘i State Legislature, I convey our deepest condolences to our very special guests—the family, friends and colleagues of loved ones, who have lost their lives overseas in the Middle East. Our prayers are with you, and we are honored by your presence here today.

“Please rise for the posting of colors by the Joint Service Color Guard and the Hawai‘i Air National Guard, Royal Guard, and remain standing for the singing of the National Anthem and Hawai‘i Pono‘i by, United States Air Force Staff Sergeant

Richard Vasquez, which will be followed by the invocation by Ms. Mahealani Wong and Lanakila of Na Wa'a Lalani Kahuna 'O Pu'u Kohola.

"Joint Service Color Guard and Royal Guard, please present the colors."

At this time, the members of the Twenty-Fourth Legislature and special guests rose for the Posting of the Colors by the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard.

The members of the Legislature and guests remained standing for the singing of the National Anthem and "Hawaii Pono'i" by United States Air Force Staff Sergeant Richard Vasquez.

The Divine Blessing was then invoked by Ms. Mahealani Wong and Ms. Lanakila of Na Wa'a Lalani Kahuna 'O Pu'u Kohola.

At this time, the Speaker thanked the Joint Service Color Guard, Royal Guard, Staff Sergeant Richard Vasquez, Ms. Mahealani Wong and Ms. Lanakila for their participation in today's ceremony.

The Speaker then addressed the members of the Legislature and guests as follows:

"Mahalo Joint Service Color Guard, Royal Guard, Staff Sergeant Vasquez and Ms. Wong. Your participation in today's ceremony is greatly appreciated.

"Honor. Loyalty. Duty. Courage. Simple words to most of us. But these words have gained greater meaning over the last several years to describe the qualities of a rare group of combatants, who are willing to face unimaginable challenges and perform the most difficult of wartime tasks. Combatants who, without hesitation, stand in harm's way to protect a nation, so that its people can live under the warmth of the blanket we all know as freedom.

"Throughout our history, Americans have always shown an unwavering resolve, especially in the wake of crisis and great personal tragedy. The loss of a loved one is always painful, but it is especially horrific when it happens on a battlefield, thousands of miles from home.

"Here, once again, we must call upon our inner strength to accept that our sons, our daughters, our mothers, our fathers, and our valued friends sacrificed their lives to allow the rest of us to live with freedom as our constant companion as we traverse though life.

"There is famous saying, 'No greater love has a man, than to lay down his life for his friends.' I'd like to take that a step further and say, 'No greater love has a man, than to lay down his life for those he does not know.'

"This year marks the third year since the Hawai'i Medal of Honor was first presented. It is hoped that the Medal will convey our deepest appreciation to the military personnel, who made the ultimate sacrifice for our State and our nation.

"A sacrifice leaves an immeasurable void that a medal, admittedly, does not fill. We should not feel hollow from our loss. Rather, we should fill that emptiness with the knowledge that their courage has gifted us with a promise for a better and richer tomorrow.

"We must honor those brave men and women by carrying on as best as we can. We should exercise freedom whenever opportunity exists. Take personal pride in community and country. Speak the truth. And make choices that are reflective of strength of character and integrity. We have an obligation to

meet the challenges of the 21st century, no matter how daunting the tasks may be.

"These are our duties, duties that are not just empty words or promises. These duties will present adversity and require our perseverance. We must move forward, as they marched on for us. Live life to its fullest, to honor a life cut short by a conflict on a distant battle ground. Live honorably, so that these gallant men and women may not have died in vain. We all owe them this."

At this time, the Speaker welcomed and introduced the following distinguished guests to the members of the Twenty-Fourth Legislature:

The Honorable Linda Lingle, Governor of the State of Hawaii;

The Honorable James R. Aiona, Jr., Lieutenant Governor of the State of Hawaii;

Major General Robert G.F. Lee, the Adjutant General, Hawaii Department of Defense;

The Honorable Mazie K. Hirono, United States House of Representatives;

Colonel Retired Walter Kaneakua, representing the Honorable Daniel K. Inouye, United States Senator;

Mr. Kekoa Kaluhiwa, representing the Honorable Daniel K. Akaka, United States Senator;

Mr. Lloyd Nekoba, representing the Honorable Neil Abercrombie, United States House of Representatives;

Admiral Timothy Keating, Commander, United States Pacific Command, and Mrs. Wandalee Keating;

Lieutenant General Benjamin Mixon, Commanding General, United States Army Pacific, and Mrs. Rhonda Mixon;

Major General Vern Miyagi, Mobilization Assistant to the Commander, United States Pacific Command;

Major General Dana Atkins, representing the Pacific Air Forces;

Brigadier General Gary Ishikawa, Deputy Adjutant General, Hawaii Department of Defense;

Rear Admiral Townsend G. "Tim" Alexander, Commander, Navy Region Hawaii, and Mrs. Kathleen Alexander;

Brigadier General Robert Brown, Acting Commander, United States Army 25th Infantry Division;

Mrs. Holly Bednarek, wife of Brigadier General J. Michael Bednarek, 25th Infantry Division Headquarters;

Lieutenant Colonel Steve Liszewski, representing United States Marine Corps and Marine Forces Pacific; and

Captain John J. Hickey, representing United States Coast Guard and the Fourteenth Coast Guard District.

The Speaker noted:

"At this time, members of the House and the audience, let's please acknowledge these leaders and all the other military personnel here today.

"It is my honor, at this time, to call upon the Honorable Linda Lingle, Governor, for her message. Governor."

At this time, the Speaker presented to the members of the Twenty-Fourth Legislature and special guests the Honorable Linda Lingle, Governor of the State of Hawaii.

The Governor addressed the Joint Session and guests as follows:

“Good afternoon and Aloha. Lt. Governor Aiona, Madame President, Mr. Speaker, all of the Legislators, Admiral Keating and all of our special guests, especially the family and friends of those we’ve come to honor. I’m filled today with both sadness and gratitude. Sadness for the loss of life. Grateful for the sacrifices that these individuals made; these very special people and what they gave to the rest of us.

“Last August, I attended a memorial service for the ten Schofield soldiers lost in a helicopter crash in Iraq. These ten brave men are among the 31 we honor today. At that time the service was full of very powerful emotions, profound grief and tremendous pain because of the loss. But there was also an incredible sense of pride and a sense of reverence for their sacrifice. And I know those same feelings are running through this Chamber today and through all of us.

“I want to focus today on honoring these 31 brave Americans. And I want to speak directly to the family and friends of these 31 patriots. First of all, on behalf of the people of Hawai‘i, I want you to know how thankful we are that you made the effort to be here with us today. Some of you came from around this Island of O‘ahu. Some of you came from the Neighbor Islands. And some of you came from locations very far away. But we are glad you could be here with us today for this tribute. Because sincerely, the people of Hawai‘i are so sorry for your loss.

“Today we honor the service and sacrifice of your loved ones who were defending democracy, and they were defending our way of life. Not just defending our country as a physical place, but our country as an ideal that people the world over just wish they could be a part of. We are fighting for the freedom of other people. People that we didn’t even know, as the Speaker said, and there’s nothing more noble that anyone can do than that. Our nation was created and continues to be strengthened because of remarkable individuals like these 31 who were willing to sacrifice for the rest of us.

“For those of you not from Hawai‘i, you may not know the very special place that the military plays in our lives here in Hawai‘i. Hawai‘i was so proud of your loved ones because for a short while perhaps, they were a part of our ‘ohana here in Hawai‘i. Our family. Soldiers, Marines, Airmen, Sailors and Coastguardsmen are stationed here in Hawai‘i, they become a part of us and we embrace them as our own. And that’s why it’s so important for us to have you here to honor your loved ones with this State Medal of Honor. It is a small token of an enormous debt of gratitude that we know we can never repay. Like all of America’s fallen heroes, these 31 are not truly gone.

“As poet Henry Wadsworth Longfellow wrote, ‘They are dead; but they live in each Patriot’s breast, And their names are engraven on honor’s bright crest.’ Mahalo and God Bless all of you and God Bless America.”

The Speaker thanked the Governor for her remarks then called upon Major General Robert Lee to address the members of the Legislature and guests.

General Lee addressed the Joint Session and guests as follows:

“Thank you, Mr. Speaker. Good afternoon and Aloha. This war we are engaged in falls heavy upon all classes of people. But it falls most heavily upon the soldier. For it has been said, all that a man has, he will give his life. And while all contribute of their substance, a soldier puts his life at stake and often uses it for his country’s cause. The highest merit then is due to the soldier. These words in a speech by President Abraham Lincoln 144 years ago this week and some five thousand miles

away resonate through time and distance and have great meaning for us here today.

“The highest merit is indeed due to the soldiers which include the Marine, the Sailor, the Airman and Coastguardsman who puts his or her life on the line in service to our country. Thousands of Hawai‘i’s sons and daughters have answered our nation’s call in the war against terrorism. And as in previous generations they have endured the deprivations that only those who wear the uniform can understand. Extreme desert heat, the freezing mountain cold, the dust, the sweat, the monotony often followed by jolting adrenalin. But most of all the sacrifice of time away from families who will lament in missed birthdays, anniversaries, holidays and thousands of other daily events that could have been. From among those thousand who have answered the call, are 31 members of the United States Army, Marine Corp, Navy and Air Force with ties to Hawai‘i who have paid the ultimate price this past year.

“It’s often said that soldiers fight, not for some high ideal or political objective, but for their buddies. Those who we honor today have clearly done so for an ideal enshrined in our Constitution. It is an ideal each swore to support and defend. It is an ideal to which each promised to be of true faith and allegiance. And it is an ideal that each thought worthy of defending. While they more than fulfilled their obligations that they owed to us, our only obligation today and everyday is to honor them.

“The State Medal of Honor is Hawai‘i’s way to remember the ultimate sacrifice and to show our appreciation to their families and friends. We share their loss and to assure them they will always be a part of this State’s ‘ohana. The kalo, or taro leaves in the medal, is emblematic of the embrace of the people of Hawai‘i. Whether a fallen Soldier, Marine, Sailor or Airman grew up in Hawai‘i or were members of units based in Hawai‘i, they are still embraced as part of our ‘ohana.

“Following American tradition, in past wars, a gold star was often displayed to let the neighborhood know that the life of a hero who had grown up there had been lost. Today the gold star in the medal coat of arms represents the 50th State on the American Flag, and also represents the person who is being honored today.

“The attachment device in the red and yellow ribbon is a rendering of the ancient puela, or flag, that the Hawaiians raised at sea above the sail of their canoes. All who saw the puela from afar knew that a person of the highest rank or honor was coming. Today this service ribbon and the puela will remind us that these families and friends are of the highest rank and honor.

“There is no greater sacrifice a family can make than the loss of their Soldier, Sailor, Marine, Airman or Coastguardsman while in service to our nation. And there is no greater honor the people of Hawai‘i can bestow upon them to symbolize the sacrifice. So to the families and friends of the fallen heroes, I humbly ask that you accept this Hawai‘i Medal of Honor on behalf of the people of Hawai‘i who today and forever shall be your devoted ‘ohana. Mahalo and may God Bless all of you. And may God continue to bless the United States of America.”

The Speaker then stated:

“Thank you, Major General Lee, for your leadership. Madam Clerk, please begin the announcement of the Hawai‘i Medal of Honor recipients.”

At this time, the House Clerk proceeded to read the names of the following individuals who were represented by family members, friends and colleagues to receive their medals and certificates:

United States Navy Lieutenant Commander Morgan C. Tulang;

United States Army Sergeant Forrest D. Cauthorn;
 United States Army Private First Class Jay S. Cajimat;
 United States Army Corporal Casey P. Zylman;
 United States Army Chief Warrant Officer 2 Theodore U. Church;
 United States Army Sergeant Richard V. Correa;
 United States Air Force Senior Airman William N. Newman;
 United States Army Sergeant Derek T. Roberts;
 United States Marine Corps Lance Corporal Robert A. Lynch;
 United States Army Specialist Tyler R. Seideman;
 United States Army Corporal Nathan C. Hubbard;
 United States Army Corporal Joshua S. Harmon;
 United States Army Corporal Phillip J. Brodnick;
 United States Army Sergeant Garrett I. McLead;
 United States Army Staff Sergeant Jason L. Paton;
 United States Army Captain Derek A. Dobogai;
 United States Army Sergeant Alexander U. Gagalac;
 United States Army Private First Class Casey P. Mason;
 United States Navy Petty Officer First Class Victor W. Jeffries;
 and
 United States Army Specialist Jon M. Schoolcraft III.

At this time, President Hanabusa stated:

“Members of the Senate and Members of the House, please applaud the recipients, family members, friends and colleagues who have joined us in the chamber today.”

President Hanabusa continued:

“Madam Clerk, please begin the announcement of the names of the other recipients of the Hawai‘i Medal of Honor whose families could not be present for today’s ceremony.”

The Senate Clerk proceeded to read the names of the following individuals whose families were not able to attend today’s ceremony:

United States Air Force Airman First Class Carl Jerome Ware, Jr.;
 United States Marine Corps Major Douglas A. Zembiec;
 United States Army First Lieutenant Keith N. Heidtman;
 United States Army Specialist Farid Elazzouzi;
 United States Army Specialist Val J. Borm;
 United States Army First Lieutenant Frank B. Walkup IV;
 United States Army Sergeant Michael J. Montpetit;
 United States Army Specialist Jessie G. Pollard;
 United States Army Specialist Michael A. Hook;
 United States Army Corporal Jeremy P. Bouffard; and
 United States Navy Hospital Corpsman Third Class Mark R. Cannon.

At this time, President Hanabusa made the following announcement:

“Members of the House and Senate and special guests, please rise and turn your attention to the rotunda level for the 21-gun Salute and the playing of ‘Taps’. Following this will be a moment of silence. Members of the United States Air Force and the United States Navy, please proceed.”

A 21-gun Salute and Taps were then carried out by the U.S. Air Force and the U.S. Navy.

The President then gave her closing remarks:

“As a citizen of this great land, born with the freedom to speak, to believe and to dream, free to express personal thoughts without fear of recrimination or reprisal, to protest and participate in government, I am thankful to be a part of this ceremony in honor of our fallen heroes.

“In protecting all we treasure, in defending all we hold dear, and in preserving those values which distinguish us as proud Americans, no man and no woman stands sentry alone. We

stand as a nation and a community, beside them in spirit and with them in a shared commitment.

“And just as surely as we will not see them stand alone, we will not allow them to fall alone. We stand together in their name, by pausing to reflect on the unshakable duty and unquenchable bravery that have marked their passage among us. We share the pride of countrymen, and share the tears of brothers, sisters, mothers, fathers and friends.

“Today, we recognize and honor heroes. We gather to award the Hawai‘i Medal of Honor as an expression of our immeasurable gratitude for the sacrifice of these courageous individuals.

“In reflecting on another day marked with great bravery and great sacrifice, Shakespeare wrote, ‘This story shall the good man teach his son.’ We owe no less a duty to our honorees and to future generations. These names and deeds shall remain etched in our State’s shared history. And we will each say to a companion, young or old, at a moment of great pride or great sadness, ‘I have heard a story of brave Americans.’

“A grateful state best honors and remembers the sacrifices of those who have served our nation by living our lives in the deepest appreciation of our freedom. That is what they defended. That is what they fought for and died for.

“Today we remember, in moments of quiet reflection, each and every one of these heroes. We stand united to honor their memory and express our profound gratitude for their ultimate sacrifice. On behalf of the State of Hawai‘i, we say, Mahalo.”

At this time, the members of the Twenty-Fourth Legislature and special guests rose for the Retiring of the Colors by the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard.

At 2:54 p.m., President Hanabusa declared the Joint Session adjourned.

ADJOURNMENT

At 2:54 p.m., the Senate adjourned until 11:30 a.m., Thursday, March 27, 2008.