

TENTH DAY

Wednesday, February 3, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 9:38 a.m. with the President in the Chair.

The Divine Blessing was invoked by Reverend Dr. David Hockney, Olivet Baptist Church, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Ninth Day.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 175) was read by the Clerk and was placed on file:

Gov. Msg. No. 175, dated January 11, 2010, transmitting a Report on the Hawaii Bioenergy Master Plan, prepared by the Department of Business, Economic Development, and Tourism pursuant to Act 253, SLH 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1 (Gov. Msg. No. 109):

At this time, the Chair made the following announcement:

"Members, pursuant to Senate Rule 37 (5), the final question on appointments by the Governor which require the confirmation or consent of the Senate must be stated in the affirmative. Therefore, those casting Aye votes are voting to confirm, and those casting No votes are voting to reject the nomination.

"The Committee on Judiciary and Government Operations made no recommendation on Governor's Message No. 109. Therefore, the Chair will first entertain a motion to file Standing Committee Report No. 1, then we will move on to the final vote on this matter."

At 9:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:42 a.m.

Senator Sakamoto moved that Stand. Com. Rep. No. 1 be received and placed on file, seconded by Senator Slom and carried.

Senator Sakamoto then moved that the Senate consent to the nomination of EDWARD H. KUBO, JR. to the Circuit Court of the First Circuit, State of Hawaii, term to expire in ten years, seconded by Senator Slom.

Senator Taniguchi rose in support of the nominee with reservations as follows:

"As you may recall, your Committee on Judiciary and Government Operations had its initial hearing on this Governor's Message on January 21. At that time, we received many testimonies in strong support of Mr. Kubo from a cross-section of people. I believe that he has done a great deal of good in our community, but we are charged with determining if he would make a good judge or not, and we did receive two written testimonies in opposition from two assistant U.S. attorneys.

"Because of scheduling conflicts, we had to continue the hearing to the following week. This gave the Committee a chance to do more research on the objections raised. The case

that we were looking into—*U.S. v. Sanders*—was one that involved Mr. Kubo not returning to a juried case after a massive power outage in downtown Honolulu. The judge in that case dismissed the case against the prosecution because Mr. Kubo was absent, and a panel of about 30 people was waiting to be selected as jurors. At a later court hearing to reconsider the dismissal, another judge ordered Mr. Kubo to write a letter of apology to each juror. About a year and a half later, the original trial judge terminated the case. Mr. Kubo did not disclose this case to the Judicial Selection Commission, but later disclosed it to the Hawai'i State Bar Association.

"Your Committee also came across a case—*U.S. v. Wilson*—in which the Ninth Circuit Court found Mr. Kubo's remarks regarding forensic evidence to be inappropriate and his closing argument to be improper speculation as to what the deceased victim might have said to the jury. In both these instances, however, the court found that Mr. Kubo's remarks were not so gross as to prejudice the defendant and not so gross as to materially affect the fairness of the trial.

"At the second day of our hearing on January 28, Mr. Kubo was allowed to finish any further remarks he had to make because of the interruption the week before, and he used the opportunity to refute some of the testimony of the two assistant U.S. attorneys. I questioned Mr. Kubo about the Sanders and Wilson cases, and it was his position that he was not required to disclose these cases to the Judicial Selection Commission. I asked him if he thought he should have disclosed the information about the two cases, and he would not say that he probably should've. We then voted, and as you recall, Madam President, your Judiciary Committee deadlocked on whether to consent to the nomination.

"At that time, I voted not to consent to Mr. Kubo's nomination, not only because he failed to disclose the cases that he should have, but more importantly because it didn't seem to me that Mr. Kubo would even reconsider disclosing them in the application had he the opportunity to do so. If we voted on Mr. Kubo's nomination on Friday, as previously scheduled, I would probably have voted against Governor's Message No. 109. With the delay in the vote, I did get an opportunity to talk to him again yesterday. I questioned him about his views on the disclosure of the two cases, and while he felt his decision not to in both cases was defensible, he did admit that maybe he should have done so. I believe he was sincere, and this was satisfactory to me.

"Madam President, as a former Judiciary Chair yourself, you're quite aware of the challenges that come with having to evaluate people in these situations. I did not know Mr. Kubo prior to this nomination. I must say that I've struggled mightily to find the right answer in this case, but I feel confident now that we need to give Mr. Kubo a chance. Thank you."

Senator Slom rose in support of the nominee as follows:

"What a difference a day makes, or perhaps two days. As my colleague from Kaimuki reminded me, it's like the tide—it ebbs and flows, goes in and goes out. You know, we had two full hearings on the nominee. There was ample publicity, ample notice, and ample opportunity for anyone who had anything to say about the nominee, pro or con, to come forward in person to submit information. As the Judiciary Chairman mentioned, two people in fact did submit testimony, but neither of them chose to appear either in the first hearing or the second hearing. And so, the Committee was deprived of an opportunity to question them directly to find out details that we would've liked to ask of these two witnesses. And I think it's really important, no matter what the hearing, when we're

talking about looking at the qualifications of an individual that anyone that has some material to bring forward—has something that they feel is material—that in fact they appear in person or that they avail themselves of the opportunity to be questioned in the open. The other day, I rose on a point of personal privilege also suggesting that after the hearings were finished, I thought it was improper to have separate hearings behind closed doors with only some members of the State Senate. When we're looking at a matter this important, I think it is incumbent upon us to be as transparent as possible, to open up to everyone—including the public and the media—the questions and answers that take place. For example, I have a great deal of respect for the Judiciary Chairman, but I don't know if his version just uttered was what the nominee actually said to him yesterday. I would like to hear it myself because I did hear the answer to the question about disclosure in the hearing, not once but twice, and that differs from the version we were just given. It's so much easier if we can hear from the people directly, and that everyone has an opportunity to ask the questions that concern them. And don't let me be misunderstood; this is no way reflects upon a person's opportunity to criticize or disagree. That is part of our Constitution, that is part of our responsibility, and as the President knows, I have been known to disagree on a number of occasions.

“But let's look at this issue of disclosure, first of all. The nominee said that he believed, under the specific questions from both the Judicial Selection Commission and the Hawai'i Bar Association, that the action taken by Judge Manuel Real did not rise to the level of disclosure. And in addition to that, all of that information was easily accessible by anyone—the Commission, the media, the public. And in fact, it was disclosed that the reason that the nominee did not attend a judicial function was because of a massive power blackout that affected all of downtown Honolulu. As I mentioned in Committee, I had the actual story: 17½ hours of blackout, federal building completely shut down, police keeping people off the sidewalks, stopping all traffic for that period of time. And that was not brought out, even in some media reports. I was sad to see that they said that the nominee simply went to lunch and skipped the judicial proceeding. Further, I brought up information showing that the judge that made those statements, Judge Manuel Real, had himself been the subject of several judicial misconduct charges by various courts. He's a California judge. He's still on the bench.

“Did what happened to the nominee—specifically, an order to write letters of apology to those who had been selected for jury but had not been empanelled as yet—did that rise to the level of judicial misconduct? In the eyes of the judicial community here, no; the answer was no. Did it rise to the level of judicial negligence? Again, to the eyes of the judicial community here, the answer was no. So, when someone says there was a failure to disclose, to me that is a subjective personal opinion. It's a valid opinion—and maybe other people can arrive at that—but it gives the hint that there was an attempt to not provide full information, and that was not the case. Had that been the case, either the Judicial Selection Commission could've come back and said so, or the Hawai'i Bar Association could've come back and said, ‘Wait; upon further deliberation and of new information, we will change our qualification for the nominee.’ Neither did that; neither did any of the more than 150 testifiers—all four county prosecutors, all four county mayors, the Office of State Public Defender, a number of labor unions, and some very prominent attorneys in our community. In other words, they had the opportunity to come forward and say, ‘Oh wait a minute, we didn't know about that,’ or, ‘We just learned about this,’ or, ‘We think it is more serious.’ None of them, not one of them, came forward; and neither of the two disgruntled U.S. attorney employees

chose to come forward. So many of us were left with the impression if nothing had come up during the hearing or the subsequent hearing or subsequent to that, why was there a continual drumbeat against this nominee?

“But, we don't have to wonder anymore and we don't have to investigate anymore because it seems that cooler heads have prevailed, and that people looked at the whole man and all of the qualifications. Unlike the Judiciary Chairman, I've had the honor and privilege of knowing the nominee for many years. He's not perfect—I haven't found a perfect nominee yet—but on the body of evidence of what he has done in his capacity as U.S. attorney, what he has done in terms of community leadership, what he has done involving women and felons and the less fortunate as has been expressed by many, many people who have come forward and still others who have sent in their testimony, we would be foolish not to confirm this man for this job. We are lucky to have him. We are lucky that he has a passion for public service. And what we've seen during the past week, Madam President, is that the nominee truly is the peoples' judge. I don't recall—perhaps you do, but I don't recall any demonstration in support of a judge nominee in the past. And the reason that it took place is because the people feel so very strongly that this humble, local man can serve justice for all of us, and that his record of accomplishment and experience has been one that we want to continue. And we are lucky for an individual going from the highest law enforcement position in the State of Hawai'i to a judgeship on the circuit court. We are fortunate to have individuals like this who are willing to serve.

“I'm just hopeful that in the future any further nominees will be totally judged on information that is brought forth during regular, open hearings, even if there are additional hearings as you Madam President had suggested last Friday there were going to be; that we do it openly for the public, for all Senators, and for the media so that we can all judge the judge. It is unfortunate, I think, that there were a lot of rumors that circulated in and out of this building, on a personal level. We don't have any place for rumors and anonymity when there are character attacks. Likewise, the fact of whether the nominee is really a Republican or Democrat has no impact, or should not, particularly if we're talking about the judicial system. We have to remove politics from this process, and we can start by confirming the nominee today. A lot of people talked about loyalty and loyalty is extremely important is a beneficial characteristic. But when loyalty goes before the facts and before information and before the issues at hand, then it becomes destructive rather than constructive. We are fortunate that so many people did come forward and added their testimony; people even traveling from the neighbor islands on their own dime to do this. And we are fortunate that we live in a country and in a state where open democracy still is the rule rather than the exception.

“So Madam President, I am very happy to give my full support for the nominee and urge my colleagues to do so, but I certainly understand if they have reservations, whatever those reservations may be. But as I say in the future, let's make sure that we totally, completely, and openly vet a candidate. And in this candidate, we'll find no one better to help us in our judicial system. So Madam President, I call for a Roll Call vote. (The Chair so ordered.) Thank you.”

Senator Sakamoto rose in support of the nominee as follows:

“I agree with many of the points the Senator from Hawai'i Kai made. To add to his comment, Mr. Kubo also aided injured warriors and the men and women who fought for our country.

“In addition to supporting Mr. Kubo's nomination, I'd like to comment on the process in which we have arrived. Madam President, I'm thankful that we as a body have deliberated in

hearings, on the floor, and in individual meetings. We practiced ponopono, which is the Hawaiian word for today. It means mental clearing, restoring balance within the individual and the family. In keeping with ho'oponopono, I differ in opinion to the previous speaker who spoke about transparency—that everything needs to be transparent. I believe if we were to debate issues in our community and our families in the open, we sometimes or oftentimes do not say what should be said—undermining the intent of transparency.

“The discussion on Mr. Kubo’s nomination provided an opportunity to ask questions and raise issues. At the end of the day, I hope people were able to come to the proper conclusion. I’m thankful that this body has allowed ho'oponopono to occur. In closing, I ask my colleagues to vote in support of Mr. Kubo.”

Senator Nishihara rose in support of the nominee with reservations as follows:

“I’ve given this measure a great deal of thought, as many of you have. In the public’s eye, Mr. Kubo deserves to be appointed and confirmed by this body. He and his family have been subjected to a great deal of stress and uncertainty. That is the process whether one likes it or not. We have an obligation to the public to hold hearings on judicial nominations, bruising or otherwise. Our duty is to seriously consider each nominee and to give each the courtesy and respect; to look at the person’s record; without regard to party affiliation; regardless of which side of the representation, prosecutorial or defensive; and gender or any other physical or social attributes that could be raised as issues. The selection of a judge, in my opinion as a non-lawyer but as a legislator, is at the essence is the person being considered have the following attributes: Is he or she fair and impartial in dealing with the issue before himself or herself? Will he or she be of an open mind to all arguments as posed before the court, able to forgo any biases that could cloud decision-making? Will the decisions of previous court decisions that are pertinent to the case before him or her reflect what is fair and just? Will anyone who is facing the court truly have his or her day? Will justice be rendered with compassion, along with consequences that do not diminish the nature and the severity of the offense? Will that person who seeks to sit in judgment of others be above reproach in dispensing decisions that can alter lives?”

“I do not look for perfect individuals. I do look for people who can recognize their own imperfections and do good work despite those imperfections every day that they sit on the bench. I don’t want to expect individuals who in their native intelligence display smugness or airs of absolute certainty, devoid of doubt or self-reflection. I don’t want individuals who think that their position makes them supreme over the public.

“Although I still have reservations after having spoken to Mr. Kubo yesterday, they do not rise to justify my rejection of his appointment. I would hope that having heard this, he will demonstrate and be true to our confidence in his performance in carrying out the duties expected of him as a judge in the circuit courts. Thank you, Madam President.”

Senator Hee rose in support of the nominee as follows:

“Let me begin by thanking the nominee for a couple of occasions. One such occasion was on Friday, when he was in my office. I had the opportunity to have a telephone conversation with him as I was out of the building at the time. And then more recently yesterday; he and his wife met with me in one of the conference rooms, and I appreciated that visit.

“Like most of you on the floor, as colleagues and for the Majority party, I have shared with you on occasion how I have viewed the process over the time as Chair of Judiciary, which really began in 1987. I said at the time, and I think that it’s relevant now, is that the experience of confirmation has taught

me that too oftentimes lawyers who aspire to be judges ‘lawyer’ questions. They look at a question and as a lawyer, they ‘lawyer’ the question. And I think to most of us it may seem like, ‘Well, what does that mean?’ Well, they see the question and they produce an answer, and sometimes the answer is not what either the framers of the question intended or those of us who review the fitness of a lawyer to sit in judgment of others would interpret the question. I have concluded over the years that the framers of the question probably by design left the question broad to allow the applicant the opportunity to interpret the question. On other occasions, and on most occasions, most nominees who come before the Senate for advise and consent don’t bring with them a body of work by which to be judged. That’s not the case with Mr. Kubo; he brings an extensive body of work. But for most of the nominees who most of whom either come from private sector, some of whom may have sat for a time in district court, there isn’t a body of work to be judged by. And so the reliance on the questionnaire is much more important because the questionnaire beyond the question itself allows the members of the Senate to see character, integrity, and other kinds of characteristics which may help us to evaluate the nominee.

“I recall in 1988, a nominee went before the Judiciary Committee, which at the time I was Chair; and at the end of the hearing, which was in the evening, after the hearing went back. I can’t remember if it was the office I presently reside in or the office that the member of the Senate who represents Kawanakoa School resides in, but it was one of those, and I remember when I got back, there was a note under the door. And I opened the note and it said, ‘Contempt of court.’ That’s all it said. So I called the nominee who was walking back to a colleague’s office and when the phone was answered, I said, ‘I have a note,’ and the nominee said to me, ‘Contempt of court,’ and I said, ‘Yeah, how did you know?’ He said, ‘We’ll be right back.’ So we sat in the office and he explained the contempt of court, which he never disclosed and, but for the note, I would never have known. Upon reflection of the discussion, it didn’t, in my judgment, color his fitness to serve, but it did necessitate a follow-up public hearing to disclose that, and so we had the follow-up public hearing. Then after that follow-up public hearing, I received a phone call, and the phone call said, ‘Rule 11 violation.’ As you might imagine, I didn’t know what contempt of court was as a non-lawyer because it could be you had your tie on crooked or it could be you turned your back on the judge. So I did a quick study on Rule 11, which was sanctioned by a federal judge, and learned that Rule 11 is the most serious of offenses before a court that could be brought by a lawyer. And so we had another meeting because Rule 11 was not disclosed. And then we had another hearing so that publicly the members could understand that the nominee failed to disclose to this body a sanction which the federal judge at the time characterized as, ‘The highest mockery brought before this court in all my time on the bench, and the lawyer made a jackass of the proceedings.’ Unbeknownst to me, at that public hearing two judges appeared—the one who found the nominee in contempt of court and a federal judge who wished to explain what Rule 11 meant. Both judges appeared voluntarily; they were not asked by me or any other member. Both judges were in violation of the Canons of Ethics No. 3: A judge shall not appear voluntarily before any proceeding, shall not. The judge who found him in contempt of court tried to explain to the body that he actually found the clients in contempt of court and not the nominee. That’s not true, and all of us know that’s not true. But lucky for us, we found the court reporter, a retired woman in Hawai’i Kai, who still had the proceedings, which was distributed to each member and the judge, upon which the judge was asked to read to each member the findings of contempt of court. With respect to the federal judge, he explained that a Rule 11 was really a minor violation. What eventually came out by a discussion of how many Rule 11s this

judge had sanctioned in all of his time, which is in excess of 40 years, was less than one per year, and even he admitted under questioning that Rule 11, indeed, was a serious offense.

"This is why disclosure is important, so that we understand the background and fitness, integrity, and character of the nominee. This is why when the Baker case and the Wilson case were brought forward, they became important, only because it gave us an opportunity to evaluate and weigh the fitness of the nominee. We have had other nominees that have come before us. There was one more recently of a nominee who failed not once but twice to disclose sanctions and admonishments and in one case a reversal by the Intermediate Court of Appeals on prosecutorial misconduct. On the other case, he had eight counts of prosecutorial misconduct found by the ICA, but the case was not reversed. But nonetheless, it gave the nominee an opportunity to disclose to this body admonishments and sanctions that were brought to bear on his conduct as a jurist.

"Where the rubber meets the road with this nominee is that that while he may not have disclosed the Wilson case and he may not have disclosed the Baker case, he does have, in addition to the nondisclosures, a body of work to evaluate him. And that is why I started by thanking him for giving me the opportunity to meet with him. I continue to disagree with him, and reasonable people can disagree. We agree that he should have disclosed, and in hindsight, he freely said that he would have disclosed. That in and of itself is something different than my experiences with the nominee who insisted with prosecutorial misconduct, he couldn't recall. He simply couldn't recall. He could not recall, which calls into question his mental fitness to preside over others. It is different from the first confirmation, the Rule 11 candidate, who simply said, 'I will not appear before you anymore.' This nominee is different. I asked this nominee why he declined to appear before the Majority caucus. His answer was he felt it was intimidating and that the questions may come too fast and furious. I disagree with him, respectfully, but I'm different. I like them coming fast and furious. It's just we're different.

"I asked the nominee about the two former U.S. assistant attorneys, and he gave me his explanation. Unlike one of the previous speakers, my chief clerk, former prosecutor Keith Kaneshiro, called both U.S. assistant attorneys to give them the opportunity to explain their disagreement; and they did. And I asked the nominee yesterday about the two. I have also spoken to a U.S. attorney who the nominee demoted, and the U.S. assistant attorney who was demoted spoke in strong support of the nominee.

"I asked the nominee about his body of work. I asked him, 'What is it that you are most proud of?' And he said to me, 'The ongoing case of American Savings Bank, white collar crime in which an elderly woman allegedly had her money taken by bank personnel.' I asked the nominee what was his second most white collar crime that he was most proud of. He said the case that was brought to conclusion regarding fraud on Honolulu International Airport Contracts; people went to jail. I asked the nominee, 'What is it that you are most proud of?' And he said, 'Going into the community to fight ice.' The three cases weren't what I was looking for, so I asked him the question directly. 'Where does it rise on your scale of accomplishments of your prosecution of illegal immigrants who are taking the jobs of union workers on construction projects, and the imprisonment of one of the largest contractors who is very active with campaign contributions?' And he looked at me and he said, 'It doesn't rise very high.' This nominee, unlike every other nominee that I have been involved with, looked me straight in the eye, and whether I agree or disagree, gave me his explanation. That is very unusual, and while I may disagree with his disclosure, I agree that he didn't hide it and that if he had the opportunity, he said he would do it over. But

for his body of work, I'm not sure I would have been satisfied with that answer because the fact is he chose not to disclose it. Whether it was conscious or unconscious, it wasn't disclosed.

"There's a side part of this process that has troubled me. One of my colleagues has had an ongoing electronic conversation with the president of the Hawai'i Bar Association. And I think all of you have received that ongoing electronic conversation. And in her last electronic conversation, the president of the Hawai'i Bar—and I'm going to quote her—said, 'I simply want good judges and have a lot of aloha for Ed Kubo, and hope you will give him the benefit of the doubt.' That troubles me because I don't believe the Bar properly vetted this candidate. If she's listening, I'm not sure what she also understands that either hasn't been said or what has been brought to light. I do know this (and I feel very strongly about this): If there is any doubt on any nominee to sit in judgment of others, that that doubt should rest on the side of the people and not the nominee. What puts to bed the doubt on disclosure is the body of work of this nominee, and that is why I will vote in support. Thank you."

Senator Ihara rose in opposition to the nominee as follows:

"First, I would like to acknowledge the outstanding service Mr. Kubo has provided to our nation and state as the former Hawai'i U.S. attorney. I appreciate his extensive involvement in our community, and I wish him well if he is confirmed today.

"Madam President, I was not so troubled by the nondisclosure issues being discussed today, but I believe a fundamental value in our system of democracy is the respect of law, and in the judiciary branch of government there is no higher value than the respect of law. I believe the nominee failed to demonstrate respect for the law in an incident that occurred in his judicial confirmation process. I believe his actions were inadvertent, but since he indicates they were intentional, I must respectfully disagree.

"During his confirmation hearing, the nominee responded to testimony opposing his confirmation by recounting his role as the testifier's employer, and in the process revealed that the testifying employee was under the care of a psychiatrist or psychologist. When asked if revealing this medical information was proper, the nominee stated that it was appropriate because the Judiciary Committee is the trier of fact, and judging the credibility of the testifier's accusations was relevant to understand his accuser's state of mind. The nominee further explained the medical information was also public information he heard from other U.S. attorneys outside the office.

"Madam President, in this state we have a constitutional right to privacy and state laws that prohibit employers from revealing medical information without the employee's consent. And the nominee has acknowledged that he was not aware of any waiver of the employee's right to privacy, implied or otherwise. Even if the accusations against the nominee were false, I believe that this does not justify revealing private medical information that only the employer, employee, and his doctors knew were true. Even if the medical information was public knowledge because it came from reliable sources, it was the employer, the nominee, and no one else who confirmed the information as fact.

"But let's say Mr. Kubo's justification was valid, and he relayed only public knowledge that his critic had received certain medical care. In this case, I believe it would be inappropriate for other judicial nominees to share public knowledge about their critic's state of mind, even if that information was reliable but unsubstantiated, as he had done in this case, saying that his critic was under the care of a psychiatrist or a psychologist. I believe the nominee did not

provide due respect to the law in revealing this private medical information to defend himself during his confirmation hearing. I understand the quandary he might feel this situation poses. He told me that his statements might have been inartful, but claims it was appropriate to reveal the employee's private medical information.

"Madam President, this incident happened in the course of seeking approval for his own judicial nomination, and I believe the nominee's actions are unbecoming of a judge for the State of Hawai'i. For these reasons, I must fulfill my constitutional duty by opposing the confirmation of this nominee. Thank you, Madam President."

Senator Slom rose in rebuttal and said:

"Anyone that was in the Committee at that time knows that the nominee was responding to a question from the Committee, and that question had to do more with what was not in the written testimony but was an incident of public knowledge having to do with a threat upon the life of the nominee. My inclination was to believe that the nominee was actually saying this to put in perspective the fact that maybe what was said—and let's make sure we understand what was said, because it had nothing to do with jurisdiction, judicial action, negligence, or anything else. The comment from the witness who did not appear the two times was, 'If I had a grenade, I would frag him.' Now, the nominee could've taken the position he should've been arrested for terroristic threatening. I don't know if any of us would've gone into a federal building and said that to a federal employee, let alone the U.S. attorney; I don't know if we'd still be walking freely. But my belief was that he said that to indicate that was part of the explanation for why those statements were made, and that you shouldn't judge him more seriously; he was, after all, an American serviceman veteran.

"I would concur, however, that when we're talking about medical information or personal information, perhaps it should not be discussed. But it was in the context of a question and an incident, and I think that the nominee asked, answered, and I think used the appropriate means of explaining the full context, because oftentimes we're told, 'This is what somebody said,' but we don't know what the full context was. So, I hope that makes it clear.

"And one final item: The good Senator from Hau'ula brought up material about some alleged e-mails between somebody here and between the Bar Association, making the statement that probably all of the colleagues received it. I didn't receive any of that; I would like to have that for my files, too. Thank you, Madam President."

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

Ayes, 24; Ayes with Reservations (Baker, Hanabusa, Kim, Kokubun, Nishihara, Takamine, Taniguchi, Tokuda). Noes, 1 (Ihara).

At this time, Senator Taniguchi introduced Judge Kubo and his family to the members of the Senate.

At 10:34 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:42 a.m.

THIRD READING

S.B. No. 2179, S.D. 1:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 2179, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO COUNTIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, Hemmings, Kim, Taniguchi, Tsutsui).

At this time, the Chair made the following announcements:

"Referrals and re-referrals are made in accordance with the referrals and re-referrals listed on the Supplemental Order of the Day that may be distributed to your offices later this afternoon.

"The Joint Session to receive the University of Hawai'i President's address will convene at 12:00 noon. Please report back to this chamber by 11:45 a.m."

At 10:44 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives to receive the State of the University of Hawai'i System Address, in accordance with Senate Concurrent Resolution No. 2.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, was called to order at 12:09 p.m. by the Honorable Colleen Hanabusa, President of the Senate.

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

The Honorable Linda Lingle, Governor of the State of Hawai'i, who was presented with a lei by Senator Norman Sakamoto;

The Honorable Ronald T. Y. Moon, Chief Justice of the Hawai'i Supreme Court, who was presented with a lei by Representative Cindy Evans;

Ms. Jennifer Sabas, representing United States Senator Daniel Inouye;

Mr. Mike Kitamura, representing United States Senator Daniel Akaka;

Ms. Amy Asselbye, representing United States Congressman Neil Abercrombie;

Major General Jan-Marc Jouas, U.S. Pacific Air Forces;

Ms. Janie Nielsen, U.S. Army Pacific;

The Honorable Hajime Kido, Deputy Consul General of Japan;

The Honorable Paul Raymond Cortes, Consul of the Philippines; and

Dr. Kenneth Mortimer, former President of the University of Hawai'i System.

The Chair then appointed Senators Jill N. Tokuda, Gary L. Hooser, and Sam Slom, on behalf of the Senate, and Representatives Jerry L. Chang, Blake K. Oshiro and Lynn Finnegan, on behalf of the House of Representatives, to escort M.R.C. Greenwood, President of the University of Hawai'i System, to the rostrum.

Senator Russell S. Kokubun and Representative Michael Y. Magaoo presented President Greenwood with lei.

The Chair then presented to the members of the Twenty-Fifth Legislature and guests M.R.C. Greenwood, President of the University of Hawai'i System.

President Greenwood presented the State of the University Address as follows:

“President Hanabusa, Speaker Say, Governor Lingle, distinguished members of the Legislature, state Cabinet members and members of other government agencies, special guests from our education, labor, business and military communities, and to the people of Hawai‘i, good afternoon and aloha.

“I wish to also extend greetings to our University of Hawai‘i guests, administrators and campus chancellors, faculty, staff and students, and now I would like to ask the members of the UH Board of Regents and our Emeriti Regents to please stand and be recognized.

“First, let me thank you, the Hawai‘i State Legislature, for affording me the privilege and honor of being the first University of Hawai‘i president to address a joint session of the Legislature. I sincerely appreciate this opportunity to share with you the accomplishments of the university and to reflect on our path ahead at this critical juncture.

“I am grateful for the warm welcome I have received here in Hawai‘i, and for the wise counsel and guidance I have received from many of you here.

“Thank you also for all that you have done to support the University of Hawai‘i, our mission and aspirations. Without your efforts, and the efforts of those before you, we would not be the strong and vibrant institution we are today.

“I come before you today to focus our attention on what it means for this state to have a sole system of public higher education and the role of such an institution.

“We have a world-renowned research campus, new and exciting options for baccalaureate and applied advanced degrees, seven strong and successful community colleges, and our research and education centers here in Hawai‘i. Our system is vital to the state’s future. I want to make it clear that the University of Hawai‘i System is part of the solution to our current economic problem.

“Indeed, education is the key to a better future for our society. For generations, this was the basis for what our society calls ‘the American dream.’ Public higher education provides a critical foundation in our rapidly changing global environment.

“The best universities provide the infrastructure and the environment to inspire collaboration both within and outside their institutional boundaries.

“Creative knowledge generation is a contact sport, and while much is now virtual, the spirit of debate and discovery changes lives and worlds.

“Great universities stimulate innovation and transform markets. For example, while a faculty member at UH Mānoa, Dr. Norm Abramson pioneered a method of data packet transmission, still known globally as the Aloha protocol, which was essential in creating the modern Internet. Another UH Mānoa researcher, Dr. Dorsey Stuart, a former research dean at the John A. Burns School of Medicine, developed a technology, along with his graduate research associate, that forms the basis for the Digene HPV test—the only test for the human papillomavirus accepted in the United States and Europe—that was essential to the company’s recent sale for \$1.6 billion. This test allows doctors to save hundreds, if not thousands of women’s lives.

“These ideas, and others like them, started in universities around the world, have spawned great industries and reshaped our economy. Individuals, businesses, state and federal

government gained wealth, and the work of large segments of the market was revolutionized.

“On the other hand, sometimes out of universities come ideas that at the time may be dismissed as too academic. One of those ‘radical’ ideas was that women were as smart as men and could do the jobs just as well as men.

“When I graduated from college, fewer than 5 percent of medical school students were women; vet schools and law schools had even less. Today, my granddaughter and all young women make up more than 50 percent of students in these bastions of higher education. Those who persisted in this notion that women should be treated equally prevailed. While I could argue that we still have a way to go with equal pay for equal work, I again point out that this ‘theory’ of equality was rooted and has matured in our universities, permanently changing society.

“Another ‘academic’ concept introduced even earlier was that access to education and a better future should be possible for the general population—not just the well off. Thus, land grant institutions, such as UH, emerged to teach a broader spectrum of the population not only the great books and languages of Western civilization, but also the agricultural and mechanical arts. The idea that public, state-based universities should directly aid businesses is not new. It started when land grant universities were established with a mandate to work directly with farmers and other evolving industrial business sectors. It advanced with the founding of the uniquely American community colleges with open doors and low tuition that ensured anyone with the desire could attain post-secondary education and training. Subsequently, many institutions were further shaped by public policies, such as the federal GI bill and Title IX, the groundbreaking legislation resulting from the work of Hawai‘i’s own Patsy Mink.

“As we advance the nation’s international goals, we also look to education as a tool to advance democracy. In the future, all great universities will be global universities. UH already is. Secretary of State Hillary Clinton acknowledged this in her recent speech here at the East-West Center. She cited the transformative influence of a University of Hawai‘i alumna who spent years working on rural development, micro-finance and women’s welfare. She recognized that educating women in particular could revolutionize how money and power are distributed and provide a ladder to success for those to come. Her ideas did not make her personally wealthy, but they changed many lives for the better. This alumna was none other than Ann Dunham, the mother of President Barack Obama.

“They demonstrate that you cannot put a price on the value of innovative ideas; you cannot command that great ideas appear; you cannot quantify what it means to have a well-educated public. However, states can make it easier for universities to adapt in order to accomplish these aims.

“They demonstrate that we should appreciate what makes public universities great, and realize what our world might be without them. We should appreciate and honor the numerous individuals who make public universities what they are—faculty, students, administrators, staff and alumni who are our greatest and most valuable assets, enduring and resilient.

“So, while I talk today about the important role UH plays and the significant return on your investment it provides, especially in the midst of this recession, I urge you to think of these individuals and all those who have directly helped UH in our recently completed Centennial Campaign. This campaign attracted 90,000 donors—50,000 of them new—and raised \$336 million largely for students and faculty. Would the members of the UH Foundation Board, present and past, please stand?

“This legislature itself is a perfect example. Nearly 70 percent of members are UH alumni. And, I should also point out that all four of our congressional delegates are UH alums. Would all the members of the legislature who attended or are alums of UH please stand? And now would all UH alumni please stand?”

“Nearly two-thirds of all jobs in the country need some postsecondary education, and it is estimated that by 2015, 44 percent of Hawaii’s jobs will require some form of education and/or training beyond high school, with many jobs requiring a baccalaureate degree or higher. Of course, all will require periodic retraining and continuing education. Returning to a learning environment over the span of one’s working life is the norm, and it will become more so as we prepare for the economic necessities that come with improved life spans and productivity.

“Our competitor economies understand this and several have been steadily increasing resources so their citizens have access to advanced education, putting them ahead especially in science and technology fields.

“The level of degree attainment in leading developed nations—including Canada, Japan, and Korea—is rapidly increasing. Their younger populations are significantly better educated than their older populations. Unfortunately this is no longer true in the United States, including Hawai‘i. We must change this.

“Hawai‘i has a unique integrated system of public higher education unlike any other state. This is an extraordinary asset that we must tailor to the 21st century. Let me underscore the advantages of our unique system with a few student examples.

“Malia Davidson dropped out of college then returned after having children. She finished at Maui Community College, then obtained a UH Mānoa bachelor’s degree through the University of Hawai‘i Center—Maui. Her struggles were immense. For example, her son passed away a few months before her graduation. Nevertheless, she commuted from Maui to O‘ahu, earning a master’s degree from UH Mānoa. Malia says, ‘It is the aloha at UH that perpetuates a sense of belonging, the ability to move ahead and look back regardless of the challenge, to understand one’s kuleana in the grand picture of life.’ Today, Malia Davidson is the statewide director for the Liko A‘e Native Hawaiian Scholarship Program based out of Maui Community College. This program disburses approximately \$1 million a year to serve Native Hawaiians with scholarship support.

“Sarah Naeole, a student on Moloka‘i, never had to leave her island to pursue higher education. As a mother of three with a full time job, she was in no position to relocate her family and move away from the very community in which she wished to apply her education. Through our Moloka‘i Education Center, she earned her associate degree. Inspired by the positive experience she had with the distance-education courses there, she moved on to a bachelor’s degree distance-education program through UH West O‘ahu. Sarah is now director of administration and compliance at the Bay Clinic in Hilo.

“Dane Runsewe, president of the Student Congress at Kapi‘olani Community College, lived in dozens of different foster homes, group homes, shelters, rehab centers, and hospitals across the mainland and Hawai‘i. On his own in Hawai‘i, Dane attended night school at McKinley High School to get his high school diploma, and is financing his way through Kapi‘olani Community College with scholarships, financial aid and work.

“He says, ‘I am only a success because of my education thus far. With an associate degree from KCC, the doors are all open

for me. I hope I can continue to make the University of Hawai‘i System proud.’

“Last summer, Kaua‘i Community College held its first graduation of students from Ni‘ihau in its Facilities Engineering Program. Seven men and one woman graduated. The men in this graduating class were the first men from Ni‘ihau ever to receive any college credential.

“Three times a week, students from the UH John A. Burns School of Medicine’s Homeless Outreach and Medical Education Project load up their van and head out to provide free medical care at O‘ahu shelters. On holidays, special events are planned to ensure that homeless children enjoy festivities, and they are not excluded from conversations at school about how they celebrated Halloween and Christmas. Medical student volunteers run and manage clinics at shelters in Kaka‘ako, Wai‘anae and Kalaeloa.

“And we also transform what you eat—please recognize our national champion student culinary team from Kapi‘olani Community College.

“These stories vividly illustrate that higher education does have the power to change the trajectory of a life. They also show that our students and campuses give back to the community in service.

“I’ve been privileged to have made my career as an educator and researcher, and to have served five institutions. I care passionately about higher education, as it transformed my own life. I would not be here today if it had not been for supportive friends, talented faculty, and most importantly, for the kindness of anonymous benefactors that helped me finance my undergraduate career. If it had not been for a state regents scholarship program and a forward looking National Defense Education Act loan forgiveness program, it is not likely that I could have gone on to graduate school. If it had not been for federal, state and foundation competitive research funding, I would never have been eligible for the great honor of serving this university and the state.

“The concept that public education benefits the entire state and not just the individual student today is more important than ever. History has taught us that when new groups of students enter the innovation space, new concepts and products emerge. We must ensure that this generation has every opportunity to reach their aspirations. Without them, we will all see a diminished quality of life here in Hawai‘i.

“Both the university and the state have had to make very difficult choices in this troubled economy. We needed to adjust very rapidly, and as we stabilize, we must also move forward wisely, but confidently.

“Those of us within the University of Hawai‘i know that we must continue to earn the public’s confidence as the sole provider of public higher education in Hawai‘i, and one way to do this is by demonstrating a responsible management of resources entrusted to us by the state. We have worked hard to leverage our unique capabilities as a system and become more efficient administratively. For example:

- UH implemented the first electronic procurement and purchasing card systems in the state, as well as online systems for most human resources processing, student employment and streamlined inventory management.
- UH implemented a new integrated statewide student information system that replaced 10 separate older systems, and we are now implementing new open-source systems for financial management and research administration.

- UH has deployed statewide interactive video, and now open-source, web-based learning technologies, to provide Hawai'i with a remarkable capability for broad and cost-effective access to higher education on all islands. In addition, use of online learning technologies is allowing us to accommodate our burgeoning enrollment without a proportionate increase in classrooms.

"In addition, all of our campuses have initiated sustainability and energy reduction programs.

"These initiatives have saved millions of dollars and produced greater efficiencies, transparency and accountability.

"We all know what is at stake, so I would like to focus more on what we are doing for ourselves and what we must further do together to ensure that the University of Hawai'i will be here to serve the state and its citizens for another 100 years and beyond.

"An important way that we have been proactive rather than reactive is in our strategic planning. The University of Hawai'i has been engaged for a number of years in a serious systematic assessment of our institution's strengths and weaknesses—academic, organizational and operational, and the needs of the state. We have developed a strong strategic plan that clarifies and articulates our priorities, and ensures that they are in the state's best interest as we collectively plan our preferred future. We are finding new ways to manage costs and to secure additional and diverse revenue streams to get us there. And, we measure our progress.

"We are focusing our attention on three broad strategic objectives that will serve the state well into the future. They are:

- Increasing the number of educated citizens in the state of Hawai'i;
- Contributing to the workforce and the economy; and
- Advancing the University of Hawaii's reputation for excellence and its ability to build the state's capacity.

"President Obama has asked Congress to create the American Graduation Initiative to help bring the United States back to being a world leader in the number of citizens with higher education.

"Today, I announce that we will create the Hawai'i Graduation Initiative to increase the number of college graduates by 25 percent by the year 2015. The Hawai'i Graduation Initiative will focus on access, affordability, and student success. Simply put, we want more local students to attend and graduate from UH.

"Our goal is to remove barriers that prevent Hawai'i residents from getting the higher education they desire and the graduates the state needs. One of the great strengths of the University of Hawai'i is that we are an integrated system of higher education. We will do even more to capitalize on the synergy of our 10-campus system.

"Be assured, the University of Hawai'i is committed to increasing Hawaii's 'educational capital' by increasing the participation and success of students, particularly Native Hawaiian, lower-income students, and those from underserved regions.

"We are committed to supporting the access and success of Native Hawaiians. We are making headway and we are fortunate to have partners along this path. For example, the community colleges through the Achieving the Dream initiative and with support from OHA and Kamehameha Schools have

increased Native Hawaiian student enrollment by over 50 percent and are working to ensure these students succeed.

"Increasing our educational capital also means helping students to overcome affordability barriers to higher education. We have made great strides in helping our students receive the aid they are eligible for and we have quadrupled our financial aid reserves for Hawai'i residents. This year, more than 13,000 students were awarded the Federal Pell Grant, far exceeding our 2009 goal of increasing Pell grant recipients. With the dedicated work of our staff, we have awarded nearly \$50 million in financial assistance to our students this year.

"Increasing our educational capital means strengthening the pipeline every step of the way. It means that it is necessary to increase the college going rates from public and private high schools, which we are doing. A good example, and one of Hawai'i P-20's many initiatives, is Step Up, a campaign to raise awareness about the importance of a rigorous high school curriculum for students who hope to succeed in college, in careers, and as citizens in the 21st century. Step Up is a partnership among the UH, DOE, Hawai'i P-20, businesses and community organizations.

"I had a chance to meet Joshua Labajo, a freshman at Waiialua High School where he is already taking geometry and honors classes in preparation for college. Joshua hopes to major in electrical engineering, and along with his classmates, is now encouraging other high school freshmen to sign a Step Up pledge.

"We will continue our work with the Hawai'i DOE to better prepare students to enter and succeed in college.

"We will work through Hawai'i P-20 to create an electronic portal so that intermediate and high school students and their parents can see what classes they need to take to enroll at our colleges, can apply automatically, and learn about financial assistance.

"We will also create dual enrollment tracks in technical fields so that students can move smoothly from the DOE into technical programs within the community colleges.

"We will launch a spectacular private partner pilot initiative thanks to the generosity of a wonderfully insightful friend of our state, Mr. Jim Lally. Our new scholarship program has been initiated at Kaua'i Community College. It targets students who otherwise could not go to college and helps them go to our Kaua'i campus. Then, it guarantees that they will continue to receive support through their bachelor's degree as they succeed.

"The University of Hawaii's second strategic objective is to continue to contribute positively to the workforce and the economy.

"As has been true in times past, difficult economic conditions tend to drive up college enrollments. This year, we enrolled the largest number of students in the history of the University of Hawai'i—58,000 students.

"Many of these students are entering the fields in which the state still has a critical workforce shortage, including teaching, nursing, computing, engineering, social work and hospitality. We are addressing these shortages and attracting additional private support to do so.

"In this 21st century, there will be new types of jobs. It is already the norm that people will have five to seven jobs or careers in a lifetime, and they will need education to transition from one career to the next.

"At the University of Hawai'i, we create opportunities for adults returning to school. No longer is the average age of the college-going population 18 to 20 years. At West O'ahu, the

average student age is now 30. We must be prepared to address the educational and training needs of adults who are entering college for the first time, who are returning to complete their education after some years, and who are seeking a fresh start through retraining.

“UH stands well ahead of many other universities in terms of our coordination and efficiency as one system. We have excellent systemwide academic collaboration, and expanding online programs that serve both new and returning students.

“But we do much more. UH adds money, jobs and talented people to the state’s economy. We accomplish this by:

- Increasing external research and training funding—which directly creates jobs and brings money into our state—over \$414 million this past year;
- Addressing research needs specific to state and region;
- Enabling a quick response to business and industry training need;
- Promoting ‘spin-offs,’ licenses, and invention disclosures;
- And finally, for every dollar the state spends, we leverage at least an additional \$5.34 of spending in the state.

“But there is always room for improvement.

“While we have successful examples of technology transfer, I believe we can do even more. Today we need an approach that incorporates innovation as well as technology transfer. We must help new businesses emerge and older ones innovate. We must manage, not control, technology transfer for the good of the state. Our federal research and training enterprise has quadrupled in the past decade, and we must stay ahead of this curve.

“Therefore, within the next 60 days, I will appoint a Presidential Advisory Group of Experts to study our successes, our challenges and our opportunities, with an eye toward understanding how the best universities achieve their impact. I will ask the group to advise us on the steps the university should take to create a 21st century capability for innovation and technology transfer, to support a multi-billion dollar industry for Hawai‘i in research, spin-offs and related services.

“The university’s third broad objective, one that will have far-reaching impact, is to advance the University of Hawai‘i’s national reputation for excellence and its ability to build the state’s capacity.

“The state of Hawai‘i needs and deserves a 21st century public university, one with superior facilities to attract and retain the best faculty for high quality teaching and research, and one with educational and administrative processes that deliver services efficiently and effectively. Your help with our new cancer center helps us gain a new facility and advances cancer care in the state, and your support to advance the next great telescope, the TMT, will bring in at least a billion dollars to our state.

“But we have a very big problem. Decades of inadequate investment in our facilities are hindering the University of Hawai‘i in this regard. This limits what our faculty and students can achieve, reduces federal investment in our institution, and as the Gartley Hall situation demonstrates, even threatens the health and safety of our students, faculty and staff. This must change.

“Infrastructure improvements also have a bearing on the university’s ability to recover costs to maintain support for extramurally funded research. As I reported to the House Finance Committee recently, federal indirect cost rates (earned overhead) are negotiated, and the UH rate of 36.7 percent is

very low. For comparison, the University of Washington’s rate is 58 percent. Many factors influence indirect cost rates, but the level of investment in facilities is a major component. Thus, the poor condition of our facilities, particularly at Mānoa, has a far-reaching effect on our ability to leverage external funds, add to the economy, create jobs and produce the research and student opportunities we expect of a 21st century university.

“Let me also point out that monies spent on repairs, maintenance and construction are a triple bottom line. They lead directly to jobs for Hawai‘i’s construction workers. They provide the support to allow our faculty and staff to compete for additional funding, and they allow us to help ourselves for the future by better leveraging the external funds that we are awarded for research and training.

“No other state investment will have so many immediate benefits while paving the way for long term growth of research, education and training.

“In short, we must renovate to innovate. We must energize and optimize our workforce, and this is one investment we can monitor, enhance and see as a lasting legacy.

“Our goals are to rebuild infrastructure, bring indirect cost rates in line with peer institutions, and increase creation of small businesses based on UH technology developments.

“The university has achieved truly extraordinary growth in extramural funding, earning more than \$400 million in contracts and grants for research and training last fiscal year and more than \$270 million in the first half of this year alone. If the current rate of growth can be sustained for the remainder of the decade, it would yield the state a billion dollars in 2020.

“Make no mistake that we will need additional funding in the future to achieve growth and support the faculty and staff who make all this possible. But we know the challenges you face this session, and that’s why our operating budget request is modest and we have focused on general obligation bond support for shovel-ready capital renovations and improvements. Our immediate goals are to improve our campus environments for students, enhance our volume of federal and private support, and spur job creation to help stimulate the local economy.

“We believe that providing general obligation bond support right now is so important that we wish to ‘think outside of the box’ and look to a new emergency partnership with the State of Hawai‘i. We do not have the revenue streams to support revenue bonds in this recession, but if it will aid in securing a GO bond, the university will stretch our limited resources and pledge to pay a share of the interest on a GO bond for a period of 5-7 years in order to get these jobs on the street as fast as possible and begin the process of renovating and building to insure that we can innovate and optimize.

“In addition, we urge you to give us the flexibility we need to operate efficiently and effectively as a 21st century knowledge-based institution, which will allow us to focus our limited resources on education, research and service. We will accept this greater flexibility with a commitment to responsibility and full accountability.

“In conclusion, our message is clear. UH is an investment that yields superior returns in both financial and human capital. We are a state that in the past had the foresight to build this unique system of 10 campuses and additional centers working together throughout our islands and communities.

“It took a century of hard work to enable the UH System to serve so many citizens of our ‘ohana. We have educated the diverse groups that have come to call Hawai‘i home. We have embraced, and are strengthening, our unique responsibility to

the indigenous people of Hawai'i, the Native Hawaiians. We need to be sure we can pass this centennial legacy on. We need a new partnership with the state, a vibrant partnership that will lead to a preferred future, a future that so many in Hawai'i are looking for. With your help, we can help ourselves meet this challenge and be the innovative, forward-looking university Hawai'i so richly deserves.

"I look forward to working with you. Thank you."

Speaker Say then rose and stated:

"President Greenwood, on behalf of the State House and Senate, thank you very much for your remarks today. We realize that in times of fiscal constraint, the challenges to higher education and Hawaii's university system are formidable. However, we must also remember that if we sacrifice Hawaii's future for the requirements of today, we sacrifice greatness for the sake of mediocrity. Visionaries see opportunity in the face of adversity; so, too, must you see this time as an opportunity to maximize efficiency while preserving quality education and research. Look beyond how to do the same with less, and instead, look toward how to do more with less and do it better. We know that you are up to the challenge, so aloha.

"If there is no other business before us, I declare this joint session adjourned."

At 12:51 p.m., Speaker Say declared the Joint Session adjourned.

RE-REFERRAL OF SENATE BILLS

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

S.B. No.:	Re-referred to:
S.B. No. 2634	Jointly to the Committee on Energy and Environment and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 2651	Jointly to the Committee on Energy and Environment and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, then to the Committee on Ways and Means

ADJOURNMENT

At 12:51 p.m., the Senate adjourned until 11:30 a.m., Thursday, February 4, 2010.