

## SIXTIETH DAY

Thursday, April 29, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 9:45 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Dr. David Hockey, 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 Fifty-Ninth Day.

At this time, the following introductions were made to members of the Senate:

Senator Espero introduced and acknowledged his two full-time staffers Sheryll Bonilla and Marlene Uesugi, and two session staffers Mayette Smith and Brandon Elefante.

Senator Gabbard introduced a group of 5<sup>th</sup> grade students from Leihoku Elementary School who were accompanied by their teachers Tiare Kaialau, Janel Uemori, Minerva Kailieka, and Jenna Kaupuiki.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 632 to 634) were read by the Clerk and were placed on file:

Hse. Com. No. 632, informing the Senate that on April 28, 2010, the following bills passed Final Reading in the House of Representatives:

H.B. No. 1015, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 2377, H.D. 3, S.D. 2, C.D. 1;  
H.B. No. 2774, H.D. 2, S.D. 2, C.D. 1;  
S.B. No. 2124, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 2469, S.D. 2, H.D. 2, C.D. 1; and  
S.B. No. 2589, S.D. 2, H.D. 1, C.D. 1.

Hse. Com. No. 633, informing the Senate that on April 28, 2010, the following House concurrent resolutions were finally adopted in the House of Representatives:

H.C.R. No. 21, S.D. 1;  
H.C.R. No. 22, S.D. 1;  
H.C.R. No. 23, S.D. 1;  
H.C.R. No. 24, S.D. 1;  
H.C.R. No. 25, S.D. 1;  
H.C.R. No. 26, S.D. 1;  
H.C.R. No. 27, S.D. 1;  
H.C.R. No. 28, S.D. 1;  
H.C.R. No. 29, S.D. 1;  
H.C.R. No. 30, S.D. 1;  
H.C.R. No. 31, S.D. 1;  
H.C.R. No. 32, S.D. 1;  
H.C.R. No. 33, S.D. 1;  
H.C.R. No. 34, S.D. 1;  
H.C.R. No. 36, S.D. 1;  
H.C.R. No. 45, S.D. 1;  
H.C.R. No. 51, S.D. 1;  
H.C.R. No. 62, S.D. 1;  
H.C.R. No. 68, S.D. 1; and  
H.C.R. No. 212, S.D. 1.

Hse. Com. No. 634, informing the Senate that on April 28, 2010, the House reconsidered its action taken on April 7, 2010, in disagreeing to the amendments proposed by the Senate to H.B. No. 921, H.D. 1 (S.D. 2).

## CONFERENCE COMMITTEE REPORT

Conf. Rep. No. 160-10 (H.C.R. No. 297, S.D. 1, C.D. 1):

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.C.R. No. 297, presented a report (Conf. Com. Rep. No. 160-10) recommending that H.C.R. No. 297, S.D. 1, as amended in C.D. 1, be adopted.

On motion by Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 297, S.D. 1, C.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE ECONOMIC VALUE OF EXPANDED WORKFORCE DEVELOPMENT CAPACITY AND STEM INITIATIVES," was Finally Adopted.

## ORDER OF THE DAY

## ADOPTION OF RESOLUTIONS

## MATTERS DEFERRED FROM WEDNESDAY, APRIL 28, 2010

Stand. Com. Rep. No. 3238 (H.C.R. No. 199, H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 199, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER CERTAIN FACTORS BEFORE ENTERING INTO CONTRACTS WITH MANAGED CARE ORGANIZATIONS THAT PROVIDE MEDICAID BENEFITS UNDER QUEST MANAGED CARE PLANS," was adopted.

Stand. Com. Rep. No. 3239 (H.C.R. No. 162):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was adopted.

Stand. Com. Rep. No. 3240 (H.C.R. No. 13):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was adopted.

Stand. Com. Rep. No. 3241 (H.C.R. No. 19):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was adopted.

Stand. Com. Rep. No. 3242 (H.C.R. No. 256):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND EVALUATE THE VERACITY, EXTENT, AND EFFECT OF CERTAIN ALLEGATIONS OF SHORTCOMINGS OF PROGRAMS FOR ADULTS WITH SPECIAL NEEDS," was adopted.

Stand. Com. Rep. No. 3243 (H.C.R. No. 158):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP A PROGRAM TO ENCOURAGE BREASTFEEDING AMONG MOTHERS WHO RECEIVE MEDICAL ASSISTANCE FROM MEDICAID," was adopted.

At 9:51 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:52 a.m.

#### FINAL READING

At this time, the Chair made the following announcement:

"Members, we are a bit ahead of schedule, so we will have to defer this measure to the end of calendar. We are not quite 48 hours yet, so we will be moving to the Supplemental Order of the Day."

S.B. No. 2646, S.D. 1, H.D. 2, C.D. 2:

By unanimous consent, action on S.B. No. 2646, S.D. 1, H.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," was deferred until the end of the calendar.

#### MISCELLANEOUS BUSINESS

##### MOTIONS TO OVERRIDE VETOES

At this time, the Chair made the following announcement:

"If there are no objections from the members, we will be taking a Roll Call vote on each of the measures before us; Roll Call vote, members."

H.B. No. 2421, H.D. 2, S.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawai'i State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2421, H.D. 2, S.D. 2, C.D. 1, as contained in Gov. Msg. No. 531, seconded by Senator Sakamoto.

Senator Espero requested that his vote be cast "aye, with reservations," and the Chair so ordered.

Senator Slom rose in opposition to the motion to override the veto as follows:

"This is probably one of the most important and most controversial bills of this legislative session, the so-called barrel tax. It is a tax—it has nothing to do with food security—and it is a tax that's going to be divided up into money that's going to go into the general fund and money that will go for alternative energy projects. My colleague and I have supported alternative energy projects. We don't want Hawai'i to continue to be dependent on foreign oil. We don't want to send billions of dollars out of this state each year. But there's got to be a time—with all of the bills that we've passed and all the

legislation, most of which has not come to fruition as yet—there's got to be a time to allow people to adapt without punishing them, and what this bill does, Madam President, is punish the people of Hawai'i by raising the tax on a barrel of petroleum from 5 cents per barrel to \$1.05.

"We will have immediate negative impacts on everyone's livelihood and standard of living. First, it will be reflected in terms of the money that we pay at the pump, additional money. We're already the highest state in the nation in terms of gasoline prices and in taxes applied to those gasoline products. So that will go up immediately. In addition to that, your monthly electricity bills will also go up immediately. I urge everyone in the gallery and on the floor to carefully examine their monthly electric statement and find out just how much they're paying for electricity and how much they're paying for taxes, surcharges, fuel, and so forth. But that's not the end of it: If we allow this bill to become law, what will happen is that every other product that is dependent on transportation or moving around either food or clothing or health supplies or anything else that we value and that we need as basic necessities will also be subject to increased cost. And I point out that the supporters of this measure initially wanted to go as high as \$5. Then there was a compromise of \$1.50, and now it's \$1.05, but from 5 cents to \$1.05 a barrel, it is something that we cannot afford to pay.

"By all means, let's support alternative energy. By all means, let's expedite the planning, the development, and the construction of alternative means facilities, but in the meantime, please do not continue to tax and burden the people of Hawai'i. Thank you."

Senator Hooser rose in support of the motion to override the veto as follows:

"I'll keep my remarks very brief. This is a small step. I wish that we could have taken a much larger step and dedicate 100 percent of these funds toward food and energy security, but it is a step nonetheless, a step that's long overdue, and it's time that we get serious and start investing in food and energy security, sustainability.

"There's no question as noted by the speaker earlier that our dependency on imported food, our dependency on imported oil puts us at great risk in many ways. It's detrimental to our economy. It's detrimental to our security in general. If the ships stop coming, we're in deep 'kim chee' as they say; and there's no question that food is going to be getting more expensive, energy is going to be getting more expensive, and it's again time that we moved forward seriously, and this is a small step, but it's an important step. We have to get off of oil. You know, we're all aware of the ecological disaster occurring right now off the coast of Louisiana, an oil slick that's occurring because of deep water drilling that's 600 square miles of oil drifting toward 10 wildlife refuges in Louisiana, 5000 barrels, 210,000 gallons of oil per day, gushing into the ocean. Eleven missing workers. Again, possibly the worst such disaster in U.S. history, and until our state and our nation gets serious about getting off of fossil fuels, the pressure to continuing drilling in deeper and deeper oceans, the threat and the reality of further and further ecological disasters will continue to grow. And again, this is a small step but it's an important step, and I urge my colleagues to vote in support. Thank you."

Senator Hemmings rose in opposition to the motion to override the veto as follows:

"This issue, colleagues, is near to my heart. It's one of the three E's that I've been most concerned about for the last 10 years: the economy, education, and energy. This bill penalizes Hawai'i's consumers for the sins of this Legislature and political leadership for the last 30 years.

"I often laugh when certain legislators create environmental awards for stewardship of the environment and protecting us from the ills of big, bad oil, while Hawai'i simultaneously has gone backwards on energy independence. Some of the same legislators that are voting in favor of this cruel tax on sometimes those who can least afford to pay it—poor people buying gasoline for their cars—are the same legislators that stopped, through a whole host of impediments, geothermal from being a reality on the Big Island where the entire Big Island could have been lit by geothermal. All the while, while one of Hawai'i's most egregious monopolies, Hawaiian Electric, continued to pummel consumers. For the record, it bears repeating that at the height of the fuel crisis in 2008, when gasoline was 35 percent above the national average, Hawaiian Electric's rates were 180 percent above the national average at 34 cents a kilowatt hour. And what did we do about it? For 30 years, nothing. They continue to have a for-profit monopoly that rapes the consumers of Hawai'i, and what do we come up with? A barrel tax that's going to take money out of consumers' pockets, and we hide the tax behind the self-righteous moniker of 'we're doing it for the environment.' That's another falsehood. We're doing it to pump more money into the State coffers so we can continue the political status quo and the benefits of our most favored special interest group.

"In good consciousness, I can say that I, too, join in the fight against fossil fuels and protecting our environment, which I have done. But penalizing people rather than incentivizing, knee jerk reactions after the fact such as this that don't really have the altruistic goal as stated to protect the environment, is not the way to do it.

"I just needed to explain my 'no' vote against the conscientious override of the Governor. Thank you, Madam President."

Senator Green rose in opposition to the motion to override the veto as follows:

"I do commend the Energy Chair and the WAM Chair, actually, for the focus on both the budget and energy solutions. I had a couple concerns. One, gas prices are 45 cents higher in West Hawai'i than they were on O'ahu last week, and with a lot of my constituents facing 40 to 50 mile commutes daily during the recession, it was a deep concern for me given the state of our economy for them. Also, my overall preference is kind of a massive expansion of geothermal as a solution. The Big Island can contribute, too. So, for those reasons, I'll be voting 'no.'"

Senator Baker rose to speak in opposition to the motion to override the veto as follows:

"I have remarks in opposition of the veto override I'd like to have inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Proponents of this measure talk about the need to raise funds for clean energy initiatives and to help move our state away from its dependence on fossil fuel. I agree that is an important public policy goal and objective. However, this measure is really not a tax on imported oil per se, it is a tax on everything that is produced from that barrel of oil except aviation fuel. It is a misnomer to call this tax a barrel tax.

"This measure creates a tax on virtually all petroleum products. It will raise the cost of transporting goods and services around and throughout our state. It will increase the cost of electricity, it will increase the cost of gasoline at the pump and it will increase the cost of bus transportation. The tax imposed by this measure falls disproportionately on rural Oahu and neighbor island residents. I find that fact most objectionable.

"In addition, part of the tax imposed by overriding this veto will be used to fund private non-profit entities that may be doing work in the clean energy arena, also a noble purpose. However, the expenditure of the funds will have no legislative oversight or accountability. That is also objectionable.

"Finally, the lion's share of the funds generated by this tax will go into the general fund to balance the budget not to help wean the state from use of imported oil. I am aware that the general fund has a deficit that must be addressed. However, a broad-based general excise tax with appropriate mitigation for its regressivity is far preferable to this equally regressive, flat tax. This measure contains no mitigation for folks least able to absorb the increases in cost of living that will result.

"This bill is bad public policy, it will have numerous unintended consequences, and it will raise the cost of living in Hawai'i with no relief for families struggling in this economy. For these reasons, I will vote to sustain the Governor's veto of HB 2421, CD1. This is one veto that should not be overridden. Mahalo."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2421, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19; Ayes with Reservations (Espero). Noes, 6 (Baker, Fukunaga, Green, Hemmings, Ige, Slom).

H.B. No. 2866, H.D. 1, S.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawai'i State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2866, H.D. 1, S.D. 1, C.D. 1, as contained in Gov. Msg. No. 532, seconded by Senator Sakamoto.

Senator Slom rose in opposition to the motion to override the veto as follows:

"As we discussed previously about this bill, this bill is an insidious increase in taxation, and particularly on the dead. It seeks to tax estates and decedents, whereas the federal government has no such tax at the present time. In so doing, it gives strength to the old adage 'death and taxes'; in this case, taxes are death. Thank you."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2866, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Baker, Fukunaga, Hemmings, Ige, Slom).

S.B. No. 2159, H.D. 1:

In accordance with Article III, Section 17, of the Hawai'i State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2159, H.D. 1, as contained in Gov. Msg. No. 527, seconded by Senator Sakamoto.

Senator Slom rose in opposition to the motion to override the veto as follows:

"Again, we continue the process of death by a thousand cuts. Here, we're talking about a traffic abstract fee which is now \$7. It's going to go to \$20. There's no relationship whatsoever to the cost of service, providing that fee, the cost of the employees, and the new fee. It simply is another tax and another revenue enhancement. Thank you."

At 10:08 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:08 a.m.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2159, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19; Ayes with Reservations (Kidani). Noes, 6 (Baker, Fukunaga, Green, Hemmings, Ige, Slom).

S.B. No. 2394, H.D. 1:

In accordance with Article III, Section 17, of the Hawai'i State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2394, H.D. 1, as contained in Gov. Msg. No. 505, seconded by Senator Sakamoto.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2394, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Galuteria).

S.B. No. 2501, S.D. 1, H.D. 1:

In accordance with Article III, Section 17, of the Hawai'i State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2501, S.D. 1, H.D. 1, as contained in Gov. Msg. No. 506, seconded by Senator Sakamoto.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2501, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Kidani, Nishihara). Noes, 2 (Kim, Slom).

S.B. No. 2650, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawai'i State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2650, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 528, seconded by Senator Sakamoto.

Senator Hemmings rose in opposition to the motion to override the veto as follows:

"We're in a technological era. This Legislature did what the Department of Health is attempting to do until this override, and that is bring some services into the 21<sup>st</sup> century with some technology. I was so proud that this Senate went paperless, but in doing so it made obsolete, and rightfully so, some jobs in the Printshop. But that's the nature of the evolution of humankind. Back at the turn of the 20<sup>th</sup> century, there was a fellow named Henry Ford; he made something called the assembly line. The people that made buggies and livery stables were very upset, but the economy and those working in those industries adjusted.

"The Department of Human Services is trying to provide quicker, easier access to their services through processing and using technology to do so, and as a result, as we did here in the Senate, jobs will become obsolete. In no way do we want to create unemployment, but we could, with intelligence and

regaining control of our public workforce, allow to take care of many of those jobs through reducing the workforce through attrition and moving people that want to stay employed at the State into other departments and other jobs. But we've lost that ability because of collective bargaining, so we'll do as they say and as a result, we're going to continue to spend money for what amounts to be sinecures. And I will tell you now this is eventually it will do for the State of Hawai'i what it's done for California and other jurisdictions that are facing financial plights worse than ours.

"I don't claim to be clairvoyant, but I think this vote will be not close. Nevertheless, I do hope that my words have not fallen upon deaf ears, and if you do consider giving back us—the State Legislature, duly elected representatives of the people—the ability to manage our own employees and to make adjustments that benefit everyone in the state, including public employees who in my estimation have passed the point of diminishing returns. So I'd ask my colleagues to sustain the veto, but I know it's not going to happen. I just thought it was worthy of note to explain this for future consideration. Thank you, Madam President."

Senator Chun Oakland rose in support of the motion to override the veto as follows:

"This measure authorizes the Department of Human Services to develop a pilot project to transfer intake, maintenance, and eligibility determination functions for the Department of Human Services benefit programs to an eligibility processing operations division. Recently, the director of Human Services announced the centralization of eligibility determination for DHS benefit programs under a new unified EPOD. Programs requiring EPOD eligibility determinations include the public assistance program, the supplemental nutrition assistance program, foster care services, and Medicaid services. Under the EPOD proposal, the department will close 50 eligibility offices statewide and replace them with two processing center sites, one in Honolulu and one in Hilo. Applicants and ongoing clients would not be seen in person at the two processing centers; rather, contact would be made by phone, fax, mail, or online. The proposed EPOD reorganization will result in 200 State workers losing their jobs. A well-conceived reorganization plan could reduce costs and speed up the eligibility determination process. The conscientious employees of the Department of Human Services welcome opportunities to continuously better serve the public.

"However, the proposed EPOD is not a well-conceived plan. Your Committee on Human Services has heard from hundreds of people from our community that EPOD is a hastily conceived proposal implemented with little or no planning and little or no consultation with stakeholders. EPOD does not address the needs and concerns of the clients or the communities, and if implemented as proposed, could have devastating results on the tiny provision of appropriate services. Especially impacted are the elderly, the indigent, those with developmental disabilities, and others who may not have access to or may not be proficient in the use of computers, the internet, facsimile machines, and other electronic devices.

"According to the director of Human Services, EPOD is based on a Florida model. Florida recently modernized its eligibility determination systems for the public assistance and food stamp programs over a three year period, not a few months as proposed by the Department of Human Services. A recent evaluation of these efforts in Florida found that the inflow of cases decreased in counties with fewer access points, and payment errors increased. Furthermore, simulations suggest that the strongest negative effects were observed among the elderly and the African American and Hispanic populations. Based on these findings it was concluded that states who are interested in implementing such an EPOD system should



proceed with caution before adopting similar modernization proposals.

“S.B. No. 2650, C.D. 1 provides that necessary measure of caution. It halts the implementation of the EPOD reorganization on the neighbor islands, where there are fewer resources for the people of those islands, and establishes a pilot project on O‘ahu to develop an eligibility processing operations division. This pilot project will have the benefit of input from stakeholders, and it will be evaluated for effectiveness before it is applied statewide. Significant improvement in customer service and general fund savings can be realized from a well-conceived eligibility determination system. The pilot project established by this bill provides the opportunity to develop such a system. So colleagues, I do urge you to please override the Governor’s veto. Thank you.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2650, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

S.B. No. 2840, S.D. 2, H.D. 1:

In accordance with Article III, Section 17, of the Hawai‘i State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2840, S.D. 2, H.D. 1, as contained in Gov. Msg. No. 521, seconded by Senator Sakamoto.

Senator Bunda rose in support of the motion to override the veto as follows:

“Colleagues, please don’t be swayed by the arguments that the bill is unconstitutional. Laws giving preference to local residents for work funded by the state taxpayers have been pronounced constitutional if they are already substantially related to the important goal of reducing unemployment. Last year, we lost nearly 5,000 construction jobs, and the March statistics indicate a 6.8 percent unemployment rate and our unemployment trust fund may soon run dry. We have a qualified, skilled labor force that needs to get back to work. Surely the administration can formulate rules that can provide guidelines to perspective bidders. The administration contends that most mainland firms hire local laborers anyway, so how much of a headache can it be if the law would affect only a minority of perspective bidders?

“Opponents of the bill say it is an insult to the construction industry, yet a recent *Advertiser* commentary insults local applicants who are not hired for these jobs because ‘in far too many cases, they simply don’t cut it.’ Who is insulting who, Madam President?

“Our efforts here in Hawai‘i are part of a national and international effort to keep it local when awarding government contracts. Local workers across the country are calling for governments to keep it local. The *Honolulu Advertiser* editors call it xenophobic; I call it a matter of survival. We encourage consumers to buy local whenever possible to support our local agricultural industry. We promote our local products on the mainland and abroad as ‘made in Hawai‘i.’ We spend millions of dollars marketing the local culture of the islands. Why don’t we demonstrate the same level of commitment to the preservation of local public works projects for our local labor force? Local jobs for local people means that money made in Hawai‘i stays in Hawai‘i, and that is still a very good thing, Madam President. Thank you very much.”

Senator Sakamoto rose in opposition to the motion to override the veto as follows:

“There’s no question that we want jobs, local jobs, and there’s no question that that’s predominantly the case here. At least I have and I believe all of us have received information and letters asking us not to support the override. These are from well-known local contractors, union contractors who hire predominantly local people. But let me just read part of their objection because nobody is against jobs for our people, but there are some parts of the measure that are problematic. It says:

The bill itself appears to be flawed and contradictory. Paragraph 3(b) states “eighty per cent requirement under subsection (a) shall be determined by dividing the total number of hours worked on a contract by residents, by the total number of hours worked by all employees of the contractor in performance of the contract.” However paragraph 3(c) states “certification of compliance with this chapter shall be made under oath by an officer of the contractor to the procurement officer on a monthly basis.” So if the total number of hours worked on the project including those of its subcontractors by residents and all employees will not be known until the project is completed, how is the contractor to certify under oath each month that it is in compliance with the chapter? For example, if during the first month of a project the contractor brings in a subcontractor with only non-Hawai‘i residents to do soil nailing work—and I’m not personally clear what that is, but apparently this contractor does—the contractor will not be able to certify for the first month that it is compliance with this chapter even though, through the end of the project, it will use enough Hawai‘i resident hours worked to eventually comply with this chapter.

The bill requires monthly calculations and sanctions for failing to comply with these certifications. These sanctions include temporary suspension of work, withholding of payment until the contractor complies, disqualification from any further work on the project, and all which leads one to believe that the certifications will be looked at on a monthly basis even though the requirement is based on results at the end of the project, a major contradiction, a major problem.

These provisions will lead to increased cost in certifications, verifications, and administration, which would all be passed to Hawai‘i residents. As a contractor, I prefer our people concentrate our efforts on project safety, quality, efficiency, and enhancing the public’s and the agency’s appreciation for hiring us to help fulfill the needs, not doing this kind of documentation and calculations about our workforce as well as for all of our subcontractors each and every month, especially when all of our—this company’s—employees are all Hawai‘i residents anyway. What a waste of time and money.

“This other contractor says:

S.B. No. 2840 has been labeled a job creation bill by the Legislature. What type of job does it create? It doesn’t really create a ‘new job’ since the construction job exists only when the government needs something to be built. The only job created at this point is more bureaucracy and paperwork to check whether the worker is ‘local’ or not.

This bill is actually a job protection bill. It is an embarrassing admission by our unions to the general public that there could be something lacking in our local union workforce and construction companies. It can be construed to mean that local workers are either not qualified, not motivated, or class B workers.

I totally disagree with the above assessment. Our company, we are qualified, motivated, and as good if not better than any out-of-state union workers. What an insult to our men and our company, as this company does not want to be restricted by the 80 percent work done by local workers. If an out-of-state company wins the contract fairly, then we should step back and study why they're able to be the successful bidder. Did they have better technology, methods, experience, planning, or other options that made them successful? In life, learning never stops, and in business it should be the same. This bill was vetoed by the Governor and should not be reconsidered. No restrictions should be placed on bidding, hiring and procurement, etc., etc.

"Bottom line, Madam President: These companies that have written to us by fax and e-mail are hiring our workers, local workers. Many of the contracts that hire other workers perhaps are federal contractors. If we put bridles, tethers on our local companies, will they be on the same even playing field to compete with other companies that don't have those bridles and tethers? So I'd ask our members to thoughtfully consider, as one of these testifiers stated, 'This does not create new jobs.' This creates burdens for our contractors, especially our local contractors because they like to comply with the law, and they will if they have to but these are unnecessary burdens, and I think we should go forward and say, 'Yes, local jobs, local people through education, through helping our local contractors be competitive.' So I ask our members not to support the override. Thank you very much."

Senator Kim rose in support of the motion to override the veto as follows:

"Madam President, I'm very concerned about what was raised by the previous speaker, the good senator from Moanalua, but it bothers me that this measure came to my committee and I did not get any testimony from any contractor. I did not get any phone calls or any of these concerns were raised during the process in which we heard the measure. And if in fact these concerns raised are true, then we can come back next session and fix it. But again, you know, I didn't receive anything; I don't think the subject matter received any of these concerns, and it's raised at this late date. And so, we can always come back next session, and if they are in fact concerns, then hopefully we can fix it. Thank you."

Senator Slom rose in opposition to the motion to override the veto as follows:

"First of all, let me say that I don't question the motives of the supporters of this measure, but I think they're ill-founded. If we're talking about jobs—as we should because that's the number one problem facing our community, our state, and our nation—it doesn't take a task force or a study or an investigating committee to find out why we are destroying jobs instead of creating them. All we have to do is look at our tax policies, our fee policies, our regulatory policies, all of the things—and employer mandates (we can throw that in as well)—all of the things that add cost to any kind of project, private or public. When we look at the cost of public projects and we compare them with public projects, say 10 years ago or 20 years ago of a comparable nature, we find that the costs have escalated geometrically; and the reason for that is all of the

additional legislation and oversight. Everybody wants to tell the contractor what to do, how to do it, who to hire, what to pay, the benefits, and so forth without taking the risk of being in that business. It's no secret that the costs of construction, both private and public, in Hawai'i are substantially higher, substantially higher, than the mainland.

"Now, certainly we want local jobs, but as the good senator from Moanalua pointed out, we're not really creating any jobs. We're taking the pie and we're re-dividing the pie instead of encouraging the baking of additional pies and additional revenues and additional jobs. And yes, there are some jobs specifically that our workers do not qualify for, not because they're inferior workers, not because they don't have a work ethic, but because either they don't have the experience, the training, or the government required licensure or certification. It's interesting because the largest public works project in Hawai'i history that's being discussed, the \$6 billion train to nowhere on O'ahu, would require workers to be imported from outside the state because very few local workers have had any of the experience required to develop a rail transit steel-on-steel system. That's a fact. That's not being discriminatory against local workers or saying anything negative. This Legislature over the years has increased funding for employment programs and training, but there are just some areas that we can't compete in and don't have the training for because we don't have the same kinds of projects, and that's a fact of life.

"On the issue of constitutionality, I think the jury is still out on that whether or not this particular bill would pass muster. I know the hired gun for the Legislature—who always says everything is constitutional here when the Legislature does it—has one opinion, but there are other opinions in this community and certainly nationally.

"But that's not the most important issue. To me, the most important issue is jobs. Are we going to create additional jobs, additional opportunities, or not? I fear that this state has gone in a very poor direction, particularly within the last 5 or 10 years. We have become more and more provincial. It has become us versus them. We use racial and ethnic descriptions instead of saying, 'Hey, let's all work together to improve our economy and improve everyone's wealth.' Instead, we pit individuals and classes against one another. 'Local jobs for local people' is a wonderful saying. Buying locally is a great practice. We should all encourage it. We should do it to the extent that we can. But the fact of the matter is whether we're talking about buying things through the internet or buying things that we just cannot get here because they're not here, unless we all change our habits and decide we are going to go backwards in terms of our standard of living, the fact of the matter is we're talking about a global economy and we're talking about a global workforce, and our job should be to train our students, train our workers, train our companies to compete the best they can. But in fact when they cannot compete because of the very laws that we pass that put us as a disadvantage, the answer would seem simple even to a fifth grader: Change those laws. Don't pass more burdens on local businesses and local employees. But we want it both ways. We want the laws to micromanage, and then we want to make sure that local taxpayers and residents, besides being overtaxed and overburdened, will pay the highest price, the monopoly price. They won't get choice. They won't get selection. I won't even go into quality. That's not an issue here, but cost certainly is. When we're trying to, as we say, tighten our belts and balance our budgets, we should be looking at the best possible prices, at the same time trying to improve our economy and improve the opportunities for local people.

"By the way I have a problem, maybe I'm the only one, but I have a problem with this bill—not only it being complex and confusing—when we start getting down to our favorite topic:

local. Who is 'local'? What is 'local'? You know, we talk about reaching out. We talk about Hawai'i being a beacon, on the forefront of new technology, new ideas, alternative energy, robotics, STEM—all of these things, but the fact of the matter is when business people look at Hawai'i, they see a place where a government first offers credits to induce people to come here and then snatches them away in the middle of producing jobs and investment and resources. They see the high taxes. They see the high mandates. They see the unfairness between taxpayers living and dead. And what do they make of this? And that's why, as I said earlier, when you look at the national comparisons of Hawai'i as a place that someone would want to do business—someone would want to move their family here, someone who wants to have jobs, someone who lives here already that wants to stay here—when you look at all of the comparisons state by state, where are we? We're at the bottom of the ranking. Always; 48<sup>th</sup>, 49<sup>th</sup>, 50<sup>th</sup>. Always. It's not new. We don't need a study. We don't need a task force. We know what we're doing here. My colleagues enter into these things with their eyes wide open. We have some very brilliant people in this legislative group, both in the House and the Senate, and yet it's not common sense or rationality that we're passing.

"Oh, and by the way, for the edification of the Ways and Means Chair, perhaps the reason you didn't get any additional or direct testimony—I mean everybody's been debating this bill since it was introduced. We've had TV and radio and print commercials about it. Everybody's discussed it, but perhaps the reason you're not getting the testimony that you would have thought is because so many people in this community have given up, and they've given up on us. And I guess all they got to do, really, is look at our voting records: 23 to 2, 24 to 1. Even though there's discussion here, there is a perception that the deal is done, that the vote is not going to be changed by anything that anyone testifies to because, if that were true, we've had businesses talk here. We had them talk about the unemployment compensation rates and what it does to jobs, and we don't listen. We still raise the rates, sometimes by factors of 9 or 10. So a lot of people have given up. I know the senator from Moanalua and I urge people, 'Don't give up. Get involved in the process. Come here.' You know, shut down your business, take the time to be here for 4, 5, 6 hours to be given your 30 seconds of testimony and then to have the committee vote totally against you anyway. But we don't give up, and that is the process and we believe and we support the process, but it's a daunting feature for anyone from in state or out-of-state. And believe me, the workers that I've talked to, they want the jobs and they want the opportunities. They're saying, 'We're good enough.' But as the good senator said, 'Take off the tethers. Take off the restrictions.' And we should be able to get it that way, but so far we haven't, and unfortunately this bill, as well-intended as it is, is going to harm us even more.

"By all means, educate people to have local jobs or local agricultural products or local anything else, but when you start forcing, when you start making things compulsory and mandatory, that means that your argument was not strong enough. And in the past we've tried to have local preferences for all kinds of things, which I think is demeaning and patronizing to our local residents and particularly our local workers. So I would urge you to consider your vote; even though it's got a snappy name to it, the realities are much more cruel and harsh. Thank you."

At 10:46 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:55 a.m.

At this time, the following late introduction was made to the members of the Senate:

Senator Gabbard introduced another group of 5<sup>th</sup> grade students from Leihoku Elementary School who were accompanied by their teachers Brittany Bednarczyk, Tim Boyer, Chanel Wong, and Martha Sarmiento.

At this time, the Chair made the following announcement:

"Members, we are on S.B. No. 2840. Is there any further discussion?"

At 10:56 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:57 a.m.

At this time, the Chair made the following announcement:

"Members, again, we are on S.B. No. 2840. Is there any further discussion?"

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2840, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Baker, Nishihara). Noes, 3 (Hemmings, Sakamoto, Slom).

H.B. No. 1642, H.D. 1, S.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawai'i State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 1642, H.D. 1, S.D. 2, C.D. 1, as contained in Gov. Msg. No. 507, seconded by Senator Sakamoto.

Senator Slom rose in opposition to the motion to override the veto as follows:

"You know, initially, in discussing this bill, not being in the committee and all, it seemed like it was an innocuous bill and there were very few objections to it. But in reading more, particularly the testimony, and talking to more people it became quite apparent after the initial vote that what this bill really is about is barriers to entry and competition, and also it's really special legislation for one entity to do more business with the delivery of health and human services. So, after scrutinizing this more, learning more, reading more, listening to more people, I am forced to say that this is a bad bill and I will be voting to sustain the veto. Thank you."

Senator Chun Oakland rose to speak in support of the motion to override the veto as follows:

"Can I just ask the Clerk to please enter my written remarks into the Journal in support of the override?"

The Chair having so ordered, Senator Chun Oakland's remarks read as follows:

"I rise to speak in support of H.B. 1642, H.D. 1, S.D. 2, C.D. 1.

"In 2008, two for-profit companies bid for, and were awarded, the QUEST Expanded Access Program contracts. However, these companies were not required to include in their contracts all costs and taxes they would incur. Under a pre-tax provision agreed to by the Department of Human Services, the state administration rebates these companies approximately \$25 million, which these companies will be able to use to pay their insurance premium taxes. This means that the State will be paying millions of dollars more than the contract amounts. This is clearly an unacceptable expenditure of State funds—especially in these difficult economic times when many critical services are being cut due to a lack of funds.

“This measure addresses the situation by requiring that all bid proposals include all costs, fees, and taxes, and that any award or contract be for the amount of the proposal with no additional payments, rebates, or direct or indirect consideration. Thus, this measure will ensure that QUEST Medicaid contracts are transparent, with no hidden costs or benefits to the successful bidder. Additionally, this measure ensures that all bidders to such contracts are licensed to conduct the business required under the contract.

“Opponents to this measure will say that it will lessen the federal contribution for these services. This is not true. This measure will not affect the amount of federal matching funds the State receives for these important services; it will only ensure that in future contracts for these services, the State pays only the contract amount. Opponents to the measure have stated that it will put local residents out of work. This is also not true. This measure applies only to future bids and not the current contracts. Moreover, this measure will level the playing field for all bidders, including local service providers and for profit and not for profit providers.

“Colleagues, times are difficult enough for the many people that require the services provided under health and human services contracts and the many entities that provide these services. This is clearly not a time to be wasting money. This measure provides important safeguard and important cost containment assurances in the procurement process for health and human services. I urge you to support its passage to ensure transparency in the procurement process and a level playing field for all bidders of these essential services.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 1642, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PURCHASES OF HEALTH AND HUMAN SERVICES,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Senator Nishihara requested a late introduction in order to introduce his staff members Kanani Souza, Ryan Akamine, Priscilla Kubota, and Bert Warashina.

H.B. No. 1868, H.D. 1:

In accordance with Article III, Section 17, of the Hawai‘i State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 1868, H.D. 1, as contained in Gov. Msg. No. 479, seconded by Senator Sakamoto.

Senator Slom rose in opposition to the motion to override the veto as follows:

“This is a particularly obnoxious bill because what it does to civil service employees has never been done before, and that is, it says that civil service employees who take a leave of absence to be appointed to another State position—most of whom are with the executive branch—cannot then return to their civil service status unless they are union members and covered by collective bargaining. This has not happened before with the chief executive, to my knowledge, and it is, as I say, not worker-friendly. I don’t know what we have to gain by disallowing people to return to their jobs, but in any event, I know it won’t be a precedent-setting piece of legislation if there is a change in party leadership at the state level this year. Thank you.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 1868, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL SERVICE,” was overridden by not less than two-thirds vote of

all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

At this time, the following late introduction was made to the members of the Senate:

Senator Taniguchi introduced Carol Takamine, his good friend from the Big Island and wife of Senator Takamine. Also recognized were three staff members: Katelind Ikuma, Lauren Hall, and Kaleihikina Akaka.

H.B. No. 2085, H.D. 1, S.D. 2:

In accordance with Article III, Section 17, of the Hawai‘i State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2085, H.D. 1, S.D. 2, as contained in Gov. Msg. No. 529, seconded by Senator Sakamoto.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2085, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

H.B. No. 2086, H.D. 2, S.D. 2:

In accordance with Article III, Section 17, of the Hawai‘i State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2086, H.D. 2, S.D. 2, as contained in Gov. Msg. No. 530, seconded by Senator Sakamoto.

Senator Slom rose in support of the motion to override the veto as follows:

“As consistent as the Minority has been, when we support something, you know, we will continue to support it even though there’s a veto, so I do rise for that purpose.

“But Madam President, for my colleagues, I wanted to introduce something into the record because I know they’ll be really interested in this: The number of vetoes and the veto overrides since statehood, particularly from 1962 to the year 2002, of all of the vetoes there was only one override, and there were members of both parties in the Senate at that time and yet only one veto override. You may recall that. It was a historic moment in the year 2002, because it was the age of consent bill, but none prior and none since until the new governor. And when she took office, in the first session, 2003, there were 50 vetoes, 6 were overridden. The next year 38 vetoes, 7 overridden. Then 28 and 12; 32 and 0. That was, I don’t know. Maybe some of our members were on a special airlines trip to somewhere or something, but no vetoes that year. But we went back. In ‘07, there were 42 vetoes, 19 overrides; 58 vetoes in 2008, 18 overrides; 2009, 57 vetoes and 38 overrides. So I just wanted to let you know—by the way, in 1995, when Governor Cayetano first took office, he vetoes 83 bills and there were no overrides. So I just wanted to put that in the record and keep that in perspective because I know we love data around here. Thank you, Madam, President.”

Senator Hemmings rose in support of the motion to override the veto as follows:

“I do it for only one reason, or besides the bill being a good bill: Regarding statistics, I wanted to see if the Clerk could count past 23. Thank you, Madam President.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2086, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CARE DATA,” was overridden by not less than



two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

#### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 2646, S.D. 1, H.D. 2, C.D. 2:

Senator Fukunaga moved that S.B. No. 2646, S.D. 1, H.D. 2, C.D. 2 pass Final Reading, seconded by Senator Hee.

Senator Galuteria rose in support of the measure as follows:

“Colleagues, as the senator representing the world-famous Waikiki Beach, I feel compelled to contribute my thoughts about this measure.

“You all may remember earlier in the session we invited some of our most accomplished surfers here to spend the day with us at the Capitol and honored them with well-deserved recognition for their contributions in promoting the cultural significance of the sport of surfing, he‘e nalu. These men have excelled and achieved in the world of surfing. But colleagues, where would we be without our natural resources to practice, play, and compete in? Our natural resources, our beaches, the jewels of our islands—we must do our part to promote and elevate the stature of our beaches, and a designation as a surfing reserve would, in my opinion, do so.

“Now, this measure will allow for recognition; assist in placing appropriate signage to commemorate our extraordinary surf sites; would promote federal, State, and county collaboration in nourishing and protecting Hawai‘i surfing reserves; and while this measure intends to accomplish all this, what it will not do is mandate regulations or place restrictions on any water activities, surfing or otherwise.

“The promotion of the long-term preservation of Hawai‘i surfing reserves is an achievable goal and in time, perhaps with collaboration, we can add other breaks to the list. While other countries have forged ahead to designate their surf breaks in this manner, we have not yet done so. And we know and rightfully take pride in the fact that surfing, the sport of kings, was born in Hawai‘i and that we have the world-class, undisputed best surf locales in the world. So colleagues, lets recognize these surf reserves by passing this measure. Thank you, Madam President.”

Senator Hee rose in support of the measure as follows:

“Madam President, would you ask the Clerk to have the thoughts of the 1968 world champion surfer and author of this legislation entered into the Journal as my own?”

The Chair interjected:

“I’m not sure we’ve heard from him yet. Does the 1968 Champion wish to speak or is Senator Galuteria the 1968 World Class Surfing Champion? Anyway, it’s so ordered.”

The motion was put by the Chair and carried, S.B. No. 2646, S.D. 1, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES,” passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### MISCELLANEOUS BUSINESS

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 123 to 126) were read by the Clerk and were disposed of as follows:

S.R. No. 123 “SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY,” was offered by Senators Hooser, Hemmings.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, S.R. No. 123 was adopted.

S.R. No. 124 “SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK’S DESK,” was offered by Senators Hooser, Hemmings.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, S.R. No. 124 was adopted.

S.R. No. 125 “SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-FIFTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF,” was offered by Senators Hooser, Hemmings.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, S.R. No. 125 was adopted.

S.R. No. 126 “SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE,” was offered by Senators Hooser, Hemmings.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, S.R. No. 126 was adopted.

At 11:16 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:20 a.m.

At this time, Senator Green rose to make the following request:

“Just a brief request: I neglected to submit a one paragraph statement in favor of H.B. 2774 yesterday. May I be allowed to include that?”

The Chair responded:

“If there are no objections from the members, so ordered.”

At this time, Senator Tokuda rose on a point of personal privilege as follows:

“On behalf of my family, I would like to sincerely thank all of you for your patience, support, and overwhelming acceptance of my sons, Matt and Aden, these past two years. I fully appreciate how fortunate I have been to be able to care for my sons here at the Capitol while continuing to serve the people of my district. Not many working mothers have that option, and it has been a privilege that I have taken very seriously. Not so long ago, a female legislator having a child would have been frowned upon by her colleagues and even viewed as a liability by voters. But thanks to trailblazers like my good friend and former representative Kate Stanley, and our very own Senator Suzanne Chun Oakland, things are very different for women like myself.

“That being said—and clearly he [son Aden crying] has a point of view as well—I have also come to realize that while we have come so far in preserving equality, we must remember that too often perception is more powerful than reality. We must continually exercise our rights to remind people that we have and need them at all. When I was pregnant with Matt, I had a meeting with a CEO of a large company in my district. During the course of our discussion, he asked me if I planned to leave office after giving birth to take care of my son and care for my family. Well, that kind of thinking shocked me because we are, after all, in 2010, not 1910. It served as a reminder that we must be ever vigilant about the rights and responsibilities we

have as women leaders in our community. Like my female colleagues here in the Senate, we all hold important roles other than that of senator. We are wives. We are mothers, grandmothers, sisters, daughters, and caregivers. We all juggle priorities and family responsibilities, whether it's care giving for loved ones or raising a child or grandchild, and our families are a part of who we are. They shape our perspectives and oftentimes guide our decisions as we ask ourselves, "What do we want to leave behind for them?"

"I am a better person and a better legislator because of my sons. I now see the world through baby food-stained glasses that are often smudged with spit-up and speckled with visions of Elmo, but I can honestly say that things have never been clearer for me. The work that we do, the future we build, and the past that we preserve for our children has become all very clear to me as a legislator and as a mother.

"I want to thank all of you for your constant support and encouragement these past two years and to further extend our family's thanks to the greater Senate 'ohana, who have all taken turns strolling, carrying, and spoiling my two sons. I would especially like to thank my office staff, Darlene, Kamakana, Vaughn, and Barbara, and Rachel for making this difficult work-life balance possible for a new mother like myself and for helping me to serve the people of my district. In talking with others, it is clear that your acceptance and support for my family situation has sent a positive message to many others outside of this building. I have spoken to so many other women who have expressed their concerns and apprehensions about starting and raising a family while maintaining their careers. This body's understanding and appreciation for our role as parents can serve as a positive model for other establishments and remind young women everywhere that they can and should do it all.

"And I should also point out I think that the good senator from Mililani had an offer she made to me a few months ago about the Food Bank, and Aden would like to know if that still stands. Again, thank you very much to all of you. Mahalo."

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

"Several weeks ago, I asked the good senator from the Windward side that if she would allow Aden to be heard on the microphone when he cried that I would donate \$50 to the Hawai'i Food Bank. And although the drive is over, thank you, Aden. Thank you, Hawai'i Food Bank; you got my fifty bucks."

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

"Madam President and colleagues, it has indeed been a personal privilege to rise on this Senate floor many times in the past. It was an immense privilege to preside over this Senate body for six years and to work alongside most of you as partners for most of that time. Today, I rise one last time to thank this body for the privileges extended to me over the course of my legislative career. I would like to extend the same mahalo to my colleagues in the House. I am grateful for the friendship and fraternity I experienced there over the years. Most of all, I would like to express my gratitude to the people of my district for supporting me and re-electing me for 28 years. I am deeply touched by their faith and trust in me as a legislator.

"Back in November 1982, there was a tidal wave of new members elected to the Legislature. There were 20 new faces in the House of Representatives. Some of us came with political experience, and some, like me, came with not much more than an eagerness to learn and to make things better for our community. Only three of us from that class of 1983 are still here today: Senator Donna Mercado Kim, Senator Clayton

Hee, and Speaker Emeritus Representative Joe Souki. Madam President and colleagues, if you'd like to see what they looked like back in 1983, I have a picture of all of us, and yes, all three of us, back then, we had lots of hair. I had a mustache and Senator Hee had a beard and mustache and Senator Kim had a full set of hair. Back then, Madam President, salaries were in the range of about \$8,000 a year, and campaign spending rules were not as strict as they are today. Some of us awarded scholarships to deserving high school students, some of us gave generously to our favorite charities, and some paid their laundry bills for the suits that we were required to wear on the job. The media paid much closer attention to the Legislature than they do today. I can remember when reporters attended our Majority caucus and even recorded our conversations. Capitol reporters were an integral part of the political process, and I thank them for keeping us real.

"Colleagues, this is my last session as a legislator. I take with me memories that are priceless. I also take with me 28 years of experience that I hope to apply to the challenges ahead. I wish all of you the best. May your budgets be always balanced and unanimous consent happen more often than not.

"I would also like to say good luck to you, Madam President, in your current bid for Congress, and to welcome Senator Sakamoto and Senator Hooser to a mutual pursuit of higher office.

"A special aloha and congratulations to Senator Hemmings as he prepares for re-entry into private life. Senator, it's been a privilege and a pleasure to serve with you across the aisle for many years.

"Last but not least, mahalo to my staff for their support and loyalty.

"Colleagues, I believe politics is all about relationships amongst us here and between the Legislature and the people of the State of Hawai'i. I, for one, could not be more grateful for the relationships here that have endured, and look forward to connections yet to come. Mahalo and aloha. Thank you."

The Chair then said:

"Senator Bunda, you sort of jumped the gun on us, but I think it is only appropriate that the President Emeritus start off. So, Senator Espero, why don't you begin; and after you're done, then we'll ask Senator Fukunaga to do the honors as well on behalf of the Senate."

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

"Today we honor and recognize Robert Bunda, State Senator from the 22<sup>nd</sup> senatorial district, which includes Mililani Mauka, Wahiawa, Hale'iwa, Mokule'ia, and North Shore, as he is retiring from the Senate after serving 28 years in this legislative arena.

"First elected to the House of Representatives in 1983, he served as a representative until 1994 when he was elected to the Hawai'i State Senate. During his legislative tenure, Senator Bunda created Hawaii's first ocean management plan and was co-creator of the Hawai'i Hurricane Relief Fund. So it's him to blame, folks, okay? He served as the only legislative member of the governor's task force on educational governance and as Senate President from 2001 through 2006. And from the Filipino ethnic perspective, I believe he is the first and only Filipino American to serve as the president of any state Senate in the United States.

"Senator Bunda is a 1974 graduate of Texas Wesleyan College with a Bachelor of Science degree and pursued graduate studies at the University of Dallas. He served in the United States Air Force, the Texas Army National Guard, and

the Hawai'i National Guard. Senator Bunda has numerous community and civic affiliations including membership in the Wahiawa Community and Business Association, Wahiawa Lions Club, Wahiawa General Hospital, and as a director of the West O'ahu YMCA, and president of the Eames Kumiai Association. In addition to his legislative career, Senator Bunda is an independent businessman. He has been an insurance broker since 1979, and prior to this was a banking executive from 1973 to 1979.

"The Senate of the 25<sup>th</sup> Legislature, State of Hawai'i, Regular Session of 2010, hereby expresses its appreciation to Senator Bunda for his outstanding service and dedication to the State Legislature and to the people of Hawai'i.

"As a body, four of us will be leaving (maybe five), and that's going to be a big loss, and I for one had the honor of serving with Senator Bunda, a friend, a colleague, a mentor, and of course our other colleagues. I wish you all the best of luck in all you do, and we certainly will see each other again. Aloha."

At this time, Senators Espero and Fukunaga presented Senator Bunda with a certificate and a lei.

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

"I'd also like to add my congratulations to Senator Bunda, having as he said earlier, come in the same time, the same class, in the House of Representatives. We have spent many years together in the world of public service and certainly when I came over from the City Council, here to the Senate, it was Senator Bunda that corralled me and shepherded me here on this floor. And while we've had our ups and downs as usually people who have spent that many years together, I sincerely would like to wish him the best and congratulate him and also to his family. Thank you."

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

"Thank you, Madam President. As shy as I am, let me say first of all that Senator Tokuda has been a role model for all of us and we congratulate her on baby Matt and baby Aden. The problem is, Senator, you didn't realize the reason that Baby Aden was kicking you, screaming, and pushing away is because he read your votes and the bills and the taxes and the debt that this Legislature has brought us. But other than that, we're very happy that you have two healthy children.

"Let me also say that Senator Bunda is a gentleman. He always treated the Minority with respect, as do you, Madam President, and for that we appreciate that. It is amazing that the body of experience and knowledge that will be leaving this legislative body.

"And one of the people that we're also going to salute today is my colleague, Senator Hemmings, who is completing 16 years of legislative experience—6 in the State House, 10 in the State Senate. He also has been very active in community service and leadership. He was born in Portugal; however, we have not been able to verify his birth certificate. So, at the moment, he remains a son of a Portuguese family.

"He is truly one of the great athletes in America. He has been recognized as one of the great athletes in Hawai'i as a waterman, as a surfer. He is the one that can take responsibility, although he is very modest about this, for making professional surfing into the worldwide sport that it is today and the interest that people have and the encouragement to young people as well. He's done that. I think, however, as I say, he's very modest but I think that he would say that probably his greatest achievement was surfing tandem with Senator Kim. I think they argued for quite some time as to who was going to be on top, but they finally resolved that. She had

then and does now have plenty of hair, so that was not an issue at the time.

"Senator Hemmings has represented the Kailua and Windward side, District 25, as well as parts of Hawai'i Kai. He's done it admirably and respectfully, and we all know that when Senator Hemmings rises to speak, we know that at the end we'll either laugh or cry; and as his colleague, I never know what the hell he's going to say when he gets up either.

"But he's a great, involved citizen; and I know there's been a little bit of controversy recently about who should get the credit for the establishment of the Northwestern Hawaiian Islands as a preserve. No one in this Senate has done more than Senator Fred Hemmings to ensure that that came about; and I guess the proof is always in the pudding as to how it's finally solved. Under his tutelage, we have that great preserve right now.

"I think that it's important to note that he has been involved in sports for quite some time. He did, of course, play on several famous Punahou football teams. I know there was a question but the answer is yes, he did wear his helmet at the time. He has been engaged in helping young people and mentoring them throughout his career. He has a sports marketing business, and he has a new-found adoration for the good Senator from He'eia and parts beyond on the windward side.

"I think that of all the things that he has done, however, he will be remembered as a person who is unafraid to stand up and give his point of view, and it's been a well-reasoned and rational point of view. It's hard, sometimes, for us to stand up, knowing what votes are likely to be, knowing what the numbers are, the simple math. But we firmly believe that we have to represent the people that count on us and those other views, and Senator Hemmings, I think, has done that throughout his career.

"So, on behalf of the Senate, it gives me a great deal of pleasure to present him this certificate from all of his colleagues. Thank you, Madam President."

At this time, Senators Slom and Kidani presented Senator Hemmings with a certificate and a lei.

Senator Slom continued:

"Madam President, I did want to add: There've been so many questions swirling around Senator Hemmings. His twin brother is Sonny of Kapolei. Sonny did not serve in the Senate, but Sonny is a champion surfer as well. Thank you."

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

"I always thought it was hard to follow Sam Slom. It isn't. I thought the senator with the baby was regretfully announcing she was departing. She isn't.

"I would like to, however, before saying a few words about Fred Hemmings, congratulate my friend Bobby Bunda because he's correct. I guess there's four of us. There used to be five, but Rod Tam has his own future ahead of him, so that's four; and I guess with Rep. Souki and Senator Kim and myself, that will be three. I think I still have the most hair, by the way, although clearly not as much as we did in '82, but congratulations to you, Bob.

"The first time I saw Fred Hemmings, I disliked him immediately. I was a young kid at Kamehameha who went to Kamehameha for one reason: to play ball. And my father used to schlep my brother and me, whether it was Friday or Saturday, to Old Honolulu Stadium, and we used to watch when Kamehameha played Punahou, quarterbacked by Charlie Wedemeyer. I was a young kid, and I saw this guy who was perhaps the greatest athlete on the football field in Charlie Wedemeyer. I disliked him, too. But I disliked that linebacker who played for Punahou because he was so good at what he did.

I can't remember and it doesn't matter if Punahou won, but I do remember Fred Hemmings as a middle linebacker for Punahou. In my lifetime, he's perhaps the first of a great generation of Punahou linebackers. During my time, I played against one of the best in Kale Ane, also a middle linebacker. In those days, you had to give your jersey back to the school when it was done. In the case of Kale Ane, I remember the trainer giving me the jersey because it was ripped to shreds because I played center that particular day against Punahou. And we've seen in our own lifetime the latest of great linebackers in Manti Te'o from Punahou. But Fred Hemmings was the first of the great linebackers at Punahou that I was privileged to watch, and I disliked him from that day.

"I think as younger than the honoree, we watched him as he became a world champion surfer; and I think it's typical of all local boys and others that we take great pride in the accomplishments of others from Hawai'i. That was seen with Buffalo Keaulana, Clyde Aikau, and all the rest that we honored this year because it lifted us a little bit higher in seeing one of our own accomplish such great feats and bring a little bit more pride to us as local people, and Fred did that. By becoming a world champion surfer, he made all of us prouder to be from these islands.

"As a legislator, the first time Fred and I got into a tangle was when I sat as Judiciary Chairman in 1987; and Fred then was in the House, and he's very passionate about his belief to reform the judiciary. And through all the arguments and disagreements, at the end of the day the Judiciary was reformed. I remember a member of the Judiciary during those days say to me, 'The way to get rid of your enemies is to make them your friend.' I disagreed with Fred then, as I disagreed with Fred when I came back to the Senate in 2005. I remember you, Madam President, asking me if there was a hormonal imbalance between Fred and me and as the reaction was clearly driven by testosterone. There's probably some truth to that.

"But through the years, I have come to appreciate my friend, the ideological salmon, swimming upstream against all odds. I have come to appreciate his correctness in his criticism of the Department of Education, and I think that this session he has made it easier for me to join in that criticism. I regret, quite frankly, that that voice will no longer be in the Senate. I have come to appreciate his criticism of Hawaiian Electric because he is correct. There are many things about Fred Hemmings that I appreciate, and I have asked him several times to reconsider because when that voice is muted, I cannot think of a single person who will take that place.

"I am honored, Fred, to be your friend. I am honored to have served with you for several decades, off and on, but most of all, I am honored that you have extended your arm to me in friendship, and for that I will be always grateful. I am as hard-headed as you can be, and I have great appreciation and aloha.

"There's one thing about Fred that has come across loud and clear to this Hawaiian: that he has always appreciated his place in these islands. I asked him when the surfers were honored to stand with them as a champion. He declined. He said, 'I'm not Hawaiian.' Fred, you are as Hawaiian as all of us, and for that, I say mahalo to you from one Hawaiian to another.

"Madam President, I have a certificate signed by all of us, and I would like to ask Senator Kim to present a lei to the honoree at this time. Thank you."

At this time, Senators Hee and Kim presented Senator Hemmings with a certificate and a lei.

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

"That's a very hard speech to follow—Senator Hee, you are always so eloquent—but I would be remiss not to say a few words.

"Certainly, I too have had the pleasure of serving with Senator Hemmings in the House, and we too have seen many, many years together. However, I've had the unique opportunity to serve side-by-side with him on a radio show called *Equal Time*, and unlike this body, where we stand up and give our remarks and we argue and we debate, on the radio show it was bantering back and forth every morning. And finally I had to give up because he was relentless. And it was very difficult to start every morning on that argumentative note that we had, but the people loved it, and even to this day I get phone calls asking me whether or not we still have that radio show together.

"But Fred, you have come to me often and asked the question whether or not your voice is heard, whether or not you should continue to speak your mind, and whether or not it is going on deaf ears. Well, I think from this morning, you know that your opposition, your point of view, your perspective have not gone on deaf ears. However, we may not agree at all times but certainly you have in fact provided that alternative perspective. And like Senator Hee from the Windward side, I too will miss you here, and perhaps you will reconsider as you leave us and have a couple months to really think about this. But congratulations and best wishes to you."

The Chair then said:

"Senator Hemmings do you have some words?"

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

"This will probably be the most difficult time I've ever talked.

"Senator Tokuda, there's nothing more precious than what you're holding in your arms, and I can tell you that, looking across this aisle, seeing that baby, made me realize what we should all be about.

"Senator Hee, our friendship is born of fire and it will endure until I die.

"Senator Kim, I remember those mornings so well. I pray to God you don't tell everything I said. I am your brother and you know I love you.

"This is bittersweet for me. I hope when I lie my head down to draw my last breath that I am the person I've spent my life trying to be. I have lived many lives, and I consider myself to be one of the wealthiest people, wealth that money cannot buy and wealth that cannot be given nor stolen. I'm blessed with an incredible family. I have lifelong friends who've brought all the human emotion to my life. I have you. I tried to write each one of you a note and express that though we may differ bitterly on certain issues, that each of you come to this floor with good intentions, that each of you has a gift, and each of you uses it so well.

My wealth goes so deep, and I want to share what it is. Senator Hee, you're right. The koko of your ancestors does not course through my veins, but hopefully the aloha in the heart of our people does. You see, I've stood on the top of Mauna Kea and felt the chill of the snow goddess Poliahu. As I've said before, I've had my heart beat like an ancient Hawaiian drum, running across the blistering lava fields of Kona. I have stood on the crest of Haleakalā and seen the morning sun's soft light caress these beautiful islands, Senator English. In the dark valley of Papalua on Moloka'i, I've slept by myself in a cave and heard the wind whisper of old Hawai'i. My back has ached paddling thousands of strokes across the Kaiwi Channel, battling huge seas. On O'ahu, I've rested in the shadow of



Konahuanui and felt the ghosts of 1795. On a full moon night, I've ridden the magical waves of Hanalei. My blessings in this life are being here. I am a child of Hawai'i.

"It's been difficult to stay true to the values that I hold, and I want to especially thank my colleague Senator Slom for keeping me.

"All I can say is thank you."

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

"Madam President, colleagues, this afternoon I have the privilege of saying a few farewell remarks to one of our colleagues, the good Senator from Kaua'i. He, like myself, was elected into this body in 2002, and has served here for eight years. Prior to that, he served on the county council on Kaua'i for 4 years, and being a true leader for the State of Hawai'i for the last 12 year.

"Hooser, you are leaving, right? I mean, I'm not saying all these nice things about you, and you're going to show up and change your mind, are you? You're not. Okay.

"Then I'll continue, Madam President.

"You know, he's a strong proponent of renewable energy and education and has always had a lot of convictions, and, you know, he's going to truly be missed by all of us. I know many of us will miss all of his floor speeches, and we all remember every floor speech would start by, 'Madam President, I have a few brief comments,' or 'a few short remarks.' Needless to say, those comments usually went on for about 10 or 15 minutes. He also had the talent to really get under the skin of the Republican Party, a skill that hopefully he'll pass on to one of us once he leaves.

"We always really appreciated him reminding us of where the TV cameras were. He always knew where they were, which conference rooms they were in. Every morning, I would just have to notice if he was wearing his coat and tie with a lei, then the reporters were probably in the conference room. So, I appreciated him always giving us a heads up. He was also one who would communicate with his constituents through Twitter and Facebook and, you know, he was always reminding all of us what was being said about ourselves on Twitter or Facebook.

"And every morning, Madam President, every morning, he would always pass me in the hall and say, 'So, what? Do I look good today?' And it happened for, like, eight years now and you would think with the response I gave him (I said, 'Yeah, you look good, but not as good as me.') that he would change it up, but you know, hopefully in the future he has a different line for someone else.

"But Gary, on behalf of all of us, we truly appreciate you being a good friend and colleague, and not only were you a good legislator, but a great man; and I will always remember the many stories that we had and we could share about our families. And, you know, one of the things that really caught my attention early on was I remember seeing him one morning and he was gloating and I thought he'd pulled off the biggest coup in the world and I said, 'Well, what's up with you?' And he said, 'Guess what I just did?' And I said, 'Well, tell me.' He said, 'Today's my daughter's 16<sup>th</sup> birthday.' He said, 'I know what radio station she listens to every morning on the way to school.' And he said, 'I just got off the phone with the radio station to wish her a happy birthday, and I sent a bouquet of balloons to her school.' And this is the type of guy that he is. So, with all of that, Gary, again on behalf of all of us, I would like to thank you.

"And Madam President, at this time if I could be permitted to present a certificate on behalf of the entire Senate to Senator Hooser."

At this time, Senators Tsutsui and Baker presented Senator Hooser with a certificate and a lei.

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

"Madam President, I'd like to acknowledge the senator of Kaua'i's eight years of outstanding service to our State of Hawai'i and to our Senate. In the Senate I've seen the role of Majority leader performed in a variety of ways over many years, and it's typically been quite a challenge. I know it's not always easy to find the balance between maintaining one's personal integrity while performing the role of Majority leader for the Majority caucus. I believe Senator Hooser has been a superb Majority leader. He has performed his duties exceptionally well, at the same time remaining a man of integrity.

"Senator Hooser has been a strong and staunch advocate of energy sustainability and a protector of our environment. He has demonstrated a commitment to good government principles and equal rights. He has kept a watchful eye out for Hawai'i's consumers and has been a leader on many other issues—in education, fiscal matters, and protecting Hawai'i's safety net for our most vulnerable.

"It's been a great pleasure working with Senator Hooser. He's been a true gentleman politician, a senator who is respectful of different views, sometimes very strongly but very respectful, even supporting their right to free speech and expressing their own views. I say all these things which are true for me because I would like to express my best wishes to Senator Hooser as you retire from the Senate. Best wishes!"

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

"Madam President, colleagues, I will keep my remarks short. You know, I really don't know where to start. (Wait, is this camera the one that is working?)

"I tell Senator Tsutsui often, when he offers his clever remarks, I say, 'I don't need this here. I get this at home.' But, thank you very much. Thank you for your friendship, for your support over the years, and thanks to all of you here.

"You know, I want to back up just for a second. One lesson that I learned, and I'm sure each of you know this lesson, is that no matter how smart you are, no matter how hard you work, no matter how good you are in your heart, you cannot serve unless you get elected. And I wake up every single morning and thank God that I'm allowed to do the work that I do. And so without the support of the people of Kaua'i and Ni'ihau, I would not be able to be here today, and so I want to first and foremost thank those people. Hopefully, some of them are listening or watching because I truly love what I do. I'm truly thankful to do this work, and without the people of Kaua'i and Ni'ihau, I would not be able to do so.

"I'd also like to thank and recognize my staff, my office manager Mark Mararagan, Carl Miura, Steve Beaudry, JoAnn Nakashima; and we can all relate to that, to good staff. So, thank you very much. Stand please; let me recognize you here. Thank you.

"And I'll recognize the staff throughout the Senate—you know, the Clerk's office, the Sergeant-at-Arms—all of your staff, many of whom I've become friends with, and the hard work that they do.

“You know eight years ago, when I was first elected, I didn’t know what to expect. Didn’t really know what I was getting into, and it’s been quite an experience, an experience that I find has been very fulfilling, very stressful, very challenging. And I’ve come to know many of you very well. I’ve gained many, many close friends during these eight years; and even those that I do not agree with, those that we’ve bumped heads with, those that I’ve argued with, I’ve come to the conclusion that you are all good people. You are all good people trying to do the right thing, trying to make the world a better place, trying to make our community a better place, and though we may differ on values sometimes and differ on priorities, I’ve come to know that you are all good people. We’re all trying to do the best that we can, and quite frankly, that’s a refreshing thought. I think many in the community are not aware of that and may not share that, but having known each of you personally, I know that that’s the case.

“You know, many will say that this is a thankless job, and I’ve found myself that that’s not the case, that I have people who thank me quite frequently. I have people on Kaua’i who I’ve helped. You folks have heard this story before; I’ve helped people get teeth. You know, people who through no fault of their own have no teeth and cannot find work, cannot even leave their house, and are afraid to smile. And with the help of all of you here, with the leadership of Senator Chun Oakland specifically, I’ve helped specifically change people’s lives in my community around the state. We’ve all done that, and we should all be very proud of that. We’ve helped preserve agricultural land. We’ve helped create jobs. There’re many, many things we’ve done and that I personally am proud of. You know, some issues have been very difficult. House Bill 444 was one that came close to tearing a lot of us apart, jeopardize relationships, but we got through that and I am very proud of the Senate, particularly in their actions ultimately on that issue.

You know, I’m leaving, leaving this body after spending four years on the Kaua’i County Council. This is my eighth legislative session, and there are, I guess, five of us who may be gone. I want particularly to say goodbye to my good friend Senator Sakamoto I served with on the Education Committee for many years. We’ve many good times together, many good discussions about many things. Senator Hemmings, we’ve bumped heads, and for whatever reason I seem to get under the skin of my Minority colleagues, but I certainly respect your position, your feelings, and wish you all the best in the future. To our President Emeritus Senator Bunda, my hat’s off to you also and all the best in the future; and Senate President, I certainly wish you all the best.

“You know, I’m like all of you on a path, and I’ll close with one of my favorite quotes, a quote from Helen Keller. Helen Keller said, ‘True happiness does not come through self-gratification but through fidelity to a worthy purpose.’ Okay, and that rings particularly strong with me—‘fidelity to a worthy purpose’—and I believe we’re all on that path of fidelity to a worthy purpose. My path is changing now. I’m moving on in search of another purpose. I wish all of you well and look forward to a continuing friendship over the years. Aloha. Thank you.”

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

“Madam President, Senator Sakamoto and myself, we share Moanalua Gardens. We live about a mile apart from each other, and over the years we have certainly been a partner in working together for the community. And while I know that he will be moving on, that he will continue to be a voice in our community, and we will certainly look to him for that. But I can remember back in 1996, when he first decided he was going to run for office. I remember that because I have a cousin who also is a resident of Moanalua Gardens, and he wanted to run

for Senate. This is the year Ray Gaulty was running for re-election and there was some concern in the community, and so I told my cousin if he ran, I would support him. He decided not to, and Senator Sakamoto (of course he wasn’t a senator then) decided he was going to run. I found myself helping him in his election to the State Senate.

“So, we go back that far, and there is so much that we will remember Norman for. His very deep passion on many, many issues, and I can remember him tossing the HRS into the rubbish can one day on this floor because he was very passionate. I can’t remember what it was about, but it was certainly something that caused him to want throw that HRS into the rubbish can. We will remember him for his many prayers, as he often will pray for us during times of difficulty; and I know that I was the recipient of many, many of those prayers. He will be remembered for his passion for education, for charter schools, for the UH regents in their selection. He will be remembered for his blocks, which he happens to have on his desk; in true fashion, not one block but two blocks, and as you said, Madam President, he’s only allowed one block at a time. But, certainly, his blocks, his sheets of paper that we received from him often on—at the end of the session as we got from him yesterday—on some of the issues on education. We appreciate that, Norman, and we thank you for that.

“I guess the last thing that I would like to say is that the word that I would like to express to you, Senator Sakamoto, is ha’aha’a, which means humility, humbleness, and giving deference to others. We will miss your words—I guess some won’t miss it—but we will miss your words on the floor, your Hawaiian language lessons to us. And finally, the final word, Madam President, is aloha; means all good things. Aloha means to find goodness in every one of us, and finally, aloha means love, love to all that will be leaving us on this floor, and possibly a fifth one, that may be leaving this floor. So we say aloha ‘oe. Thank you.”

At this time, Senators Kim and Chun Oakland presented Senator Sakamoto with a certificate and lei.

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

“Thank you so much, Senator Kim and colleagues. I guess there’s so much that can be said, and Senator Hooser, Senator Hemmings, Senator Bunda, and others, I really appreciate the opportunity to work together, and we’ll see each other more. And for each and every one of you, including all of the staff, I really appreciate it. And before I forget to acknowledge my staff up in the gallery, some of my staff, if they can stand when I call their name: Erin Conner, Caroline Julian, Valerie Ruiz, Carol Pang, Christin Wehrsig, Allen Awaya, and on the floor is Cherry Torres. I really appreciate all that you’ve done and thank you very much for working together this session and, for some, for many years. Mahalo.

“And as was mentioned, it’s a block but it’s actually the Rubik’s cube. For those who know the puzzle, in education or housing or any issue, we can always look at one side or one perspective, but if we look at one side and we say, ‘Can we make one side all white or all yellow,’ you flip the block to the other side and say, ‘Ai, all kapakahi! What’s wrong?’ So, in many of our issues, especially education, there are many sides. And people have asked me over the last month, ‘Oh, Sakamoto, what is the one most important thing that you’ve accomplished?’ And I have a difficulty answering it, and with this block we have pieced together parts of those handouts that I’ve given you, the cubes. And on facilities, whether it’s 2001, 2, 3, 4, 5, 6, 7, 8, 9, there are numerous measures that, not me, Madam President and colleagues, but that we have collectively moved—whether it’s the University of Hawai’i, learning, students, charter schools, early learning—there’s so many

different things that it's difficult for any of us, at least for me especially, to say what is the most important thing. But this part on the top, I've listed, including my current staff, staff over the years and many have been UH interns. Some people have worked, just as for many of you, volunteering to work; others for compensation. But it's just gratifying that we as a body have done many good things in terms of the University (more autonomy, changing their governance structure, their regents), early learning, creating the early learning council, creating more working together, and the Department of Education. Yet there is still more work to be done, but we've done the best we could with the tools we have available. And I hope all of you read what's just been published about the 6<sup>th</sup> Annual Citizenship awards honoring Hawai'i public school graduates. When you read something like this, it lessens so much of the criticism about the public schools because these students in our 42 public high schools are certainly examples of what is right. They say, 'I believe in attaining self-confidence, staying humble and grateful for everything. I always learned to be a positive person. Diversity is an integral part of who I am,' on and on and on.

"But please, and lest I go on, I'll say thank you to the senator from the Windward side and the senator from Hāna for helping with the 'ōlelo Hawai'i. This morning I have actually several, but one is: he ali'i ke aloha, he kilohana e pa'a ai—love is like a chief, the best prize is to have that love, that aloha. He ali'i ka la ai he hā kuma ke aloha: Where peace is, there love also abides. My family is not here today, but all of us would say thanks to our families for supporting us because all of us know that if not for our wives, our husbands, or our children, we would not be able to do this; and for those who do not have a spouse, certainly their significant others that have supported us, and aloha to all of them.

"Finally, I always need props, so in addition to these props I have a few other props. As Senator Slom knows there are still pictures painted up here, and for me, I like the visual. So at a later time I shall hand out to my colleagues a symbol because for me, if we can see the issue at hand, however complex it is, if we can see it, we can solve it. So I gave a little algebra equation, which maybe you don't have in front of you, but it's  $(S)^3 = (SI)^2$ . And as you boil it down, if you take  $(S)^3$ , the other one is  $(SI)^2$ , you take away the S's, you come down to  $S = I^2$ . Senator Sakamoto says, 'See it, solve it.' = See, 'ike 'ikena.

"So, God bless each of you. Much aloha; thank you so much for being colleagues, friends. In spite of differences, certainly we've been always respectful with each other, and I know this body will continue to do great work. God bless. Thank you very much."

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

"Madam President, we would be remiss if we did not wish you the best in your present endeavor and wish you success from one colleague to another, and express to you how difficult it will be not seeing you where you presently are situated. On behalf of all of us, we wish you the best. Thank you, Madam President."

The Chair responded:

"Thank you very much, Senator Hee."

At this time, the Chair made the following announcements:

"The program for the rest of this day, so we're all on cue (not yet, Senator Gabbard) will be: I will give some very short remarks and I will go through the announcements, and after that (and we just have one), I will ask that the good Senator Gabbard—as well as Senator Galuteria and every one of you who have bowed out from helping them—that we will sing 'Hawai'i Aloha'. Then after that we will go into a short

recess. I will call for a short recess to tell the House that we're ready to adjourn sine die. The representatives, whoever wants to go over will go over as we customarily do. Then I will at least ask that 13 of you return to the chamber so we can adjourn sine die. But with that, I will have some very short remarks.

At this time, the President delivered her closing remarks as follows:

"On behalf of the Senate I would like to, of course, thank Capitol TV, Mr. Booth and his staff, for covering us and of course always being on cue for Senator Hooser so he knows which room to go to. And of course, we'd like to thank the Clerk, Carol Taniguchi, and Laurel Johnston, her assistant, and the Clerk's office for all they have done for us. We must thank the Sergeant-At-Arms Ben Villaflor, and his assistant Jayson Watts and the staff for doing everything that they do for us. And we cannot of course forget Data Systems. Over these four years that I have stood here at the podium, I must say that we have come a long way as a body and a lot of it thanks to Jon and his group. In addition, the Senate Minority Research Office with Keoki, and the Senate Majority Office with Shawn Nakama, for all that they have done for the both sides of the aisle; and the Legislative Reference Bureau and how they have chipped in as well.

"When we began this legislative session, we of course basically stripped down and didn't have the normal festivities because we knew what a difficult year this was going to be and what a difficult session it was going to be. And I was thinking, even when I was giving my very brief remarks on the opening day, how would we end? How would we end as a body? And I also was very concerned about one thing, and that is: How much damage would be done to us as a body? Because no matter what, no matter what, we are all 25 very independent, very definite, defined individuals, every single one of us, and no two of us are alike, and no two of us view a particular issue alike. And the thought of how would we address the critical issues that we're being faced with—Senator Hooser mentioned H.B. 444, which we had carried over from last year. We have always had the tensions of the budgets under Senator Kim and Senator Tsutsui and how do we balance that? We have had those of us who felt that the general excise tax had to be passed, and we have those of us who believe under no circumstance will the general excise tax be passed. We had very recently the debates over Act 221, also a major concern and a divisive issue that this body has had to deal with. And there have been a myriad of labor bills that Senator Takamine has had to deal with from unemployment insurance, as well as other issues, as we looked at how are we going to help the working men and women of this state? We've had the issues of not only our employees with Senator Chun Oakland's issues with human services about the cutting of 500 some-odd positions, replacing it with the EPOD system, and how do you do that transition? And at the same time, how do you keep the purchase of services both essential to the committees that Senator Ige and Senator Chun Oakland had to face with. We've had the troubles of the various law changes which Senator Taniguchi has had to deal with. And how do we do the Transportation issues of Senator English, and energy and environment issues of Senator Gabbard? And each and every one of you has played the role, whether as committee chairs. Senator Fukunaga and Senator Baker have led the charge on technology, and Senator Baker on all the various changes to our regulatory systems and those entities that we want to watch over and govern. And Senator Sakamoto doing double-time as Education Chair and how do we address the furloughs and how do we help people understand what the Legislature can do and what the Legislature cannot do in terms of collective bargaining. And of course, Senator Espero is now leading the charge on all of the public safety matters and the potential destruction of records. And of course, Senator Espero was front

and foremost when the whole furlough issue came about in trying to move that to resolution, along with of course Senator Hooser who was also there.

"I have had, in the four years that I've stood before you as Senate President, a very wonderful experience. It doesn't mean that it's ever been easy, but it's been wonderful, and a lot of it is because of the leadership team that we have put together as a body. You know, Senator Kim started as vice president and moved off to Ways and Means. Senator Kokubun picked up where she left off. And of course, we've had Senator Hooser, Senator Sakamoto, Senator Chun Oakland, Senator Ihara as our policy leader; Senator Ige and Senator Tokuda join us as well. And I will always, always, out of the corner of my eye always keep watch over Senator Hee. I don't want him to think I forgot him, but he is always there, out of the corner of my eye. Senator Nishihara has had to take on, of course, tourism in a time when they are our major economic engine that we have to keep viable and strong. And I know that Senator Galuteria, as his vice chair, was always there with him. And Senator Kidani, who has emerged really as someone, a very stabilizing rudder for us, transcending the various issues and truly standing for what she believes in. And Senator Green, never forgetting his constituent base, never forgetting that. And Senator Bunda being there as a—really, he probably never realized this—but sort of like a guiding light for us as did the president emeritus because he's led us for six years, and so six years we have to rely on and we have built what we are as an institution.

"And our two great Minority members. What can I say? People think that I'm with Sam Slom most of the time. How they get that impression, I don't know. And Senator Hemmings, we will miss you, and I would like to share that, you know, throughout this time Senator Hemmings was someone who was always there saying how much he appreciated the fact that the Majority always treated him and Sam fairly.

"You know, what more, what more, can we ask for than to feel that we have achieved that? That people feel that, in this body, that we are respectful. We can respectfully disagree, but we never, never act in a punitive manner, that they can feel that we have been treated fairly. What's scary about that thought is the fact that they feel that we can treat them versus the fact that we are all equal. No matter what, we are all equal. We all have one thing, one vote, and we cast it the way we each feel that we should and can cast that vote. And that is what we have all done. We have all voted the way we've wanted to, voted our conscience on many of these measures.

"And when I look at everyone—and I have not forgotten Senator Takamine, who has been a great insight as to how we differ from the House and how they do things and how we do things. And to each and every one of you, I must say the eloquence with which I heard the speeches made today and the looks on everyone's faces, we could not, could not have ended this session on a better note. It is something to lose all our colleagues, but you know this has been probably the best example of our ability to pull together. When people tell me, 'What is it about the Senate?' I always tell them the Senate is an entity. Believe me; 25 individuals with 25 different opinions, 25 different ways of looking at it, each able and very capable of expressing their opinions. But the one thing about the Senate is that the Senate never forgets the institution of the Senate. And hearing everyone today—I mean, who would have thought my testosterone battle would end with the biggest fan club that one could possibly imagine (height-wise, height-wise, height-wise). Now who would have thought that? Who would have thought that? But it is that because it is a reflection of all of you more than anything else.

"When people ask me, 'What does it mean to be Senate President?' I said, 'It means that I have earned the respect of

my colleagues. It is not me. It is not the fact that I stand here as the first woman to ever be president of the Senate or the first Asian woman to head that in the United States; it is a reflection of my colleagues because they have said, "You can serve us." They have said, "We believe in what you will do." And they have said, "You are fair." We may not agree, but the main thing is that we come together and we believe in each other and our ability to pull together as an institution."

"So, my fellow members, it has been an honor to stand here at the podium for four years, and I thank you all for the support of all of the what may have been viewed as crazy initiatives, which they weren't. And on that note, Senator Ige: but for you, we would never have been able to push the Senate ahead, and if there's anyone that I believe that I owe a great deal of thanks to, it is you, Senator Ige, because of the initiatives of paperless that we have now been recognized nationally for and what we hope will change the legislative makeup not only here, but in the nation. It is something that we owe to you. And you know, through that, think about it: We are so transparent now; and in addition to that, we have made things so accessible to the public. Public Access Room has been so enhanced, and it is all thanks to your work, Senator Ige, and the support of your colleagues, albeit begrudgingly. And the one thing I do ask for next year: Somebody, somebody, do something about Sam Slom's blue binders. He has just got to join the rest of us. And I'm not sure we can make it Mac compatible, but you know, I mean, Sam, you got to just kind of go with the flow; you know, Sam?

"But thank you all very much. It has been an honor to be with all of you; and the reason why I'm not in the same category is because, you know, I said, 'Nobody's bachi-ing me. At least all of you are equally bachi-ed. But nobody's bachi-ing me.'

At this time, the Chair made the following announcement:

"So, with that, members, are there any further announcements? And the Chair has one announcement. The Clerk is directed to file in the Journal the communication from the Speaker and myself extending the Friday, April 23 final decking deadline. And if there's no further announcements, Senator Gabbard, Senator Galuteria, and whoever else you can get; and again members, after that we will be taking a short recess."

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

"I would be remiss, Madam President and colleagues, if I did not say mahalo to all of you. Last night I was at the Kapolei-Makakilo neighborhood board meeting, which, as you know, Madam President, tends to get a little raucous. Not a little, but a lot, and in my three minutes I brought up UH West O'ahu, a project that we had been waiting for, as you know, Madam President, on the west side for over 30 years. So I'd like to say mahalo to Senator Tsutsui, Senator Kim, on behalf of Senator Nishihara, Senator Kidani, Senator Espero, Senator Bunda, you, Senate President, and myself. It is a project that will change the lives and the face of UH West O'ahu. So, \$35 million two years ago; \$48 million this year. The first five buildings will open up to over 2,000 students in the spring of 2012; so again, we on the west side, we say thank you very much."

At this time, the members of the Senate and guests rose to sing "Hawai'i Aloha," led by Senators Gabbard and Galuteria.

The Chair then made the following announcement:

"Members, at this time we will be taking a short recess to inform the House that the Senate is ready to adjourn sine die."



At 12:47 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:22 p.m.

**ADJOURNMENT**

Senator Sakamoto moved that the Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, adjourn Sine Die, seconded by Senator Slom and carried.

At 1:23 p.m., the President rapped her gavel and declared the Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, adjourned Sine Die.