

SIXTIETH DAY

Thursday, May 5, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 10:17 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Nishimoto and Pine, who were excused.

On motion by Representative Evans, seconded by Representative Ching and carried, reading of the Journal was dispensed with and the Journals of the Thirty-Seventh, Thirty-Eighth, Thirty-Ninth, Fortieth, Forty-First, Forty-Second, Forty-Third, Forty-Fourth, Forty-Fifth, Forty-Sixth, Forty-Seventh and Forty-Eighth Days were approved. (Representatives Carroll, Nishimoto and Pine were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1134 and 1135) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1134, informing the House that on May 02, 2011, the following bill was signed into law:

H.B. No. 546, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS." (ACT 034)

Gov. Msg. No. 1135, informing the House that on May 02, 2011, the following bill was signed into law:

H.B. No. 1640, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION." (ACT 035)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 692 through 699) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 692, transmitting H.C.R. No. 298, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S EXCELLENCE IN AGRICULTURE," which was adopted by the Senate on May 3, 2011.

Sen. Com. No. 693, transmitting H.B. No. 400, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on May 3, 2011.

Sen. Com. No. 694, dated May 3, 2011, informing the House that the following bills have this day passed Final Reading in the Senate:

H.B. No. 4, HD 2, SD 2, CD 1
 H.B. No. 44, HD 1, SD 1, CD 1
 H.B. No. 56, HD 2, SD 2, CD 1
 H.B. No. 117, HD 2, SD 2, CD 1
 H.B. No. 141, HD 1, SD 1, CD 1
 H.B. No. 227, HD 2, SD 2, CD 1
 H.B. No. 240, SD 1, CD 1
 H.B. No. 243, HD 1, SD 1, CD 1
 H.B. No. 300, HD 2, SD 2, CD 1
 H.B. No. 301, SD 1, CD 1
 H.B. No. 319, HD 1, SD 1, CD 1
 H.B. No. 331, HD 2, SD 2, CD 1
 H.B. No. 423, HD 1, SD 1, CD 1
 H.B. No. 484, SD 2, CD 1
 H.B. No. 491, HD 1, SD 1, CD 1
 H.B. No. 545, HD 1, SD 1, CD 1

H.B. No. 555, HD 1, SD 1, CD 1
 H.B. No. 593, HD 1, SD 1, CD 1
 H.B. No. 597, HD 1, SD 1, CD 1
 H.B. No. 605, HD 2, SD 2, CD 1
 H.B. No. 616, HD 2, SD 2, CD 1
 H.B. No. 663, HD 2, SD 2, CD 1
 H.B. No. 667, HD 1, SD 2, CD 1
 H.B. No. 680, SD 2, CD 1
 H.B. No. 688, HD 2, SD 2, CD 1
 H.B. No. 716, HD 1, SD 1, CD 1
 H.B. No. 739, HD 2, SD 1, CD 1
 H.B. No. 747, HD 1, SD 2, CD 1
 H.B. No. 761, HD 1, SD 2, CD 1
 H.B. No. 801, HD 2, SD 2, CD 1
 H.B. No. 828, HD 2, SD 1, CD 1
 H.B. No. 838, HD 2, SD 1, CD 1
 H.B. No. 855, HD 1, SD 1, CD 1
 H.B. No. 866, HD 2, SD 2, CD 1
 H.B. No. 889, HD 2, SD 2, CD 1
 H.B. No. 909, HD 2, SD 2, CD 1
 H.B. No. 931, SD 1, CD 1
 H.B. No. 945, HD 2, SD 1, CD 1
 H.B. No. 960, HD 1, SD 2, CD 1
 H.B. No. 985, HD 2, SD 2, CD 1
 H.B. No. 1000, HD 2, SD 2, CD 1
 H.B. No. 1003, HD 2, SD 2, CD 1
 H.B. No. 1005, HD 2, SD 2, CD 1
 H.B. No. 1020, HD 2, SD 2, CD 1
 H.B. No. 1039, HD 1, SD 2, CD 1
 H.B. No. 1045, HD 1, SD 2, CD 1
 H.B. No. 1049, HD 2, SD 2, CD 1
 H.B. No. 1052, HD 2, SD 1, CD 1
 H.B. No. 1060, HD 1, SD 2, CD 1
 H.B. No. 1070, HD 2, SD 2, CD 1
 H.B. No. 1071, HD 2, SD 1, CD 1
 H.B. No. 1079, HD 2, SD 1, CD 1
 H.B. No. 1082, HD 1, SD 2, CD 1
 H.B. No. 1085, HD 2, SD 2, CD 1
 H.B. No. 1088, HD 1, SD 1, CD 1
 H.B. No. 1089, HD 1, SD 1, CD 1
 H.B. No. 1094, HD 1, SD 2, CD 1
 H.B. No. 1138, SD 2, CD 1
 H.B. No. 1155, HD 1, SD 1, CD 1
 H.B. No. 1164, HD 1, SD 1, CD 1
 H.B. No. 1230, HD 2, SD 1, CD 1
 H.B. No. 1241, HD 2, SD 2, CD 1
 H.B. No. 1286, HD 2, SD 1, CD 1
 H.B. No. 1333, HD 1, SD 1, CD 1
 H.B. No. 1342, HD 1, SD 2, CD 1
 H.B. No. 1368, HD 2, SD 1, CD 1
 H.B. No. 1405, HD 1, SD 1, CD 1
 H.B. No. 1505, HD 2, SD 1, CD 1
 H.B. No. 1520, HD 2, SD 2, CD 1
 H.B. No. 1566, HD 1, SD 1, CD 1
 H.B. No. 1568, HD 2, SD 2, CD 1
 H.B. No. 1613, HD 1, SD 1, CD 1
 H.B. No. 1654, HD 1, SD 1, CD 1
 S.B. No. 2, SD 2, HD 1, CD 1
 S.B. No. 14, SD 2, HD 1, CD 1
 S.B. No. 23, SD 1, HD 2, CD 1
 S.B. No. 34, SD 1, HD 1, CD 1
 S.B. No. 40, SD 2, HD 2, CD 1
 S.B. No. 44, SD 1, HD 1, CD 1
 S.B. No. 45, HD 1, CD 1
 S.B. No. 49, SD 1, HD 2, CD 1
 S.B. No. 52, SD 1, HD 1, CD 1
 S.B. No. 101, SD 1, HD 2, CD 1
 S.B. No. 105, SD 2, HD 1, CD 1
 S.B. No. 142, SD 1, HD 1, CD 1
 S.B. No. 146, SD 1, HD 2, CD 1
 S.B. No. 163, SD 1, HD 1, CD 1

S.B. No. 172, SD 2, HD 2, CD 1
 S.B. No. 181, SD 1, HD 1, CD 1
 S.B. No. 217, SD 2, HD 2, CD 1
 S.B. No. 229, SD 1, HD 2, CD 1
 S.B. No. 281, SD 2, HD 2, CD 1
 S.B. No. 283, SD 1, HD 1, CD 1
 S.B. No. 285, SD 2, HD 2, CD 1
 S.B. No. 298, SD 3, HD 3, CD 1
 S.B. No. 570, SD 2, HD 1, CD 1
 S.B. No. 631, SD 1, HD 2, CD 1
 S.B. No. 651, SD 2, HD 2, CD 1
 S.B. No. 742, SD 2, HD 1, CD 1
 S.B. No. 754, SD 1, HD 1, CD 1
 S.B. No. 758, SD 1, HD 2, CD 1
 S.B. No. 806, SD 1, HD 2, CD 1
 S.B. No. 903, SD 1, HD 1, CD 1
 S.B. No. 975, SD 1, HD 2, CD 1
 S.B. No. 986, SD 2, HD 3, CD 1
 S.B. No. 1025, SD 1, HD 1, CD 1
 S.B. No. 1067, SD 1, HD 2, CD 1
 S.B. No. 1068, SD 1, HD 1, CD 1
 S.B. No. 1073, SD 2, HD 2, CD 1
 S.B. No. 1089, SD 1, HD 2, CD 1
 S.B. No. 1154, SD 2, HD 1, CD 1
 S.B. No. 1174, SD 2, HD 1, CD 1
 S.B. No. 1186, SD 2, HD 1, CD 1
 S.B. No. 1213, SD 1, HD 1, CD 1
 S.B. No. 1221, SD 2, HD 1, CD 1
 S.B. No. 1244, SD 2, HD 1, CD 1
 S.B. No. 1270, SD 2, HD 1, CD 1
 S.B. No. 1274, SD 2, HD 3, CD 1
 S.B. No. 1277, SD 2, HD 2, CD 1
 S.B. No. 1278, SD 1, HD 2, CD 1
 S.B. No. 1282, SD 1, HD 1, CD 1
 S.B. No. 1284, SD 2, HD 1, CD 1
 S.B. No. 1290, SD 1, HD 2, CD 1
 S.B. No. 1328, SD 1, HD 2, CD 1
 S.B. No. 1329, SD 1, HD 2, CD 1
 S.B. No. 1331, SD 2, HD 2, CD 1
 S.B. No. 1347, SD 1, HD 2, CD 1
 S.B. No. 1348, SD 2, HD 3, CD 1
 S.B. No. 1383, SD 2, HD 2, CD 1
 S.B. No. 1394, SD 1, HD 1, CD 1
 S.B. No. 1482, SD 1, HD 1, CD 1
 S.B. No. 1483, SD 1, HD 1, CD 1
 S.B. No. 1485, SD 1, HD 1, CD 1
 S.B. No. 1493, SD 1, HD 3, CD 1
 S.B. No. 1503, SD 2, HD 1, CD 1
 S.B. No. 1511, SD 1, HD 2, CD 1
 S.B. No. 1519, SD 3, HD 2, CD 1
 S.B. No. 1520, SD 2, HD 3, CD 1
 S.B. No. 1530, SD 1, HD 2, CD 1
 S.B. No. 1555, SD 2, HD 2, CD 1

Sen. Com. No. 695, dated May 3, 2011, informing the House that the Senate has on April 29, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 11, SD 2, HD 2

Sen. Com. No. 696, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 173, SD 2, HD 2
 S.B. No. 1040, SD 1, HD 2
 S.B. No. 1153, SD 1, HD 2

Sen. Com. No. 697, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on March 31, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 1069, SD 1, HD 1
 S.B. No. 1489, SD 1, HD 1

Sen. Com. No. 698, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on April 6, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 1533, SD 1, HD 1

Sen. Com. No. 699, dated May 3, 2011, informing the House that the following bill has this day passed Final Reading:

H.B. No. 200, HD 1, SD 1, CD 1

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Rhoads introduced his legislative staff: Legislative Aides, Ms. Kelly Morikone and Mr. Anthony Chang; Interns, Mr. Davin Aoyagi and Mr. Joseph Veary; Committee Clerk, Mr. Ryan Hew; and Office Manager, Mr. Sonny Le.

Representative Rhoads also introduced Mr. Wes Machida of the Employees Retirement System.

Representative Yamashita introduced the 5th grade students, teachers and chaperones of Pukalani Elementary School visiting from Maui.

Representative Fontaine introduced his legislative staff: Ms. Kehau Cortez-Camero and Mr. Jeffrey Lyons.

Representative Hashem introduced his friend, Ms. Fran Kagawa.

Representative Hashem also introduced his legislative staff: Ms. Dorothy Mulkern and Ms. Angelica Moore.

Representative Thielen introduced her Office Manager, Ms. Melody Heidel.

Representative Awana introduced fellows participating in the East-West Center's Asia Pacific Leadership Program. They were accompanied by Leadership Program staff, Ms. Christina Monroe; and legislative staff, Mr. Kent Jiang, Mr. Enoka Lucas, Mr. Yoon Ju Kim and Mr. Rodney Silva; and Sir William Souza.

Speaker Say introduced former Iowa State Speaker of the House, Representative Christopher Rants.

At 10:25 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:20 o'clock a.m.

ORDER OF THE DAY

The Chair then announced:

"Members, at this time please note that per Referral Sheet No. 69, SCR No. 130, SD 1 has been re-referred solely to the Committees on Education, and Culture & the Arts; and SCR No. 145 has been re-referred solely to the Committee on Education. The Committee on Finance has waived its

referral to these measures and it is therefore appropriate for the House to consider action for adoption."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on S.C.R. No. 130, SD 1; and S.C.R. No. 145. (Representatives Carroll, Nishimoto and Pine were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report Nos. 1756 and 1757, recommending referral to the Committee on Finance, seconded by Representative Evans and carried. (Representatives Carroll, Nishimoto and Pine were excused.)

UNFINISHED BUSINESS

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. No. 130, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER USING THE PROPERTY LOCATED ON YOUNG STREET, ADJACENT TO THE ACADEMY ART CENTER, AS AN ART RESOURCE CENTER FOR TEACHERS," was adopted, with Representatives Carroll, Nishimoto and Pine being excused.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO DEVELOP STATEWIDE POLICIES FOR FAMILY ENGAGEMENT FOR HAWAII'S PUBLIC SCHOOLS," was adopted, with Representatives Carroll, Nishimoto and Pine being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Ching and carried, the rules were suspended for the purpose of considering certain House and Senate Bills for Final Reading by consent calendar. (Representatives Carroll, Nishimoto and Pine were excused.)

UNFINISHED BUSINESS

S.B. No. 120, SD 1, HD 1, CD 2:

Representative B. Oshiro moved that S.B. No. 120, SD 1, HD 1, CD 2, pass Final Reading, seconded by Representative Evans.

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Mr. Speaker, this is an important part of our overall financial plan to make sure that we not only have enough money for services in this current fiscal year, but to assure a healthy ending balance for the biennium for the next two years.

"I'd like to note the following changes to the bill currently before us and in agreement with the Conference Committee for this Conference Draft. Number one, there is no diversion of money to the Land Conservation Fund. There is also no diversion of money from the Department of Commerce and Consumer Affairs dedicated to the Division of Financial Institutions, the banking regulatory arm. Also, this bill no longer contains any payback of interest on the GO Bonds issued on behalf of the Department of Commerce and Consumer Affairs. And also, Mr. Speaker,

the provision to transfer money from the Tobacco Prevention and Control Trust Fund corpus, about \$50 million in the corpus, is no longer in this bill before us.

"It does, however, Mr. Speaker, contain a two year diversion of the master settlement tobacco money that otherwise would go to the Emergency Budget Reserve Fund, also known as the Rainy Day Fund, approximately \$6.5 million every year for the next two years, and the Tobacco Control and Prevention Trust Fund, \$3.8 million per year for the next two years. Mr. Speaker, this bill also repeals and restructures about 15 special and revolving funds, and transfers a little over \$17 million from 18 special and revolving funds.

"Just to take note, Mr. Speaker, that in 2009 we diverted about \$96 million in excess non-general funds to the general fund to help us balance the budget. In 2010 we transferred about \$45 million from those same revolving and special funds. This year we are transferring about \$17 million. In other bills passed earlier by this Body, we tapped out the Rainy Day Fund, and we also authorized the Governor, recently, to draw down additional moneys from the Hawaii Hurricane Relief Fund.

"Mr. Speaker, the point I need to make this morning is that going forward this Session, we have no reserve of funds. There is no Rainy Day Fund and very little non-general funds to look to transfer except for one, Mr. Speaker. And that fund is about \$50 million residing in the Tobacco Control and Prevention Trust Fund corpus currently held by the Hawaii Community Foundation. Thank you."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. Thank you. First I'd like to adopt the words of the Finance Committee Chairman as if they were my own. Thank you, Mr. Speaker.

"One thing he failed to mention and, I guess he mentioned it at the very end, is that one of the reasons why I stand here in support of this particular measure is that they did pull out the provision to take from the corpus of the Tobacco Settlement Trust Fund and for that I commend him and the other Conferees for doing so.

"The reason why I have some reservations though is in 1999 when we set up the Tobacco Special Fund, when we all set it up and looked at this as one of the historic Acts that we passed as a Legislature, and for that matter leading the entire nation, I said then and I say it again, that I wanted to, as long as I'm here on the House Floor, to support what we did in 1999. This is the first time, Mr. Speaker, that I'm supporting a measure on this Floor that erodes from the tobacco prevention efforts funding, but I do so because I appreciate the efforts of the Finance Chair and the Conferees for eliminating the take from the corpus.

"Number two, Mr. Speaker, I appreciate and do support wholeheartedly, the reporting requirements now on page 40 in section 60. We will in a few months understand and appreciate, I hope, the work that the tobacco prevention advocates have done over the course of the last 10 years or so. But this particular measure requires a study to be conducted to analyze the benefits of the money going into tobacco prevention and control efforts and I believe that is prudent and wise on our part, and necessary as we move forward.

"So, Mr. Speaker, I stand here in support with reservations, but I do so because I do understand the reason why this bill is in front of us and how it fits into the financial plan. Thank you."

Representative M. Oshiro rose to respond, stating:

"Mr. Speaker, just to allay the fears of the previous speaker, there is about \$52 or \$53 million in the corpus held by the Hawaii Community Foundation. Review of the most recent report filed with the Department of Health reveals that over the past several years they've spent about \$5 million a year on various programs and services geared towards the prevention and the discontinuance of using tobacco so that even with the diversion of only two years, there is sufficient money to expend and

sustain the level of programming over about 10 years should there be no further moneys going into the current trust fund.

"So I just wanted to allay any fears that people might have that they have insufficient funds. There's more than enough money in the trust fund, about \$50 million given their recent spending habits and practices of about \$5 million a year. Mr. Speaker. Thank you."

Representative Takai rose to respond, stating:

"Thank you, Mr. Speaker. I'd like to also adopt the words of the Finance Chair, his recent words, as if they were my own. Because I do agree with him. But recall in 1999 when we set up this Fund, we set it up to create a funding mechanism for tobacco prevention and control efforts in perpetuity. Our goal back then, and I hope our goal in the future, is to ensure that funding doesn't end after they spend the \$50 million over the next 10 years at \$5 million.

"Our goal, I believe, in 1999 and I think to this day, is to make sure that we have enough funding in that particular fund to continue forever or at least until tobacco disappears. So my hope is that through the reporting requirements prescribed in this bill that we as a Legislature will get a clear understanding of the benefits that have come as a result of this funding and hope that in the future we do not, we do not continue this take from the tobacco prevention efforts and we do not erode the corpus. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 120, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading, with Representative Rhoads voting no, and with Representatives Carroll, Nishimoto and Pine being excused.

At 11:31 o'clock a.m., the Chair noted that the following bill passed Final Reading:

S.B. No. 120, SD 1, HD 1, CD 2

FINAL READING

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

H.B. No. 916, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 916, on the following showing of Ayes and Noes:

Ayes, 4 (Souki, Yamane, Ichiyama, Johanson). Noes, none, Excused, 1 (M. Lee).

Representative B. Oshiro moved that H.B. No. 916, SD 1, be recommitted to the Committee on Finance, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.B. No. 916, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," was recommitted to the Committee on Finance, with Representatives Carroll, Nishimoto and Pine being excused.

H.B. No. 922, SD 3:

Representative B. Oshiro moved that H.B. No. 922, be recommitted to the Committee on Judiciary, seconded by Representative Evans.

Representative Wooley rose to speak in opposition to the motion to recommit, stating:

"Thank you, Mr. Speaker. I'd like to oppose this motion. Every moment that we fail to meet our responsibilities toward the Hawaiian people, and every time we make it more difficult for them to keep the ties that they may have to the land, the quicker we're going to cause their extinction, not only of the people, but of the culture. And I'm going to again read something that I read during the invocation, from King Kalakaua.

In the midst of prosperity and advancement, it is but too apparent that the natives are steadily decreasing in numbers and gradually losing their hold upon the fair land of their ancestors. Within a century, they have dwindled from 400,000 healthy children of nature, to a little more than a tenth of that number of landless, hopeless victims to the greed and vices of civilization. They are slowly sinking under the restraints and burdens of their surroundings and will in time, succumb to social and political conditions foreign to their natures and poisonous to their blood.

Year by year their footprints will grow more dim along the sands of their reef-sheltered shores, and fainter and fainter will come their songs until finally their voices will be heard no more, forever. And then, if not before, and no human effort can shape it otherwise, the Hawaiian Islands with the echoes of their songs will pass into the political as they are now firmly within the commercial system of the great American Republic.

"And despite that, I was also able to find another quote to give me some hope, from King Kalakaua: The fire of hope almost went out. We have to rekindle it.

"This bill is a very simple bill, *manini* in some respects, because the only thing it does is it provides leaseholders of 999-year leases that they have had since before the State was a Territory, it gives them a tool that fee-simple landowners also have and have used successfully, particularly *kuleana* lands. It's a tool to allow families to create family land trusts. It's been successful, and the remaining families who have these leases have been begging for it for years.

"This bill was first introduced in 2009. It moved through the House. It moved through the Senate. It passed unanimously in the House. It passed almost unanimously in the Senate. It was vetoed by Governor Lingle at that time because my understanding, based on conversations with Cynthia Thielen, they wanted the families to default on their leases, so the land would return to the State and the State could sell it to the highest bidder.

"So I must say that I'm very disappointed to see that there have been enough no votes to cause this to be considered for recommitment. I'm ashamed that the people in this room are unwilling to take the responsibility that they owe to the State and to the Hawaiian people.

"In the testimony that came forward during Committee hearings, I want to just quote a couple things from some of the families who may lose this land.

We have seen Hawaiian people lose their *aina* in piecemeal portions over the years through the illegal and legal means that were not understood by our ancestors. I for one realize we cannot bring back the old ways, however I want to preserve that which is good, the past generations, and look forward to a blending of that which was good in the olden days with that which is good for our people's future.

Holding the lease in a trust would resolve most of the issues that could occur between family members because there will be an organized body of likeminded family members interested in preserving the land and lease rights in a cooperative way where all share in the responsibility and the upkeep of the land and other expenses. The farm, as we affectionately call it, is where we have had opportunities to gather, farm, and as previous generations have gathered for years, to celebrate the family events that binds our families together from the past and onto the future.

"And in another testimony it says ..."

Representative Hashem rose to yield his time, and the Chair "so ordered."

Representative Wooley continued, stating:

"While HB No. 921, which this year is HB No. 922, does not provide a magic bullet to solve all problems, it gives real hope to families by allowing them to pull their energies and resources to solve them together themselves. At no cost to the State, it also creates a strong incentive for cooperation and positive participation. And perhaps most importantly of all, it allows them to dream together to establish a collective vision of what is possible and to ask themselves integral questions such as, 'What would our *kupuna* want?'"

"Now I realize that there are some people who would much rather see the land auctioned to the highest bidder; sold, and develop. I'm not one of them. It's one reason I've continued to fight for this bill since 2009. And the families that will be affected are not just in Hauula. They're in Waianae. They're in Maui. They're in Molokai. They're in the Big Island. And they're in Kauai. All those families are working very hard to keep their families together on the land. I hope that those of you who may have caused this to happen will receive your due."

Representative Thielen rose to speak in support of the motion to recommit, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak in favor of the motion to recommit. Thank you, Mr. Speaker. If the former speaker used my name with an assumption that I wanted to have the land be available to be sold, I'd like to ask her, where on earth she got that impression? If she used my daughter's name, which I don't believe she did, I think that my daughter should have an opportunity to state what was truly the case and the facts. So to that extent, I really challenge her statement in using that last name of Thielen."

"Mr. Speaker, I'd like to just read from the former Governor's objection to the prior bill. And in her objection she stated that the bill from the prior year, does not address the underlying issue of how to best resolve family disputes that were identified in the purpose section of the bill."

"The Governor also noted that the establishment of a trust can complicate the process because descendants must now also agree on the process of setting up the trust, appointing the trustee, and naming the beneficiaries. And as an attorney, the previous speaker should have at least a working knowledge of trust law to know that this is really the case."

"The Governor also noted, that under our present laws, OHA can provide assistance to persons with an interest or presumed interest in a 999 year homestead lease to determine their legal interests under the provisions of Section 171-99(e). And then in addition, the Governor noted a very serious concern that the bill would require the Board of Land and Natural Resources to take actions involving trust law outside this sphere of the Board's expertise."

"So, Mr. Speaker, I believe that this motion to recommit is very wise and prudent, and there are remedies through OHA's assistance for these 999-year lessees. Thank you."

The Chair then stated:

"Before calling for the question, I would like to have a clarification from the Representative from Kahaluu-Hauula in regards to the name that was mentioned on the Floor of the House. So if it is the Representative from the Windward side that talked to her about this, I would support you. But if it is not, I'm going to ask the Clerk to retract Representative Cynthia Thielen's name, which you stated on the Floor. Representative Wooley."

Representative Wooley: "Thank you, Mr. Speaker. I met with Cynthia Thielen and the words that she said to me were that DLNR is in charge of."

Representative Thielen: Mr. Speaker."

Speaker Say: "Representative Thielen, for what point do you rise?"

Representative Thielen: "A point of personal privilege."

Speaker Say: "State your point of personal privilege."

Representative Thielen: "I have not met with that Representative."

Speaker Say: "The Chair will make a decision at some point in time after we take the vote. So if it is ..."

Representative Thielen: "Thank you. I have absolutely not met with that Representative. And Mr. Speaker, were I to be asked to do so, I would always have a second person present with me that would be able to say what truly went on in any meeting. I have not met with her."

Speaker Say: "Representative Thielen, I appreciate your point of personal privilege and that's why the Chair has asked the question from the Representative from Kahaluu and Hauula. If you want to continue on with your statement, Representative Wooley, the Chair will allow you, but I will make that final decision with the Chief Clerk in regards to retracting the Representative's name from the Journal."

Representative Wooley: "Thank you. I appreciate that. I did meet with Cynthia ... Or, I'm sorry. Not Cynthia. Laura. I'm sorry. I may have misspoken. I did meet with Laura Thielen from DLNR, and she stated that she did not want the DLNR ..."

Representative Thielen: "Mr. Speaker, I object on behalf of my daughter. She's not here to be able to say whether this Representative is lying."

Speaker Say: "Representative Thielen, I'm just clarifying it at this point in time. The statement that the Representative from Hauula and Kahaluu is that it is not the Representative from the Windward side of Kaneohe. Your daughter was a public official with the Department of Land and Natural Resources as a Chairperson. All of you had the opportunity of talking to the respective Chairs and Directors of the departments and I'll allow Representative Wooley to continue on. This is your second and final time."

Representative Wooley: "Thank you, Mr. Speaker. I met with Laura Thielen several times, and both in Kahana Valley and for this particular bill, she made clear that she did not want the DLNR to be in charge of any leases that involve people. She believed that DLNR's goal was to manage land for the public, and she did not like to have to deal with people."

Speaker Say: "That is fine. I have clarified it for all of you at this point in time. It is not Representative Cynthia Thielen that had communicated with Representative Wooley."

Representative Ward rose, stating:

"Mr. Speaker, I have either a point of information, or point of ... As a Member of the Body of the 51 in this House, I was not sure what the speaker intended to mean by, 'Those who are responsible for this will get their due.' What was she intending to say? That is an offensive statement to make on this Floor."

The Chair responded, stating:

"Representative Ward, I believe you are out of order at this point in time. Representative Ward, please."

Representative Ward: "So too was that comment."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. After reviewing this measure, and I understand that the introducer of the measure is extremely passionate about her constituents in the community. However, after reviewing the measure I see no mention of Native Hawaiian or Hawaiian, and so with that, I'm supporting the motion to recommit, Mr. Speaker."

Representative Saiki rose in opposition to the motion to recommit and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker. I submit these written comments in opposition to the motion to recommit H.B. 922.

"This motion is yet another example of the lack of open and substantive discussion concerning the passage of legislation in this Body. More significantly, the decision to recommit this bill – at a whim – manipulates the expectations of those in the community who are impacted by it. It is the latter concern that is most disconcerting.

"There is no substantive or procedural basis to recommit this bill. This Body has unanimously approved this legislation seven times notwithstanding that it was saddled with triple referrals. It was transmitted to the former Administration, but was vetoed because the former Administration did not support the continuance of these leases.

"The concept of extending leases intended for homesteading is not unique. A few years ago, the Legislature expanded the scope of successor beneficiaries to preserve leases for families. This legislation is intended to accomplish a similar purpose – to preserve homesteads through the creation of family trusts that will collectively share in the rights, benefits and obligations of these parcels.

"Through this recommitment, this Body is sending the same message made by the former Administration: that it does not support the continuation of these homesteads.

"This is a message that I cannot support, particularly where there has been no other substantive argument made by the proponents of this motion. Accordingly, I oppose this motion. Thank you."

Representative Belatti rose in opposition to the motion to recommit and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative M. Oshiro rose in support of the motion to recommit and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of the recommitment of H.B. 922 S.D. 3. This measure would expand the potential assignees of a 999-year homestead lease to include land trusts created for the purpose of managing and holding a homestead for the benefit of the lessee and lessee's family members.

"Pursuant to the Hawaiian Homes Commission Act, Title 1A: Purpose, §101(b)(2) Hawaii Revised Statutes, placing native Hawaiians on the lands set aside under this Act to assure long-term tenancy to beneficiaries and their successors is one of the hallmarks of this statute.

"Under the present draft of H.B. 922, S.D. 3, upon the death of the lessee, the measure before us could potentially allow persons of no native Hawaiian blood quantum to be designated as a trustee of a land trust, if named the successor by the current lessee. And hence, be entitled to the full rights and privileges of tenancy on lands set aside exclusively for native Hawaiians of a certain blood quantum. As such, the passage of H.B. 922, S.D. 3, would conflict with stipulations of strict conditions of the successor to a lessee, as stated in the Hawaiian Homes Commission Act. Furthermore, should a homestead lessee lose the lease due to right of survivorship or other successorship provision of the land trust, this would leave homestead lands that are previously available for "wait-listed" Hawaiian home lands applicants from promptly being placed back onto the land. Heretofore, the Hawaiian Homes Commission Act has stood for the proposition of preventing alienation of fee title to the lands set aside so that these lands will always be held in trust for continued use by native Hawaiians of a certain blood quantum in perpetuity.

"The structure of the 999-year leases may continue to pose challenges for lessees because of the uncertainties regarding amendments made to §171-99, Hawaii Revised Statutes, of which complex existing legal rights make identifying the rightful leaseholder difficult to determine and hampers orderly transfer of leases. Although disputes over leaseholder rights may exist, the right of the successor, as determined by the Hawaiian Homes Commission Act, should be upheld. Past legislative efforts, such as the amendments of Hawaii Revised Statutes §171-99, during the 2000 & 2004 Legislative Sessions, make it easier for the present leases to be more freely available to members of the lessee's family through the allowance of a leaseholder's parent's siblings, children of parent's siblings, and grandchildren of a parent's siblings to become the occupier or lessee. It should also be noted that the Department of Hawaiian Home Lands and the Attorney General have not commented on this measure throughout any of the House and Senate Committees it passed through. This conspicuous absence of commentary, either for or against, in public hearings, suggest that due diligence would be served by postponement of this important measure.

"In closing, please be assured that I do understand the discerning intent of this measure to create an additional legal option for native Hawaiian families to keep their homestead land within their extended 'ohana, but cannot support this legislation as currently drafted because of the foreseeable allowance and the possibility of an unqualified Hawaiian homestead tenant becoming the lessee of a homestead parcel in direct violation of the Hawaiian Homes Commission Act of 1920. I could not countenance this occurrence knowing that so many qualified native Hawaiians of requisite blood quantum, will not be given the opportunity afforded under the Act. Indeed, unless and until such time that the U.S. Congress amends the Act, to allow such disposition, I will tend to disfavor this type of measure. Criteria for eligibility of homestead lands should remain to be a permanent land base for the benefit and use of native Hawaiians."

Representative Ching rose in support of the motion to recommit and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 922, SD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitment to the Committee on Judiciary, with Representatives Belatti, Saiki and Wooley voting no, and with Representatives Carroll, Nishimoto and Pine being excused.

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll, Nishimoto and Pine were excused.)

H.B. No. 575, HD 1, (SD 2)
H.B. No. 1038, HD 2, (SD 2)
H.B. No. 1076, HD 1, (SD 2)

H.B. No. 575, HD 1, SD 2:

Representative B. Oshiro moved that H.B. No. 575, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Cullen rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 575 HD 1 SD 1, which extends the five per cent Legislative, Executive, and Judicial salary decrease until December 31st, 2013. We are fortunate and blessed to serve this great State, and given that our economy has not recovered fully and that we are asking government employees to take a five per cent reduction in pay, we believe it is the right thing to do. The State faces a \$1.3 billion deficit over the next two years, and it looks like the future projection for State revenues may be decreasing. We must all make a sacrifice in order to get through this difficult period. Thank you Members, for your support on this

measure, because it is a symbol of us doing what is right in this tough economic time. Thank you, Mr. Speaker."

Representative Belatti rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this motion with a few comments and a request to insert additional written comments into the Journal. Thank you, Mr. Speaker.

"As an initial premise, I am not opposed to salary reductions for Executive, Judicial, and Legislative officers, but this path we are taking is unconstitutional. According to the Oath of Office inscribed in our State Constitution that we took on the Opening Day of this Legislature, I swore to support and defend the Constitution of the United States and the Constitution of the State of Hawaii, and to faithfully discharge my duties as a legislator to the best of my ability. Mr. Speaker, I want to be known as a legislator and a leader who carefully and faithfully weighed all of the evidence and testimony presented to us, and made decisions that were aligned with those principles we swore to support and defend.

"To that end, I would like to thank the Representative from District 34, Pearl City, Waimalu, and Newtown for providing all of us in this Chamber, and in the Senate, with copies of letters from the Administrative Director of the Courts to the House Finance Chair, and from the Director of the Department of Human Resources Development to the House Finance Chair. These letters contain important information about House Bill 575, Senate Draft 2 that I only became fully aware of yesterday.

"I would also like to thank you, Mr. Speaker, for providing us late yesterday with two letters, including an April 26, 2011 letter that was circulated among some of us, namely those in the Conference Committee of House Bill 575 from the Administrative Director of the Courts that lays out the serious constitutional problems of ambiguity, unlawful delegation of legislative powers, and violation of Article XVI, Section 3.5 that prohibits salaries from being decreased except by a general law applying to all salaried officers of the State.

"Mr. Speaker, I will let these letters, which are more than commonplace observations, speak for the bulk of the constitutional and policy problems raised by House Bill 575, Senate Draft 2. But I want to expand upon and highlight this last concern that the bill before us does not represent a general law applying to all salaried officers of the State.

"As drafted, this bill will on January 1, 2014, endow upon all legislators a nearly \$10,000 salary increase. What is grossly unfair and unconstitutional in this bill is that it will leave our Judicial brethren and sisters, and our Executive counterparts on the July 1st, 2009 pay step that is not a simple 5% reduction in salary, but represents a huge pay cut of upwards of \$30,000 for those public servants who have in some cases, and in particular with our judges, have dedicated decades to the State. For this very serious constitutional and policy concern, I stand in opposition to this flawed unconstitutional measure. Thank you, Mr. Speaker."

Representative Belatti's written remarks are as follows:

"The following are letters received by Members of the Legislature outlining the serious constitutional flaws with House Bill 575, Senate Draft 2."

HOUSE MAJORITY STAFF OFFICE

TRANSMITTAL MEMORANDUM

State Capitol, Room 410 * Honolulu, Hawaii 96813 * Phone 808.586.6300 * Fax 808.586.6301

DATE: May 2, 2011 REQUEST NO. 2011-4080
 TO: Representative K. Mark Takai
 FROM: House Majority Staff Office
 RE: Concerns Regarding H.B. No. 575, H.D. 1, S.D. 2 (Relating to Salaries)

This transmittal responds to your request regarding concerns with H.B. No. 575, H.D. 1, S.D. 2. Please note the following:

- Concerns raised in the letter dated April 13, 2011, from the Office of the Administrative Director of the Courts (*refer to the attachment*);
- Concerns raised in the letter dated April 14, 2011, from the Department of Human Resources Development (*refer to the attachment*); and
- Executive and Judicial Branches.** Further, House Chief Counsel notes that there appears to be inconsistencies in the S.D. 2 bill language (*page 2, line 15 to page 3, line 2*), with §26-56, HRS. §26-56, HRS, states, in part: "The recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the recommended salaries . . ." The bill language states that "if any salary recommendations for these positions are made and are to take effect on or after January 1, 2014, by the commission on salaries . . ." However, the January 1, 2014, effective date, as determined by the 2006 Commission on Salaries, applies to the salaries of the Legislative Branch, not the salaries of the Executive and Judicial Branches. Pursuant to §26-56, HRS, the new salaries for the Executive and Judicial Branches under a new salary commission would take effect on July 1, 2013, not on January 1, 2014.

The 2006 Commission on Salaries' established when the salaries of the respective branches take effect, as follows:

- Executive Branch and Judicial Branch:** On July 1, 2007; July 1, 2008; July 1, 2009; July 1, 2010; July 1, 2011; and July 1, 2012.
- Legislative Branch:** On January 1, 2009; January 1, 2010; January 1, 2011; January 1, 2012; January 1, 2013; and January 1, 2014.

Section 3.5 of Article XVI of the Hawaii Constitution states, in part, that "any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted."

If you have any questions or need additional information, please contact our office at 586-6300.
 The House Majority Staff Office is a partisan agency dedicated to providing unbiased drafting, legal analysis, research, and editing services to further the legislative policies developed by the members of the House Majority Caucus.



Office of the Administrative Director of the Courts — THE JUDICIARY • STATE OF HAWAII
 417 SOUTH KING STREET • ALI'OLANI HALE • HONOLULU, HAWAII 96813-2943 • TELEPHONE (808) 539-4900 • FAX (808) 539-4855

Rodney A. Malle
 ADMINISTRATIVE DIRECTOR

Iris T. Murayama
 DEPUTY ADMINISTRATIVE DIRECTOR

April 13, 2011

The Honorable Clayton Hee
 Chair
 Senate Committee on Judiciary and Labor
 State Capitol, Room 407
 415 South Beretania Street
 Honolulu, HI 96813

Re: H.B. No. 575, H.D. 1, S.D. 2, Relating to Salaries

Dear Senator Hee:

I would like to share concerns about H.B. No. 575, H.D. 1, S.D. 2, with regard to challenges that may be raised about the bill's ambiguous language and possible constitutional infirmities. We have informally raised these issues with the Department of the Attorney General. Although they have not taken a formal position on this matter, they have informally reviewed the bill and concur with the concerns raised in this letter.

H.B. No. 575, H.D. 1, S.D. 2 extends the present 5% salary reduction for justices, judges, the governor, and other officers of the executive branch until December 31, 2013. Section 2(b) states that on January 1, 2014, the salaries of these positions shall be restored to the level they would have been on July 1, 2009 without the salary decrease. Section 2(b) further states, "if any salary recommendations for these positions are made and are to take effect on or after January 1, 2014 by the commission on salaries, and the recommendations are not disapproved by the legislature, then the salary recommendations shall become effective on the date specified by the commission on salaries." (Emphasis added.)

Ambiguity

The next commission on salaries must submit salary recommendations during the 2013 legislative session. Hawaii's Const. art. XVI, § 3.5. Based on the practice of the previous commission, the 2013 commission on salaries will recommend new salaries effective as of July 1, 2013. The present language in Section 2(b) of H.B. No. 575, H.D. 1, S.D. 2 is ambiguous as it appears to authorize two different salaries during the period from July 1, 2013 to December 31, 2013. Lines 10 – 12 on page 2 of the bill extends the 5% salary reduction during this period. Assuming that the recommendations of the commission on salaries take effect on July 1, 2013,

Letter to Senator Clayton Hee
April 13, 2011
Page 2

however, lines 15 – 21 on page 2 and lines 1 -2 on page 3 of the bill state that the positions shall receive the salaries specified by the commission's 2013 report.

Potential Constitutional Challenges

An Attorney General letter cited by the House Committee on Finance (House Standing Committee Report No. 950, 2009 Hawaii House Journal, pg. 1283, 1284, re: H.B. No. 1536, H.D.2), states that "[T]he express language of article VI, section 3.5, prohibits a salary decrease unless by general law applying to all salaried officers of the State . . ."

In its present form, H.B. No. 575, H.D.1, S.D.2 raises two constitutional issues. First, Section 2(b) states that if the 2013 legislature disapproves the commission's recommendations, the salary for justices and judges in 2014 will be the amounts that were effective as of July 1, 2009. Thus, justices and judges would continue to be subject to a salary reduction in 2014. Legislators, however, will not be subject to a similar salary reduction in 2014 because there is no language to that effect in Section 2(c) of the bill. Accordingly, if H.B. No. 575, H.D.1, S.D.2 is enacted, it may be challenged on the ground that it does not comport with Hawai'i Const. art. XVI, § 3.5, that prohibits salaries from being decreased during a term of office except by a general law applying to all salaried officers of the State.

Second, H.B. No. 575, H.D. 1, S.D.2 specifies that the salary commission's recommendations on salaries for legislators shall take effect on 2014. State legislation which adopts by reference future legislation, which is enacted by another sovereign entity constitutes an unlawful delegation of legislative power. *State v. Tengan*, 67 Haw. 451, 460, 691 P.2d at 373 (1984). The current state legislature may not bind a future state legislature in such a manner. Article XVI, section 3.5 of the Hawaii State Constitution specifies that the salary commission recommends salaries to the legislature and those recommendations become effective unless the legislature disapproves the recommendations as a whole. The bill's attempt to bind a future legislature to accept recommendations from a future commission on salaries may also be challenged as an improper delegation of its powers.

Please consider the potential challenges created by this proposed legislation. The possibility that this bill, if enacted, could generate litigation raises significant budgetary implications. Moreover, the possibility that salaries may be subject to litigation creates an inherently uncertain situation for all those public officers whose salaries may be impacted.

Sincerely,

Rodney A. Maile
Rodney A. Maile
Administrative Director of the Courts

c: Russell A. Suzuki, First Deputy Attorney General



Office of the Administrative Director of the Courts — THE JUDICIARY • STATE OF HAWAII
417 SOUTH KINGS STREET • ALI'OLANI HALE • HONOLULU, HAWAII 96813-2943 • TELEPHONE (808) 539-4900 • FAX (808) 539-4855

Rodney A. Maile
ADMINISTRATIVE DIRECTOR
Iris T. Murayama
DEPUTY ADMINISTRATIVE DIRECTOR

April 13, 2011

The Honorable Marcus R. Oshiro
Chair
House Committee on Finance
State Capitol, Room 306
415 South Beretania Street
Honolulu, HI 96813

Re: H.B. No. 575, H.D.1, S.D.2, Relating to Salaries

Dear Representative Oshiro:

I would like to share concerns about H.B. No. 575, H.D.1, S.D.2, with regard to challenges that may be raised about the bill's ambiguous language and possible constitutional infirmities. We have informally raised these issues with the Department of the Attorney General. Although they have not taken a formal position on this matter, they have informally reviewed the bill and concur with the concerns raised in this letter.

H.B. No. 575, H.D. 1, S.D. 2 extends the present 5% salary reduction for justices, judges, the governor, and other officers of the executive branch until December 31, 2013. Section 2(b) states that on January 1, 2014, the salaries of these positions shall be restored to the level they would have been on July 1, 2009 without the salary decrease. Section 2(b) further states, "if any salary recommendations for these positions are made and are to take effect on or after January 1, 2014 by the commission on salaries, and the recommendations are not disapproved by the legislature, then the salary recommendations shall become effective on the date specified by the commission on salaries." (Emphasis added.)

Ambiguity

The next commission on salaries must submit salary recommendations during the 2013 legislative session. Hawai'i Const. art. XVI, § 3.5. Based on the practice of the previous commission, the 2013 commission on salaries will recommend new salaries effective as of July 1, 2013. The present language in Section 2(b) of H.B. No. 575, H.D.1, S.D.2 is ambiguous as it appears to authorize two different salaries during the period from July 1, 2013 to December 31, 2013. Lines 10 – 12 on page 2 of the bill extends the 5% salary reduction during this period. Assuming that the recommendations of the commission on salaries take effect on July 1, 2013,

Letter to Representative M. Oshiro
April 13, 2011
Page 2

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Potential Constitutional Challenges

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In its present form, H.B. No. 575, H.D.1, S.D.2 raises two constitutional issues. First, Section 2(b) states that if the 2013 legislature disapproves the commission's recommendations, the salary for justices and judges in 2014 will be the amounts that were effective as of July 1, 2009. Thus, justices and judges would continue to be subject to a salary reduction in 2014. Legislators, however, will not be subject to a similar salary reduction in 2014 because there is no language to that effect in Section 2(c) of the bill. Accordingly, if H.B. No. 575, H.D.1, S.D.2 is enacted, it may be challenged on the ground that it does not comport with Hawai'i Const. art. XVI, § 3.5, that prohibits salaries from being decreased during a term of office except by a general law applying to all salaried officers of the State.

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Please consider the potential challenges created by this proposed legislation. The possibility that this bill, if enacted, could generate litigation raises significant budgetary implications. Moreover, the possibility that salaries may be subject to litigation creates an inherently uncertain situation for all those public officers whose salaries may be impacted.

Sincerely,

Rodney A. Maile
Rodney A. Maile
Administrative Director of the Courts

c: Russell A. Suzuki, First Deputy Attorney General

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
285 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2457

SUNSHINE P.W. TOPPING
DIRECTOR
BARBARA A. KRIG
DEPUTY DIRECTOR

2011 APR 14 P 2 44

April 14, 2011

Honorable Marcus R. Oshiro, Chair
House Committee on Finance
Hawaii State Capitol, Room 306
Honolulu, HI 96813

Dear Representative Oshiro:

Re: House Bill No. 575, H.D. 1, S.D. 2, Relating to Salaries

Senate Bill No. 575 amends Act 85, Session Laws of Hawaii 2009, and extends the 5% reduction in salaries from June 30, 2011 to December 31, 2013 for certain members of the executive, legislative, and judicial branches.

The Commission on Salaries makes recommendations to the Legislature on the salaries of these members. The Department of Human Resources Development provides staff support to the Commission and we have concerns that the language in this bill may conflict with Article XVI, Section 3.5 of the State of Hawaii Constitution.

Section 3.5 states that the Commission on Salaries shall submit to the legislature its recommendations at the 2007 regular legislative session and every six years thereafter. The salary recommendations for the next six year cycle beginning July 1, 2013 for the executive and judicial branches, and January 1, 2015 for the legislative branch, are the responsibility of the next Commission on Salaries that will be appointed in 2012.

This bill extends the 5% salary reduction to December 31, 2013 but does not address the impact of the reductions on the Commission on Salaries' recommendations for the executive and judicial branches for the period July 1, 2013 to December 31, 2013. This will result in an unresolved conflict between the bill and the next Commission on Salaries' recommendations.

To avoid the conflict as well as the need for further legislative action at the time of the next salary recommendations, we would recommend that a June 30, 2013 end date be used for the current bill.

We appreciate your consideration of the above as you continue your deliberations.

Sincerely,

Sunshine P.W. Topping
SUNSHINE P.W. TOPPING
Director



Rodney A. Malle
ADMINISTRATIVE DIRECTOR
Iris T. Murayama
DEPUTY ADMINISTRATIVE DIRECTOR

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April 26, 2011

The Honorable Karl Rhoads, Co-Chair
The Honorable Marcus R. Oshiro, Co-Chair
The Honorable Clayton Hee, Chair
The Honorable David Y. Ige, Co-Chair
Conference Committee of House Bill No. 575, H.D. 1, S.D. 2, Relating to Salaries
State Capitol
Honolulu, HI 96813

Re: H.B. No. 575, H.D. 1, S.D. 2, Relating to Salaries

Dear Conference Committee Members:

Through our last letter on the subject of the proposed legislation relating to salaries for public officers, dated April 13, 2011, we explained our concerns about H.B. 575, H.D.1, S.D.2, concerning challenges that could be raised about the bill's ambiguous language and possible constitutional infirmities. As we explained, we first raised those issues with the Department of the Attorney General and they too, informally, had concerns about these issues.

This letter details our concerns about the ambiguity inherent in H.D. 1 and S.D.2; the constitutional issues raised by S.D. 2; and also the general policy impacts of both the House and Senate drafts of these bills, given the disproportionate effects these bills, if enacted, will have upon judges.

The Judiciary recognizes that the severe economic crisis requires *all* public officers to make sacrifices to help the State meet its economic challenges. We also deeply appreciate the support that the Legislature has given the Judiciary to enable us to continue to provide core and fundamental services to the people of Hawai'i. Respectfully, however, we wish to point out the disproportionate impact this legislation would have upon judges, based upon the detailed analyses provided by the National Center for State Courts and the Commission on Salaries, discussed below.

Ambiguity -- H. D. 1 and S. D. 2

House Draft 1 contains ambiguous language with regard to what the July 1, 2012 salaries would be, as it extends the 5 % reduction in salaries to June 2013 for the executive and judicial

Conference Committee on House Bill No. 575, H.D. 1, S.D. 2
April 26, 2011
Page 2

branches but does not amend the language restoring the Commission on Salaries' recommendations effective July 1, 2012.

Senate Draft 2 contains a different ambiguity. It also proposes to extend the present 5% salary reduction for justices, judges, the governor, and other officers of the executive branch until December 31, 2013. Section 2(b) states that on January 1, 2014, the salaries of these positions shall be restored to the level they would have been on July 1, 2009 without the salary decrease. Section 2(b) further states, "if any salary recommendations for these positions are made and are to take effect on or after January 1, 2014 by the commission on salaries, and the recommendations are not disapproved by the legislature, *then the salary recommendations shall become effective on the date specified by the commission on salaries.*" (Emphasis added.)

The next commission on salaries must submit salary recommendations during the 2013 legislative session. Hawai'i Const. art. XVI, § 3.5. Based on the practice of the previous commission, the 2013 commission on salaries will recommend new salaries effective as of July 1, 2013. The language in Section 2(b) of H.B. 575, H.D.1, S.D.2 is ambiguous as it appears to authorize two different salaries during the period from July 1, 2013 to December 31, 2013. Lines 10 – 12 on page 2 of the bill extends the 5% salary reduction during this period. Assuming that the recommendations of the commission on salaries take effect on July 1, 2013, however, lines 15 – 21 on page 2 and lines 1 – 2 on page 3 of the bill state that the positions shall receive the salaries specified by the commission's 2013 report.

Potential Constitutional Challenges to S.D.2

An Attorney General letter cited by the House Committee on Finance (House Standing Committee Report No. 950, 2009 Hawai'i House Journal, pg. 1283, 1284, re: H.B. No. 1536, H.D.2), states that "[T]he express language of article VI, section 3.5, prohibits a salary decrease unless by general law applying to all salaried officers of the State . . ."

In its present form, H.B. 575, H.D.1, S.D.2 raises two constitutional issues. First, Section 2(b) states that if the 2013 legislature disapproves the commission's recommendations, the salary for justices and judges in 2014 will be the amounts that were effective as of July 1, 2009. Thus, judges would continue to be subject to a salary reduction in 2014. Legislators, however, will not be subject to a similar salary reduction in 2014 because there is no language to that effect in Section 2(c) of the bill. Accordingly, if H.B. 575, H.D.1, S.D.2 is enacted, it may be challenged on the ground that it does not comport with Hawai'i Const. art. XVI, § 3.5, prohibiting salaries from being decreased during a term of office except by a general law applying to *all* salaried officers of the State.

Second, H.B. 575, H.D.1, S.D.2 specifies that the salary commission's recommendations on salaries for legislators shall take effect in 2014. State legislation which adopts by reference future legislation, which is enacted by another sovereign entity, constitutes an unlawful delegation of legislative power. *State v. Tengan*, 67 Haw. 431, 460, 691 P.2d at 373 (1984). The

Conference Committee on House Bill No. 575, H.D. 1, S.D. 2
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current state legislature may not bind a future state legislature in such a manner. Article XVI, section 3.5 of the Hawai'i State Constitution specifies that the salary commission *recommends* salaries to the legislature and those recommendations become effective unless the legislature disapproves the recommendations as a whole. The bill's attempt to bind a future legislature to accept recommendations from a future commission on salaries may also be challenged as an improper delegation of its powers.

**Policy Impacts of Both House and Senate Drafts:
Disproportionate Impact Upon Judges**

While House Bill 575, H.D.1, S.D.1 is preferable in that it does not raise the myriad legal and constitutional issues raised by the other drafts, nevertheless, there are significant policy concerns associated with reducing salaries for judges, since they will be disproportionately impacted by this legislation.

On March 14, 2007, the Hawai'i Commission on Salaries issued its Report and Recommendations to the 2007 Legislature, noting that their recommendations were based upon principles of equity and fairness and consideration of:

- the impact of having no increases in judicial salaries from 1990 to 1999;
- the states' rankings of both non-adjusted salaries and COLA adjusted salaries (adjusted for cost of living, as provided by the National Center for State Court published Survey of Judicial Salaries.) The Commission found that Hawai'i's judicial salaries were lowest and last among all states when adjusted for cost of living, which the Commission considered as an "unfair and inaccurate reflection of our State's regard for the Judiciary and its effect on judicial decisions and justice throughout the State."
- Judicial retirement benefits and the judicial mandatory retirement.

The Commission concluded:

While the Commission had hoped to raise Hawai'i's rank on the National Center for State Court Salary Comparison Among States from lowest and last to a slightly higher position of 42nd or 43rd, it chose, instead, to recommend a more moderate and affordable salary adjustment, in light of salaries of employees of other State departments. Thus, despite the recommended increases, Hawai'i's adjusted salary comparison among all states will remain lowest and last . . .

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Thus, even if the Commission on Salaries' recommendations as provided in their March 2007 Report had been implemented through June 30, 2013, the salaries of Hawai'i's judges would still have been ranked the lowest of all states, adjusted for cost of living.

According to the most recent Survey of Judicial Salaries published by the National Center for State Courts, as of July 1, 2010, Hawai'i's trial judges continue to receive the lowest salaries in the nation when adjusted for cost of living, and Hawai'i ranked 51st out of all states and the District of Columbia.

The cumulative impact of Act 185, 2009 Session Laws of Hawai'i (SLH) and H.B. No. 575, H.D.1, S.D.2, will be to defer the judicial salaries recommended by the Commission on Salaries in 2007 for a total of four years (FY 10 through FY 13), thus resulting in a total net loss of salary for trial judges equivalent to more than one year's salary.¹ This net loss of compensation reflects the disparate impact this bill would have on judges, compared to the other positions for which the Commission on Salaries established compensation.

While Hawai'i's judges are committed to serving the people of this State, our ability to retain and recruit judges in the future may be impacted by further reductions in their salaries. With regard to retention, we have seen many highly experienced judges leave the bench. Indeed, as noted in the *Report of the Special Committee on the Effects of the Economy and the Judiciary*, issued by the American Judicature Society, Hawai'i Chapter, on March 7, 2011:

During the course of Committee discussions, one consequence of the budget reductions was noted that while certainly unintended had significant consequences.

In 2009, the year in which budget reductions were announced, 9 judges representing 161 years of judicial experience retired. Reasons varied but one element was a concern with how the budget reductions would impact pensions. As pension is salary based, a reduction in salaries can lessen pension amounts.

Considering All Options

Again, we appreciate the Legislature's diligence in finding budget savings given these dire economic times. We ask, however, that both the concerns raised above and all feasible options be considered. One possible option could be reducing pay for a shorter period (e.g., one year) so that the Legislature may consider next year's economy before determining that the specified pay reduction is further required. We stand ready to assist the Conferees in identifying and evaluating all appropriate options.

¹ For district, family, and per diem judges, the total net loss of salaries for FY 10 through FY 13, as a result of Act 185 and the proposed present legislation, is \$133,257.00; for circuit court judges, the amount would be \$141,446.00.

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As a final matter, we would point out that if the Legislature is inclined not to reduce the salaries through these bills, or to change the duration of the salary reductions, adequate funding in the Judiciary's budget would need to be provided.

Sincerely,



Rodney A. Maile
 Administrative Director of the Courts

- c: Representative Ty Cullen
 Representative Mark J. Hashem
 Representative Linda E. Ichiyama
 Representative Jo Jordan
 Representative Derek S.K. Kawakami
 Representative Daynette Morikawa
 Representative Barbara C. Marumoto
 Representative Gene Ward
 Senator Les Ihara, Jr.
 Senator Sam Slom

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I do recognize that there are some legal questions that have arisen with this bill and there are some serious legal questions. However I do think that we at this time, have little other choice, and little other opportunity to address this issue. That is why we must vote on House Bill 575, move to agree to the amendments made by the Senate, and pass this on Final Reading. Because at the end of the day it is a symbolic action that I think is worthwhile for us to be going down this road.

"I think there is the potential for a legal challenge, but that in and of itself should not be the reason why we shy away from this bill. I think we will have further and additional opportunities if there are questions, if there are uncertainties, if there is vagueness, to address those questions. However without this bill, I think we lack the leverage that is necessary for us to have that opportunity and make those changes. Without this bill, if this bill were to fail as of today, we will not ever again have this kind of leverage and opportunity to try and change it in the way that we need to. I do recognize that there are technical problems and there a few words and a couple of numbers that we do need to change.

"Now as to the opportunity or the likelihood of litigation, the reason I don't have too much fear for that at this point is there is some justiciability questions that are primarily at heart right now. First and foremost is the rightness issue. Even though this bill comes into effect on June 29, 2011 the actual effect of the reduction doesn't occur until later. And so at that point, that is when somebody has that legal opportunity and standing with which to challenge.

"In addition to that I would also raise that there is a potential for this to be a political question. I think courts have often raised the opportunity for the Legislative Branch to properly address and take remedy and action when they have that chance. And I do think we will have that chance and opportunity in the next coming months, if not in the next Session to fix that problem before it ever becomes and realizes itself into a true constitutional problem.

"And for that reason, I think and I recommend to my colleagues, vote in favor of this bill because if we do not, I am telling you my belief is that we won't have this opportunity, we won't have this leverage, we won't have this fulcrum for anything to change in the future. Thank you."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. Thank you. First, I'd like the words of the Representative from Makiki entered into the Journal as if they were my own. Thank you, Mr. Speaker.

"You know, I stand here embarrassed because of this bill. We should not be debating a bill that some, or most, or if all of us believe is constitutionally flawed. I mean, something went wrong in the process and today we sit here on our last day, trying to resurrect a bill, Senate Draft 2 of House Bill 575 because that's all we have. I don't like being put in these types of positions. This bill is not the right way to go about business in the Legislature. It's embarrassing.

"Now I agree with the Majority Leader, I believe that we need to pass on this bill, and send it up to the Fifth Floor. But I'm going to urge the Governor for a veto. Because if the Governor vetoes this bill, then we have another crack at it. My understanding is if the Governor vetoes this bill and specifically outlines the problems raised by not only the DHRD Director, but also the Administrative Director of the Courts. If the Governor outlines those concerns and sends it down in the veto message, we can fix it. And that is my hope, Mr. Speaker.

"I do support the continuation of our 5% pay cut. I believe it's prudent. I believe it's fair. But my biggest concern is that should this bill go up, the Governor signs it, and it gets challenged in court, and gets thrown out of court, we all jump tremendously.



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Rodney A. Maile
 ADMINISTRATIVE DIRECTOR
 Iris T. Murayama
 DEPUTY ADMINISTRATIVE DIRECTOR

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 SPEAKER'S OFFICE

May 4, 2011

The Honorable Calvin K.Y. Say
 Speaker
 House of Representatives
 State Capitol, Room 431
 Honolulu, Hawai'i 96813

Re: H.B. No. 575, H.D. 1, S.D. 2, Relating to Salaries

Dear Speaker Say:

In light of the House of Representatives' anticipated reconsideration of H.B. No. 575, H.D. 1, S.D. 2, Relating to Salaries, the Judiciary would like to take this opportunity to reiterate our very significant constitutional concerns about H.B. No. 575, H.D. 1, S.D. 2, which we previously shared with the Conference Committee. Attached for your review are copies of our:

- 1) April 13, 2011 letter to Senator Clayton Hee which expressed the results of our initial research and consultation with the Department of the Attorney General; and
- 2) April 26, 2011 letter to the members of the Conference Committee, which discusses our policy and constitutional concerns regarding H.B. No. 575, H.D. 1, S.D. 2.

For the reasons discussed in our April 13, 2011 and April 26, 2011 letters regarding the constitutional issues pertaining to H.B. No. 575, H.D. 1, S.D. 2, we would respectfully request that the House not adopt H.B. No. 575, H.D. 1, S.D. 2 in its present form.

Sincerely,



Rodney A. Maile
 Administrative Director of the Courts

Attachments

- c: Representative Marcus R. Oshiro
 Representative Gilbert S.C. Keith-Agaran
 Representative Karl Rhoads

"The other thing, Mr. Speaker, and what people probably don't realize is that the intent of the Salary Commission, a few years ago, was to take a look at what salaries should be paid to all classes in the Executive, Judicial, and the Legislative Branches. And the Salary Commission, justifiably so, said that these judges in the Judicial Branch should be receiving X amount of money. This bill is a 30% pay cut for our judges, 25% to 30% pay cut to our judges. Now what does it say as a society? What does that say as a State? What does that say as a Legislature? That we don't value the Judiciary? That we don't value the judges currently seated on all our courts? I have a problem with that, Mr. Speaker.

"So my hope is that with this vote with reservations, that we encourage the Governor to veto with very specific instructions on how to fix this measure. And hope that his instructions include restoration of some of these cuts that both the Judiciary and the Executive Branches are receiving. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. In support with reservations, and I would like the words of the Representative from I believe Makiki, and our Majority Leader entered in the record as if they were my own.

"Just a few brief comments. It's kind of funny. Why am I adopting the words of two people who had different positions? Because I think it represents the struggle. And the good Representative from Aiea, I apologize if my geography is not accurate, brought up those very good points. What started out as a House Bill, and the House position was clean, Mr. Speaker. And I thank you, the Members and the others who worked on presenting a very clean, sound bill that unfortunately was rendered pretty much ineffective because of the antics that went on. And I'm just going to quote my good friend, the senior Senator from Hawaii who says, 'I'm going to hold my nose and vote for this measure today,' because I believe the previous speaker was correct. But I'm hoping that the Governor will instruct us through a corrective action and veto, to take those measures so we can restore the position of this Body which was to basically continue the cuts, but also not to jeopardize the judges.

"And from a Neighbor Island perspective, that's where it comes home to roost. Because if what has been said is true, you're going to have a lot of vacancies occurring on the Neighbor Islands, and the wheels of justice will stop. When you have important programs like mediation and other programs that many people are relying on. When you have a hard time to access justice to begin with on the Neighbor Islands, I think this could have some really bad side effects. So with that, Mr. Speaker, I am in support with reservations, and I will hold my nose."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, I think the discussion on the Floor is symptomatic of this Session. What is obvious to people out in the street seems to be esoteric, technical, controversial, and not too clear. I guess the case in point was when we were told not to use the AG's opinion because we could equivocate back and forth. To equivocate on this issue is to totally negate what's going on with the people of Hawaii in terms of the amount of \$5 a gallon they're paying for gas. \$5 per quart of a gallon of milk. \$200 bucks to get back and forth from the Neighbor Islands.

"The people are hurting out there and we have got to show them by leadership and demonstration that we know what's the best policy. We are policy makers. Let the courts do what they do and we can come back and fix it. We have to not be symptomatic of being out of touch with what the people of Hawaii are saying. And, Mr. Speaker, this is an imperative and we are compelled without any equivocation to pass this pay cut bill. If we don't do it, we have absconded our responsibilities and what the people of Hawaii, who've trusted us by voting for us to get here, to do. We have no excuses but to pass this bill. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 575, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Final Reading by a vote of 43 ayes to 4 noes, with

Representatives Belatti, Hanohano, Morikawa and Souki voting no, and with Representatives Carroll, Ito, Nishimoto and Pine being excused.

H.B. No. 1038, HD 2, SD 2:

Representative B. Oshiro moved that H.B. No. 1038, HD 2, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I rise with reservations, and if I may, brief comments. I spoke on this before. I'm really concerned about the aspect of if we're going to have 52 or 53 year-old police officers out there, who will have to deal with perhaps a 20 year-old criminal. If we just looked at the physical aspects of the job, and I know the job because I did it for 25 years.

"I'm 51 and I can say for myself, I would not like to have to be in a police car right now and having to deal with a young offender. I really think that, and I'm saddened that SHOPO and others didn't come out more opposed to this. I seem to be the only one that's speaking about this. But I have some great concerns about that and what we're potentially putting our senior law enforcement officers in jeopardy by putting them into a physical confrontation. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1038, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, Ito, Nishimoto and Pine being excused.

H.B. No. 1076, HD 1, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1076, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, Ito, Nishimoto and Pine being excused.

At 12:01 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 575, HD 1, SD 2
H.B. No. 1038, HD 2, SD 2
H.B. No. 1076, HD 1, SD 2

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 305 through 308) were announced by the Clerk and the following action taken:

H.R. No. 305, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING THE UNITED STATES NAVY SEALS FOR SUCCESSFULLY NEUTRALIZING THE WORLD'S MOST WANTED TERRORIST," was jointly offered by Representatives Ward, Aquino, Choy, Cullen, Evans, Fontaine, Har, Herkes, Ito, Johanson, Kawakami, B. Oshiro, Riviere, Say, Takai, Takumi, Thielen, Tokioka and Yamashita.

Representative B. Oshiro moved that H.R. No. 305 be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, on 9/11, I was in Washington D.C. and experienced the havoc that was going on with the Pentagon burning and the smoke coming across the Potomac right to my building at the Regan Building, and thinking, 'Oh my God. What has happened to our country?'"

"From that day after, the world changed and ceased to be as it is. The United States ceased to be the United States. Getting in the airport. Going

on an airplane ceased to be when travel was fun. But now, Mr. Speaker, with this resolution, and with this most-wanted terrorist being removed, the hope is that civilized society can progress again. That the dialogue between the great two cultures of Islam and Christianity can progress. And that we can have a safer, better society so we can benefit all the people of the world and not cower and be afraid because one person existed. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Thank you, Mr. Speaker. Mr. Speaker, I support this resolution on many levels. But the number one reason would be to acknowledge those who put their lives on the line. Not just for some, but for a nation. It was a dangerous mission. There are those who in real life, really consciously, through their bravery and courage, protect others. And it's important to remember those people. It's not to rejoice in the death *per se* of a human being. It is rather to say that we are a safer nation and that we do what we must to be a safe nation.

"I want to acknowledge at this just about 10 year time, how many Hawaii people lost their lives in 9/11. Sometimes it's easy to think that something goes on somewhere else in a far-off shore, but we are all interrelated. And there was an individual I knew, a friend of the family, who perished on 9/11. A pastry chef up on the top floor. A family friend, and classmate of my brother's. There were a lot of some of Hawaii's best and brightest that wanted to fly like eagles to far away cities, and it is our loss. And so when we remember those who keep us safe, we remember those people that lost their lives. Thank you, Mr. Speaker."

Representative Brower rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. And, Mr. Speaker, I say to fully support it, I wish the President made the decision to show the picture of the number one terrorist's death to the country. I'd like to note, Mr. Speaker, the President went out of his way to see that the world's number one terrorist received a religious ceremony at this death. Now that could be interpreted as a violation of the separation of church and state. In some circumstances, a violation I support. It shows us the importance of religion and spiritual beliefs in regards to man's law. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. As the Minority Leader has mentioned, and also the acting Minority Floor Leader and have mentioned already, I do want to acknowledge the lives that have been lost. Not only the six from Hawaii that died on that day, but the 3,000 or so that died as well.

"In addition to that, Mr. Speaker, I think we're edging up to about 5,000 service members who have perished, both in Iraq and Afghanistan of which 286 were with ties to Hawaii. And as you know, we've recognized them with the Hawaii Medal of Honor. So as we look at celebrating, and I do mean celebrating, because I think this is a celebration, we also have to be mindful of the fact that the war is not over and the missions not done. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support. I would just like the words of the not only the previous speaker, but of the Representatives from Hawaii Kai and Liliha entered in the records as if they were my own," and the Chair "so ordered." (By reference only.)

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support. Today the President is at Ground Zero speaking to the families of the people who died in 9/11. I do feel some mention should be made of the bravery of the President, the courage that he had to give the go-ahead for this mission, because without his decision it wouldn't have happened. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"In favor of the measure, Mr. Speaker. And at the appropriate time, I would like for us to stand for a moment of silence for all the service members who died in the name of the War Against Terrorism."

The Chair responded, stating:

"Thank you. We will take that up at the end of today's session."

The motion was put to vote by the Chair and carried, and H.R. No. 305 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto and Pine being excused.

At 12:08 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:10 o'clock p.m.

H.R. No. 306, entitled: "HOUSE RESOLUTION EXPRESSING APPRECIATION AND GRATITUDE TO ROWENA "AUNTY RONIE" LOW FOR HER YEARS OF SERVICE TO THE HOUSE OF REPRESENTATIVES AND BEST WISHES FOR A HAPPY RETIREMENT," was offered by Representative Say.

Representative B. Oshiro moved that H.R. No. 306 be adopted, seconded by Representative Evans.

Representative Souki rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. Thank you, very much. First of all, I want to congratulate Ronie for her successful career working for the Sergeant-at-Arms. I want you to know that on behalf of the House, and certainly for myself, we're all going to miss you. I enjoyed working with you. I enjoyed travelling with you. God bless you as you move forward in your transition in life. Aloha."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you, very much, Mr. Speaker. I would be remiss if I didn't offer my congratulations, and my appreciation for all the work that Ronie has done over the years. She always has a wonderful smile when you walk into the Sergeant's Office, and her kindness extended to my granddaughter whenever I came by there with the Princess. We wish you the best with your granddaughter as well, as you move to the Big Island. And don't forget us here back in Honolulu. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I am in favor of the resolution honoring Ronie for all her hard work. I don't know how many times she helped me get into my office after I locked myself out. She has always conducted her duties with great professionalism, cheerfulness, and real consideration for the Members of this House. We're going to miss you.

"And you remember my grandson Brian and how he used to crawl around on the floor of the Sergeant-at-Arms Office. He'll be home from college tomorrow, and he's now 6'3". So we wish you well and aloha. Thank you."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, just to add to those great accolades of appreciation from the Minority in how you treated us like the Majority. You were so friendly, so professional. We owe you a debt of gratitude. And from my former office manager, Fran Voege you are blessed, and you have been a blessing. Godspeed. Aloha."

Representative Kawakami rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Aunty, on behalf of the Kawakami's that came before me who had the opportunity to work with you, we would like to say thank you, from the bottom of our hearts. Good luck, and we love you."

Representative Ching rose to speak in support of the measure, stating:

"Ronie, my staff and I also thank you. And I know especially Bev, from where she is, always spoke so highly of you, and was grateful to you. Bev thanks you. We all thank you."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you. Just very briefly, none of our words here can express the thanks we truly have for you. We do wish you the best."

Representative Manahan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in strong support of this resolution. And I just wanted to take this opportunity to extend a very heartfelt aloha. Having met Aunty Ronie about 10 years ago when I started here as a staffer working for former Representative Dennis Arakaki, I had to stop at the Sergeant-At-Arms Office, naturally as part of the training period. Aunty Ronie was one of the first people I met and she certainly steered me in the right direction, and has guided me certainly to this. I wouldn't be here, I don't think, standing here before you as a Representative if not for her guidance way back when. So thank you very much for your words of wisdom over the years. I'm very grateful, and I'm very happy to see her today."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong, very strong support. And on behalf of the Kauai delegation, now, in the past, and those in the future, including Senator Kouchi and all the Senators who have been here, thank you very much, Aunty Ronie for everything."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Thank you, Mr. Speaker. And just a few words. When I first came to this Body here, one of the first instructions that were given to me from my predecessors were to go and speak with Aunty Ronie in the Sergeant-at-Arms and she'll take care of you. And indeed she has during this entire time that I've been here at the Legislature. She's been nothing but helpful. Not only to Members, but also to their staff as well. I'd just like to extend my aloha and appreciation for all that she has done. Surely she has taken care of us, and I'm sure that once retired, she'll go ahead and take care of more people in her *ohana*. Thank you, Mr. Speaker."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. You know, people that work in the back office or the front office become such an integral part of the success of an organization. And I know that Aunty Ronie, that you were there when people were having their ups, and they were having their downs. Their good days, and their bad days. But you were an integral part of who we are. And I know I'm feeling tears of sadness and happiness, and I know you are too. But it is a loss for us that you're going. I know all the people that work with you, sit next to you in those desks and see you every day, more than me, are going to feel it too."

"But I just want you to know that you gave so much and were such an integral part. We're going to be sad, but I think also we can share in the joy of the next phase of your life. We'll be anxious to see you come by and visit, and tell us where you've gone to next, whatever that next chapter in your life will be. It'll be very exciting for you. So please come by, and please know that we're wishing you the best and we won't forget. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Thank you. At 9:30 today, we were once again reminded that session was to begin in 30 minutes. And when I heard those words, it brought a smile to my face because we all knew what was going to happen today. But I just wanted to thank you for everything you've done, and also thank your family for letting us have you for these many years. Aloha and mahalo. Thank you, Mr. Speaker."

Representative Yamane rose to speak in support of the measure, stating:

"I'm standing in strong support. On behalf of the Yamane Ohana, which you've helped for many years now, we'd like to express much appreciation and more importantly, our love for you. We'll miss your blessed voice reminding us and keeping us on track, but also we'll miss your warm and loving smile when we visit the Sergeant-at-Arms Office. Thank you."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Thank you. My personal message to Ronie, I'm going to miss you. Thank you for all the talks we had during the interim. All the phone calls and the jokes. We always used to laugh, and we're going to miss that, both May and I. So God bless you in everything else you do. We're going to miss you. Thank you, Mr. Speaker."

Representative Jordan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Walking in the doors in January, on the first day after the Session began, it was so sweet to see another face from Waianae. It meant a lot to me. In my short time with you, I realized it's not us sitting on the Floor, but it's the staff of the House Sergeant-at-Arms and the Clerk's Office that make us look good as we sit here."

"Ronie, I'm going to miss you. It's been very short for me, but I appreciate everything that you have done for me. I want to thank your family for sharing you with me for the short time. I'm definitely going to miss you. Mahalo. And hopefully I can keep your spirit here with the Waianae that I bring to this place. Mahalo."

Representative Har rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Aunty Ronie, on behalf of the members of the Leeward Delegation, thank you so much for everything you've done for us. I can remember so many great conversations we've had, candid conversations, where we'd just giggle, and laugh, and laugh, because it's someone like you who reminds us why we're here, and why we're supposed to be trying to do the right thing. You've always taken care of all of us. All of our staffs know that if there's ever a problem, just call Aunty Ronie. She'll take care of it. So on behalf of our staffs too, thank you so much for always taking care of each and every one of us from the time we've all been here. Our very best to you and your family in all of your endeavors."

Representative Chang rose to speak in support of the measure, stating:

"In support. On behalf of the Big Island Delegation, the present and in the past, we want to thank you so very much, Ronie. You've been a wonderful, wonderful help to all of us, especially all of our Neighbor Island members who especially need the help. And whenever we call your office, we have no fear of feeling like we're bothering you because you've always been very friendly. I think you conveyed that to your entire staff and we thank you, so much. Aloha."

Representative M. Lee rose to speak in support of the measure, stating:

"In support. I just want to thank you very much, and wish you a happy retirement. But I also would like to thank you for being a sterling example of a strong woman. Thank you."

The motion was put to vote by the Chair and carried, and H.R. No. 306 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto and Pine being excused.

At 12:19 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

H.R. No. 307, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO PERFORM AND CARRY OUT ANY OFFICIAL LEGISLATIVE BUSINESS DURING THE INTERIM BETWEEN THE 2011 AND 2012 REGULAR SESSIONS," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 307 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki being excused.

H.R. No. 308, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was jointly offered by Representatives Say and Manahan.

Representative B. Oshiro moved that H.R. No. 308 be adopted, seconded by Representative Evans.

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, as I look at the resolution, I see two signatures. One of course is yours, and the other, Vice Speaker Manahan. So on behalf of the Junior Class, who the Vice Speaker is a member of, we'd like to thank him for all the hard work and all the effort he put in being on the rostrum this year. So, Vice Speaker Manahan, thank you for the leadership. And Mr. Speaker, thank you for the time given to acknowledge the Vice Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 308 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki being excused.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker. This is the time when Joe Moore says, 'And finally tonight ...' Finally this afternoon, where there are few times for mahalos. Mr. Speaker, your young disciple did a great job. I think, Mr. Speaker, you did a good job. All of us did a good job. We tried to do our best under the circumstances.

"Mr. Speaker, it's a little bit disappointing. Or should I put it this way? Did we do our best when we're taking \$642 million out of the economy? We have to remember, and I tried to say it earlier. Gas is \$5 a gallon. Milk is \$5 a gallon. It takes a couple hundred dollars just to get to our Neighbor Islands. I think we have to look at increasing the size of the pie, rather than slicing it smaller.

"But let's celebrate. All of us should be proud there was no GE Tax increase. All of us should be proud there was no pension tax. I think some of us are happy there's no frozen bread. Some of us are happy that there's no State Bank. Iron sharpens iron, Mr. Finance Chair. But the point is, Mr. Speaker, and you reminded me that May 26 is when the Council of Revenues hits. Hopefully the budget that we pass is going stand, but if it doesn't, it's going to be another reason why we've got to grow the pie. So, Mr. Speaker, in thanking you, I want to send a send-off for all of those who have dessert in the interim, especially if you eat pie. Just imagine that baby growing bigger.

"And secondly, Mr. Speaker, if I can encourage all of us to get behind Tim Johns, Peter Ho, and all of the people. Charles Morrison at the East-West Center. APEC is coming to town. They need us. Hopefully you'll volunteer with Lt. Governor Schatz. He needs some of you to be there to escort, to show your interest, your respect. Because this is our chance to be on the world stage, Mr. Speaker. The bottom line is we got through, but we

can do better, and hopefully we're going to grow the pie the next time around. So thank you, and thank all of you. Aloha."

Representative M. Oshiro: "Mr. Speaker. Mr. Speaker, I too would like to thank you and the leadership team for bringing us to this very auspicious day. Just a reminder that I believe the Clerk's Office is currently receiving confirmations to attend the CSG-West Annual Meeting. Mr. Speaker, this year we have the privilege of being host to the members of the 13 states the CSG-West organization from July 29 through August 2nd. Our theme for the annual meeting this year is *Halawai*, which means in Hawaiian, the gathering place, or where leaders gather. So I encourage all of the Members to sign up with the Clerk's Office and let's go and be great hosts to our friends from the 13 western states. Thank you."

Representative Cabanilla: "Mr. Speaker, I just would like to take this time on behalf of the Filipino Caucus, to acknowledge our pride and admiration for the Vice Speaker as a proud member of the Filipino Caucus. We take pride in your work, and we thank you so much for doing a great job. Thank you, Mr. Speaker."

Representative Wooley: "Thank you, Mr. Speaker. I just want folks to know that the Book and Music Festival, a celebration of story and song will be held on May 14 through 15, from 10:00 a.m. to 5:00 p.m. at Honolulu Hale. It's very *keiki* friendly. There will be PBS' Steve Songs and your favorite 12 PBS Kid's characters. Hope to see you there."

Representative Kawakami: "Thank you, Mr. Speaker. May I ask permission for my fellow Freshman Class to rise with me. I guess because I'm the low man on the totem pole, I've been asked to say a few words on behalf of the Freshman Class. I would like to first and foremost, say *mahalo nui loa* to all of our colleagues and to all of the staff. You are all bravehearts. Thank you so much for guiding us, for taking the time to talk to us, and for showing us big aloha. Mahalo nui loa.

"To the people of the great State of Hawaii, thank you for putting your trust in us. It's an honor and it's a privilege to be able to work for you. There is no greater honor than to be able to represent the best state in our nation. A state that has a single word to describe our way of life. No other state has that. A single word to describe and define who we are, and that is *aloha*. And we will do everything that we can to protect that. We came in as babies, and we leave as potty-trained toddlers. Mahalo nui loa. Thank you."

Representative McKelvey: "Thank you, Mr. Speaker. Today is actually an anniversary day too. And it was a day for our country because on this day, several years ago, actually many years ago, the United States sent the first man into space on a rocket ship that would lay the way for the first man on the moon and for the emergence of NASA, and for the United States to, in the words of our President, to think beyond our own wars and borders, and to look beyond.

"I use this also as a vehicle for celebration, and to lament the opportunities that were lost both in this and in the film initiatives. Initiatives that would have brought \$2.2 billion, probably more, over the next seven years to the State of Hawaii. And I'm proud of the work this Chamber did to construct something that would allow for immediate investment and dollars to come in to Hawaii, right now. The relocation of major corporations, right now without impacting any social programs or jeopardizing our budget situation.

"I'm fearful, as the good Representative said, of the Council's next numbers. I was hoping with these initiatives, they would have powerful numbers to offset the bad news. And I'm hoping that should these numbers prove out to be true and we are called back, I publicly and humbly ask the Governor, if he does bring us back, that he would consider, and all of our colleagues, to bring these initiatives back, if a Special Session is called, so we can have powerful investment occur now and positive numbers to reverse the trend that is happening.

"But at the end of the day, Mr. Speaker, this Body accomplished a lot and I'm proud. We're the first state in the country to tackle the mortgage situation. We have done great work on a lot of issues, and we once again managed to find a way out of another huge deficit that was thrust upon the

people of Hawaii on 3/11. And I know that your Committee and I, and I believe my colleagues, they will, we will, work hard to pursue these initiatives. To make sure that we can, in the words of the good speaker of Hawaii Kai, grow the pie, but also to be realistic and to basically be able to balance our fiduciary responsibilities against the ability to bring much needed jobs and economic opportunity in the State of Hawaii.

"I'm proud of the work we did, and I'm proud of next year. And I'm hoping that if chance avails itself, that this Body will once again rise to the level and be able to move forward and deliver powerful legislation that gives us the opportunity that we need, not only for this generation, Mr. Speaker, but for the future generations. For the *keiki* that were in the audience before so they can see that clean jobs, high paying jobs, do exist in the State of Hawaii. And we are a leader to the world and the Pacific, as will be illustrated by APEC. And we are not just merely in the middle of the Pacific.

"So thank you colleagues, for everything. Thank you for all your *mana* and again, I really appreciate the fact that you were all committed, no matter what our various views on different issues were, on trying to make Hawaii the best state in the nation and the best place in the world and a leader for the 21st century. Thank you, Mr. Speaker."

Representative Awana: "Thank you, Mr. Speaker. I'd just like to also share the comments from all the other previous legislators in support of your leadership during this past Session, as well as the leadership of our Vice Speaker.

"In addition, there were some comments made about APEC and I'd just like to happily announce that as the Chair of International Affairs, I've been working closely with the likes of Tim Johns, Peter Ho and Gregg Yamanaka to talk about initiatives where our legislative body could participate. And I'm pleased to announce that they have spoken with the State Department and there will be opportunities for our legislative body to engage.

"During the interim, I'd just like to encourage Members, if they would like to participate, they can contact our office. Along with the opportunities during the interim with CSG, we have our Clean Energy Summit which is scheduled for September 12 through 15 which will also help us with our economy, and other perhaps even creating more opportunities for more growth within our State. Thank you, Mr. Speaker."

Representative C. Lee: "Thank you, Mr. Speaker. I would, just on a final note, want to wish everybody a Happy Boy's Day. Apparently now it's called Children's Day. I don't know whose reso that was, but Happy Boy's Day."

Representative Souki: "Yes, Mr. Speaker. Thank you very much to you and your leadership team for leading the State in a right direction. It was the third consecutive Session facing a huge deficit and you pulled us through. And may I say, with a nice, healthy surplus as well. So to you and your leadership, the Finance Committee, and all the Chairs, thank you very much. Good job."

Speaker Say: "The Chair has some very short remarks to make. First and foremost, let us thank our office managers. Let us thank our Session employees. Let us thank the House Chief Clerk's Office in supporting all of you, and their staff who are sometimes in the back and we may not know about them. Let us thank the Printshop for their job in providing us with the hard copies.

"Let us thank the Sergeant-at-Arms in supporting all of you in whatever inventory that you have in your offices and their staff. Let us thank our Chief Clerk and Assistant Chief Clerk. Let us thank our Executive Director and the Deputy Executive Director of the House Majority Staff Office, CJ Leong and Joan Yamaguchi. And let us thank Mr. Kevin Kuroda and Lon Paresa for a job well done.

"You always hear the statement about how it is based on tradition. Let us thank, for the Members of this House, two individuals who have also done

so much for us. Mr. Richard Dvonch and Mr. Jim Funaki as our legal counsel.

"Let us thank the LRB Office, and the Minority Research Office with Beth and John. But also let us thank the Legislative Reference Bureau for all the requests that you have made and they have fulfilled.

"If you look in the cubby hole to my left and to maybe your right, let us thank the news reporters. BJ, Derek, and Mark. And also to the *Civil Beat* who has always been here trying to report the openness and the transparency and the operations of the State House of Representatives.

"In closing the Chair recognizes. Blake Oshiro. Would you like to make any comments since you are the Majority Leader? The Minority Leader spoke previously. Thank you very much, Blake, Cindy, and Joey for a job well done. Gene, Kimberly, Corinne, Cynthia from the Minority Leadership."

The following is a list of all permanent and session staff for the 2011 Legislative Session:

Representative Aquino: Maureen Andrade, Sherry Ann Bing, Janelle Funtanilla, Arlene Shimokawa, Ruffalyne Sunajo

Representative Awana: Enoka Lucas, Irene Amber-Leigh Awana, Kent Jiang, Yoon Kim

Representative Belatti: Bernadette Fo, Judy Ma, Joal Murakami, Jonalyn Uehara

Representative Brower: Cynthia Nyross, Lauren Easley, Jamal Siddiqui

Representative Cabanilla: Bryan 'Jaco' Gallarde, Patrocinio Bolo, Susan Halperin, Christopher Manabat, Christina Simms

Representative Carroll: Janice Salcedo, Leilani Cannon, Michael Greenough

Representative Chang: Sharon Miranda, Barbara Anderson, Francine Kaneshige

Representative Ching: Elise Anderson, Jocelyn Ho, Natalia Ivanitskaya, Kainoa Kaumeheiwa-Rego, Nicholas Maselli, Mailynn Ngo, Tristan Royce-Carter

Representative Chong: Janis Higaki, Lody 'Aisha' Allen, Charles Freedman, Janine Tully

Representative Choy: Carole Hagihara, Pamela Seeney, Dennis Yamamoto

Representative Coffman: Carl Miura, Sean Mikell, Chuck Murata

Representative Cullen: Shanell Cullen, Sy Cullen, Rachele Lamosao, Liane Miwa, Jolyn Adele Prieto

Representative Evans: Teriitavae Perez, Tommie Sukanuma, Pamela Gorniak, Brooke Jones, Thomas Marzec

Representative Fontaine: Carrie Kealoha, Tania Cortez-Camero, Jeffrey Lyons

Representative Hanohano: Margaret 'Poni' Daines, Mary Baker, Kaliko Chun, Kristen Daines, Kahikina Kaawaloa

Representative Har: Melissa Nilles, Ronson Dela Pina, Leah Morse, Megan Warren

Representative Hashem: Kathy Kato, Angelica Moore, Dorothy Mulken, Casey Nishimura

Representative Herkes: Eloise Kuniyoshi, Cory Chun, Rebecca Gardner, Emily Klatt, Marlene Texeira, Brian Yamane

Representative Ichiyama: Melanie Kuroiwa-Steiner, Cu Lee, Jeanette Matsumoto, Chace Shigemasa

Representative Ito: Melissa Miranda-Johnson, Stephanie Macadangdang, George Okuda

Representative Johanson: Erin Kealoha, Carole Kaapu, Stephen Kaneshiro, Cynthia Vaillancourt

Representative Jordan: Nicole 'Lehua' Kinilau, Margo Hartford, Meghan McGurk, Linda Tanaka

Representative Kawakami: Merissa Sakuda, Lahela Hite, Tammy Mori

Representative Keith-Agaran: Ann Takaki, Max Bauval, Jessica Faige, Nicole Kato, James Miura, James Nelson, Susan Wong

Representative Chris Lee: Jennifer Wilbur, Lina Le, Matthew Prellberg, Eric Stinton

Representative Marilyn Lee: Lloyd Young III, Liane Yim, Ann Yuasa

Representative Luke: Blayne Higa, Emma Wood, Avery Yoo

Representative Manahan: Karen Kawamoto, Willette Naauao, Daniel Kalili, Maria Fiedes Doctor

Representative Marumoto: Joan Shinn, Loretta Arizumi, Spencer Lau Jr., Gaye Miyasaki, Maureen Muraoka

Representative McKelvey: Wendee Wilson, Thomas Brandt, Lawrence Sagaysay

Representative Mizuno: Joje May Mizuno, Josephine Besario, Michael Bouffard, Alice Nakama, Maria Nerissa Sadaya

Representative Morikawa: Mark Mararagan, Grant Kagawa, Thomas Oi

Representative Nakashima: Lori Hasegawa, Charlene Afu, Van Morita

Representative Nishimoto: Candace Van Buren, Anna Borris, Nina Talawva

Representative Blake Oshiro: Benjamin Park, Amoreena 'Reena' Rabago, Kenneth Best, Janice Farrant, Melita Lani

Representative Marcus Oshiro: Tracy Kubota, Tiffany Aoyama, Nicholas Chong, Michael Fisher, Midori Hirai, Karisa Erin Look, Megan Muramatsu, Lucia Phan, Renee Stapley, Maryanne Takahashi, Jenai Umetsu, Nicole Velasco, Debra Yuen

Representative Pine: Lana 'Kauai' Alapa, John Gollner, Canuto Bacal Jr., Mariano Doctolero, Lilia Lambinico, Kaylee Skaar

Representative Rhoads: Sonny Le, Anthony Chang, Ryan Hew, Kelly Morikone

Representative Riviere: Trina Ishii, Ann Otteman, Jacquelyn Skaf

Representative Saiki: Mallory Fujitani, Jonathan Tungpalan, Nathan Miyake, Katie Young

Representative Say: Calvin Azama, Cassandra Song, Wayne Yagi, Dwight Yoshimura

Representative Souki: Flo Hamasaki, Peggy Collier, Vernon Souki, Charles St. Sure

Representative Takai: RaniaLisa Vargas, Cheryl Derby, Kristine Duong, Anthony Selvanathan

Representative Takumi: Nancy Nishimura, Daniel Kent, Margot Seeto

Representative Thielen: Melody Heidel, Leslie Cole-Brooks, Charlotte Farmer

Representative Tokioka: Amy Luke, Casey Watabu

Representative Tsuji: Lora Lapenia, Malina Iida, Denna Macanas, Ken Nakamoto

Representative Ward: Jame Schaedel, Leonard Klompus, Linda Smith, Kendall Amazaki, Garvin Chun, Pamela Kam

Representative Wooley: Jennifer Agcaoli, Jacqueline Miyashiro, Daniel Mollway, Lydia Nikolao, Flora Obayashi, Kaimana Pine

Representative Yamane: Danielle Bass, Ava Marie Cavaco, Maria Grant, Jordon Higa

Representative Yamashita: Lois Tambalo, Edwin Hayashi, Tannya Kanei-Ibara, Kristen Oka

Finance Committee: Eric Abe, Perri 'Puna' Chai, Jody 'Jo' Hamasaki, Randy Hiyoto, Alex Kagawa, Nandana Kalupahana, Stacey Tagala

Majority Research: CJ Leong, Joan Yamaguchi, Doreen Belen, Siobhan Caruso Ng, Alicia Duffin, Richard Dvnoch, Janelle Etelagi, James Funaki, Jamie Go, Susan Iwata, Mary James, Alison Kim, Steven Lum, Pamela McCreddie, Roy Nihei, Kendra Oishi, Carolyn Plett, Allison Herschel, Aaron Kam, Shin Woo Kim, Brandon Masuoka, Ranie Mulligan, Dietra Myers Tremblay, Elsielyn Singson, William Toyozaki, Margaret Yamashita, Jason Young

Communications: Georgette Deemer, Thelma Dreyer

Minority Research: Beth Fukumoto, Candace Crouch-Kelsey, James Delavan, John Gibo, Nadine Nishioka, Michelle Van Hessen, Roosevelt Freeman, Sarah Fukumoto, Marlo-John Ting, Catherine Veillard

Chief Clerk's Office: Patricia Mau-Shimizu, Brian Takeshita, Waynette Araki, Josette Friedl, Royce Fukumoto, Matthew Hanabusa, Gail Iseri, Adele Ito, Ruperto Juarez, Arman 'Kai' Lau, Eric Lee, Denise Liu, Craig Nakahara, Thai Nguyen, Emma Perry, Neal Shigemura, Roger Tyau, Sharrese Castillo, Angel Fujihara, Chi-Hwa 'Elvis' Ho, Ryan Kagimoto, Allyna Lee, Jimmy Lee, Beverly Lum, Ross Miyasato Jr., Teoni Obrey, Randi Ono, Sheryll Pila, Lehua Saturnio, Jill Takamatsu, Ruby Tomokiyo, Scott Yamane, Diane Yukumoto

Printshop: Tammy Tengan, Fritzi Belmore, Carol Cabebe, Karen Ebisuya, Bradley Haida, Roy Higa, Jack Ikeda, Lorrin Kaalekahi Jr., Summer Kaleo, Jean Kinoshita, Nicholas Kaimana Kurosawa, Elaine Miyamoto, Mildred Phillips, Estelita Pumares, Eleanor Riney, Ambronette Nalani Rivera, Alice Sato, Linda Shishido, Peggie Spencer, Aileen Tanaka, Mark Villamor, Curtis Yoshida, Wesley Yoshitake

Sergeant-At-Arms: Kevin Kuroda, Lon Paresa, Paulette Abe, Jesse Alvarado, Rowena 'Ronie' Low, Glenn Okamura, Suzanne Apo, John Baker, Matthew Daog, James Fludd Sr., Darryl Fukuji, Rodney Haena, Bronson Low, Janelle Murakawa, Henry Muronaga, Neal Nagata, Geoffrey Oshiro, Jon Shitabata, Jeffrey Spencer, Richard Tamashiro, Raymond Yamane

Speaker Say: "So in closing, thank you very much for the opportunity and privilege of being your Speaker once more.

"Before we adjourn, I think the request from Representative Cabanilla was to ask that we all stand in recognition of, and in commending our soldiers at war at this point and time. Please stand for a moment of silence."

At this time, Members of the House of Representatives stood for a moment of silence in honor of all the service members who died in the name of the war against terrorism.

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.C.R.

<u>Nos.</u>	<u>Re-referred to:</u>
130, SD1	Jointly to the Committee on Education and the Committee on Culture & the Arts
145	Committee on Education

ADJOURNMENT

Representative B. Oshiro moved that the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, adjourn Sine Die, seconded by Representative Ward.

The motion was put to vote by the Chair and carried, and at 12:52 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, adjourned Sine Die. (Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki were excused.)

HOUSE COMMUNICATIONS

House Communication dated May 5, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 575, HD 1, SD 2
H.B. No. 1038, HD 2, SD 2
H.B. No. 1076, HD 1, SD 2

House Communication dated May 5, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

S.B. No. 120, SD 1, HD 1, CD 2

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 700 through 702) were received by the Clerk:

Sen. Com. No. 700, dated May 5, 2011, informing the House that the following bill has this day passed Final Reading:

S.B. No. 120, SD 1, HD 1, CD 2

Sen. Com. No. 701, dated May 5, 2011, transmitting S.R. No. 114, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate.

Sen. Com. No. 702, dated May 5, 2011, informing the House that the Senate has on May 3, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 219, SD 1, HD 1
S.B. No. 946, SD 1, HD 1
S.B. No. 1088, SD 1, HD 1
S.B. No. 1300, SD 2, HD 2