

EIGHTH DAY

Tuesday, January 31, 2006

MISCELLANEOUS COMMUNICATION

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the students of Punana Leo o Kawaiaha'o, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 208 to 210) were read by the Clerk and were placed on file:

Gov. Msg. No. 208, dated January 20, 2006, transmitting a Report on Unauthorized Positions, pursuant to Act 178, Section 167, SLH 2005.

Gov. Msg. No. 209, dated January 23, 2006, transmitting a Progress Report Regarding State Support for Achieving Hawaii's Renewable Portfolio Standards, prepared by the Department of Business, Economic Development, and Tourism pursuant to Section 196-41, HRS.

Gov. Msg. No. 210, dated January 31, 2006, transmitting the Interagency Working Group Report, prepared by the Department of Education pursuant to Act 51, Section 42, SLH 2004, on the Transfer of Functions from Various Departments to the Department of Education.

STANDING COMMITTEE REPORT

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2001) recommending that H.B. No. 1949, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1949, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 2, 2006.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2222	Committee on Media, Arts, Science and Technology, then to the Committee on Ways and Means
No. 2269	Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Business and Economic Development, then to the Committee on Ways and Means

Misc. Com. No. 2, from the Hawai'i Educational Policy Center, dated December 28, 2005, transmitting the Temporary Early Childhood Education Task Force Report, pursuant to Act 151, SLH 2005, was read by the Clerk and was placed on file.

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

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

"Mr. President, it's no secret here in the Senate that in accordance with Rule 4, which clearly says the Vice President and President shall prepare and administer a budget for the Senate, there seems to be some consternation on the budget which was duly discussed this morning in the Ways and Means Committee, but unfortunately, answers were not forthcoming.

"I sent a letter to you dated January 30th asking for an explanation via the budget of what I surmise to be discrimination. You might even say there's unconstitutional discrimination, via the fact that we do represent a portion of our electorate in the State of Hawaii, regarding the differences between the perks and benefits paid by the taxpayers accorded to Majority Party members and Minority Party members. We did receive some answers. And according to a letter I've received from you today, the information I requested was passed on to the Senate Vice President. But the specific answers we requested in my letter to you have not been forthcoming, nor have they been answered.

"I might add that several years ago we requested the Senate budget worksheets be made available so the public could understand what's being done, and that turned out to be very much of a success for everybody, including this Senate for being astute enough after years of having the budget made under the shadow of secrecy of the Legislature, I would suggest that now is the time to do the same for our operating budget, Mr. President.

"We believe that there is a tremendous discrimination between what Majority Party office holders in their research office make compare to their counterparts in our office. We believe that there is a misappropriation of money by allowing Majority Party members to have two office staff members in the interim when our office only has one. And we're also very concerned that the budget that we're going to pass 48 hours from now is going to up the allowances for each legislative office by 50 percent, which is clearly a substantial increase but yet there's no accounting for that money. We would like to see how that money is spent by the individual offices.

"I would remind all of us it's not our money. There are a lot of people working awfully hard. In fact, statistically, the State of Hawaii has more people working two jobs to make ends meet than most states. We have one of the highest rates of dual wagger households in the nation.

"Mr. President, before we vote on the budget, I would like to see the Majority Party make information available to us so that we can make informed decisions on how to vote on this budget. But right now, we seem to be voting for a lot of things that are working against us as far as fairness and equity goes in the budget process.

"I might add that we were duly elected by the people of Hawaii. We represent 20 percent of this Legislative Body, but

when I added up the votes, we represented 40 percent of the constituents of this State. I think they deserve every bit a fair consideration, as far as the budget process goes, that the Majority Party's constituents do.

"We would like to also get some specific answers to these specific questions. I did receive some generic information but it had nothing to do with the information I requested. I'd like to ask once again that whoever is, under Rule 4, handling this issue, be forthcoming with some information, Mr. President.

"Thank you."

The Chair responded:

"Senator Hemmings, if you have time this afternoon, I'd like to sit down with you and your staff to go over some of the documents."

Senator Fukunaga, Chair of the Committee on Media, Arts, Science and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following Senate Bills:

- S.B. No. 2384;
- S.B. No. 2570;
- S.B. No. 2651;
- S.B. No. 2716;
- S.B. No. 2740;
- S.B. No. 2741;
- S.B. No. 2742;
- S.B. No. 2813;
- S.B. No. 3111; and
- S.B. No. 3222.

Senator Fukunaga noted:

"Mr. President, for the member's information, these bills are essentially performing and digital media measures which we would like to advance early on the agenda and take as much time for comment and testimony as possible. Thank you."

The Chair then granted the waiver.

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

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

"The comments concern, I guess, form as well as substance. When we have a bill and we hear it before Committee, usually there is somebody there that we as Senators can ask questions of to get information from. And so, when the bill came before us in Ways and Means, the Legislative Auditor was there to answer questions about her portion of the budget, the Ombudsman was there, so was the Legislative Reference Bureau. But when it came to our own expenses or our own budget, there was nobody there sitting at the table in front of us that we could ask questions of and get straight answers on an immediate basis.

"Many of my constituents, and I'm sure some of yours, consider much of what we do, at best, are irrelevant and at worst either negative or partisan. And I think that if the process were more open and transparent at least in terms of our budget and our expenses when it goes before Ways and Means, much of the fears of the general public might be allayed.

"So I ask, in the future, if it is possible to have somebody at the table that is a testifier, then they can speak in terms of how the budget was prepared and what was included, it would

facilitate the matters at the Committee level where it should be originally discussed.

"Thank you."

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 1, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate