

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2009

***ROUGH DRAFT
JOURNAL***

**THIRTY-NINTH DAY
MARCH 31, 2009**

OFFICE OF THE CHIEF CLERK *PT*

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THIRTY-NINTH DAY

Tuesday, March 31, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Seiko Chow, daughter of Ms. Candace Van Buren, Office Manager of Representative Nishimoto, after which the Roll was called showing all members present with the exception of Representatives Berg, Evans, Herkes and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Eighth Day was deferred.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 277) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 277, dated February 12, 2009, transmitting the Hawaii Ignition Interlock Implementation Task Force Report, as required by Act 171, Session Laws of Hawaii 2008.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 433 through 435) were received and announced by the Clerk:

Sen. Com. No. 433, transmitting S.C.R. No. 6, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING PUBLIC AND PRIVATE AGENCIES TO MAKE APPROPRIATE EXEMPTIONS FOR GRANDPARENTS CARING FOR GRANDCHILDREN TO REMAIN IN SENIOR HOUSING UNTIL SUITABLE HOUSING IS OBTAINED," which was adopted by the Senate on March 30, 2009.

Sen. Com. No. 434, transmitting H.C.R. No. 38, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH," which was adopted by the Senate on March 30, 2009.

Sen. Com. No. 435, transmitting H.C.R. No. 44, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING APRIL AS CHILD ABUSE PREVENTION MONTH," which was adopted by the Senate on March 30, 2009.

MISCELLANEOUS COMMUNICATION

The following miscellaneous communication (Misc. Com. No. 4) was received by the Clerk and was placed on file:

Misc. Com. No. 4, dated March 23, 2009, from Roy Hiraga, County Clerk, County of Maui, transmitting Resolution No. 09-29, which was adopted by the Council of the County of Maui on March 20, 2009.

INTRODUCTIONS

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

Representative Finnegan introduced Idaho State Representative, Eric Anderson, who was visiting Hawaii for the Western Aquatic Invasive Species Conference.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measure was referred to committee by the Speaker:

S.C.R.No. Referred to:

66, Committee on Hawaiian Affairs
SD1

COMMITTEE REASSIGNMENTS

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

H.R.Nos. Re-referred to:

162 Jointly to the Committee on Public Safety and the Committee on Legislative Management, then to the Committee on Finance

264 Jointly to the Committee on Public Safety and the Committee on Legislative Management, then to the Committee on Finance

H.C.R.Nos. Re-referred to:

199 Jointly to the Committee on Public Safety and the Committee on Legislative Management, then to the Committee on Finance

200 Jointly to the Committee on Public Safety and the Committee on Legislative Management, then to the Committee on Finance

292 Jointly to the Committee on Public Safety and the Committee on Legislative Management, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1322), recommending that H.R. No. 76, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.R. No. 76, entitled: "HOUSE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO INCLUDE GIFTED AND TALENTED STUDENTS IN THE SPECIAL NEEDS CATEGORY," was referred to the Committee on Finance with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representatives Takumi and Yamane, for the Committee on Education and the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1323), recommending that H.R. No. 47, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1324), recommending that H.C.R. No. 59, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 47, HD 1, and H.C.R. No. 59, HD 1, be referred to the Committee on Finance, seconded by Representative Chong

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

Representative Bertram's written remarks are as follows:

"It has been universally accepted that eating more fruits and vegetables promotes better health due to the fiber and nutrients they contain and that eating more fruits and vegetables provide greater protection from a myriad of diseases from diabetes to cancer and heart disease later in life. Research has also shown that children who eat healthy meals score higher on tests.

"That said, there are increasing numbers of families eating vegetarian meals and it is unfair to place their children, or any child that chooses to adopt a vegetarian diet, at a disadvantage by not offering that option at their school cafeteria."

Representative Ching rose in support of the measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.C.R. 59 – Requesting the Board of Education to Develop a Policy to Offer Vegetarian Meals on a Regular Basis in All School Menu Plans. Hawaii has one of the highest rates of diabetes in the United States and I believe this measure will benefit the children of Hawaii by giving them healthier dietary options while they are in school.

"Sally Belles, who is a Registered Dietitian, states, "A poor diet leads to poor nutritional status and decreased performance in the academic setting for our school age children and teens. Research has shown that children, who eat a healthy, balanced breakfast score higher on standardized tests. In addition, childhood obesity is one of the most pressing public health and nutrition issues today, and has become the most common chronic disease in childhood. Specifically, it is associated with the growing incidence of type II diabetes, poor self-esteem, and poor health as adults.

"The American Dietetic Association and the Hawaii Dietetic Association recommended that there be greater emphasis on a "plant-based" diet including fruits, vegetables, whole grains, legumes and nuts. Plant-based diets are nutrient-dense and naturally low in total fat, saturated fat, trans-fat, cholesterol and sodium." Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 47, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO DEVELOP A POLICY TO OFFER VEGETARIAN MEALS ON A REGULAR BASIS IN ALL SCHOOL MENU PLANS," was referred to the Committee on Finance with Representatives Berg, Evans, Herkes, Saiki and Takai being excused; and

H.C.R. No. 59, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO DEVELOP A POLICY TO OFFER VEGETARIAN MEALS ON A REGULAR BASIS IN ALL SCHOOL MENU PLANS," was referred to the Committee on Finance with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representatives Takumi and Yamane, for the Committee on Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1325), recommending that H.R. No. 68, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.R. No. 68, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH PROVIDE A COMPREHENSIVE REPORT OF POST FELIX CONSENT DECREE CHILD AND ADOLESCENT MENTAL HEALTH SERVICES AND FUNDING," was referred to the Committee on Judiciary with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representatives Takumi and Yamane, for the Committee on Education and the Committee on Health presented a report (Stand. Com. Rep. No.

1326), recommending that H.C.R. No. 86, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.C.R. No. 86, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH PROVIDE A COMPREHENSIVE REPORT OF POST FELIX CONSENT DECREE CHILD AND ADOLESCENT MENTAL HEALTH SERVICES AND FUNDING," was referred to the Committee on Judiciary with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1327), recommending that H.C.R. No. 63, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 63, be referred to the Committee on Finance, seconded by Representative Chong.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.C.R. 63 – Urging the Governor to Include the Kukui Gardens Affordable Housing Project in the State's List of Shovel-Ready Projects for the President's Proposed Economic Stimulus Plan. Through the efforts of Governor Lingle, Senate President Colleen Hanabusa and Speaker Calvin Say half of the property of Kukui Gardens was able to be saved for affordable housing. Currently there are plans available to build units that accommodate the rest of the residence, but due to the current financial situation those plans have been unable to go forward.

"I believe putting this project on the State list of 'shovel-ready' projects able to receive federal stimulus money, is an effective way to provide our citizens with affordable housing, while not putting a great financial burden on the State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO INCLUDE THE KUKUI GARDENS AFFORDABLE HOUSING PROJECT IN THE STATE'S LIST OF SHOVEL-READY PROJECTS FOR THE PRESIDENT'S PROPOSED ECONOMIC STIMULUS PLAN," was referred to the Committee on Finance with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1328), recommending that H.R. No. 167, as amended in HD 1, be referred jointly to the Committee on Human Services and the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.R. No. 167, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DISSEMINATION OF INFORMATION TO THE PUBLIC ABOUT THE VETERANS PREFERENCE FOR TENANT SELECTION IN STATE LOW-INCOME HOUSING PROJECTS," was referred jointly to the Committee on Human Services and the Committee on Health with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1329), recommending that H.C.R. No. 205, as amended in HD 1, be referred jointly to the Committee on Human Services and the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.C.R. No. 205, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DISSEMINATION OF INFORMATION TO THE PUBLIC ABOUT THE VETERANS PREFERENCE FOR TENANT

SELECTION IN STATE LOW-INCOME HOUSING PROJECTS," was referred jointly to the Committee on Human Services and the Committee on Health with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1330), recommending that H.R. No. 168, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.R. No. 168, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A JOINT AGENCY STUDY ON THE IMPACT OF ILLEGAL IMMIGRATION IN HAWAII," was referred to the Committee on Finance with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1331), recommending that H.C.R. No. 207, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.C.R. No. 207, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A JOINT AGENCY STUDY ON THE IMPACT OF ILLEGAL IMMIGRATION IN HAWAII," was referred to the Committee on Finance with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1332), recommending that H.R. No. 136, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO IMPLEMENT AN ELECTRONIC DIRECT DEPOSIT SYSTEM FOR MEMBERS OF THE HAWAII NATIONAL GUARD WHILE ON ACTIVE DUTY IN ACCORDANCE WITH ACT 31, SESSION LAWS OF HAWAII 2007," was referred to the Committee on Finance with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1333), recommending that H.C.R. No. 169, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO IMPLEMENT AN ELECTRONIC DIRECT DEPOSIT SYSTEM FOR MEMBERS OF THE HAWAII NATIONAL GUARD WHILE ON ACTIVE DUTY IN ACCORDANCE WITH ACT 31, SESSION LAWS OF HAWAII 2007," was referred to the Committee on Finance with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1334), recommending that H.R. No. 266, as amended in HD 1, be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.R. No. 266, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES, IN COLLABORATION WITH OTHER AGENCIES, TO ASSIST IN RESOLVING ISSUES RELATED TO HOMELESS LIVING IN ABANDONED VEHICLES," was referred

to the Committee on Transportation with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1335), recommending that H.C.R. No. 294, as amended in HD 1, be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Chong and carried, the report of the Committee was adopted and H.C.R. No. 294, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES, IN COLLABORATION WITH OTHER AGENCIES, TO ASSIST IN RESOLVING ISSUES RELATED TO HOMELESS LIVING IN ABANDONED VEHICLES," was referred to the Committee on Transportation with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 1336) recommending that H.R. No. 114, be adopted; and

(Stand. Com. Rep. No. 1337) recommending that H.C.R. No. 144, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 114, and H.C.R. No. 144, be adopted, seconded by Representative Chong.

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

"Mr. Speaker, I'm rising to speak against these measures. Mr. Speaker, the House Resolution and House Concurrent Resolution urge Hawaii's Congressional Delegation to introduce legislation deterring the transportation of homeless persons to Hawaii.

"Mr. Speaker, frankly, I think these measures are an embarrassment. I think they go contrary to the feeling of the Aloha Spirit. And I think they're quite heartless. Thank you."

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

"Thank you, Mr. Speaker. I stand in support for Stand. Comm. Report 1336 and 1337. I'd just like to make a few comments about this issue. It is a known situation that homeless from other states are being transported here. This is not for the situation where they come to Hawaii not being homeless, and then we're asking for this consideration. It's known through the law enforcement, as well as our homeless shelters, that people are being transported here and they are already homeless. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 114, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION DETERRING THE TRANSPORTATION OF HOMELESS PERSONS TO HAWAII," was adopted, with Representative Thielen voting no, and with Representatives Berg, Evans, Herkes, Saiki and Takai being excused; and

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION DETERRING THE TRANSPORTATION OF HOMELESS PERSONS TO HAWAII," was adopted, with Representative Thielen voting no, and with Representatives Berg, Evans, Herkes, Saiki and Takai being excused.

At this time, the Chair stated:

"Members, please note the 48-hour notice for Standing Committee Report No. 1338 on page 6."

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1338) recommending that S.B. No. 823, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1338 on S.B. No. 823, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 823, SD 1, HD 1, were made available to the members of the House.

ANNOUNCEMENTS

Representative McKelvey: "Thank you, Mr. Speaker. Mr. Speaker and Members, I would like to remind everybody that we are convening in a Joint Session in the Senate Chamber this afternoon at 2 o'clock, for the 2009 Medal of Honor Ceremony. Of the 23 names enrolled, 9 medals will be presented to the family and friends this afternoon.

"With your permission, Mr. Speaker, I would like to request that the House Members assemble in the Majority Caucus parlor at about 1:45 today, for escort over to the Senate by the Sergeant-at-Arms. And just for the members' edification, because we're awarding nine medals, this should be a very brief, but touching ceremony. So, I hope all of you can attend. I'm sure it would mean a lot to the families.

"After the Ceremony, we'll also be having a reception with light refreshments, sponsored by the Legislature, for our special guests, and that will be in Conference Room 329. And of course, all legislators and their staff are invited to attend. Thank you, Mr. Speaker. I hope to see everybody at about 1:45."

Representative Ward: "Thank you, Mr. Speaker. I'd like to make an announcement. As a member of the of the Minority, representing 6 out of 51, if I could include a footnote from the Representative from Idaho, who said they have 50 Republicans and 20 Democrats. The other side of the story is, they get paid \$15,000 per year. \$15,000. I just thought the Body would like to know that."

At 12:15 o'clock p.m., the Chair declared a recess and the House of Representatives stood in recess, and in accordance with Senate Concurrent Resolution No. 2, met in Joint Session with the Senate, for the Hawaii Medal of Honor Ceremony.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Fifth Legislature was called to order at 2:04 o'clock p.m. by the Honorable Colleen Hanabusa, President of the Senate.

The President addressed the Chamber, stating:

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

"On behalf of House Speaker Say and all of the members of the Hawai'i State Legislature, I convey our deepest condolences to our very special guests—the family, friends, and colleagues of loved ones who have lost their lives overseas in the Middle East. Our prayers are with you, and we are honored by your presence."

At this time, the members of the Senate, House, guests, and audience rose for the presentation of our Nation's and our State's Colors by the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard. The singing of the National Anthem and *Hawaii Pono'i* was led by Mr. Eric Wahilani, thereafter the invocation was delivered by Master Sergeant Retired Raymond Ganotise.

President Hanabusa then addressed the Members, guests and audience as follows:

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

"In protecting all we treasure, in defending all we hold dear, and in preserving those values which distinguish us as proud Americans, no man and no woman stands sentry alone. We stand as a nation and a community, beside them in spirit and with them in a shared commitment.

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

"Today, we gather in Joint Session to honor those who have made a sacrifice for which we cannot ask, and shall not forget. We honor the family, friends and colleagues who have also sacrificed, who have themselves paid a price, and who have helped make today's honorees the brave, strong individuals that we called on and counted on to serve our nation.

"We offer this honor as a small token that can never in itself repay the honor that has been given us. An honor borne of courage, driven by duty, and paid for in loss.

"The roll of heroes that we call today is more than a list of names. It is an acknowledgement of a community.

"The Hawai'i Medal of Honor is reserved for those who have touched our islands, and have felt the touch of our people. And in offering it to those gathered here, in memory of those who have fallen, we recognize that they are a part of us. For each and every one of you, your tears are our tears. Your loss, our loss. Your pride, our pride. Wherever each of these medals finds its final home, a piece of our hearts goes with it. You will always be a part of our *'ohana*, our family, because you have brought us honor, and allowed us to share these lives.

"These medals symbolize our aloha. Our farewell to those we have lost. But also our love for those who have lived among us, touched us, and sacrificed for us. And our enduring welcome for all represented here today, the fallen and their families, who will be counted among us forever.

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

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

"Today, we remember, in moments of quiet reflection, each and every one of these heroes. We stand united to honor their memory and express our profound gratitude for their ultimate sacrifice.

"Mahalo."

At this time, the President of the Senate introduced the following state, congressional and military leaders seated on the floor of the Senate:

The Honorable Linda Lingle, Governor of the State of Hawai'i;

The Honorable James R. Aiona, Jr., Lieutenant Governor of the State of Hawai'i;

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

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

Representing the Honorable Neil Abercrombie, United States Congressman: Ms. Lee-Ann McClain;

Representing the Honorable Mazie K. Hirono, United States Congresswoman: Mr. John White;

Mr. Allen Hoe, Civilian Aide to the Secretary of the Army;

Ms. Christina Kemmer, Civilian Aide to the Secretary of the Army;

Lieutenant General Benjamin Mixon, Commanding General, United States Army Pacific;

Major General Robert G.F. Lee, The Adjutant General, Hawai'i Department of Defense;

Major General Darryl D.M. Wong, Commander, Hawai'i Air National Guard;

Major General Raymond V. Mason, Commanding General, 8th Theater Sustainment Command, and Mrs. Patti Mason;

Representing the Pacific Air Forces, Major General Mike Hostage;

Representing United States Pacific Command, Major General Vernon Miyagi;

Representing the 25th Infantry Division, and Major General Robert L. Caslen, Jr., is his wife Mrs. Shelly Caslen;

Brigadier General Stephen L. Jones, Commander, Tripler Army Medical Center;

Rear Admiral Dixon R. Smith, Commander, Navy Region Hawaii, and Mrs. Kiki Smith;

Brigadier General Gary M. Ishikawa, Deputy Adjutant General, Hawai'i Department of Defense;

Representing the Hawai'i Army National Guard, Brigadier General Gary M. Hara, Assistant Adjutant General, and Mrs. Dianne Hara;

Representing the 9th Mission Support Command, Colonel Michael Phipps;

Representing the Fourteenth Coast Guard District, Captain Steve Mehling, and Mrs. Terrie Mehling; and

Representing the Hawai'i Army National Guard, Colonel Joe Logan, and Mrs. Gaylene Logan.

The President called upon the Honorable Linda Lingle to deliver her remarks as follows:

"Lieutenant Governor Aiona, President Hanabusa, Speaker Say, Legislators, Major General Lee, and all of our special guests here today, Aloha.

"We're gathered for a somber purpose. These soldiers who are no longer with us represent a profound loss for their families, for our State, and for our nation. However, I am grateful for this opportunity to recognize these soldiers who died for our freedom, and to express my personal and our

collective gratitude to their loved ones. It's a privilege to help present the Hawaii Medal of Honor to families of these 23 heroes.

"Honor is a rare and precious quality. Honor is something that is earned. As Calvin Coolidge said, "No person was ever honored for what he received. Honor has been the reward for what he gave." These soldiers gave their country their very best. They paid the ultimate price, and the Hawaii Medal of Honor represents just a very small token of our very deep appreciation.

"The military has a long history here in our community. Soldiers have protected our people and our shores. They've also defended democracy abroad. This legacy of service is epitomized by Nisei soldiers in the 442nd Regimental Combat Team, 100th Battalion, and the Military Intelligence Service.

"In October of this past year, I was privileged to visit members of today's military training at Fort Hood. This included National Guard soldiers from our 29th Brigade Combat team, and the Army Reserves 442nd Infantry. It's important that soldiers know how much the people of Hawaii respect their service. That we will continue to support their families until their safe return. When soldiers don't return, our responsibility to their families is even greater.

"I was very touched recently by a ceremony in my office by an organization called, The Home of the Brave Quilt. They made a presentation to Deyson Cariaga's mother, Theresa Inouye. You all remember that we honored Deyson here with a Hawaii Medal of Honor in 2006. I was there that day, and I was with Deyson's mother right after he died, and I was with her when she received the quilt. And it was incredibly meaningful to her, because she said it showed that the community hadn't forgotten about her son, or about her loss.

"Every service member we are honoring today, regardless of where he was born, was a beloved member of our *'ohana*. I appreciate that many of you have traveled from the Neighbor Islands and from the mainland United States to be with us today. You are a part of our *'ohana* as well. The people of Hawaii join you in sorrow and in praise for your loved ones' courage and bravery.

"The poet Henry Wadsworth Longfellow wrote movingly of fallen soldiers. In poem, he wrote:

Your silent tents of green,
We deck with fragrant flowers;
Yours has the suffering been,
The memory shall be ours.

"I know that each of you consider it a privilege to have known these soldiers during your lives. Whether as a wife, a mother, a father, a brother, a sister, a cousin, a friend, or a fellow soldier. Our collective privilege as a state and as a nation is that we were able to benefit from their service. Their memories will live on through you. And they will live on in the proud tradition of service that they perpetuated.

"The rights and freedoms we enjoy are precious gifts that your loved ones gave their lives to protect, and we will never forget.

"Mahalo, God bless you all, and God bless America."

President Hanabusa then called upon Major General Robert Lee to deliver his remarks on behalf of the military as follows:

"Good afternoon and aloha. I want to take this opportunity to recognize a key individual who can't be here today. A person instrumental in establishing this award and this ceremony, State Representative Mark Takai. Representative Takai is currently Major Mark Takai, United States Army, serving in Camp Arifjan, Kuwait. So Mark, I hope you are watching through the Internet. It's only 3:30 in the Middle East. It's time to get up anyway.

"Mark was mobilized this past February, and is currently serving as the Civil Affairs Officer on the staff of the 29th Infantry Brigade Combat Team, and we look forward to his return and all of the soldiers of Hawaii's 29th Brigade this summer.

"The ceremony has been held annually since 2006 to honor the ultimate sacrifice of our heroes with ties to Hawaii. This is the time when the civilian and military community in Hawaii can bond together in a spirit of shared sacrifice and recognition. From the thousands who have answered our nation's call to duty, we honor today 23 members of the United States Army and the United States Marine Corps who gave their last full measure.

"While it may be difficult for civilians to understand the world in which the military inhabits, I certainly appreciate very much how our civilian community in Hawaii supports our troops. From the many care packages sent to our troops overseas, to the genuine appreciation expressed to our troops at the airports and restaurants across the State. Mahalo.

"Everyone who puts on the uniform and takes the oath to support and defend our Constitution, knows that he or she may be called upon to put their life on the line. There is an inherent risk involved in service to our nation. It is one of the few professions where, perspective employees are told they will be challenged to the limits of their physical and mental stamina. They may be asked to perform their jobs in dangerous locations. And maybe, they might not come back. In spite of the risks, we are just so fortunate that thousands volunteered to serve in the Armed Forces of the United States.

"And I have personally witnessed in Iraq, Afghanistan, and trouble spots throughout the world, the finest sons and daughters America has ever produced, so we are most saddened when we lose one of our own.

"The State Medal of Honor is Hawaii's way to remember their ultimate sacrifice. To show our appreciation to their families, to share in their loss, and to assure them they will always be part of this State's *ohana*, this State's family.

"The *kalo*, or taro leaves, in the Medal, is emblematic of the embrace of the people of Hawaii. Whether the fallen Soldier, Marine, Sailor, Airman or Coastguardsman grew up in Hawaii or were members of units based in Hawaii, he is still embraced as part of our *ohana*.

"Following America's tradition in past wars, a gold star was often displayed in the window to let the entire neighborhood know that the life of a hero who had grown up here had been taken. Today the gold star in the Medal's Coat of Arms represents the 50th State star on the American flag, and also represents the person who is being honored today.

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

"There is no greater sacrifice a family can make than the loss of their Soldier, Sailor, Marine, Airman or Coastguardsman, while in service to our nation.

"And there is no greater honor where the people of Hawaii can bestow upon them to symbolize the sacrifice. So to the families of our fallen heroes, I humbly ask that you accept this Hawaii Medal of Honor on behalf of the people of Hawaii who today and forever, shall be your devoted *ohana*.

"May God bless all of you, and may God bless the United States of America."

At this time, the President of the Senate and the Speaker of the House presented the Hawaii Medal of Honor. The Clerk of the Senate announced the names of the Hawaii Medal of Honor recipients, which was followed by the ringing of the memorial bell.

United States Army Sergeant Timothy P. Martin.
Sergeant Martin was 27. He was from Pixley, California and served with the 2nd Squadron, 14th Cavalry Regiment, 2nd Stryker Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal are family friend and brother-in-arms, Sergeant Trey Van Wyhe and Mrs. Jody Van Wyhe.

United States Army Sergeant First Class David L. McDowell.
Sergeant McDowell was 30. He was born in Honolulu, Hawaii and served with the 2nd Battalion, 75th Ranger Regiment from Fort Lewis, Washington. Here to receive his medal are his sister, Michele DeLay and nephews, Nathan and Dylan DeLay.

United States Army Sergeant John K. Daggett.
Sergeant Daggett was 21. He was from Phoenix, Arizona and served with the 1st Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal is family friend and brother-in-arms, Private First Class Shane Stuard.

United States Army Corporal William L. McMillan III.
Corporal McMillan was 22. He was from Lexington, Kentucky and served with the 1st Battalion, 21st Infantry Regiment, 2nd Stryker Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal are brothers-in-arms, Sergeant Nathan Rolens and Sergeant Erwin Saggi.

United States Army First Lieutenant Jonathan P. Brostrom.
Lieutenant Brostrom was 24. He was from Aiea, Hawaii and served with the 2nd Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade Combat Team in Vicenza, Italy. Here to receive his medal are his parents, Colonel Retired David and Mary Jo Brostrom and brother, Blake Brostrom.

United States Army Sergeant Kenneth B. Gibson.
Sergeant Gibson was 25. He was from Christiansburg, Virginia and served with the 1st Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal is his wife, Nikki Gibson.

United States Army Staff Sergeant Solomon T. Sam.
Staff Sergeant Sam was 31. He was from Majuro in the Marshall Islands and served with the 523rd Engineer Company, 84th Engineer Battalion, 25th Infantry Division from Schofield Barracks. Here to receive his medal are his parents, Harry and Teaoi Sam.

United States Army Private First Class Christopher W. Lotter.
Private Lotter was 20. He was from Chester Heights, Pennsylvania and served with the 3rd Battalion, 7th Field Artillery Regiment, 3rd Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal is family friend and brother-in-arms, Sergeant First Class Jason Gibson.

United States Army Private Sean P. McCune.
Private McCune was 20. He was from Euless, Texas and served with the 2nd Battalion, 35th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal is family friend and brother-in-arms, Sergeant Eric Smith.

The Clerk of the House of Representatives proceeded to read the names of the other Hawaii Medal of Honor recipients whose friends and family could not be at the ceremony today:

United States Marine Corps Sergeant Phillip A. Bocks

United States Army Sergeant Ireneo S. Lacerna

United States Army Sergeant Gary D. Willett

United States Army Sergeant First Class Jerald A. Whisenhant

United States Army Corporal Michael T. Manibog
 United States Army Specialist Gregory B. Rundell
 United States Army Specialist Jeremiah C. Hughes
 United States Army Private Eugene D.M. Kanakaole
 United States Marine Corps Captain Philip J. Dykeman
 United States Marine Corps Corporal Marcus W. Preudhomme
 United States Marine Corps Lieutenant Colonel Max A. Galeai
 United States Army Staff Sergeant Julian F.A. Manglona
 United States Army Private First Class Christopher A. McCraw
 United States Marine Corps Corporal Thomas Reilly Jr.

At this time, Members of the Hickam Base Honor Guard proceeded with a 21-gun Salute and the playing of Taps outside the Senate Chamber in the Capitol Rotunda, which was then followed by a moment of silence.

Speaker Say then gave his closing remarks as follows:

"On this most hallowed day, I am reminded of the eloquent Memorial Day remarks offered by the late Supreme Court Justice Oliver Wendell Holmes in 1884 that continue to ring true today:

Such hearts were stilled twenty years ago--and to us, who remain behind, is left this day of memories. Every year, in the full tide of spring, at the height of the symphony of flowers and love and life—there comes a pause, and through the silence we hear the lonely pipe of death. Year after year, the comrades of the dead follow, with public honor, procession, and commemorative flags and funeral march. Honor and grief from us, who stand almost alone, and have seen the best and noblest of our generation pass away.

"The pain of losing the best and the most valiant is raw and unrelenting. I hope you will find some consolation in understanding that our young men and women of the United States Armed Forces died a noble death. They died to ensure that no further harm may reach our shores. They sacrificed their lives to protect their loved ones at home. They perished defending the American ideals of democracy, liberty, and justice.

"There is a high cost that comes with conflict. Over 200 servicemen and women with Hawaii ties have been lost in Iraq and Afghanistan. Many more have returned wounded, both in body and in spirit. The survivors bear emotional and physical scars that most of us can never fully feel or know.

"It is often said that nothing that is of value in this world comes without a price. Well, our soldiers have paid that price a hundredfold. And for those who are still paying for the wages of war, the people of the State of Hawaii are in your debt.

"How do we turn our collective sorrow into positivity? How do we honor them? We can commit ourselves to remain true to the spirit of the deceased. Be involved in the activities he or she enjoyed that are greater than our own self-interest. Put family and community above personal gain. Live a life enriched with the aloha spirit, with *pono* or balance, with *maika'i*, goodness and wellness, and *ho'okipa*, hospitality.

"Live life as if it were a gift.

"Finally, with the recently announced troop reductions in the Middle East, we can rededicate our efforts to do whatever we can to make sure that all of our sons and daughters are brought home as quickly as possible. For where we love is home; home that our feet may leave, but not our hearts. Ultimately, all the soldiers should be home, with their loved ones. And for those who did not find their way home, please take some solace in

knowing that their hearts and spirits are at home, where they have always belonged, with you.

"It is my greatest hope that one day, it will no longer be necessary for us to come together every spring to memorialize the fallen. My greatest wish is for the Hawaii Medal of Honor to retire quietly into history, a poignant, but obsolete relic of a past that no longer burdens us.

"I conclude with the final passage from Justice Holmes' speech. His words echo my own hope for a brighter future replete with peace, harmony, charity, respect, and love.

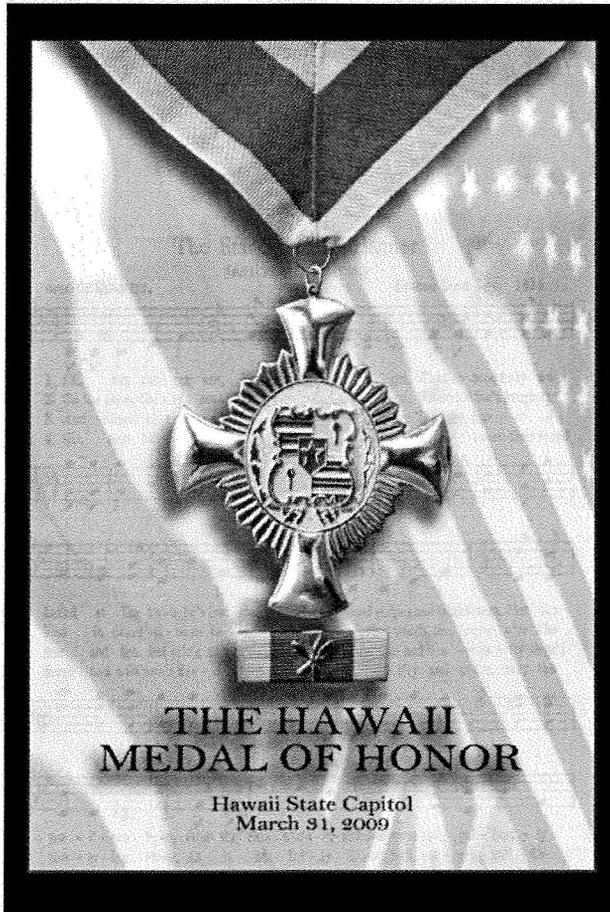
But grief is not the end of all. Our dead brothers and sisters still live for us, and bid us think of life, not death. As I listen, the great chorus of life and joy begins again, and amid the awful orchestra of seen and unseen powers and destinies of good and evil, our trumpets sound once more a note of daring, hope, and will.

"To all of you, Aloha."

The Speaker of the House of Representatives then called on the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard for the retiring of the Colors, and at 2:58 o'clock p.m., declared the Joint Session of the Senate and the House of Representatives adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, Thursday, April 2, 2009.



Symbolism of the Hawaii Medal of Honor

The Hawaii Medal of Honor was designed by Sergeant First Class Aaron Pollick from the Hawaii Army National Guard. This medal consists of the following six components, superimposed on each other:

Circle of Kalo Leaves: The kalo leaves represent the family or Ohana. The leaves are designed in an encircled fashion and represents the concept of Ohana, which we strive to embrace.

Coat of Arms: The Great Shield is the keystone of the design. The eight bars represent the eight major islands of the State of Hawaii. The kapu sticks, or Pulo'ulo'u, symbolize authority and protection. The star in the center of the medallion is the Star of Hawaii, the 50th star on the flag of the United States. This star also represents the honorees of this prestigious award.

Maltese Cross: The Maltese Cross represents the four directional axes of the globe, denoting Hawaii as the Crossroads of the Pacific.

Sun Rays: The irradiant sun is symbolic of the new era. Its position in the center of the Maltese Cross represents our sunny shores and warm hearts ever shining on all the corners of the world.

The Neck Drape: The neck drape is red and golden yellow in color. These colors symbolize the royal monarchy that once ruled these islands. The red represents courage and strength. The golden yellow depicts the honor that the recipients have brought to our islands.

Service Ribbon & Attachment: The service ribbon represents distinguished service. Its colors are identical to the colors of the neck drape. The attachment device at the middle of the ribbon is an ancient flag or puela of Hawaiian Chiefs. In olden times, the puela was raised above the sail of the ancient Hawaiians' canoes while at sea. Our puela signifies that the person receiving this medal is of high rank or honor.

JOINT SESSION OF
THE HAWAII STATE LEGISLATURE
SENATE CHAMBERS
March 31, 2009 * 2:00 PM

HAWAII MEDAL OF HONOR
PROGRAM

Call to Order	Senate President Colleen Hanabusa
Posting of the Colors	United States Pacific Command Joint Service Color Guard Hawaii Air National Guard Royal Guard
National Anthem & Hawaii Pono'i	Mr. Eric Wahilani
Invocation	MSG (Ret) Raymond Ganotise
Welcome & introduction of Guests	Senate President Colleen Hanabusa
Governor's Message	Governor Linda Lingie
Military Address	Major General Robert G.F. Lee
Hawaii Medal of Honor Presentation	Senate President Colleen Hanabusa House Speaker Calvin K.Y. Say Governor Linda Lingie Major General Robert G.F. Lee
Presentation of Certificates	Lieutenant Governor James R. Aiona, Jr. Senator Will Espero Representative Angus L.K. McKelvey
Rendering of Honors	United States Navy
21-Guns Salute	Hickam Base Honor Guard
Taps	Marine Forces Pacific Band
Closing Remarks	House Speaker Calvin K.Y. Say
Retiring of the Colors	

2009 HAWAII MEDAL OF HONOR RECIPIENTS

United States Marine Corps Sergeant Phillip A. Bocks
United States Army Sergeant Ireneo S. Lacerna
United States Army Sergeant Gary D. Willett
United States Army Sergeant First Class Jerald A. Whisenunt
United States Army Sergeant Timothy P. Martin
United States Army Corporal Michael T. Manibog
United States Army Specialist Gregory B. Rundell
United States Army Specialist Jeremiah C. Hughes
United States Army Sergeant First Class David L. McDowell
United States Army Sergeant John K. Daggett
United States Army Private Eugene D.M. Kanakaole
United States Marine Corps Captain Philip J. Dykeman
United States Marine Corps Corporal Marcus W. Preudhomme
United States Marine Corps Lieutenant Colonel Max A. Galeai
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United States Army Sergeant Kenneth B. Gibson
United States Army Staff Sergeant Julian F.A. Manglona
United States Army Private First Class Christopher A. McCraw
United States Army Staff Sergeant Solomon T. Sam
United States Marine Corps Corporal Thomas Reilly Jr.
United States Army Private First Class Christopher W. Lotter
United States Army Private Sean P. McCune

From House Bill 8, designated as Act 21,
Session Laws of Hawaii 2005:

"The purpose of this Act is to provide for a Hawaii Medal of Honor that would help express the deep appreciation and gratitude of the People of Hawaii to the loved ones of members of the military who sacrificed their lives in defense of our nation and its freedoms."

Acknowledgements

Patricia A. Mau-Shimizu, House Chief Clerk & her staff
Carol Taniguchi, Senate Chief Clerk & her staff
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Ben Villaflor, Senate Sergeant-at-Arms & his staff
Linda Luli Nakasone Oamilda, House Majority Staff Office
& her staff
Richard Rapoza & Jane Hong, Senate Communications Office
Dennis Fujii, United States Pacific Command
Kole M. Miller, Chief of Protocol, 25th Infantry Division
Ms. Ernestine Pratt, US Army
Mr. Leighton Siu
Sergeant First Class Aaron R. Pollick
Kent Untermann & Valerie Wang, Pictures Plus
Rose Lee, Rose Lee's Alterations
Ty & Cindy Tamanaha, Awardline
Brady Pilster & Richard Goodman, Symbol Arts
Pearl Harbor Historic Sites
 USS Arizona Memorial
 USS Bowfin Submarine Museum & Park
 Battleship Missouri Memorial
 Pacific Aviation Museum – Pearl Harbor
Hale Koa Hotel
Polynesian Cultural Center
Hawaii Hotel & Lodging Association
Aloha Diners Club
Capitol TV
Girl Scouts of Hawaii

Planning Committee

Senate President Colleen Hanabusa
House Speaker Calvin K.Y. Say
Senator Will Espero
Representative Angus L.K. McKelvey
Representative K. Mark Takai
Major General Robert G.F. Lee
Patricia A. Mau-Shimizu, House Chief Clerk
Carol Taniguchi, Senate Chief Clerk
Kevin R. Kuroda, House Sergeant-at-Arms
Ben Villaflor, Senate Sergeant-at-Arms
Lisa Vargas

Special Acknowledgement

Representative K. Mark Takai and Ms. Lisa Vargas for their unwavering commitment to honor these families and tireless efforts to ensure that each designated medal is received by the intended family.