

**JOURNAL**  
of the  
**SENATE OF THE**  
**TWENTY - FIRST LEGISLATURE**  
of the  
**STATE OF HAWAII**

---

**Special Session of 2001**

**Convened Monday, June 4, 2001**  
**Adjourned Friday, June 8, 2001**

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**THE  
TWENTY-FIRST LEGISLATURE  
STATE OF HAWAII  
SPECIAL SESSION OF 2001  
JOURNAL OF THE SENATE**

**FIRST DAY**

**Monday, June 4, 2001**

The Senate of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, was called to order at 10:10 o'clock a.m., by Senator Robert Bunda, President of the Senate, in accordance with the Proclamation issued by Governor Benjamin J. Cayetano on May 30, 2001, as follows:

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 1, transmitting the proclamation convening the Legislature of the State of Hawaii in Special Session on Monday, June 4, 2001:

**“P R O C L A M A T I O N**

**WHEREAS**, under Section 10 of Article III of the Constitution of the State of Hawaii, the Governor may convene both houses of the Legislature or the Senate alone in special session; and

**WHEREAS**, the Governor believes that a technical error has caused uncertainty as to the validity of the passage of the bills appropriating moneys for the biennium budgets of the Judiciary and of the Office of Hawaiian Affairs and that, therefore, the declarations in the bond authorization bill will require updating; and

**WHEREAS**, the two appropriations bills passed the Senate with all ayes and passed the House with none voting no and only eight excused and, therefore, are not controversial bills; and

**WHEREAS**, the Governor believes that the affected bills involve important appropriations that require immediate consideration by the Legislature;

**NOW, THEREFORE**, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby convene both houses of the Twenty-First Legislature of the State of Hawaii in special session on Monday, the 4th day of June, 2001, at 10 o'clock a.m., solely for the consideration of special session replacement bills to appropriate moneys for the biennium budgets of the Judiciary and of the Office of Hawaiian Affairs and to authorize the issuance of bonds for the fiscal biennium.

**DONE** at the State Capitol,  
Honolulu, State of Hawaii, this  
30th day of May, 2001.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Earl I. Anzai  
EARL I. ANZAI  
Attorney General,”

was read by the Clerk and was placed on file.

The Divine Blessing was invoked by the Honorable Norman Sakamoto, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Chumbley, Nakata and Tam who were excused.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 2 and 3) were read by the Clerk and were referred to Committees:

Gov. Msg. No. 2, submitting for consideration and confirmation as Comptroller, the nomination of WAYNE H. KIMURA, term to expire December 2, 2002, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 3, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of TIMOTHY E. JOHNS, term to expire June 30, 2002, was referred to the Committee on Water, Land, Energy, and Environment.

**INTRODUCTION OF SENATE BILLS**

On motion by Senator English, seconded by Senator Hemmings and carried, the following bills passed First Reading by title and were referred to committees or deferred:

Senate Bill

No. 1 “A BILL FOR AN ACT RELATING TO THE JUDICIARY.”

Introduced by: Senator Bunda.

Referred to: Committee on Ways and Means.

No. 2 “A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.”

Introduced by: Senator Bunda.

Referred to: Committee on Ways and Means.

No. 3 “A BILL FOR AN ACT RELATING TO STATE BONDS.”

Introduced by: Senator Bunda.

Referred to: Committee on Ways and Means.

ADJOURNMENT

No. 4 "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS."

Introduced by: Senators Slom, Hemmings, Hogue.

At 10:22 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 10:00 o'clock a.m., Tuesday, June 5, 2001.

At 10:17 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

Respectfully submitted,

The Senate reconvened at 10:18 o'clock a.m.

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

Clerk of the Senate

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

Approved:

"I would just like to commend the Clerk. I noticed that our agenda or our Order of the Day is much more friendly and much more readable. The information is on there and I thank whoever is responsible for doing that.

President of the Senate

"I just can't wait now to get our furniture refurbished and our elevators fixed. Thank you."

Senator Slom also rose on a point of personal privilege and stated:

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

"Here we are at a not so special, Special Session. Why are we here? Because of an alleged error that was committed not in the Senate and not by the Senate Clerk, but over in the House.

"There has been a lot of discussion about several things. One is the cost and who bears the cost. While the numbers have been kept down and we are talking in the range of \$15,000 to \$20,000, it still is a cost. It is an additional cost and is borne ultimately, as every cost, by the taxpayers, and it should not have happened. We should be more responsible for that.

"Secondly, if it is a question of us coming back here for five full days, then I think it would be incumbent upon us to look at all of the errors that were made, particularly in the last hours of the 2001 Session. In fact there were errors made and there were omissions and there were costly items and bills that were not properly attended to.

"So, even though the idea is to get in and get out and just have a very narrow agenda, Mr. President and colleagues, I think it would be incumbent upon us to really carefully scrutinize some of the other areas that are extremely important, not only to us but also to various aspects and members of the community. I think that we should be willing to tackle these additional measures. For our part, we have introduced one bill that had to do with professional employment organizations, which had sailed through the House and sailed through the Senate. It was signed-off by labor unions, business organizations, the tax Director, and then mysteriously, and I am certain erroneously and mistakenly, died in the last hours of the Conference Committee.

"So I think that as long as we are here we should be willing and open to take a look at some of these other matters.

"The other thing is, I guess we know just how important this Session really is because the Governor is in Japan right now on a goodwill mission. So we'll just have to struggle along by ourselves and do the best we can, and that's what I urge my colleagues to do - the best that we can.

"Thank you, Mr. President."

## SECOND DAY

**Tuesday, June 5, 2001**

The Senate of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, convened at 10:12 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable J. Kalani English, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Chumbley, Ihara, Matsuura, Menor, Nakata and Tam who were excused.

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

## STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1) recommending that S.B. No. 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 6, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2) recommending that S.B. No. 2 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 6, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3) recommending that S.B. No. 3 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 3, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, June 6, 2001.

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

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

"Mr. President, in keeping with the Constitution and our duty as a Legislature, I'm hoping I can petition the Majority Party to consider once again overriding the veto by the Governor on some bills that we passed – specifically H.B. No. 824, concerning motorcycle education by the military being sanctioned by the State. The Governor's veto message was very weak on this issue.

"For the record, it was a very good bill introduced by a Majority Party leader in the House of Representatives and passed, as with a prior veto override attempt, with 76 votes, meaning every Legislator both in the Senate and the House supported this bill. Once again the Governor, for reasons suspect, chose to veto it.

"Our Constitutional duty requires us to stand-up for the legislative branch of government, and I might read into the record Article III of the State Constitution, reconsideration after adjournment: 'The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to the governor less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that the governor plans to return such bill with the governor's objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session . . .' That is subject to interpretation as to when exactly we can convene. The strict interpretation would say that we have to convene in the six-hour period before noon or actually the twelve-hour period before noon of the forty-fifth day. I am having constitutional scholars investigate that further and also researching what the Constitutional Convention meant.

"Nevertheless, I would think that the Majority Party would want to assert its independence and be bold on this issue. I've heard from several Legislators who worked very hard on legislation during this last Session and that the Governor is threatening to veto some very important legislation. I would think you'd want to defend not only your honor but also all the hard work you did.

"Several Legislators in the Majority Party have said that we want to send a clear message to the Governor on some issues. Well, this is the best way to do it. Certainly in keeping, I think this monolithic 'circle the wagon' attitude is counterproductive to democracy and what we all hold dear and what we all work so hard to do on behalf of the people who elected us.

"I would say, Mr. President, if it was a close call and a bill was passed in a very controversial way and the Governor vetoed it, maybe there's justification. But when 76 of us vote unanimously to do something, and he, for suspect reasons, vetoes it, I think it's not only a responsibility but also a duty to override that veto.

"Let's assume that the interpretation is that we have to wait to the 45<sup>th</sup> day, which is Monday. We then could consider extending this Session for one day in order to accomplish the task of overriding the veto. Nevertheless, Mr. President and Majority Party colleagues, it's my intent to vigorously pursue having government work the way it was intended to and not to be the rubber stamp of one particular point of view on a continuing basis.

"Thank you, Mr. President."

Senator Chun then rose on a point of personal privilege as follows:

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

"Mr. President, I might not always agree with my colleague from Waimanalo, however, the Senate has always been open to assert its independence and to also override, when required, the vetoes of the Governor. If you recall, Mr. President, in the 1999

Legislative Session, or it could have been in 2000, the Senate was open to overriding the vetoes on bills that the Governor had sent down on several occasions. However, the House has consistently indicated that they will not consider any overrides, and for us to keep on insisting on that, and to take an action that the House will not support, is a useless gesture at best.

“We are open. I think I am personally open to overriding some of the vetoes of the Governor. But unless the House has indicated a willingness, and traditionally they have not, it is going to be a useless gesture by the Senate, and as we all know, we do not want to engage in that kind of useless exercise.

“Mr. President, in addition, I also note that when the Senate did try to assert itself and wanted to override some of the vetoes, public sentiment and the press was not very supportive of our efforts. So, unless we have some very strong sentiment to override vetoes, both in the public and also in the House, it would not do us any good to entertain such actions at this point in time.

“Thank you, Mr. President.”

Senator Hemmings rose in rebuttal and said:

“Mr. President, I rise on a point of rebuttal.

“I think the good Majority Leader clearly announced exactly the opposite of what he intended by saying we have inserted our independence and the House didn’t go along. He interprets that to be futile. I interpret that to be leadership. I interpret that to be bold. I interpret that to be – we’re not going to do what popular opinion would dictate, but what duty dictates, what the Constitution dictates and what good government dictates.

“Personally, I don’t care if the House cares to make that mistake. What I care about is us exercising our constitutionally mandated duty to stand behind the legislation we pass unanimously. Shame on them for not having the courage to stand up and be counted.

“I might add to the record that in researching vetoes, the Majority Party has quite a record on vetoes. A veto has not been overridden in the State of Hawaii since 1957. What that really speaks to is a monopoly – a monopolistic government that does not have the checks and balances necessary for healthy government. If you look at the battles in the federal government between the executive and legislative branch of government, good legislators from both sides of the aisles oftentimes stand together and do for the people, through the legislative process, what the Constitution intended them to do.

“So, in speaking in rebuttal to the previous comments, I would say I also don’t care what the press thinks or does not think about our attempts. Our duty is clear, and I’m hoping that the Majority Party, as in the past, will stand up in the Senate and be accountable.

“I might enter into the record also, the last time we did this is when you, Mr. President, along with the Chairman of the Ways and Means Committee, were bold enough to, for the first time in a generation or two, release the budget worksheets. The earth did not open up and swallow this Legislature. There was no thunder or lightening from the clouds above. It was a breath of fresh air. And guess what – it made you guys, the Majority Party, look like you’re stepping in the right direction to open up the doors of democracy more to the people of Hawaii.

“This is another opportunity. It’s not a challenge – I’m not challenging you. I’m trying to give you an opportunity to do what is right. Thank you, Mr. President.”

#### ADJOURNMENT

At 10:24 o’clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 10:00 o’clock a.m., Wednesday, June 6, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

**THIRD DAY****Wednesday, June 6, 2001**

The Senate of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, convened at 10:16 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable David Matsuura, Hawaii State Senate, after which the Roll was called showing all Senators present with the exceptions of Senators Chumbley, English, Hogue, Ihara and Tam who were excused.

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

**ORDER OF THE DAY****THIRD READING**

S.B. No. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Chumbley, English, Hogue, Ihara, Menor, Tam).

S.B. No. 2:

Senator Taniguchi moved that S.B. No. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, S.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Chumbley, English, Hogue, Ihara, Menor, Tam).

S.B. No. 3:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 3, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Chumbley, English, Hogue, Ihara, Menor, Tam).

At 10:19 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:34 o'clock a.m.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 1 to 3) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1, transmitting H.B. No. 1, which passed Third Reading in the House of Representatives on June 6, 2001, was placed on file.

On motion by Senator Chun, seconded by Senator Hemmings and carried, H.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 2, transmitting H.B. No. 2, which passed Third Reading in the House of Representatives on June 6, 2001, was placed on file.

On motion by Senator Chun, seconded by Senator Hemmings and carried, H.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 3, transmitting H.B. No. 3, which passed Third Reading in the House of Representatives on June 6, 2001, was placed on file.

On motion by Senator Chun, seconded by Senator Hemmings and carried, H.B. No. 3, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed First Reading by title and was referred to the Committee on Ways and Means.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. Nos. 1 and 2, and the Chair granted the waiver.

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

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

"I'd just like to say that I congratulate our colleagues in both the Senate and the House who have indicated in fact that we will continue with the investigatory committee involving the Felix issue.

"I, for one, was very disturbed hearing the comments of the judiciary and the federal judge last week who basically was telling us, a separate and independent legislative branch of government, that we had no business having an investigative committee to find out where the money is going and if things are being taken care of properly and all of that. I think that the judiciary should take care of the judiciary and we should take care of our responsibilities and this is definitely one of the responsibilities that we have.

"So I applaud the efforts to move this along as quickly as possible. Thank you."

**ADJOURNMENT**

At 10:37 o'clock a.m., on motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate adjourned until 10:00 o'clock a.m., Thursday, June 7, 2001.

FOURTH DAY

Thursday, June 7, 2001

ADJOURNMENT

The Senate of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, convened at 10:32 o'clock a.m. with the President in the Chair.

At 10:38 o'clock a.m., on motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate adjourned until 10:00 o'clock a.m., Friday, June 8, 2001.

The Divine Blessing was invoked by the Honorable Jonathan Chun, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Buen, Chumbley, English, Ige, Ihara, Matsuura, Menor, Nakata and Tam who were excused.

Respectfully submitted,

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

Clerk of the Senate

At 10:35 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

Approved:

The Senate reconvened at 10:37 o'clock a.m.

President of the Senate

STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 4) recommending that the Senate advise and consent to the nomination of WAYNE H. KIMURA as Comptroller, in accordance with Gov. Msg. No. 2.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 4 and Gov. Msg. No. 2 was deferred until Friday, June 8, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 5) recommending that the Senate advise and consent to the nomination of TIMOTHY E. JOHNS to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 3.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 5 and Gov. Msg. No. 3 was deferred until Friday, June 8, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 6) recommending that H.B. No. 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 8, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 7) recommending that H.B. No. 2 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 8, 2001.

## FIFTH DAY

Friday, June 8, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, convened at 10:10 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Bob Nakata, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Buen, English, Matsuura and Tam who were excused.

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

## ORDER OF THE DAY

## ADVISE AND CONSENT

Stand. Com. Rep. No. 4 (Gov. Msg. No. 2):

Senator Kawamoto moved that Stand. Com. Rep. No. 4 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of WAYNE H. KIMURA as Comptroller, term to expire December 2, 2002, seconded by Senator Fukunaga.

Senator Kawamoto rose to speak in favor of the nominee and said:

"Mr. President, I rise to speak in favor of the nominee in Gov. Msg. No. 2.

"Wayne Kimura, the Governor's nominee for Comptroller, is currently serving as the State's Acting Comptroller.

"Our Committee received more than 36 testimonies in overwhelming and unanimous support of Mr. Kimura's nomination. His supporters describe him as intelligent, analytical, thorough, and conscientious with unquestionable integrity and strong commitment to public service. His supporters also mentioned his strong problem solving, communication, and management skills. Among those in the investment banking industry, Wayne Kimura is highly regarded for his knowledge of government operations, leadership abilities, professionalism, and for his strong advocacy on behalf of the State.

"Your Committee on Transportation, Military Affairs, and Government Operations unanimously recommends that the Senate advise and consent to Mr. Kimura serving as the State Comptroller.

"Mr. President, I urge all of my colleagues to vote 'aye' on this nominee."

Senator Hogue also rose in support of the nominee and said:

"Mr. President, I rise in support of this nominee.

"Mr. Kimura came and sat in my office. He is a very good man and a very intelligent man. But one of the things that impressed me was that he had a willingness to listen to us, the Legislators, about what has become rather a 'black hole' in our state government and that is the Department of Accounting and General Services or DAGS. When things go in, sometimes we

wonder what happens to them. Mr. Kimura pledged to work with us and to work with others to make sure that this dark 'black hole' is lightened up and brightened up.

"So, I support this nominee. Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Buen, English, Ige, Matsuura, Menor, Tam).

Stand. Com. Rep. No. 5 (Gov. Msg. No. 3):

Senator Inouye moved that Stand. Com. Rep. No. 5 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of TIMOTHY E. JOHNS to the Board of Land and Natural Resources, term to expire June 30, 2002, seconded by Senator Chun Oakland.

Senator Inouye rose to support the nomination and said:

"Mr. President, I speak in support of the confirmation of Timothy Johns, Gov. Msg. No. 3.

"Mr. Johns served for two years as the Chairperson of the BLNR. He has familiarity with the BLNR gained through his experience there, including the responsibility of managing legislation affecting BLNR program areas and active participation in and/or membership in various advisory groups and commissions on matters concerning the BLNR. Mr. John's also has extensive experience in the private sector in real estate development, leasing, financing, and environmental matters.

"Tim Johns, as we all know him, is dedicated and committed to the people of Hawaii. He is active in numerous professional and community groups. He is generous in sharing his time, talents, and knowledge to make improvements in the community and in State government. I have found him to be an honorable person adhering to high ethical standards. He has been fair and open-minded in discussing and deciding on issues.

"Mr. President and members, I ask everyone to support Mr. Timothy Johns' confirmation to the BLNR as recommended by the Water, Land, Energy, and Environment Committee. Thank you."

Senator Hemmings rose to support the nominee as follows:

"Mr. President, I rise to speak in favor of Gov. Msg. No. 3 and the nominee.

"Yesterday some very passionate and strong-willed people from the district of Waimanalo testified against Mr. Johns' nomination. They're my constituents and they're very concerned about the wastewater plant that the State owns there that's on the verge of a breakdown and two reservoirs that threaten the life and the welfare of the community there. They identify the problems with Mr. Johns.

"To his credit, Mr. Johns, after the hearing, came and talked face-to-face to his adversaries and after honest and open dialogue, I think, assured them that he as a Board member is going to continue to address their problems and the problems we as a community face in Waimanalo. This is the type of

integrity and leadership that we need. So often in government, people that are accused of things find ways to run from the problem rather than face it head on. In speaking with those adversaries this morning, they see the wisdom in an affirmative vote on their behalf and the districts'. Mr. Joe Ryan, Ms. Kim Kalama, and some of the other leaders in that district see the wisdom in working with Mr. Johns after speaking with him directly.

"I would like to put into the record, though, that there is a hidden monster in government, and I call it the fourth branch. I think Mr. Johns, the people of Waimanalo, and the people of the whole State oftentimes fall victim to this monster, and it's the fourth branch of government – it's the bureaucracy. It seems that there are some high level functionaries that have the protection of civil service and other contractual protections and are immune from being accountable and getting the job done and oftentimes the failures fall on the backs of the political appointees who have to stand the heat that the community brings down on them.

"Mr. Johns is a good man and he will do a good job. I know he'll listen to the people of this entire State on their issues concerning the stewardship of our most precious resource – our land. Therefore, I am very pleased to speak in favor of his nomination."

Senator Chun rose to speak in favor of the nominee and stated:

"Mr. President, I rise in favor of the nominee.

"Mr. President, yes I was at that hearing yesterday and I appreciate the concern, the heartfelt concern, of the people who testified against the nomination of Mr. Johns. They have raised some very good points. But at the same time, it demanded some answers, and Mr. Johns was forthright before the Committee in answering or responding to the concerns raised by the public.

"The two concerns raised were: (1) that Mr. Johns knew about the mercury contamination and did nothing; and (2) he was informed about the problems with Unisyn and also did nothing about that while he was the Chairman of the Department of Land and Natural Resources. Mr. Johns' answers were very forthright and straightforward. First of all, he denied that he knew anything about the mercury contamination and the Committee had nothing before it to show otherwise. In addition, Mr. Johns clearly stated that he did look into starting actions against Unisyn while he was the Chair but was informed by the Attorney General's Office that under the terms of his lease they could do nothing. Instead, the department started looking at the health violations, and under his tenure with the Department, the lease was canceled.

"So, I believe Mr. Johns has acted prudently and will continue to do so in his position as a member of the Board of Land and Natural Resources. Thank you, Mr. President."

Senator Chumbley rose to support the nomination and said:

"Mr. President, I rise to speak in support of the nomination.

"Colleagues, I want to bring to your attention what I think is a very admirable quality in this individual. Beyond his integrity, which I think we all appreciate, understand, and acknowledge, Mr. Johns has worked hard as the director of the department for the previous two years and has put special effort into bringing issues to the neighbor islands. Whenever there was an important matter before any of us on any of the neighbor islands out of the County of Honolulu, he would come, he

would listen, he would bring his department people and he was always open-minded. I think that is one of the common sense approaches that he can bring now to the Board, no longer being the director of the department.

"A previous speaker spoke about the fourth branch of government. Well, Mr. Johns is a good combatant to that because his common sense approach, I think, will contribute to decisions being made on the board with balance. It is that balance that he has achieved in the business sector, the private sector, and his love for the environment.

"We took Mr. Johns up to the top of Puukakui in Kahalewai, which is the Hawaiian name for the West Maui Mountains. He is quite a fast learner and it was up there that I really saw a side of him that I hadn't seen in the two previous years. I am proud to say that I think he will do a good job on the board and I welcome his contributions.

"Thank you."

Senator Kim rose to speak in favor of the nominee and said:

"Mr. President, I, too, rise to speak in favor of the nominee.

"I join in all the words that my colleagues have said this morning. I had the opportunity to work with Mr. Johns when I was on the City Council and he was in the private sector. Like everyone said, he has always been straightforward, and for me that is very important that they're honest and straightforward. He has continued that with his job with DLNR, and I, too, believe he will make a good board member.

"Thank you."

Senator Menor rose with reservations and said:

"Mr. President, please have the Clerk note that I will be casting an 'aye vote with reservations.'"

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Buen, English, Matsuura, Tam).

At 10:24 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:33 o'clock a.m.

### THIRD READING

H.B. No. 1:

Senator Taniguchi, moved that H.B. No. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the measure with reservations and said:

"Mr. President, I rise in support of the bill, with reservations.

"As we brought out in hearings during the Regular Session and also during the Special Session, my concern about the Judiciary budget is that there is an awful lot of money that is going for expensive leased space for the Judiciary and for expansion.

“There also is an awful lot of money that is being earmarked for a project on the Big Island, the Kaikoo Mall Judiciary Complex. Ultimately, it will be a more than \$70 million project. There were no public hearings held in the community on that project itself. There was a lack of details, and originally there were 11 additional sites that had been chosen. That list was narrowed down to seven and Kaikoo Mall was not on the list, but eventually Kaikoo Mall did become the site of choice.

“There are about a dozen small business merchants in that complex who are going to be evicted. It’s going to further disrupt the Hilo economy. And with alternatives, particularly lower cost alternatives, I have very real concerns about that. Now, Mr. Broderick of the Judiciary said that he had met once with the tenants association over there and has agreed to do that again and I take him at his word. But as I say, at this point I’m concerned because they did not go through the process that we expect different governmental agencies do – and that is a full and open public hearing.

“So, I will be voting with reservations. Thank you.”

Senators Hogue and Hemmings requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Buen, English, Matsuura, Tam).

H.B. No. 2:

Senator Taniguchi, moved that H.B. No. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

“Mr. President, I rise to speak in favor of this legislation with reservations.

“Mr. President, I rise today to speak in favor of the bill, but this is of very big concern to me and the Hawaiians in the community I represent. This concerns the fiscal management of the Office of Hawaiian Affairs.

“Native Hawaiian beneficiaries are facing a similar if not unlike a problem they faced with Bishop Estate. They are not reaping the benefits of OHA’s multimillion-dollar investment portfolio. One could say it’s just an opinion, but the imperative evidence is apparent – and the numbers don’t lie. Similar to the Bishop Estate, OHA is spending huge sums of money on administrative costs, public relation campaigns, and politicking – rather than on its mandate: to aid and assist Native Hawaiian beneficiaries. In addition, OHA has been evasive and deceptive in their dealings with the Legislature on this subject on numerous occasions.

“Now, some extremists may say it’s OHA’s business – not the Legislature’s – on how they spend taxpayers’ money. As a State Senator, I represent many Native Hawaiians. My district includes the beautiful lands of Waimanalo on which Hawaiian Home Lands sit and on which many Native Hawaiians live. The unfortunate truth is OHA’s fiscal malfeasance is beginning to stifle its ability to better the conditions of the Hawaiian people.

“Programs and benefits are being cut – including previously funded programs for Native Hawaiians in schools while OHA’s administrative budget is busting at the seams. A very beneficial program at Kalaheo – serving Native Hawaiians that are having trouble during school hours and taking care of them after school hours – is being cut by OHA, and there are numerous other ones.

“According to the Deloitte and Touche audited financial statements ended June 30, 2000, OHA has invested \$353 million of its financial assets, and then received a mere 3 percent return. When requesting an explanation, an OHA representative provided what I thought was just a lame excuse with no documentation.

“Three-hundred-fifty-three million dollars invested in government secured bonds – or even in an asset fund – at the going rate at the time of 6 percent would have resulted in a \$21 million return. Rather, the fiscal management of this portfolio by OHA resulted in a return of less than half of that amount as reported by Deloitte and Touche.

“More egregious is the expenditure side of the ledger. The 2001 budget projections by OHA reported an approximately \$16 million total operating budget. Roughly 57 percent would be spent on administration. I’m sure Native Hawaiians struggling in Hawaii’s harsh economy are wondering why OHA is spending 57 percent, or roughly \$9 million, on big salaries for a large bureaucracy, palatial offices, and extensive and expensive public relations.

“Further, it is curious to me as to how testimony given by OHA says that it spent approximately \$11.5 million in financing housing initiatives in the last year alone. How – pray tell – could this be accomplished when the total operating budget for OHA was \$16 million and administrative costs added up to more than 50 percent of the total budget. OHA’s numbers don’t add up and are deceptive.

It is important to point out that besides gaining interest on its investment portfolio, and receiving 20 percent from ceded land revenues, OHA also receives monies appropriated from the state’s general fund. Also important to note is that Hawaiians – along with the rest of us – are taxpayers. They’re paying into this fund too. Our tax dollars should not continue to be mismanaged! I’m truly sorry that this Legislative body looks the other way on this very important issue.

“It harkens back to the ’80s when I, along with some of my other colleagues sitting in this Chamber now, pointed out the exploitation by Bishop Estate trustees in the form of \$1 million a year salaries. Back then, leaders looked the other way – while Native Hawaiians continued to be victims of political neglect.

“Please – for everyone’s sake – let’s not make the same mistake again. The real solution here is to privatize the Department of Hawaiian Home Lands and OHA – which runs contrary to the powerbroker’s beliefs that this will not stand up to constitutional muster.

“We must allow Native Hawaiians to control their destiny and be responsible for it rather than sending them to ‘bureaucratic purgatory’ while the Akaka bill is pending in the United States Congress. They have a right to the peace of mind that comes with knowing OHA’s money is being spent and invested wisely for their benefit.

“We must be honest by identifying and exposing malfeasance and, if necessary, withhold appropriation requests that appear to be absent of fiscal accountability.

“Thank you very much, Mr. President.”

Senators Slom and Hogue then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2, entitled: “A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Buen, English, Matsuura, Tam).

#### MOTION TO OVERRIDE VETO

H.B. No. 824:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hemmings moved that the Senate override the veto of H.B. No. 824, as contained in Gov. Msg. No. 315, seconded by Senator Slom.

Senator Hemmings rose to speak in favor of the motion as follows:

“Mr. President, I rise to speak in favor of the motion.

“First of all, on the substance of the bill, I could probably parody the importance of this no better than the words of the good Senator from Waipahu when he said in the Committee meeting, as documented here, that the Legislature has been working on this issue for five years. Mr. President, this is a lot of work and five years is a long time.

“Quite truthfully, life will go on in Hawaii if this bill is not enacted, but the real point is the constitutional process. I am not asking us to do something politically convenient – I’m asking us to exercise our duty and support the legislative branch of government that has been a weak sister to the Governor’s vetoes since 1957.

“You could say that this bill is not important enough to override a Governor’s veto on, but that’s not what we’re talking about. We’re talking about principle here – the principle of the integrity of this branch of government. Some could say that by overriding it would weaken the Majority Party. Nothing could be further from the truth. It would strengthen your party. It would show that you were willing to embrace bipartisanship and you’re not wedded to blind ideology and political convenience – you’re going to do the work of the people.

“There are numerous reasons why it would be prudent at this time to override this veto. Most importantly is the fact that additional legislation is being threatened, which constitutes a lot of work and a lot of needed legislation, by the Governor. Sending the message now would go a long way in letting the Governor know that the legislative branch of government is willing to defend its hard work and it is constitutionally prudent to do so.

“Thank you for the opportunity to address this issue, Mr. President.”

Senator Slom rose and said:

“Roll Call vote please, Mr. President.”

Senator Chun rose in opposition to the motion and stated:

“Mr. President, I stand in opposition to the motion.

“Mr. President, I respect and acknowledge the words of the Senator from Waimanalo. The Senate and the Legislature as a whole needs to stand up to its constitutional duty to exercise its power to override the Governor’s veto, if and when necessary. That is something to which the Senate has consistently held fast. It has always shown that it is willing to override a Governor’s veto, if the bill calls for it. Because, Mr. President, overriding a Governor’s veto is something that we don’t take lightly. It is a constitutional duty that is important but should not be exercised based upon whim or to send messages.

“Mr. President, I think the Senate stands ready and willing if a bill comes before us that has been vetoed which cries out for an override. At that time I think the Senate Majority will stand ready to propose that to the Minority and to propose an override to the House. Unfortunately, Mr. President, this bill does not do that. It has been a work in progress for the past four to five years . . . life will go on. But there are important bills out there, Mr. President, that we should take a look at. I think the discussions to recognize the important checks and balances in our Constitution are valid.

“Mr. President, we are not here to play games. We are not here to send messages. We are here to exercise important duties and responsibilities, and for that reason, Mr. President, I will request my colleagues, at least for this motion, to vote ‘no’.

“Thank you, Mr. President.”

Senator Slom rose and said:

“Mr. President, I rise on a point of personal information.

“If I might address two questions to the Co-Majority Leader: (1) if the Co-Majority Leader could tell me whether or not since 1957 there have been any bills to which the Senate Majority has considered to be important enough that there would have been or should have been a consideration for an override; and (2) if in fact we find that the Governor does, once he comes back from Japan, start vetoing additional bills, would the Co-Majority Leader call on his colleagues to convene a Special Session for override this year?

“Thank you.”

The President called on Senator Chun for a response and Senator Chun replied:

“Mr. President, boy that’s a multiple question there. If I can remember the first one, do you want me to list the bills that the Senate has considered overriding since 1957? I was born somewhere around there, so I don’t think I can answer that question from 1957, but I can answer from 1999. I think my first Session was in 1999 and 2000. There was a list of bills that the Senate did throw across to the House in 2000 that we were open to overriding in the Special Session for that year. Unfortunately in that year, if you recall reading some of the stories written in the media, the House categorically denied or refused to consider that.

“We have shown a willingness to override a governor’s veto and we have made that public. Unfortunately, I don’t have that list with me. I recall there were a number of bills out there. I think it was at least a page long, about twenty bills in all or somewhere around there and we did make our position public.

“Am I willing to override a veto? If there are bills out there that are going to be vetoed, I am willing, along with the rest of leadership, to poll our members and, if the poll shows that they are open to overriding a veto, to call a Majority caucus for that

purpose. And if the Majority so desires, we will make that point known to the House, to the Governor, and to the Minority Party.

“Thank you, Mr. President.”

Senator Slom rose again and stated:

“Mr. President, I thank the Co-Majority Leader for the response to the questions.

“In fact, I think all of the colleagues should see a list of those bills that were felt to be important enough. However, I’m a little confused, because if they were felt to be important enough, rather than standing ready or prepared, I think the word is action and independence. And in fact if there was such a list and we know in fact that there were bills that had a tremendous amount of community support, a tremendous amount of legislative support, bills that passed overwhelmingly (76 to 0), for the Senate then not to go ahead and act, I think is a dereliction of our duty. Because regardless of what another body might do, regardless of what the Executive might do, regardless of what the Judiciary might do, our responsibility is to do what’s right. If you have such list, and you have deemed it important enough, then in fact I think this is what Senator Hemmings, the good Senator from Waimanalo, is saying – that the principle is that we establish our independence and are willing to stand-up not on a partisan basis, but on the basis of principle and the basis that it’s right.

“So I would like to see that, rather than an additional 15 or 20 years of preparation just in case we might do something. Thank you, Mr. President.”

Senator Chun Oakland rose on a point of personal privilege and said:

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

“In response to the previous speaker’s comments, I recall two years ago and last year that we did have a list of bills that were vetoed by the Governor that we were considering to override. Unfortunately, we do need both the House and Senate to agree to call a Special Session and that was our dilemma. Thank you.”

Senator Chumbley rose in opposition to the motion and stated:

“Mr. President, I rise to speak in opposition to the motion.

“Mr. President and colleagues, just a few short weeks ago I rose on a similar motion and urged all of my colleagues to think about the oath of office that you took to uphold the Constitution. What I’m concerned about was the statement that was made today that we should do this on principle, not on the substance of the issue. I take great exception to that. If there is an issue that deserves a debate and a veto on the substance of it, then let’s talk about it. But to sit here and say that on principle, and I quote, ‘because additional legislation is threatened we need to send a message,’ that’s absolutely wrong.

“How could you break your Constitutional oath just to send a political message? That’s what’s being asked of you. I urge all of my colleagues to vote ‘no’ on this motion. Thank you.”

At 10:50 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:04 o’clock a.m.

Senator Hemmings rose on a point of rebuttal and said:

“Mr. President, I didn’t want this to turn into a partisan jousting match but I stand on a point of rebuttal.

“The good Senator from Maui talked about principle and the oath of office. The first thing I said in speaking to this motion today was that this Legislature worked five years on this bill and the good Chairman of the Committee expressed that in the Committee hearing, and that this bill had substance enough to merit an override.

“If you want to talk about principle, maybe we should talk about principle. Maybe we should talk about the principle of the Constitution and what it means in the procedure. Maybe we should talk about a legislative monopoly where this body rolls over and plays dead to the unilateral dictatorial veto of a Governor, without defending our integrity or the process. Those are principles that I took the oath of office to enforce, and I would enter into the record that I took it seriously.

“I think there is substance to this bill and there is also principle – and both of them matter. Thank you, Mr. President.”

Senator Chun rose and said:

“Mr. President, I’d like to respond.

“In addition to the comments I made earlier about the reasons why I would oppose this, there are serious concerns raised by some of my colleagues regarding the procedural correctness of having a motion to override a veto done in this manner and the timing of it. I understand there is some ambiguity in the current law and the interpretation of the constitutional provision on that. Those comments made by my colleagues are very valid because the concern raised is if the motion itself is procedurally invalid under Hawaii law, then it is improper for us to act upon it at this point in time. I recognize that argument. I think it is a valid argument.

“I think rather than prolong this matter by talking about these procedural things, I think we should go ahead and vote on this motion, but place in the record a very clear statement that by voting on this motion today, we do not intend to set precedent that this is the way overrides of vetoes should be handled procedurally, especially in light of the ambiguity.

“In addition, Mr. President, I would like to request that the Senate send over a formal request to the Attorney General’s Office regarding the interpretation of the proper timing for overriding of a Governor’s veto.

“Thank you, Mr. President.”

Senator Ihara rose on a point of information and said:

“A point of information, Mr. President.

“I have two questions: Will the House be taking up this matter today? How many votes does it take to adopt the veto override? Because I think we have 16 people here.”

The President responded:

“We now have 18 and the answer to your first question is yes.”

The motion was put by the Chair and, Roll Call vote having been requested, the veto of H.B. No. 824, entitled: “A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR

EDUCATION," failed to be overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 3. Noes, 15 (Bunda, Chumbley, Chun, Chun Oakland, Hanabusa, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Matsunaga, Menor, Nakata, Taniguchi). Excused, 7 (Buen, English, Fukunaga, Ige, Matsuura, Sakamoto, Tam).

At 11:41 o'clock a.m., the President rapped his gavel and declared the Senate of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, adjourned Sine Die.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 1 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE FIFTH DAY OF THE SPECIAL SESSION OF 2001."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator Chun, seconded by Senator Hemmings and carried, S.R. No. 1 was adopted.

No. 2 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator Chun, seconded by Senator Hemmings and carried, S.R. No. 2 was adopted.

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

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

"I wanted to talk about the editorial that was in this mornings newspaper. I was very disappointed in it. It talked about this Special Session. I know all of us were a little bit surprised that this Special Session was called. Many of us have part-time and full-time jobs. The taxpayers did have to spend approximately \$15,000 for this Special Session and we could have, I guess, spent as much as 1,500 to 3,000 man-hours among our 76 Legislators here.

"There is so much that could be done, so many headlines – Felix, state hospital. There's some unfinished business that came out of the Conference Committees, so many things that we could have done here if we just wanted to think outside the box.

"The editorial today said that we should just get in, get out, get it done, and go home. I beg to differ. If we want to reach for excellence, we cannot continue to settle for mediocrity. It's been done in this state for too long. The editorial was wrong.

"Thank you."

At 11:14 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:40 o'clock a.m.

**ADJOURNMENT**

Senator Chun moved that the Senate of the Twenty-First Legislature of the State of Hawaii, Special Session of 2001, adjourn Sine Die, seconded by Senator Hemmings and carried.

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**GOVERNOR'S MESSAGE RECEIVED AFTER THE ADJOURNMENT  
OF THE SPECIAL SESSION OF THE LEGISLATURE SINE DIE**

**Gov. Msg. No. 4**, informing the Senate that on June 19, 2001, he signed the following bills into law:

House Bill No. 1 as Act 1 (Special Session of 2001), entitled: "RELATING TO THE JUDICIARY"; and

House Bill No. 2 as Act 2 (Special Session of 2001), entitled: "RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS."

**Gov. Msg. No. 5**, informing the Senate that on June 28, 2001, he signed into law Senate Bill No. 3 as Act 3 (Special Session of 2001), entitled: "RELATING TO STATE BONDS."

## STANDING COMMITTEE REPORTS

**SCRep. 1           Ways and Means on S.B. No. 1**

The purpose of this measure is to provide the necessary appropriations and authorizations for the operation of and capital improvements for the Judiciary for fiscal biennium 2001-2003.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.  
Ayes, 12. Noes, none. Excused, 2 (Ige, Tam).

**SCRep. 2           Ways and Means on S.B. No. 2**

The purpose of this measure is to provide the necessary appropriations and authorizations for the operation of the Office of Hawaiian Affairs for fiscal biennium 2001-2003.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.  
Ayes, 12. Noes, none. Excused, 2 (Ige, Tam).

**SCRep. 3           Ways and Means on S.B. No. 3**

The purpose of this measure is to authorize the issuance of general obligation bonds and to declare that the total amount of principal and interest estimated and calculated for all bonds issued and outstanding will not cause the State's debt limit to be exceeded at the time of issuance.

Article VII, section 13, of the State Constitution, requires the Legislature to include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the issuance of state bonds authorized will not cause the debt limit to be exceeded at the time of issuance.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.  
Ayes, 12. Noes, none. Excused, 2 (Ige, Tam).

**SCRep. 4           Transportation, Military Affairs, and Government Operations on Gov. Msg. No. 2**

Recommending that the Senate advise and consent to the nomination of the following:

**COMPTROLLER**

G.M. No. 2   WAYNE H. KIMURA, for a term to expire December 2, 2002,

Your Committee received testimony in support of the nomination from: Office of the Lieutenant Governor; Attorney General; Directors of Finance, Transportation, Commerce and Consumer Affairs, Taxation, and Human Resources Development; Deputy Directors of Transportation and Land and Natural Resources; Deputy Chairperson of the Board of Land and Natural Resources; two Administrators, Administrative Services Officer, and Program Budget Policy Officer from the Department of Budget and Finance, five Administrators from the Department of Accounting and General Services; Senior Vice President for Administration of the University of Hawaii; Stadium Authority; The Chamber of Commerce of Hawaii, ten individuals from the private sector, and five individuals.

Wayne H. Kimura has a bachelor's degree and post-graduate credits from the University of Southern California. Mr. Kimura, who currently serves as Acting Comptroller, has an extensive and distinguished history of public service, having worked in both the executive and legislative branches of government. His professional experience includes working as a budget analyst/researcher for the Senate Ways and Means Committee, program budget analyst for the former Department of Social Services and Housing, Acting Program Budget Analysis Administrator for the Department of Budget and Finance, Acting Business Services Officer in the Lieutenant Governor's office, and as a planning and policy analyst in the Governor's office. In 1998, Mr. Kimura was appointed Deputy Director of the Department of Budget and Finance and simultaneously served as Acting Administrator for the department's Financial Administration Division. In the latter capacity, Mr. Kimura oversaw the State's long-term debt, investment management, and cash management.

Supporters of Wayne H. Kimura describe him as intelligent, analytical, thorough, and conscientious with unquestionable integrity and a strong commitment to public service. The nominee's collaborative approach to identifying problems and developing solutions, strong communication and management skills, and ability to work well with others were also noted by the nominee's supporters.

Among those in the investment banking industry, Wayne H. Kimura is highly regarded for his knowledge and understanding of government operations and procedures, insight, leadership abilities, professionalism, and for his strong advocacy on behalf of the State. Your Committee finds that the testimony received indicates overwhelming and unanimous support for the nomination of Wayne H. Kimura to the position of Comptroller.

As affirmed by the record of votes of the members of your Committee on Transportation, Military Affairs and Government Operations that is attached to this report, your Committee, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.  
Ayes, 6. Noes, none. Excused, 3 (Menor, Tam, Taniguchi).

**SCRep. 5 Water, Land, Energy, and Environment on Gov. Msg. No. 3**

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF LAND AND NATURAL RESOURCES

G.M. No. 3 TIMOTHY E. JOHNS, for a term to expire June 30, 2002,

Upon review of the testimony and the statements submitted by the nominee, your Committee finds that Timothy E. Johns has the necessary character, experience, and qualifications to serve on the Board of Land and Natural Resources.

Testimony in support of the nominee was received from the Office of the Lieutenant Governor, Chairman and two members of the Board of Land and Natural Resources, Commission on Water Resource Management, Department of Human Resources Development, Department of Taxation, Kaua'i Chamber of Commerce, Kauai Economic Development Board, Kauai Economic Development Foundation, Hawaii Agriculture Research Center, Building Industry Association of Hawaii, Hidano Construction, Inc., Title Guaranty of Hawaii, Inc., Dowling Company, Inc., Hawaii Reserves, Inc., General Services, Inc., PBR Hawaii, Pacific Management Consultants, Inc., Stryker Weiner & Yokota, Ashford & Wriston, Imanaka, Kudo & Fujimoto, Oshima Chun Fong & Chung, LLP, Volunteer Legal Services Hawai'i, Hawai'i Community Foundation, The Friends of 'Iolani Palace, and four individuals. EnviroWatch, Inc., and two individuals submitted testimony in opposition.

Timothy E. Johns, CEO, Estate of Samuel Mills Damon, was the Chairperson of the Department of Land and Natural Resources from 1999-2000, and Deputy Director of the Commission on Water Resource Management in 1998. Mr. Johns served in various management positions with AMFAC/JMB Hawaii from 1990 to 1997, and is a former director of protection of The Nature Conservancy of Hawaii, as well as a lecturer in undergraduate business law at the University of Hawaii. Mr. Johns holds both law and masters degrees from the University of Southern California. He is the recipient of the 2000 Hawaii Audubon Society President's Award, was a Pacific Century Fellow in 1996-1997 and serves on the boards of a wide range of community organizations.

As affirmed by the record of votes of the members of your Committee on Water, Land, Energy and Environment that is attached to this report, your Committee, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.  
Ayes, 7. Noes, none. Excused, 2 (English, Ihara).

**SCRep. 6 Ways and Means on H.B. No. 1**

The purpose of this measure is to provide the necessary appropriations and authorizations for the operation of and capital improvements for the Judiciary for fiscal biennium 2001-2003.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.  
Ayes, 8. Noes, none. Excused, 6 (Buen, English, Ige, Kawamoto, Tam, Slom).

**SCRep. 7 Ways and Means on H.B. No. 2**

The purpose of this measure is to provide the necessary appropriations and authorizations for the operation of the Office of Hawaiian Affairs for fiscal biennium 2001-2003.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 6 (Buen, English, Ige, Kawamoto, Tam, Slom).



NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
S.R. 1 AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE FIFTH DAY OF THE SPECIAL SESSION OF 2001	12			12
S.R. 2 INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE	12			12

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
H.B. 1 RELATING TO THE JUDICIARY	5 5	5	6	8				13		1	
H.B. 2 RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS	5 5	5	6	9				13		2	
H.B. 3 RELATING TO STATE BONDS	5 5	5									
H.B. 824 RELATING TO MOTORCYCLE OPERATOR EDUCATION									10		