

THIRTY-FIRST DAY

Wednesday, March 13, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Hiromi Kawaji, Honpa Hongwanji Buddhist Temple, after which the Roll was called showing all Senators present with the exception of Senator Buen who was excused.

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

Senator Slom, with the assistance of Senators Taniguchi, Fukunaga, Hemmings, Kim and Matsuura, introduced and congratulated the following Hawaii Junior Achievement Business Hall of Fame Laureates: Lloyd Jones, Jon Martin, Jeff Bloom, Kitty Lagareta, Roswell Towill (represented by son Richard Towill) and Richard Miyashiro (represented by daughter Gloria Kobayashi). Accompanying the honorees was Carol Ann Biederman, President of Junior Achievement of Hawaii.

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:22 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 312, transmitting H.C.R. No. 88, which was adopted by the House of Representatives on March 12, 2002, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING 2003 AS THE YEAR OF THE HAWAIIAN FORESTS," was deferred until Thursday, March 14, 2002.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 88 to 105) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 88 "SENATE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF OPTOMETRY REGULATION."

Offered by: Senator Matsuura.

No. 89 "SENATE CONCURRENT RESOLUTION URGING THE USE OF VIDEOCONFERENCING TECHNOLOGY TO ENABLE NEIGHBOR ISLAND RESIDENTS TO TESTIFY LIVE AT PUBLIC HEARINGS."

Offered by: Senators Tam, Kanno, Kokubun, Ige, Nakata, Hemmings, Slom, Chun Oakland, Ihara.

No. 90 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO HOLD PUBLIC HEARINGS PRIOR TO MAKING MODIFICATIONS TO OR IMPOSING REDUCTIONS ON APPROVED BUDGETS OF ANY STATE DEPARTMENT."

Offered by: Senators Tam, Kanno, Taniguchi, Ige, Nakata, Kokubun, Slom, Ihara, Chun Oakland.

No. 91 "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE BRANCH TO PROVIDE THE LEGISLATURE WITH ELECTRONIC ACCESS TO EXECUTIVE BUDGET DATA."

Offered by: Senators Tam, Kanno, Kokubun, Hemmings, Slom, Chun Oakland, Nakata, Kim, Ige, Ihara.

No. 92 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO SUSPEND THE USE OF PHOTO TRAFFIC ENFORCEMENT CAMERAS TO CITE SPEEDERS ON STATE ROADWAYS UNTIL THE DEPARTMENT CAN PROVIDE THE PUBLIC WITH A CLEAR PLAN TO ADDRESS ROADWAY SAFETY."

Offered by: Senators Tam, Kanno, Hemmings, Chun Oakland, Nakata, Kim, Ige.

No. 93 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DELAY PLANS TO CONSTRUCT NEW LIVING QUARTERS AT WASHINGTON PLACE."

Offered by: Senators Tam, Kanno, Slom, Nakata, Kim, Ige.

No. 94 "SENATE CONCURRENT RESOLUTION URGING THE DIVISION OF BOATING AND OCEAN RECREATION TO ADHERE TO THE STATE AUDITOR'S RECOMMENDATIONS."

Offered by: Senators Tam, Slom, Hemmings, Nakata, Kim, Ige, Ihara.

No. 95 "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOALS OF THE HAWAII WATCHABLE WILDLIFE PROGRAM AND ENCOURAGING COLLABORATION AMONG ALL FEDERAL, STATE, AND COUNTY AGENCIES, AS WELL AS NON-PROFIT ORGANIZATIONS, AND PRIVATE SECTOR IN PROMOTING RESPONSIBLE WILDLIFE VIEWING AND NATURE-BASED TOURISM THAT BENEFIT THE PEOPLE OF THE STATE OF HAWAII."

Offered by: Senators Inouye, Hogue, Fukunaga, Ihara, Chun Oakland, Kim.

No. 96 "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF AN ACTION PLAN TO ASSESS AND REDUCE CARBON DIOXIDE EMISSIONS."

Offered by: Senators Inouye, Chun Oakland, Kim, Ihara.

No. 97 "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE MANAGEMENT AND FINANCIAL AUDIT OF HAWAII STATE GOVERNMENT."

Offered by: Senators Tam, Slom, Nakata, Ige, Ihara.

No. 98 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO OPEN A NEW DOCKET CONCERNING STANDBY CHARGES APPLICABLE TO NON-UTILITY

DISTRIBUTED ENERGY RESOURCES AND CUSTOMER RETENTION DISCOUNTS OFFERED BY PUBLIC UTILITIES.”

Offered by: Senator Bunda.

No. 99 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN COOPERATION WITH COUNTY GOVERNMENTS, TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF ROADS IN LIMBO.”

Offered by: Senators Inouye, Kim, Kawamoto, Bunda.

No. 100 “SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE GUARDIANS AD LITEM/ATTORNEY STATUTORY FEE REQUIREMENTS TO DETERMINE IF THERE IS A MORE EFFECTIVE MODEL THAT COULD BE ADOPTED FOR HAWAII.”

Offered by: Senator Taniguchi.

No. 101 “SENATE CONCURRENT RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO’OLAWA.”

Offered by: Senators Kokubun, Chun Oakland, Ige, Hemmings, Hanabusa, Hogue, Inouye, Tam, Chun, Ihara, Matsunaga, Taniguchi, Sakamoto, Nakata.

No. 102 “SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS.”

Offered by: Senators Buen, Chumbley, Matsuura, Nakata, Hogue.

No. 103 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY AGENCIES.”

Offered by: Senators Bunda, Kawamoto, Kanno, Taniguchi.

No. 104 “SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A BLUE RIBBON COMMISSION TO EXAMINE THE ADVANTAGES AND DISADVANTAGES OF REGULATING HEALTH AND DENTAL INSURANCE PREMIUMS IN THE STATE OF HAWAII.”

Offered by: Senator Bunda.

No. 105 “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO AUCTION THE STATE’S SURPLUS FURNITURE TO NONPROFIT ENTITIES.”

Offered by: Senators Tam, Kanno, Kokubun, Hemmings, Slom, Chun Oakland, Nakata, Kim, Taniguchi, Ihara, Matsuura, Ige, Buen.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 50 to 55) were read by the Clerk and were deferred:

Senate Resolution

No. 50 “SENATE RESOLUTION REQUESTING A REVIEW OF STATE YOUTH SERVICES AND A STUDY ON CONSOLIDATING YOUTH SERVICES.”

Offered by: Senator Matsuura.

No. 51 “SENATE RESOLUTION REQUESTING THE ADOPTION OF THE ECONOMIC PLANS OF EACH COUNTY TO STABILIZE AND STIMULATE THE STATE’S ECONOMY.”

Offered by: Senators Tam, Kokubun, Kanno, Hemmings, Slom, Chun Oakland, Nakata, Kim, Ige, Ihara.

No. 52 “SENATE RESOLUTION REQUESTING THE DRAFTING OF A MASTER PLAN INCORPORATING CONSUMER AND ECONOMIC ISSUES AND CONCERNS TO ADDRESS HAWAII’S FUTURE ALTERNATIVE ENERGY REQUIREMENTS.”

Offered by: Senators Tam, Slom, Chun Oakland, Nakata, Ige, Ihara.

No. 53 “SENATE RESOLUTION SUPPORTING THE GOALS OF THE HAWAII WATCHABLE WILDLIFE PROGRAM AND ENCOURAGING COLLABORATION AMONG ALL FEDERAL, STATE, AND COUNTY AGENCIES, AS WELL AS NON-PROFIT ORGANIZATIONS, AND PRIVATE SECTOR IN PROMOTING RESPONSIBLE WILDLIFE VIEWING AND NATURE-BASED TOURISM THAT BENEFIT THE PEOPLE OF THE STATE OF HAWAII.”

Offered by: Senators Inouye, Hogue, Fukunaga, Ihara, Chun Oakland, Kim.

No. 54 “SENATE RESOLUTION URGING THE USE OF ALTERNATIVE ENERGY SOURCES TO ADDRESS ENERGY NEEDS ON THE ISLAND OF KAHO’OLAWA.”

Offered by: Senators Kokubun, Chun Oakland, Ige, Nakata, Hanabusa, Hemmings, Inouye, Tam, Chun, Ihara, Matsunaga, Taniguchi, Sakamoto, Hogue.

No. 55 “SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE GUARDIANS AD LITEM/ATTORNEY STATUTORY FEE REQUIREMENTS TO DETERMINE IF THERE IS A MORE EFFECTIVE MODEL THAT COULD BE ADOPTED FOR HAWAII.”

Offered by: Senator Taniguchi.

ORDER OF THE DAY

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM TUESDAY, MARCH 12, 2002

Stand. Com. Rep. No. 2837 (S.C.R. No. 8, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 8, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF THE CHANNELS, STREAMBEDS, STREAMBANKS, AND DRAINAGEWAYS LOCATED IN THE COUNTY,” was adopted.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

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| House Bill | Referred to: |
| No. 1012 | Committee on Judiciary |
| No. 1542, H.D. 1 | Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations |
| No. 2224 | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 2485 | Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |
| No. 2487, H.D. 1 | Committee on Health and Human Services, then to the Committee on Judiciary |
| No. 2491, H.D. 1 | Committee on Health and Human Services, then to the Committee on Judiciary |
| No. 2613 | Committee on Judiciary |

Senator Kim rose on a point of personal privilege and stated:

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

“Mr. President, although the Hawaii Tourism Authority Chair has told me that the search for the executive director is ongoing and that they are forwarding the top ten applicants to a headhunter and are still looking, I have gotten some reliable information yesterday that behind closed doors the majority of the HTA administration committee, who is conducting this search, have already decided that Paul Casey has the job. I’m not sure how they made this decision, Mr. President, because HTA has not met since January, as I was told by other members. They have not had a full board meeting. I find this very disturbing, Mr. President and colleagues.

“First, let me say that I have no opinion whether Mr. Paul Casey would make a good executive director or not. In fact, the last time I spoke with Mr. Casey, about a few weeks ago, he told me flatly that he was not interested and had no intentions to apply for the position. This has nothing to do with Paul, in fact I do consider him a friend.

“What I’m concerned about, Mr. President, is the process that the Hawaii Tourism Authority is going about to make this selection. I’m concerned that the decision may be already a done deal by a few board members while the public is being led to believe that they are following an agreed process. This is not fair to all of the people who have applied for the position.

“This is the same authority, Mr. President, that had selected Bob Fishman and they never bothered to read the contract prior to it being ratified. I’m afraid that this authority is once again doing business as usual. In the recent audit by Marion Higa, the State Auditor reports: The authority failed to maintain a complete file of documents relevant to its contract with Mr. Fishman. In addition, current and former board members and staff do not know the location of documents to support the Fishman Enterprises selection, such as documents used to evaluate and rank the final candidates. Without these

documents, the authority has been unable to provide sufficient proof that its decision to contract was proper and justified. There must be an open process, Mr. President, on this selection and it must be well documented.

“I also questioned whether the current authority members should be making this decision because many of them will not be reappointed to the authority this year. In light of this and of the Auditor’s report, Mr. President and colleagues, I am adding language to a bill before us, calling for the confirmation of the HTA director by this Senate. And while this may be a departure from past practices, I believe that this authority, like no other state entity, have dedicated funding and report directly to the Governor.

“It is clear in the audit that this Legislature must provide more oversight and accountability. I hope you will all work with me, members, to achieve this, because tourism is too important to our fragile economy and HTA must not operate like they have in the past.

“Thank you, Mr. President.”

ADJOURNMENT

At 12:27 o’clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Thursday, March 14, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate