

## THIRTY-FIRST DAY

**Wednesday, March 12, 2003**

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bill Stonebraker, Calvary Chapel, Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga, Ige and Ihara who were excused.

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

At this time, the following introductions were made to the members of the Senate:

Senator Hogue congratulated the Kailua High School Girls Softball Team on becoming the 2003 State Champions and introduced Head Coach Bernard Victor, Athletic Director Melvin Imai, and the following members of the team: Jaushlyn Mansinon, Kainoa Hughes, Danielle Young, Loke Lastimoso and Courtney Kessell.

Senators Sakamoto and Kim introduced and congratulated Randall Fong on being named the Hawaii School Counselors Association Counselor of the Year for 2003; and Roger Takabayashi on being named the Hawaii School Counselors Association Counselor Advocate of the Year for 2003.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 235, dated February 12, 2003, transmitting Errata sheets for the Multi-Year Program and Financial Plan and Executive Budget for the Period 2003 to 2009, was read by the Clerk and was placed on file.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 97 to 102) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 97 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT MANAGEMENT AND FINANCIAL AUDITS."

Offered by: Senators Menor, Hemmings, Chun Oakland, Espero, Inouye, Fukunaga, Baker, Tsutsui, Hooser, Whalen, Hanabusa, Ige, Aduja, Kawamoto, Ihara.

No. 98 "SENATE CONCURRENT RESOLUTION CONVENING AN ECONOMIC SUMMIT."

Offered by: Senators Fukunaga, Ige, Aduja, Espero, Trimble, Hanabusa, Ihara, Kawamoto, Hooser, English.

No. 99 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TRAFFIC ADVISORY TASK FORCE TO STUDY OAHU TRAFFIC CONGESTION ISSUES AND RECOMMEND SOLUTIONS."

Offered by: Senators Kawamoto, Aduja, Kanno, Whalen, Espero, Menor, Baker.

No. 100 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II."

Offered by: Senators Kawamoto, Aduja, Espero, Menor, Baker, Kanno, Whalen.

No. 101 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 664, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II."

Offered by: Senators Kawamoto, Aduja, Espero, Menor, Baker, Kanno, Whalen.

No. 102 "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL AND THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF UTILIZING BIOSOLIDS AS A SOURCE OF NUTRIENTS IN AGRICULTURE."

Offered by: Senator Inouye.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 66 to 70) were read by the Clerk and were deferred:

Senate Resolution

No. 66 "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT MANAGEMENT AND FINANCIAL AUDITS."

Offered by: Senators Menor, Chun Oakland, Espero, Fukunaga, Whalen, Hooser, Hanabusa, Kawamoto, Ige, Aduja.

No. 67 "SENATE RESOLUTION CONVENING AN ECONOMIC SUMMIT."

Offered by: Senators Fukunaga, Ige, Aduja, Espero, Trimble, Hanabusa, Ihara, Kawamoto, Hooser, English.

No. 68 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONVENE A TRAFFIC ADVISORY TASK FORCE TO STUDY OAHU TRAFFIC CONGESTION ISSUES AND RECOMMEND SOLUTIONS."

Offered by: Senators Kawamoto, Aduja, Kanno, Whalen, Espero, Baker, Menor.

No. 69 "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II."

Offered by: Senators Kawamoto, Aduja, Espero, Menor, Baker, Whalen.

No. 70 "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 664, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II."

Offered by: Senators Kawamoto, Aduja, Espero, Menor, Baker, Kanno, Whalen.

#### STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1011) recommending that the Senate consent to the nomination of MATTHEW S.K. PYUN to the office of Judge, District Court of the Third Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1011 and Jud. Com. No. 1 was deferred until Thursday, March 13, 2003.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 1012) recommending that H.B. No. 29, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 29, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 1013) recommending that H.B. No. 290, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 290, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 1014) recommending that H.B. No. 389, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 389, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 1015) recommending that H.B. No. 531 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 531, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1010 (Gov. Msg. No. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1010 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of GEORGINA KAWAMURA as Director of the Department of Budget and Finance, term to expire December 4, 2006, seconded by Senator Kokubun.

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

"Mr. President, I rise to speak in favor of this nomination.

"Mr. President and members, your Committee on Ways and Means held a very thorough hearing on this nominee and found her credentials and character to be of high standards. Her colleagues, both past and present, hold her in very high regard.

"Mr. President, we grilled her, and we grilled her, and she didn't break. (Laughter.)

"I have found Ms. Kawamura to be very open, approachable, and sensitive to the many perspectives of those she works with. She was also an award-winning budget director for the county of Maui, which is a talent that is being put to the test early and often in her current role as acting budget director. Thus far, she has demonstrated that she has a good working knowledge of government budgeting, and that she is capable of handling what I predict will be an immense task in the weeks and years to come.

"Members, I believe Ms. Georgina Kawamura is an excellent candidate to lead our Department of Budget and Finance, and I urge you to support her nomination.

"Thank you."

Senator Baker rose to speak in support of the nomination as follows:

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

"Mr. President, when the nominee was the budget director for the county of Maui, I know that she exhibited grace under fire; she was very forthcoming with council members; she worked well with all of her departments, and she had, and still does have, a wonderful personality. I know that she will serve not only this administration, but our body well by giving the information in a timely fashion and in a way that is both understandable and accessible and is willing to work with us.

"I'm pleased to stand in support of this nomination."

Senator English also rose in support of the nominee and stated:

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

"Mr. President, Georgina is a resident of Lana'i in my district and I have worked with her as a council member when she was the budget director for the county of Maui. I can attest to her forthrightness and to her ability to cut to the chase, give us accurate numbers in a timely manner, and when we asked to

lay out possible scenarios – what if we did this – she'd say, 'okay, if you did this, this and this and this will happen. If you do that, these other things will follow.' And that was very much appreciated by me.

"She has exhibited, in the few weeks that we have worked with her, an ability to do the same here and an ability to communicate some very difficult messages to not only the Legislature, but also to take our responses back to the Governor.

"So, I stand in support of the nomination based on my working experience with her in Maui County and ask my fellow members to support her nomination to this position. Thank you, Mr. President."

Senator Slom rose to support the nominee and said:

"Mr. President, on behalf of the Minority, I stand in very strong support for the confirmation of Georgina Kawamura.

"We all know about her qualifications and about her experience, but I think what my colleagues have just spoken about is much more important – her sensitivity and her people skills and her communication skills, particularly as this time. It's a very critical time in our State's history and our legislative history. And it takes a very special person to be able to do the things that are required, while at the same time understanding that we're dealing with the public's money and accountability is extremely important. And we can't say 'yes' to everybody and that means we have to have good reasons to prioritize, but ultimately, we have to make those decisions – those tough decisions.

"In order to make those tough decisions, the nominee has sought, throughout her career, a buy in from the community for as many of the stakeholders as possible. She is open. She is above board. She answers questions. She seeks alternatives and options, and that's a very good sign.

"I think that we are all agreed, particularly after seeing her so many times before so many Committees this year delivering a message that is very difficult yet very necessary, that Georgina Kawamura is the right woman at the right time for this job. No, Mr. President, she is the right person for this position at this time, and we urge your unanimous confirmation of Georgina Kawamura.

"Aloha."

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

Ayes, 22. Noes, none. Excused, 3 (Fukunaga, Ige, Ihara).

At this time, Senator Taniguchi introduced and congratulated Georgina Kawamura who was seated in the gallery.

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o'clock p.m.

#### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM TUESDAY, MARCH 11, 2003

Stand. Com. Rep. No. 1008 (S.C.R. No. 10, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF HEALTH'S QUALITY ASSURANCE FOR PROVIDERS OF SERVICES TO THE DEVELOPMENTALLY DISABLED," was adopted.

Stand. Com. Rep. No. 1009 (S.C.R. No. 12):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 12, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON GRADUATED PARENTING," was adopted.

#### RE-REFERRAL OF HOUSE BILLS

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

House Bill                      Referred to:

No. 146, H.D. 2              Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development, then to the Committee on Ways and Means

No. 405                      Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 473, H.D. 2              Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 551, H.D. 2              Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 744, H.D. 1              Jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 1182, H.D. 2              Committee on Health, then to the Committee on Ways and Means

No. 1258, H.D. 1              Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 1261, H.D. 2              Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 1361, H.D. 2              Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Human Services, then to the Committee on Ways and Means

No. 1453, H.D. 1              Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 1465, H.D. 2              Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1495, H.D. 1              Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on

Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1594, H.D. 1 Committee on Commerce, Consumer Protection and Housing

No. 1652 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Human Services, then to the Committee on Ways and Means

**RE-REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

Senate  
Concurrent  
Resolution Referred to:

No. 38 Jointly to the Committee on Tourism and the Committee on Economic Development

No. 42 Jointly to the Committee on Tourism and the Committee on Economic Development

No. 55 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

No. 56 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Transportation, Military Affairs, and Government Operations

**RE-REFERRAL OF  
SENATE RESOLUTIONS**

The Chair re-referred the following Senate resolutions that were offered:

Senate  
Resolution Referred to:

No. 24 Jointly to the Committee on Tourism and the Committee on Economic Development

No. 35 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

No. 36 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Transportation, Military Affairs, and Government Operations

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

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

“We have just completed one-half of the Legislative Session as of yesterday. We have half to go, and that’s significant. It’s significant in the work that we have yet to do. We still have a very full agenda and a full plate of things to do.

“Today we are also noting that this is the 100<sup>th</sup> day of the administration of the new Governor. I think it’s important to note that in those first 100 days, this administration, which is

different from any administration in anyone’s memory, has distinguished itself by the promises that have been kept, the things that have been accomplished thus far. The people may argue back and forth as to what was done, what was not done.

“One of the things that I said right after the election was that the people are going to have higher expectations and less patience than they’ve had in the past. And that’s a good thing. I think that we should hold all of our elected officials responsible and accountable for things that they say, promises that they make, and things that they say that they’re going to do.

“In the case of the Governor and her administration, I think probably the number one thing that will rank as an achievement are the quality individuals that she has appointed to cabinet level positions, such as the budget director whom we just confirmed at this point. Nearly all of those people came from areas where they had expertise, they had qualifications that were impeccable, they worked with people, they were open and accessible, but they weren’t known in government. And some people have said that’s a negative thing; that we should only deal with people that have great experience in the halls of government. I, for one, disagree, and I think that it’s important and it’s a sign to show people in the community that we really want to have your input and your expertise.

“The Governor promised that she would choose people not on the basis of who they knew or what their political party was, and I think she’s demonstrated that by the individuals that this body has already confirmed and are still holding hearings on.

“In addition to that, she made a promise to resume the payments to OHA that have been suspended by the previous administration, and that promise has been kept. In addition to that, she made a promise that she would personally lobby for the Akaka bill and for Native Hawaiian rights. She went to Congress, to the Executive Branch, to people in the federal cabinet and she did that very vigorously. She kept that promise as well.

“She made a promise during the campaign that the injustice that was done to an engineer that was with the state Department of Transportation for 57 years would be reversed – Mr. Tetsuo Harano – and his name would be placed back on the tunnel at the H-3 – something that the daughter of the late Governor John Burns had urged; something that 8,000 people who signed a petition had urged but that the last administration ignored. That was done as well.

“She is keeping a promise in terms of keeping all live bodies in the difficult task of trying to balance this budget, trying to retain funds where they’re supposed to be, such as in the hurricane relief fund, getting rid of special funds where they’re not supposed to be. She has been visible. She has been accessible. She has gone to schools. She has gone to medical facilities. She has gone to Lake Wilson, and she came back alive. These are all achievements that we can applaud.

“She also had the vision and advanced a program from prescription drugs that was criticized because it would not take care of all the people but it would take care of several thousand, nearly 20,000 to 25,000 people right now. She also advanced a plan for long-term care insurance tax credits that would help thousands of people right now.

“She also tries daily to improve our business climate. When she was in Washington, we all had a laugh about her trying to sell Kona coffee to the White House and to the halls of government, and yet that indicates that her focus is always on Hawaii, always on Hawaii’s products and on Hawaii’s people.

And if it's something as small, seemingly small, as one product, Hawaiian coffee, it shows that that's where the emphasis is.

"She's well known by the business community nationally and internationally. She has met with business and investment advisors. She's also met with, successfully, people that rate the bonds of our state government, and she, I think, did quite well on CNN and Fox News and is becoming a national personality. That is not a partisan thing because her emphasis continues to be Hawaii and the improvement. And she realizes the difficulties and the crisis that we all face now and one which may become even more difficult in the days ahead.

"She said that she was opening the 'open for business' sign in Hawaii and immediately the new head of the DCCA cut regulations, red tape, and actual fees for the first time in anyone's memories. People now are talking about the business-friendly attitude of the same public employees who have been here and who have been dedicated for years but did not have incentive and did not have the leadership and the management to encourage them to do their best and to recognize them for doing their best.

"So, for these and other reasons, I think that we can all take note of this first 100 days, and that's all it is – it's the first 100 days. There will be many more days and hopefully we can all work together to get these policies passed, to get good legislation passed to help the people of Hawaii in the long term.

"Thank you, Mr. President."

#### ADJOURNMENT

At 12:16 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 13, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate