

TWENTY-NINTH DAY

Friday, March 9, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Candida Oroc, St. Francis Medical Center, after which the Roll was called showing all Senators present with the exception of Senators Chumbley, Fukunaga, Ige, Ihara and Matsunaga who were excused.

The President announced that he had read and approved the Journal of the Twenty-Eighth Day.

Senator Menor introduced the following Cub Scouts and commended them on receiving The Arrow of Light Award: Steven Arita; Troy Egloria; Casey Fukuda; Reyn Libed; Darius Sharpe; O. Frank Storch, V; Jenson Takara; Carlos Tijerina; and Jason Trankel. Accompanying the young men were Den Leaders Raymond Egloria and Mona Takara.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 348 to 350) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 348, transmitting H.B. No. 200, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 200, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 349, transmitting H.B. No. 1000, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1000, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 350, transmitting H.B. No. 1100, H.D. 1, which passed Third Reading in the House of Representatives on March 8, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1100, H.D. 1, 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 Hawaiian Affairs, then to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 43 to 51) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 43 "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF AND IMPROVEMENT RECOMMENDATIONS FOR THE MOLOKAI IRRIGATION SYSTEM."

Offered by: Senators Buen, Kokubun, Kawamoto, Chun, Hanabusa, Matsuura, Hogue.

No. 44 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE DECEMBER 15 AS BILL OF RIGHTS DAY."

Offered by: Senators Buen, Kokubun, Kawamoto, Chun, Hanabusa, Inouye, English, Matsuura, Hogue.

No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUBMIT A REPORT ON ALIEN SPECIES PROGRAMS."

Offered by: Senators Buen, Kokubun, Hogue, Kawamoto, Matsuura, Chun, Hanabusa.

No. 46 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ADMINISTRATIVE SERVICES BRANCH OF THE DEPARTMENT OF EDUCATION."

Offered by: Senator Chumbley.

No. 47 "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO DESIGNATE A NEW NATIONAL PARK FROM KEONE'O'IO TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI."

Offered by: Senators Chumbley, English, Buen.

No. 48 "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO DEVELOP AN UP-TO-DATE MASTER PLAN OF THE HONOLULU WATERFRONT TO STIMULATE ECONOMIC DEVELOPMENT IN THE AREA."

Offered by: Senator Tam.

No. 49 "SENATE CONCURRENT RESOLUTION REQUESTING A STATE AUDIT OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, ALOHA TOWER DEVELOPMENT CORPORATION, AND THE BARBER'S POINT NAVAL AIR STATION REDEVELOPMENT COMMISSION IN RELATIONSHIP TO ECONOMIC DEVELOPMENT."

Offered by: Senator Tam.

No. 50 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE FEASIBILITY OF INCLUDING THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT AND THE ALOHA TOWER DEVELOPMENT CORPORATION UNDER THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY AND AN AUDIT OF THE OVERALL PERFORMANCE OF HCDA IN RELATIONSHIP TO ECONOMIC DEVELOPMENT."

Offered by: Senator Tam.

No. 51 "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A HONOLULU WATERFRONT ADVISORY BOARD TO SERVE TO STIMULATE ECONOMIC DEVELOPMENT IN THE AREA."

Offered by: Senator Tam.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 34 to 38) were read by the Clerk and were deferred:

Senate Resolution

No. 34 "SENATE RESOLUTION REQUESTING AN ASSESSMENT OF AND IMPROVEMENT RECOMMENDATIONS FOR THE MOLOKAI IRRIGATION SYSTEM."

Offered by: Senators Buen, Kokubun, Kawamoto, Chun, Hanabusa, Matsuura, Hogue.

No. 35 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE DECEMBER 15 AS BILL OF RIGHTS DAY."

Offered by: Senators Buen, Kokubun, Kawamoto, Chun, Hanabusa, Inouye, English, Matsuura.

No. 36 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUBMIT A REPORT ON ALIEN SPECIES PROGRAMS."

Offered by: Senators Buen, Kokubun, Hogue, Kawamoto, Chun, Hanabusa, Matsuura.

No. 37 "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ADMINISTRATIVE SERVICES BRANCH OF THE DEPARTMENT OF EDUCATION."

Offered by: Senator Chumbley.

No. 38 "SENATE RESOLUTION URGING THE FEDERAL GOVERNMENT TO DESIGNATE A NEW NATIONAL PARK FROM KEONE'O'IO TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI."

Offered by: Senators Chumbley, English, Buen.

STANDING COMMITTEE REPORTS

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1021) recommending that the Senate advise and consent to the nomination of CAROL T. RABER to the Board of Trustees, Deferred Compensation Plan, in accordance with Gov. Msg. No. 157.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1021 and Gov. Msg. No. 157 was deferred until Monday, March 12, 2001.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1022) recommending that the Senate advise and consent to the nomination of SHARON S. NARIMATSU to the Hawai'i Performance Partnerships Board, in accordance with Gov. Msg. No. 164.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1022 and Gov. Msg. No. 164 was deferred until Monday, March 12, 2001.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1023) recommending that the Senate advise and consent to the nomination of LEONARD AGOR as Director of Labor and Industrial Relations, in accordance with Gov. Msg. No. 115.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1023 and Gov. Msg. No. 115 was deferred until Monday March 12, 2001.

ORDER OF THE DAY

MATTERS DEFERRED FROM THURSDAY, MARCH 8, 2001

ADOPTION OF RESOLUTIONS

Stand. Com. Rep. No. 1019 (S.C.R. No. 7, 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. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN TO IMPROVE ORAL HEALTH FOR CHILDREN IN THE STATE," was adopted.

Stand. Com. Rep. No. 1020 (S.R. No. 4, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 4, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN TO IMPROVE ORAL HEALTH FOR CHILDREN IN THE STATE," was adopted.

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

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

"Mr. President, I rise to speak about a dark cloud that hangs over this body and over the judicial selection process with the indictment of Gary Rodrigues. In making this announcement, Mr. President, I'd like to read the preamble of the rules of the Judicial Selection Commission: 'Judicial Selection Commissioners hold positions of public trust and shall conduct themselves in a manner which reflects credit upon the judicial selection process.' That process has been severely tainted.

"I fully realize that an individual is innocent until proven guilty, but what I think we will be doing is introducing a resolution to request that Mr. Rodrigues resign from the Judicial Selection Commission until his case has been adjudicated, and if not, we should find ways that the Judicial Selection Commission can be empowered to ask him to step aside until that matter has been resolved. Further to that, we will be introducing resolutions to investigate ways that matters like this can be handled in the future so the Judicial Selection Commission has the means to police their own people.

"I notice that in most of the judicial activities and in the police departments, when there's a problem, people who are involved in the problem, especially involving integrity in the judicial process, are put on administrative leave. I'm hoping that Mr. Rodrigues, for the honor of the institution, resigns and this matter can be resolved in federal court and we can proceed from there.

“Thank you, Mr. President.”

ADJOURNMENT

At 12:06 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., Monday, March 12, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate