

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

State Capitol Management Committee (SCMC) Meeting

Thursday, October 1, 2015

10:00 a.m.

State Capitol Building, Conference Room 414

415 South Beretania Street

Honolulu, Hawaii 96813

MINUTES

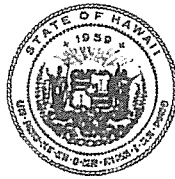
Attendees: See attached roster.

1. Call to Order – 10:08 a.m.
2. Introductions, Public Comments
 - a. Present Committee members and counsel introduced themselves.
 - b. Mr. Kurata acknowledged the guests and asked if there were any comments. There were no comments.
3. Minutes of the May 20, 2015 meeting were reviewed and accepted. The minutes will be posted on the Committee's website.
4. Executive Session – Committee members met to discuss with legal counsel the Committee's powers and duties.
5. New Business:
 - a. Mr. Kurata gave notice of his resignation as the Committee's Chairman; however, he will still remain on the Committee.
 - b. Mr. Kurata asked if there were any nominations for the new Chairman. Kevin Kuroda was nominated and the motion was seconded. There being no other nominations, Mr. Kuroda was unanimously voted as the new Chairman.
 - i. Mr. Kuroda suggested there be a Vice Chairman in case the Chairman is not available. He then nominated Mr. Kurata due to his knowledge of the State Capitol's operations. The motion was seconded and there being no other nominations, Mr. Kurata was unanimously voted as the Vice Chairman.

- c. The Committee received a letter (Attachment A) from the Senate President requesting the Committee to approve the policies and procedures (P & P) of the House and Senate. Ms. Kam, the Committee's counsel, advised that the Act creating this Committee did not invalidate the existing House and Senate P & P, and that the existing P & P are still valid, and that the Committee can also approve amendments to the P & P in the future.
 - i. Mr. Kawate, Senate President's Chief of Staff, came forward and passed out a proposed motion (Attachment B), then requested approval by the Committee. Ms. Kam advised that since the agenda did not include an entry for the Committee's approval of the House and Senate policies and procedures manuals, voting to approve those manuals at today's meeting may violate the Sunshine Law. She stated that she will consult with the Office of Information Practices (OIP) on this issue. Senator Dela Cruz suggested that they take a vote today and if the OIP says that this is not the correct action, it will be re-voted upon at the next meeting. Mr. Kuroda asked the other Committee members for their opinion. A motion was made to approve the Rules of the House, Rules of the Senate, the House Administrative and Financial Manual, and the Administrative and Financial Manual of the Senate (The House and Senate's existing P & P). The motion was seconded, voted upon and unanimously approved. Mr. Kawate requested to be notified should this matter need to be re-voted on.
 - ii. Mr. Kuroda commented that there are instances where various complaints and requests are brought up to a particular agency. In these cases, each agency should address these issues on their own. If the issue cannot be resolved, then the Committee will address the issue.

6. Next Meeting Date: To be determined.

7. Adjournment – 11:17 a.m.



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

August 18, 2015

Via Electronic Transmission

State Capitol Management Committee (SCMC) Members

Laurel Johnston: laurel.a.johnston@hawaii.gov
Dept. Chief of Staff, Office of the Governor

James Kurata: james.k.kurata@hawaii.gov
Public Works Administrator – DAGS

Shawn Tsuha: shawn.h.tsuha@hawaii.gov
Law Enforcement Dept. Director – Dept. of Public Safety

Senator Will Espero: senespero@capitol.hawaii.gov

Senator Donovan M. Dela Cruz: sendelacruz@capitol.hawaii.gov

Representative Scott Saiki: repsaiki@capitol.hawaii.gov

Representative Beth Fukumoto Chang: repfukumoto@capitol.hawaii.gov

Carol Taniguchi, Senate Clerk: c.taniguchi@capitol.hawaii.gov

Kevin Kuroda, House Sergeant-at-Arms: kuroda@capitol.hawaii.gov

Re: Request for Committee Approval of Senate and House of Representatives
policies and procedures relating to the state capitol and its facilities.
Act 97, Session Laws of Hawaii 2014, HB 2611 SD2 CD1 (Act 97)

Request is hereby made that the SCMC schedule a meeting forthwith in order to approve existing Senate and House of Representative policies and procedures relating to the use of the capitol and its facilities, including parking, building access, building operation hours and general security policies.

Prior to the enactment of the above-referenced law, the House of Representatives and Senate relied upon its policies and procedures in the use of capitol facilities, access, operation, parking and general security policies.

Act 97 (which was signed into law on June 14, 2014), states in section 6E(a):

“The oversight and management of the state capitol and its grounds and facilities shall be vested in the state capitol management committee established pursuant to this section.”

Section 6E(f) states that:

“The state capitol management committee shall:

- (1) Approve all policies and procedures relating to the general operation and management of the state capitol and its grounds and facilities, including parking, building access, building operation hours, and general security policies.”
(Emphasis added.)

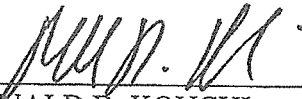
The clear and unambiguous language of Act 97 requires that the State Capitol Management Committee (“SCMC”), shall approve any and all policies and procedures relating to the use of the capitol and its facilities, including parking, building access, building operation hours and general security policies. (See, Act 97.)

Based upon the clear and unambiguous language of Act 97, and reviewing SCMC posted agendas and meeting minutes, it is clear that neither Act 97 nor the SCMC carved out any exemption for either the Senate or the House of Representatives, nor has the SCMC approved currently existing Senate or House of Representatives policies and procedures relating to the use of the capitol, its facilities, parking, building access, building operation hours and general security policies. (See, Act 97 and SCMC agendas and meeting minutes.)

Additionally, Act 97 was enacted on June 16, 2014. From that time to the present, the SCMC is the body that is required to approve any and all policies, procedures, and permits relating to the use of the state capitol and its facilities and grounds. Without said approval, there are some questions as to the validity of any policies, procedures, and permits approved from June 16, 2014 to present regarding the use of the state capitol, its facilities and grounds.

Thank you for your anticipated cooperation, and request is also hereby made for timely and appropriate notice of any meeting agenda relating to the instant request. If there are any questions with regard to the foregoing, please do not hesitate to contact the undersigned.

Sincerely,



RONALD D. KOUCHI
Senate President
8th Senatorial District – Kauai and Niihau

cc: Joseph M. Souki, Speaker
Senator Will Espero
Senator J. Kalani English
Senator Brickwood Galuteria
Senator Josh Green
Senator Donovan M. Dela Cruz
Senator Jill Tokuda

Unless otherwise rejected and/or amended and/or overturned by this committee pursuant to Act 97 Session Laws 2014, any and all Senate and House policies and/or procedures relating in any way to their respective management and/or operation and/or control of the state capitol, its grounds and facilities, including but not limited to parking, building access, building operation hours and general security policies under Senate and House control and/or management and/or operation and any and all agencies and/or departments and/or entities under joint Senate and House control and/or management and/or operation, shall be approved.