

FIFTY-FOURTH DAY

Monday, April 26, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:48 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Russell Takaezu, Calvary Chapel, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 490 to 493) were read by the Clerk and were placed on file:

Gov. Msg. No. 490, informing the Senate that on April 23, 2004, she signed into law House Bill No. 2378 as Act 16, entitled: "RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS."

Gov. Msg. No. 491, informing the Senate that on April 23, 2004, she signed into law House Bill No. 2685 as Act 17, entitled: "RELATING TO BAIL JUMPING."

Gov. Msg. No. 492, informing the Senate that on April 23, 2004, she signed into law House Bill No. 2689 as Act 18, entitled: "RELATING TO STALKING."

Gov. Msg. No. 493, informing the Senate that on April 26, 2004, she signed into law House Bill No. 2198 as Act 19, entitled: "RELATING TO SCHOOL HEALTH."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 636 to 643) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 636, returning S.C.R. No. 17, which was adopted by the House of Representatives on April 23, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 17, and requested a conference on the subject matter thereof.

Hse. Com. No. 637, returning S.C.R. No. 64, S.D. 1, which was adopted by the House of Representatives on April 23, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 64, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 638, returning S.C.R. No. 75, which was adopted by the House of Representatives on April 23, 2004, was placed on file.

Hse. Com. No. 639, informing the Senate that the House reconsidered its actions taken on April 15, 2004, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1560, H.D. 1 (S.D. 1);
H.B. No. 2048, H.D. 1 (S.D. 1);
H.B. No. 2292, H.D. 1 (S.D. 1);
H.B. No. 2385, H.D. 1 (S.D. 1);
H.B. No. 2798, H.D. 1 (S.D. 2); and
H.B. No. 2859, H.D. 2 (S.D. 2),

was placed on file.

Hse. Com. No. 640, informing the Senate that the House reconsidered its action taken on April 2, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 2789, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 641, informing the Senate that the amendments proposed by the Senate to H.C.R. No. 50, H.D. 1, were agreed to by the House and H.C.R. No. 50, H.D. 1, S.D. 1, was finally adopted in the House of Representatives on April 21, 2004, was placed on file.

Hse. Com. No. 642, informing the Senate that the Speaker on April 23, 2004, made the following change to the conferees on the following bill:

S.B. No. 3156, S.D. 1 (H.D. 1):

Appointed Representative Hamakawa as third co-chair,

was placed on file.

Hse. Com. No. 643, informing the Senate that the Speaker on April 23, 2004, made the following change to the conferees on the following bill:

S.B. No. 3156, S.D. 1 (H.D. 1):

Appointed Representative Arakaki as second co-chair,

was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2578, H.D. 1, presented a report (Conf. Com. Rep. No. 15-04) recommending that H.B. No. 2578, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15-04 and H.B. No. 2578, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2322, H.D. 1, presented a report (Conf. Com. Rep. No. 16-04) recommending that H.B. No. 2322, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16-04 and H.B. No. 2322, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST

PROCESSING ENTERPRISES," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1828, H.D. 1, presented a report (Conf. Com. Rep. No. 17-04) recommending that H.B. No. 1828, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17-04 and H.B. No. 1828, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2022, H.D. 2, presented a report (Conf. Com. Rep. No. 18-04) recommending that H.B. No. 2022, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18-04 and H.B. No. 2022, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3207, S.D. 2, presented a report (Conf. Com. Rep. No. 19-04) recommending that S.B. No. 3207, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19-04 and S.B. No. 3207, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3462) recommending that H.C.R. No. 141 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was adopted.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3463) recommending that H.C.R. No. 150 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," was adopted.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3464) recommending that H.C.R. No. 211 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," was adopted.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3465) recommending that H.C.R. No. 124, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 124, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A LEASE OF WATER RIGHTS FOR THE USE OF THE 'BLUE HOLE' DIVERSION AND PORTIONS OF A WATER TRANSMISSION SYSTEM LOCATED IN THE WAILUA SECTION OF THE LIHUE-KOLOA FOREST RESERVE FOR HYDROPOWER PRODUCTION PURPOSES," was adopted.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3466) recommending that H.C.R. No. 255, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 255, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND CITY & COUNTY OF HONOLULU TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," was adopted.

Senators Inouye and Fukunaga, for the Committee on Water, Land, and Agriculture and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3467) recommending that H.C.R. No. 260 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3468) recommending that H.C.R. No. 90, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 90, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was adopted.

Senators Menor, Fukunaga and Chun Oakland, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Economic Development and the Committee on Human Services, presented a joint report (Stand. Com. Rep.

No. 3469) recommending that H.C.R. No. 123, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 123, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO MAKE FINANCING TOOLS AVAILABLE TO ASSIST PRIVATE DEVELOPERS IN PURCHASING RENTAL PROPERTIES," was adopted.

Senators Menor and Chun Oakland, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3470) recommending that H.C.R. No. 214 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AND STUDY THE FEASIBILITY OF IMPLEMENTING A HOUSING DEMONSTRATION PROJECT AT HAUIKI HOMES AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," was adopted.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3471) recommending that H.C.R. No. 103, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was adopted.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3472) recommending that H.C.R. No. 152, H.D. 2, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 152, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON HOW MEDICAL MARIJUANA PLANTS AND PRODUCTS MAY BE PROCURED AND DISTRIBUTED TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM," was adopted with Senators Hemmings and Whalen voting "No."

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3473) recommending that H.C.R. No. 154 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

EXECUTIVE OFFICE ON AGING TO PROVIDE DATA ON HAWAII'S FAMILY CAREGIVERS AND THE OLDER ADULTS TO WHOM THEY PROVIDE ASSISTANCE," was adopted.

Senators Baker and Menor, for the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3474) recommending that H.C.R. No. 138, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 138, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE INSURANCE COMMISSIONER TO REVIEW REIMBURSEMENT LEVELS OF PROVIDERS FOR ALL MAMMOGRAPHY STUDIES AND FOLLOW UP DIAGNOSTIC TESTING DESIGNED TO IDENTIFY BREAST-RELATED CANCERS IN ORDER TO ASCERTAIN THE APPROPRIATENESS OF THOSE REIMBURSEMENT LEVELS," was adopted.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3475) recommending that H.C.R. No. 245, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 245, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE 'BIG BOX' RETAILERS AND WHOLESALERS," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3476) recommending that H.C.R. No. 13 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES," was adopted.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3477) recommending that H.C.R. No. 54, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 54, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO TRANSFER OWNERSHIP OF THE KANEOHE MEADOWLAND (HE'EIA WETLANDS) TO THE STATE OF HAWAII AS PUBLIC LANDS TO BE ADMINISTERED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR THE PROTECTION AND ENHANCEMENT OF THE NATURAL AND CULTURAL RESOURCES OF THE WETLANDS," was adopted.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3478) recommending that H.C.R. No. 73 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was adopted.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3479) recommending that H.C.R. No. 63 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was adopted.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3480) recommending that H.C.R. No. 84 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3481) recommending that H.C.R. No. 158 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was adopted.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3482) recommending that H.C.R. No. 49, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 49, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A REVIEW OF THE SAN FRANCISCO PRECAUTIONARY PRINCIPLE ORDINANCE," was adopted with Senators Hemmings, Slom and Whalen voting "No."

Senators English and Inouye, for the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3483) recommending that H.C.R. No. 118, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 118, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A WATER QUALITY MONITORING PROGRAM FOR MARINE WATERS THAT EMPHASIZES ENVIRONMENTAL PROTECTION," was adopted.

Senators Baker, Chun Oakland and Sakamoto, for the Committee on Health, the Committee on Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3484) recommending that H.C.R. No. 133 be adopted.

By unanimous consent, Stand. Com. Rep. No. 3484 and H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," were recommitted jointly to the Committee on Health, the Committee on Human Services and the Committee on Education.

Senators Baker, Chun Oakland and Kawamoto, for the Committee on Health, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3485) recommending that H.C.R. No. 153, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 153, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER ESTABLISHING IN HAWAII A CENTER FOR THE ADVANCEMENT OF GLOBAL HEALTH, WELFARE, EDUCATION, AND PEACE BY AND FOR CHILDREN, YOUTH, AND FAMILIES," was adopted with Senators Hemmings, Hogue, Slom and Whalen voting "No."

Senators Fukunaga and Kawamoto, for the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3486) recommending that H.C.R. No. 202 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," was adopted.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3487) recommending that H.C.R. No. 261, H.D. 1, as amended in S.D. 1, be adopted.

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

and H.C.R. No. 261, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES AND STATE RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES AND REQUESTING EACH COUNTY TO REVIEW, ANALYZE, AND CHANGE COUNTY ORDINANCES AND RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was adopted.

Senators Hanabusa and Chun Oakland, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3488) recommending that H.C.R. No. 265, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 265, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE OFFICE OF YOUTH SERVICES TO DEVELOP A PLAN FOR CREATING AND IMPLEMENTING GENDER RESPONSIVE ENVIRONMENTS AT THE WOMEN'S COMMUNITY CORRECTIONAL CENTER AND AT THE HAWAII YOUTH CORRECTIONAL FACILITY," was adopted.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3489) recommending that H.C.R. No. 267, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 267, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REPORT TO THE LEGISLATURE ON PROGRESS MADE BY THE OFFICE OF THE ATTORNEY GENERAL AND THE PROSECUTING ATTORNEYS FROM THE COUNTIES OF THE STATE OF HAWAII IN USING CHAPTER 846E, HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES," was adopted.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3490) recommending that H.C.R. No. 156, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 156, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND OTHER CHANGES TO STREAMLINE AND EXPEDITE MENTAL HEALTH TREATMENT TO PERSONS COMMITTED TO STATE-OPERATED OR - CONTRACTED FACILITIES," was adopted.

Senators Ige and Inouye, for the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3491) recommending that H.C.R. No. 165, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 165, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION TO HOLD THE

DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was adopted.

Senators Ige and Inouye, for the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3492) recommending that H.C.R. No. 181, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 181, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," was adopted.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 3493) recommending that H.C.R. No. 238 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE 'FIXIT' SYSTEM ON THE STATE WEBSITE," was adopted.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3494) recommending that H.C.R. No. 83, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 83, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was adopted.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3460 (Gov. Msg. No. 379):

Senator Hanabusa moved that Stand. Com. Rep. No. 3460 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of MILTON K. PA to the Hawaiian Homes Commission, term to expire June 30, 2008, seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Inouye).

Stand. Com. Rep. No. 3461 (Gov. Msg. No. 408):

Senator Hanabusa moved that Stand. Com. Rep. No. 3461 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of MAUREEN K. MURAOKA to the Board of Registration of the Island of Oahu, term to expire June 30, 2008, seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Inouye).

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 16, 2004

S.B. No. 2842, S.D. 1, H.D. 4:

By unanimous consent, action on, S.B. No. 2842, S.D. 1, H.D. 4, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," was deferred until Tuesday, April 27, 2004

S.B. No. 2843, S.D. 1, H.D. 2:

By unanimous consent, action on, S.B. No. 2843, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," was deferred until Tuesday, April 27, 2004

S.B. No. 2846, S.D. 1, H.D. 2:

By unanimous consent, action on, S.B. No. 2846, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION," was deferred until Tuesday, April 27, 2004

FINAL READING

Conf. Com. Rep. No. 12-04 (H.B. No. 1840, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator English and carried, Conf. Com. Rep. No. 12-04 was adopted and H.B. No. 1840, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Inouye).

Conf. Com. Rep. No. 13-04 (H.B. No. 1793, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Aduja and carried, Conf. Com. Rep. No. 13-04 was adopted and H.B. No. 1793, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Inouye).

Conf. Com. Rep. No. 14-04 (S.B. No. 3135, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 14-04 was adopted and S.B. No. 3135, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Inouye).

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 17, S.D. 1, H.D. 1, C.D. 1:

Senator Sakamoto moved that the Senate reconsider its action taken on April 29, 2003, in adopting Conf. Com. Rep. No. 125 and passing S.B. No. 17, S.D. 1, H.D. 1, C.D. 1, on Final Reading, seconded by Senator Taniguchi.

Senator Sakamoto noted:

"Mr. President, S.B. No. 17 is the bill from 2003 that advances the cutoff age for kindergarten. The Senate passed the conference draft on Final Reading on April 29, 2003 and the House recommitted the bill on the same day. Your House and Senate conferees on this measure are working to resolve out differences on the bill and are asking for this measure to be recommitted to Conference Committee for that purpose."

The motion was put by the Chair and carried.

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 125 and S.B. No. 17, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were recommitted to the Committee on Conference.

APPOINTMENT OF CONFEREES

S.B. No. 2344, S.D. 1 (H.D. 2):

The President appointed Senator Hanabusa as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2344, S.D. 1.

H.B. No. 2703, H.D. 1 (S.D. 2):

The President appointed Senator Taniguchi as an additional co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2703, H.D. 1.

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

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

"I submitted to your office a formal letter addressing this issue this morning. It seems that at the start of the Session we made some calendar changes that at the time did not seem then problematic. Now that we're facing adjournment sine die next week, one of the changes does seem to be an issue that is worthy of the Majority Party's consideration, and that is that we have moved the recess day from Tuesday to Monday next week and a departure from business as usual even during this Session.

"As you well know, having a recess day on Monday allows us to spend the weekend digesting bills and of course caucusing

on them on Monday and being able to submit our list of bills that we would like to discuss in Session Tuesday. We can submit that list Monday night. It seems like a fair, equitable and efficient way to do it. It's the way that, as long as I can remember in the Senate, we have been doing it.

"For this year, for reasons we suspect don't have to do with efficiency, the recess day in the last week of the Legislature has been pushed to Tuesday and we have two recess days in a row and the workday is Monday. When you request that the pull list be submitted Saturday evening by 5:00, that's putting our staff and probably more importantly the public at a decided disadvantage of being able to have adequate time to digest and go over all of the bills that weigh such impact on the people of Hawaii.

"I think there is a simple solution, Mr. President, and that is consult with leadership in the House and reinstate Tuesday as the workday and Monday as the recess day. I sure hope that this change in the calendar was not done for the sole reason of considering vetoes that are due Monday. I'm hoping that the Majority Party will see fit to consider this request of the Floor to adjust the days to the more efficient and open way of doing things so that your Minority Party and more importantly, as I've said, the public will have adequate access to the legislation and time to adequately look at it to do whatever's needed to be done.

"So, Mr. President, I would appreciate your consideration."

The President then inquired:

"When did you submit your letter, Senator Hemmings?"

Senator Hemmings replied:

"I drafted the letter this morning and it was submitted to your staff approximately an hour ago."

The President then stated:

"We will digest that letter and we'll bring it up with the House."

Senator Hemmings then said:

"Thank you very much, Mr. President, I appreciate the courtesy."

ADJOURNMENT

At 12:02 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., Tuesday, April 27, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate