

## THIRTY-FOURTH DAY

Monday, March 15, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bruce Nakamura, Jikoen Hongwanji, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Kokubun who were excused.

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

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

The Senate reconvened at 12:21 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 368 to 373) were read by the Clerk and were placed on file:

Gov. Msg. No. 368, dated February 27, 2004, transmitting the Annual Report of The Research Corporation of the University of Hawaii for Fiscal Year Ended June 30, 2003, pursuant to Chapter 307, HRS.

Gov. Msg. No. 369, dated March 1, 2004, transmitting the Annual Report on the Activities Under the Neurotrauma Special Fund, prepared by the Department of Health pursuant to Section 321H-4, HRS.

Gov. Msg. No. 370, dated March 1, 2004, transmitting the Annual Report of the Radiologic Technology Board for Fiscal Year 2002-2003, pursuant to Chapter 466J, HRS.

Gov. Msg. No. 371, dated March 1, 2004, transmitting a Report Relating to the State Water Pollution Control Revolving Fund of the Department of Health, prepared by the Department of Health, Environmental Health Administration, Environmental Management Division, Wastewater Branch, pursuant to Section 342D-82, HRS.

Gov. Msg. No. 372, dated March 1, 2004, transmitting the 2003 Annual Report of the Board of Certification of Operating Personnel In Wastewater Treatment Facilities, prepared by the Board of Certification pursuant to Section 340B-12, HRS.

Gov. Msg. No. 373, dated March 1, 2004, transmitting the Report Regarding Compliance to the Health Insurance Portability and Accountability Act, prepared by the Department of Human Services pursuant to Act 200, Section 38, SLH 2003.

## HOUSE COMMUNICATION

Hse. Com. No. 290, transmitting H.C.R. No. 41, which was adopted by the House of Representatives on March 12, 2004, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK IN KAPOHO, HAWAII," was deferred until Tuesday, March 23, 2004.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 53 to 57) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY ON ELDERLY DRIVERS."

Offered by: Senators Baker, Chun Oakland.

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE IMPACT OF THE DEPARTMENT OF HUMAN SERVICES' POLICY OF EXPEDITED PROCESSING OF APPLICATIONS RECEIVED FROM PREGNANT WOMEN USING THE 'MEDICAL ASSISTANCE APPLICATION FOR CHILDREN AND PREGNANT WOMEN ONLY' FORM ON EARLY ENTRY INTO PRENATAL CARE AND SUBSEQUENT BIRTH OUTCOMES."

Offered by: Senators Baker, Aduja, Inouye, Hooser, Chun Oakland, Trimble, Tsutsui.

No. 55 "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO EXPEDITIOUSLY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH."

Offered by: Senators Baker, Chun Oakland, Inouye, Hooser, Tsutsui.

No. 56 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS."

Offered by: Senators Menor, Baker, Espero, Aduja, Kawamoto, Kanno, Hooser, Sakamoto, Ihara, Kokubun, Inouye, Fukunaga, Chun Oakland, Ige, Bunda, Kim.

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROHIBIT JUDICIAL TAXATION."

Offered by: Senators Kim, Baker, Sakamoto.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 24 and 25) were read by the Clerk and were deferred:

## Senate Resolution

No. 24 "SENATE RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS."

Offered by: Senators Menor, Baker, Espero, Aduja, Kawamoto, Kanno, Hooser, Sakamoto, Ihara, Kokubun, Inouye, Fukunaga, Chun Oakland, Ige, Bunda, Kim.

No. 25 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROHIBIT JUDICIAL TAXATION."

Offered by: Senators Kim, Kawamoto, Hemmings, Espero, Sakamoto, Kokubun, English, Sлом, Tsutsui.

#### STANDING COMMITTEE REPORTS

Senators Ige and Kim, for the Committee on Science, Arts, and Technology and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 2875) recommending that S.C.R. No. 28 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2875 and S.C.R. No. 28, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," was deferred until Tuesday, March 23, 2004.

Senators Ige and Kim, for the Committee on Science, Arts, and Technology and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 2876) recommending that S.R. No. 16 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2876 and S.R. No. 16, entitled: "SENATE RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," was deferred until Tuesday, March 23, 2004.

#### ORDER OF THE DAY

#### ADOPTION OF RESOLUTION

#### MATTER DEFERRED FROM FRIDAY, MARCH 12, 2004

Stand. Com. Rep. No. 2874 (S.C.R. No. 9, 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. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was adopted.

#### RE-REFERRAL OF HOUSE BILLS

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

House Bill Referred to:

No. 1103, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development

No. 1908, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means

No. 2002, H.D. 2 Jointly to the Committee on Education and the Committee on Ways and Means

No. 2439 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2642 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

The President then made the following announcement:

"A supplemental re-referral sheet will be distributed to your offices this afternoon."

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. Nos. 1907 and 1908.

Senator Sakamoto noted:

"Mr. President, H.B. No. 1907, H.D. 1, makes an appropriation for tuition assistance for national guard members enrolled at the University of Hawaii. H.B. No. 1908, H.D. 2, relates to the establishment of a military liaison position within the DOE and provides funding for the Joint Venture Education Forum."

The Chair then granted the waiver.

#### RE-REFERRAL OF HOUSE BILLS

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

House Bill Referred to:

No. 87, H.D. 2 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Water, Land, and Agriculture

No. 1758, 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 Commerce, Consumer Protection and Housing

No. 1780, H.D. 1 Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means

No. 1924, H.D. 1 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2009, H.D. 1 Committee on Ways and Means

No. 2462, H.D. 1 Jointly to the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2529, H.D. 1 Jointly to the Committee on Energy and Environment, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2661, H.D. 1 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2667, H.D. 2 Jointly to the Committee on Education, the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2840, H.D. 1 Jointly to the Committee on Economic Development, the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

**ADJOURNMENT**

At 12:25 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, March 23, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate