

FORTY-SECOND DAY

Friday, April 2, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:51 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Malia Wong, Dominican Sisters of the Most Holy Rosary, after which the Roll was called showing all Senators present with the exception of Senator Whalen who was excused.

The President announced that he had read and approved the Journal of the Forty-First Day.

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 313, transmitting H.C.R. No. 36, H.D. 1, which was adopted by the House of Representatives on April 1, 2004, was read by the Clerk and was placed on file.

By unanimous consent, action on, H.C.R. No. 36, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES AND THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR OF THE KINGDOM OF MOROCCO," was deferred until Monday, April 5, 2004.

STANDING COMMITTEE REPORTS

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3100) recommending that the Senate advise and consent to the nominations to the Environmental Council of the following:

MICHAEL A. FAYE, in accordance with Gov. Msg. No. 217;

D'ARCY KERRIGAN, in accordance with Gov. Msg. No. 218;

VICTOR T. KIMURA, in accordance with Gov. Msg. No. 219;

CHESTER SAITO, in accordance with Gov. Msg. No. 220; and

BRANT T. TANAKA, in accordance with Gov. Msg. No. 221.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3100 and Gov. Msg. Nos. 217, 218, 219, 220 and 221 was deferred until Monday, April 5, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3101) recommending that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

MANSFIELD DACAY, in accordance with Gov. Msg. No. 301;

MARSHALL LUM, in accordance with Gov. Msg. No. 303;

EASSIE M. MILLER, in accordance with Gov. Msg. No. 304; and

VICTOR D. MORELAND, in accordance with Gov. Msg. Nos. 305 and 306.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3101 and Gov. Msg. Nos. 301, 303, 304, 305 and 306 was deferred until Monday, April 5, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3102) recommending that the Senate advise and consent to the nomination of DANIEL K. MASUNO to the Board of Certification of Public Water System Operators, in accordance with Gov. Msg. No. 308.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3102 and Gov. Msg. No. 308 was deferred until Monday, April 5, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3103) recommending that the Senate advise and consent to the nomination of SHAD S. KANE to the Environmental Council, in accordance with Gov. Msg. No. 378.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3103 and Gov. Msg. No. 378 was deferred until Monday, April 5, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3104) recommending that H.B. No. 2511, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

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. 2511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3105) recommending that H.B. No. 2397, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2397, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3096 (Gov. Msg. No. 244):

Senator Kawamoto moved that Stand. Com. Rep. No. 3096 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of SIDNEY M. ROSEN to the State Highway Safety Council, term to expire June 30, 2007, seconded by Senator Espero.

Senator Kawamoto rose to speak in support of the nominee and said:

“Mr. President, I’d like to speak on Stand. Com. Rep. No. 3096.

“Your TMG Committee held a hearing on Gov. Msg. No. 244, nominating Sid M. Rosen to the State Highway Safety Council for a term to expire 6/30/07.

“Sid Rosen received a Ph.D. in American studies from the University of Hawaii in 1985 and retired as a UH faculty member after 27 years of teaching. Dr. Rosen is the founder and the chief executive officer of Adult Friends for Youth and was instrumental in collaborating with the Department of Transportation’s Safe Highways Office to establish a driver education program for young people. This program has been showcased by the US Department of Transportation National Highway Traffic Safety Administration.

“Your Committee finds the nominee highly qualified and would be a valuable addition to the State Highway Safety Council. I urge my colleagues to advise and consent to this nomination.”

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

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

Stand. Com. Rep. No. 3097 (Gov. Msg. No. 245):

Senator Kawamoto moved that Stand. Com. Rep. No. 3097 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of MARIE H. WEITE to the State Highway Safety Council, term to expire June 30, 2007, seconded by Senator Espero.

Senator Kawamoto rose to speak in support of the nominee as follows:

“Mr. President, I’d like to speak on Stand. Com. Rep. No. 3097.

“Mr. President, your TMG Committee also held a hearing on Gov. Msg. No. 245, nominating Marie Weite to the State Highway Safety Council for a term to expire 6/30/07.

“Marie Weite serves as a bodily injury unit leader and litigation senior adjuster in the areas of automobile, homeowner’s and general liability insurance for First Insurance Company of Hawaii Ltd. Prior to her current position with First Insurance Company, she worked as an adjuster for Island Insurance Companies Ltd. for over 20 years. Ms. Weite is also a certified child safety consultant and has participated as an instructor in many child-passenger safety educational events.

“Your Committee finds this nominee highly qualified and would be a valuable addition to the State Highway Safety Council. I urge my colleagues to advise and consent on this nominee.

“Thank you.”

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

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

THIRD READING

H.B. No. 1800, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 1800, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Taniguchi rose to speak in support of the measure as follows:

“Mr. President, I rise to speak in favor of this measure.

“Mr. President, H.B. No. 1800 is the 2004 supplemental budget for the executive branch of government.

“Before I give some short remarks about the bill itself, I would like to acknowledge a few people who were instrumental in putting this measure together.

“First would be my hardworking staff, the Ways and Means staff, some of whom have joined us in the gallery today. With your permission, Mr. President, I’d like to ask them to rise to be recognized. (The members of the Ways and Means staff rose to be recognized.) Of this group, Mr. President, I’d like to especially acknowledge my Committee Clerk, Mr. Rod Tanonaka, who’s done an outstanding job.

“Next, I would also like to acknowledge my colleagues on the Ways And Means Committee. I would like to especially thank them for their patience and their open debates, and most of all, their faith in me as their Chair.

“I would also like to thank you, Mr. President, and the rest of the Senate Leadership for providing guidance and leadership to us in all our deliberations thus far.

“Finally, Mr. President, I’d like to acknowledge the support of my family – my wife Jan, and my two kids. They’ve always been supportive of me and been able to push me out the door when sometimes I wanted to stay in bed. It’s been especially hard for us. We’ve been taking care of my mother-in-law who suffers from dementia. So, it’s been especially hard on us, but they’ve come through real well for me.

“Mr. President, my true desire would have been to address this measure with very little fanfare. While it is an extremely important bill, and it really is the centerpiece of our financial plan, I believe the bill speaks for itself.

“As far as appropriations go, this measure does what we have consistently done over the years – we have provided much needed resources to very crucial government programs.

“We have again demonstrated our support for public education. We shored up our programs in health, human services and public safety. We even found a way to grant the HHSC, the Hawaii Hospital Systems Corporation, their full subsidy request.

“We also took the time to trim government spending very carefully, paring back some of the Governor’s \$120 million requests for new spending, and we also reduced the size of government in the process.

“Moreover, these adjustments paved the way to provide the funds for collective bargaining agreements recently concluded. They have strengthened our battle against ice, and we’ll be able to get more resources to our schools – all of these things the Governor has not been able to do in her financial plan.

“Mr. President, as we head into Conference, I must advise this Body that, as always, this bill is a work in progress. We must be mindful that the HSTA and UPW are still out their trying to hammer out their contracts. Although we are moving efficiently, our vote on the budget today does not close the door on them.

“On that note, I ask my colleagues to remain patient and support me, as well as our counterparts in the House, as we enter the final weeks of this Session.

“With that, I ask my fellow members to support this bill. Thank you.”

Senator Hemmings rose in support of the measure and said:

“Mr. President, I rise to speak in favor of this bill.

“Mr. President, I know the good Chairman of the Ways and Means Committee is going to be elated that I’m going to be joining them on the Conference Committee. (Laughter.) I, too, would like to thank his staff. They’ve done such wonderful work and when they do come into the Committee and aid us with our deliberations they are very well informed. An amazing group of people, they work behind closed doors, more or less the illuminati of the legislative process and they do an excellent job. I do have faith in our Committee Chairman. I know he’s going to adhere to his principles and do what he and his colleagues in the Majority Party think are appropriate.

“In addressing this budget and speaking to it, I do want to refer to the committee report on a couple of issues that are pertinent to this in comparison to the executive budget. Your Loyal Minority, Mr. President, has constantly stood up and recognized that vacant positions are problematic, and we’re very pleased that the Majority, under the leadership of the Chairman of Ways and Means, are addressing these issues. But we also note that the vacant position funding has been used for well over 30 years to fund other programs necessary to run the state. We’re very pleased that vacant positions are being eliminated, but we do want to remind the Majority Party that that funding oftentimes is used to pay salaries and overtime of public employees, and by unilaterally eliminating those vacant position fundings from the budget process and not replacing money that’s used to pay employees, we’re imperiling the jobs and the future of some departments and their programs. And that, to us, seems problematic.

“We do recognize that the good Chairman of the Ways and Means Committee did put back into the budget, funding for our health service programs and our state hospitals throughout the state. Then we come in the committee report to the very sticky issue of collective bargaining, and the committee report and Majority Party seems to take issue with the settlement of UHPA. The committee report laments that it is a six-year plan funding. I might, for the record, remind my Majority Party colleagues that the six-year plan quite frankly is a good plan. It does address increases in UHPA pay incrementally, and in the years projected where the state will be lean on money, the pay increases reflect that by not being as extensive. It also allows for 25 percent of the pay increase to be paid by the University of Hawaii directly, thus the \$124 million over the six years comes out to a little over \$20 million a year that has to come out of the state coffers.

“There’s another principle involved here because the committee report goes on and compares UHPA pay raises to the recently arbitrated pay raises for HGEA. I think it’s incredibly important for the Majority Party to recognize something that seems readily apparent to us, and that is we do have to set priorities. Compensation of university professors and the work they do and the amount of preparation they have to do to become doctorate or master degree holders and the amount of work they do in their day-to-day work with the University of Hawaii cannot be compared to many of the other bargaining units. The bottom line is they’re all different and they all should be treated differently in the collective bargaining process. I think the Governor recognizes that the University of Hawaii professors deserved a pay raise and she gave it to them.

“There’s another thing that is extremely salient where this committee report and the Majority Party, who’s supporting it, seem to contradict themselves. The collective bargaining for the UH professors was done with the right to strike. The collective bargaining for the HGEA, at one point, did not become bargaining anymore because it went to binding arbitration. The committee report is a little misleading. It says fiscal impact of the decision will cost the State of Hawaii \$33 million in general funds for fiscal year 2004-2005. Well, that’s for about a half a year it’s going to cost \$33 million. What the committee report doesn’t say is that it’s going to cost \$54 million a year for every year thereafter, far surpassing what is being spent in the university area, which it tried to compare itself to.

“This committee report says this Governor is implying the administration may not be bargaining in good faith. Well, I’ll tell you what I don’t think is good faith. This administration cannot bargain in good faith when they’re sent to binding arbitration where they no longer bargain and the third party oftentimes not from the State of Hawaii makes an arbitration decision. What’s not good faith is the Majority Party members who several years ago eliminated binding arbitration and voted to put the right to strike back into the collective bargaining process. What’s not good faith is 23 Majority Party members last year did a 180 degrees on their prior vote to have good faith bargaining reinstated by having the right to strike rather than arbitration. I do recall when the Governor vetoed that bill and it was overridden on this Floor, Mr. President, the Majority Party was very defensive about that issue when your loyal opposition said that these arbitration decisions are going to result in dramatic increases in state spending and sometimes we will not be able to move forward. And what we have done is we’ve really taken the arbitration out of it and we’ve acquiesced our control over the bargaining process to a third party arbitrator, often as has happened.

“And so, Mr. President, we do have fundamental ideological differences in this budget. I will be voting ‘yes.’ I do believe in the process, and I do believe that over the long haul, hopefully we can find some common ground to do what’s best for the people that are paying these bills.

“As the argument goes on, we would also like to demonstrate to the public some of the facts concerning the compensation of public employees in relationship to their counterparts in the private sector, including their benefits. So Mr. President, as the good Senator from Manoa did say, this is a work in progress, and we will continue to progress.

“Thank you, Mr. President.”

Senator Kokubun rose to speak in support of the measure and stated:

"Mr. President, I stand in support of H.B. No. 1800, H.D. 1, S.D. 1.

"First, I'm very pleased, Mr. President, to acknowledge the fact that the good Senator from Waimanalo has seen fit to change his vote, in a matter of days, to support this budget now as he opposed it in Committee and has evidently seen the light in terms of why he will support this budget to a greater degree.

"Mr. President, on behalf of the members of the Ways and Means Committee, I want to personally thank the Chair for his evenhandedness and calm demeanor. That truly set the right atmosphere for all our deliberations in Ways and Means. I think that was the appropriate atmosphere to have, in terms of us dealing with sometimes what can be some very cold issues, just dealing with lots of money. But, you know, his sense of humor always brought a very human element to our deliberations on the Committee. I think no one can argue with the fact that his being fair – a very, very fair Chairperson – in terms of looking at all the factors that go into making decisions is really indisputable. I really take my hat off to him and for imparting his knowledge to all of us on the Committee.

"Also, I of course want to thank the members of the Ways and Means staff. They did an excellent job as has been acknowledged all around. More than anything, I think, just getting to know them as people and the kind of warm personalities that they have, also adds to our deliberations on the budget, because I know that even in terms of developing the committee report, they have their jobs to do. They have budget analysts, for instance, that have to take a very hard look at what's being proposed. But I think they also have compassion and they demonstrate that, I think, in how they help the Committee.

"So, Mr. President, I stand in support and I also want to again personally thank the Chair. Thank you."

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to the bill.

"First, I, too, would like to hand out the accolades to the Chairman and Vice Chairman, fellow committee members, and the staff. I think everyone did do a good job in terms of having and fostering open debate.

"But for the Vice Chairman's edification, some of us see the same light that we saw in Committee and follow that same light. So that's why I'm standing in opposition today.

"I think part of the problem is that there is certainly a difference of opinion between the executive budget as presented and certainly the House version and our Senate version. And I think that the Senate version that we're voting on today does differ significantly in a number of key areas from what the executive proposed. I think that the executive had a financial blueprint and I think we are varying from that blueprint and trying to make things up as we go along.

"I accept the idea that this is a work in process and I regret that I won't be able to join you every night to hear the call of 'agree/disagree, agree/disagree.' But the Minority Leader will be able to carry the water for us on that and bring back the light to us.

"I know, for example that the administration had asked that various positions be funded by the general fund rather than general obligation bonds, and the Senate did not concur with that. It is a common fiscal practice that you don't take care of

operating expenditures and things like salaries with long-term bonds, but that is the Senate position here.

"The administration also asked for additional general fund money for certain primary care services. And again, the Senate in its budget version disagrees. Instead, we are going to take up two other bills – one that will raid the emergency reserve fund and another that will raid the rainy day fund or the, I'm sorry, the special funds – so that two things here – one, the budget does not give a full total and accurate picture of the state's expenditures and fiscal plan; and two, again we are in the process of raiding funds. In terms of closing down those funds, some of us certainly agree to that. We agree with that the auditor had said years ago. We're not doing that. We like to fatten up the funds and then raid them and keep them going, allowing the people to think that in fact they are special and that those funds are going to be used for the purposes in which they're taxed or have fees attached – both of which are not the case.

"In addition to that, the issue of vacant positions, Mr. President and colleagues, I remind you, it was not the Majority Party, it was the Minority that kept talking about abolition of vacant positions for years and seemed to fall on deaf ears until there was a change in administration and now there is a rush to remove vacant positions starting with those that are six months or longer. We were talking about the ones that were several years in length and where monies had been diverted for purposes other than those positions or those functions. So, certainly we have to take a broader look at this in the future.

"In addition to that, if we look overall at the version that is before us today and the executive's plan, we see that there is not a great amount of difference. It's probably about 1-1½ percent in overall dollars, but there is a significant difference, as I say, as to where the positions are. For example, the Lt. Governor's Office denied positions. We know about the transfer of functions out of DAGS to the auditor and so forth. And also, on the funding, not only general fund versus general obligation bonds, but also funding in this budget document versus outside.

"So, I certainly will keep an open mind and see what comes out of the Conference Committee, but at this time, with these figures and this philosophy, I must vote 'no.'

"Thank you, Mr. President.

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

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

"Mr. President, I think there are many, many things in this budget to commend it, not only the hard work of the Ways and Means Committee, the staff, and the tireless hours that the Chair and Vice Chair put in. Having sat in those seats, I understand what they've gone through, and I think they've done an excellent job. I think we have a solid financial plan, and there are many wonderful things in this budget to commend.

"I'd also like to thank the Chair and Vice Chair for the courtesies extended to me and my colleague and often Co-Chair, the Chair of Human Services. Since neither of us sit on Ways and Means they've sought our advice and input on many of the measures that the Committee decides on, without our being at the table to have direct input.

"I'd also like to say mahalo for the effort that went into WAM taking another look at the Hawaii Health Systems Corporation. The fact that they heard from folks on the neighbor islands, heard from me, heard from my Maui

colleagues and others who asked them to fully fund HHSC. I acknowledge that there are some issues in this area that we're going to need to continue to work on. I look forward to having the opportunity next Session to work with the Chair on some other ways that we might improve the system, recognizing, I think, full well that it's never going to be self-sufficient. There's no other public hospital system on the mainland that is.

"And while I might have said some things differently in this report, it nevertheless acknowledges some real issues that I think the Chair was wise to bring forward, and I look forward to the opportunity to continue to work with my colleagues on this measure.

"I urge everyone to support it. Thank you."

The motion was put by the Chair and carried, H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2002, H.D. 2, S.D. 1:

Senator Sakamoto moved that H.B. No. 2002, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Hooser rose in support of the measure and said:

"Mr. President, I rise in support of H.B. No. 2002, S.D. 1.

"Mr. President, this is our education omnibus package bill. It contains many, many good items and I just want to acknowledge that it's a work of many, many, many people. There are a great number of people who have contributed to this bill – teachers, principals, students, parents. We had some representatives of the Hawaii State Student Council who have contributed to the bill, and PTSA, the Hawaii Business Roundtable, the Governor or chief executive . . . key ideas, components contained in this bill, many of them . . . representatives from the San Francisco district school area, Edmonton, and of course our colleagues in the House and the Senate. I believe that it represents a great piece of work of collaboration on many important areas in education, reinvention and reform.

"Just a few days ago, the Senate Education Committee had a public meeting where we discussed and had people come in from all over the state and heard about four hours of testimony representing a broad range of topics – topics including the seven school board issue, weighted funding, the role of parents and principals. I have to say it was a really truly great discussion. Those of you that had the opportunity to watch it on television or attend the meeting, I think you'll agree with me that it was a well informed, articulate discussion of the issues.

"But at the end of the day, there were two points that are very, very clear. One is that there were many, many areas of agreement. If you look at the executive branch, you look at the legislative branch, you look at the teachers, principals, parents, there are many, many things that we all agree on. And there are a few points of disagreement.

"I'd like to focus my comments on the broad range of agreement and encourage my colleagues, as well, to move forward and think about where we agree, where we can work together, where we can collaborate.

"Almost all the participants support the concept of the weighted funding formula. This is a central component of both the Governor and the legislative package and it is an, of course, essential component of this bill. Almost all participants agree that we need to place more money, more control at the school level and push decision making down to the school level. Again, just about everyone agrees with that, and this is a part of this important piece of legislation.

"Almost everyone agrees that principals are the key leaders in schools and ultimately responsible for the school's success and that we need to empower our principals, support them with ongoing training and support, and may work for exceptional performance. Again, we all agree, and this is in the bill.

"We all agree that teachers are the central figures in the classroom and it is in the classroom where student growth and achievement happens. This is where the rubber meets the road, and most of us agree that we need to foster teacher excellence and reward those teachers who excel. Again, this is an important component of this bill.

"Number five, I think we all agree also, certainly the testimony that I hear, the parents deserve and require a meaningful opportunity to actively participate and collaborate with their school and to take responsibility for the success of their school. Again, much agreement and this is in the bill.

"Small class size – I think research clearly shows that most people when they go out in the community and ask people what they want, they'll tell you small class size is important. Again, this is in the bill for grades K-3. Books, facilities – the testimony comes in that we need to spend more money on books. Again, these are areas of agreement and areas that are supported in the bill.

"Yes, Mr. President, colleagues, the debate over the past 18 months on educational reform has covered many, many issues. Some areas we agree, some we don't. It's been a good debate, often intense, sometimes with rancor. But it is clear that the primary elements of this bill have wide spread support. It is also clear that we have areas of disagreement. But I think it's time, Mr. President, colleagues, that we move forward, that we set aside our differences and move forward on the areas that we know are important and that we all agree are critical to making our schools a better place for our students.

"It's time to move forward from debate to action. It's time to set aside the rancor. It's time to set aside the rhetoric. It's time to work together with parents, with students, with teachers, with administrators, with our business community, with the Governor, with the House, with both parties in the Legislature. It's time to move forward for positive education reform.

"This bill offers systemic change that will significantly improve the way we manage our schools. And more importantly, it will have a direct and positive impact on improving student achievement.

"For these reasons, Mr. President, I urge unanimous support so that we may again move forward together in positive support of our public education system.

"Thank you, Mr. President."

Senator Hogue rose to speak in opposition to the measure as follows:

"Mr. President, I rise in opposition to this particular measure.

"I appreciate the comments of the past speaker and all those who have worked on this discussion regarding education reform. There have been tremendous debates going on all over this great state about this very important subject in the past several weeks and several months. I appreciate the civility of the Chair of the Education Committee and the Vice Chair as well for keeping our discussions in our Committee civil, where in other areas of our society those debates were not civil. I think it's very important that we listen to those people who don't share the same point of view. So, Education Chair, thank you very much in that regard.

"My opposition, colleagues, comes from what has been left out of this bill. I agree with the previous speaker that there have been areas of agreement – weighted student formula, empowering principals, helping out the teachers, and the charter schools, etc., etc., etc. However, we have left out one very important area of agreement, and that is allowing, ultimately, the voters to decide on this.

"If I could liken this to a sports competition, it's as if we're getting ready to play a championship football game. We've had the pep rallies. The coaches have talked to the media. All the kids have gotten on the bus. Everybody is ready to cheer. The football teams have gone down to the stadium. They put on their uniforms. Everybody is ready to go, then at the last minute they say you're not going to play. That's what we've done here. We've said we're going to have this debate, but you ultimately, public, are not going to get an opportunity to decide this issue. That's the one area of education reform that we must have.

"Ultimately, I guess the public is going to decide because they're going to decide all of our fates in upcoming elections. It would have been nice if they could have decided on education reform instead. So, I would encourage those who are going to support this measure to still consider that one very important bit of competition – that the public should have the right to decide this issue at the ballot box. And for that reason, I'll be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, H.B. No. 2002, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2003, H.D. 1, S.D. 1:

Senator Hanabusa moved that H.B. No. 2003, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

At 12:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:03 o'clock p.m.

Senator Hogue rose to speak in support of the measure with reservations and said:

"Mr. President, I rise to support this measure with reservations.

"First of all, I want to thank the Chair of the Judiciary Committee. She answered all of my questions that I had about one of the sections of this particular bill.

"The area that I have in question and that I have reservations about is Section 22 of the bill. It's on page 61. We had a lengthy discussion about it in Committee. This essentially has to do with home rule. It is about drug rehab homes in residential areas. What this bill purports to do is to have the state oversee this particular process and take it away from the counties.

"There's one sentence in here that I find objectionable and I've had calls from members of neighborhood boards and they're very concerned about it as well. It says no conditional use permit, variance, or special exception shall be required for a residence used as a drug rehabilitation home. What you've done is you've taken the counties out of the process. And maybe that's the intent of this particular bill, but I don't think that's a very good idea. We should have more or most local control over issues like this.

"We had some people at the hearing, and although they were not specifically talking about a drug rehabilitation home, they had some concerns about some problems that had occurred in their particular area. And that area happened to be in my district.

"So, I would hope, as this bill moves forward and I appreciate the discussion on it, that we can strike Section 22 and give this right back to the counties where, frankly, it should be.

"Thank you very much, Mr. President."

Senator Aduja rose to speak in support of the measure and stated:

"May it please the President and my Senate Colleagues that I rise in support of H.B. No. 2003, H.D. 1, S.D. 1.

"As one of the three Co-Chairs of the Joint House/Senate Task Force on Ice and Drug Abatement I urge my colleagues to support this substance abuse omnibus bill.

"Mr. President, as you know, your devoted members of the Legislative Task Force have attended over 80 hours of informational briefings and public hearings and made numerous site visits to fully understand the scope of the ice and drug epidemic and to hear the will of the people in all of our communities. The findings of the legislative task force have been extensively documented in its final report, which was presented to the President and the Speaker in January 2004.

"The diligent work of the Legislative Task Force produced H.B. No. 2003 and its companion, S.B. No. 3233. S.B. No. 3233 was passed by this Body on March 1st with the votes of all Democrats and one Republican. Mr. President, H.B. No. 2003, as with its Senate companion, adds and amends various laws relating to criminal conduct for drug-related offenses. It designates a significant amount of funds for treatment and rehabilitation to assist those addicted to drugs to turn their lives around. This bill also provides for stiffer penalties for drug dealers, increased authority for law enforcement, and the expansion of drug courts.

"Mr. President, this is an excellent bill which deserves the support of all your members who truly care to stem the ice epidemic and help our communities heal.

"Mr. President, your Windward Senator truly knows that the ice epidemic in Hawaii is so serious, so commonplace that many of us know someone close enough who has fallen victim to drug addiction.

“Mr. President, ice does not discriminate. It preys on the young and the old, the rich and poor, the educated and the illiterate, the professional and the amateur, the doctors, lawyers, their husbands, wives, children and everyone in between. We are all affected in one way or another, and with this bill and its companion, the Legislature has taken full responsibility to turn this tide around, as we can no longer prolong inaction.

“We need to move swiftly, soundly, and efficiently, which is precisely what this measure empowers our communities to do. Mr. President, your Windward Senator fully credits the communities of Kahaluu, Kaaawa, Punaluu, Hauula, and Laie. The ice campaign, which originated in your Windward communities has spread like wildfire.

“We can no longer remain silent. The car thefts, the abandoned vehicles, the car accidents, the burglaries, forgeries, stealing of mail and the altering of checks, the assaults, the abuse of household members, the child abandonments, the homicides, the suicides – we have heard and seen it all. Some of us have even lived through it. Some of us are still suffering.

“Now is the time, Mr. President, to walk the talk – not walk and talk, but to walk the talk. We have talked about it long enough, and now let’s put our words to action. Mr. President, we can, and should, and must work together to protect our children – our most vulnerable members of our community – from drugs. We also must provide long-term treatment for those hardcore drug addicts. At the same time, we must also provide for stiffer penalties for the drug dealers and increased authority for law enforcement. Mr. President, H.B. No. 2003, H.D. 1, S.D. 1, does just that.

“It is your Windward Senator’s hope that this bill will receive bipartisan support. This issue is not about politics. It is about people of Hawaii – our kamali’i, our children, our keiki – and their future.

“Mahalo nui loa and I thank you Mr. President for all of your blessings during the term of the Task Force. In May of 2003 we humbly asked you for your authority to form, and you openly gave it to us. And with everyone’s cooperation, we presented you with this package. Now, colleagues, I urge all of you to pass this bill.

“Thank you.”

Senator Slom rose to speak in opposition as follows:

“Mr. President, I rise in opposition to the bill.

“I don’t think there’s any disagreement on all of us acknowledging the realization of a problem and the impact and the effects of the problem. I think where the differences come in are where we look at the solution.

“The Legislative Task Force worked very diligently. They performed a valuable community service. Basically, they validated what the Lt. Governor’s drug task force did. Those of us that did attend the community meetings, that did hear the stories that the last speaker was talking about, the incidents and all, fully agree with all of that information.

“Where we disagree is what do we do about it. And while there’s talk about stiffer penalties in this bill, there also, if you read very closely, a broadening and a liberalizing of opportunities for those that commit crimes. Certainly we don’t disagree with the concept of treatment, but none of us like to be patsies. None of us like to have hardened criminals use the drug court or drug treatment options as a ‘get out of jail free’ card. And in fact, that’s what this bill allows.

“It does not provide for the stiffer penalties that we talk about, or I guess we can agree to disagree what stiffer penalties mean. It does not provide, as the previous speaker said, the walk and talk and knock and talk, some of the things that the law enforcement coalition wanted. It does liberalize and broaden and expand Act 161, which a number of us had problems with. From the very beginning we’ve said we’ll give it a try and see how it works. Well, we did see how it worked and what we hear from the community is they want these people off the street. They want swifter justice. They want the tools in the hands of the law enforcement community. And this bill does not make it easier to shut down drug houses. It does not make it more certain that people are going to pay for their crimes. It just means that we’re going to spend more money for treatment and allow people to say, well yes, I robbed; oh yes, I abused; oh yes, I raped and pillaged, but I was on drugs at the time. I think that’s the wrong message and I think that’s the wrong emphasis.

“So while there are many good things in this bill, and hopefully it will become an even better bill during Conference, at this time I’m going to vote ‘no.’

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 2003, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2004, H.D. 1, S.D. 1:

Senator English moved that H.B. No. 2004, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hemmings.

Senator Taniguchi rose and said:

“Mr. President, I just have comments I’d like to insert into the Journal in favor.”

The Chair having so ordered, Senator Taniguchi’s insert reads as follows:

“Mr. President, I rise to speak in favor of H.B. No. 2004, H.D. 1, S.D. 1.

“At the close of the 2003 Regular Session of the State Legislature, the Speaker of the House of Representatives and you, Mr. President, convened the formation of the Joint House-Senate Task Force on Ice and Drug Abatement. The mission of the task force was to formulate a comprehensive approach to the myriad of profoundly disturbing problems associated with the ice epidemic that has taken root in our communities.

“The task force recommendations offer many initiatives to battle the ice problem. These initiatives primarily focus on drug prevention, treatment/rehabilitation, and enforcement.

“The measure before us today implements many of these initiatives through appropriations totaling approximately \$16 million in fiscal year 04-05. If I may highlight just a few of these important provisions, Mr. President S.D. 1 provides funds to:

Expand the drug court programs in the second and third circuits;

Provide substance abuse prevention and school-based and adult treatment services for our children and families;

Provide grants-in-aid to the counties to sustain grassroots anti-drug campaigns; and

Expand the kashbox substance abuse treatment program at the Waiawa correctional center.

“We are **not** ‘throwing money at a problem,’ Mr. President. To the contrary, we have formulated a battle plan to defeat a vicious scourge.

“I urge all my colleagues to support this very important piece of legislation.

“Thank you Mr. President.”

The motion was put by the Chair and carried, H.B. No. 2004, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2196, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2196, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2375, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2375, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2378:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2378, entitled: “A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2379, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2379, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TESTIMONY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2380, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2380, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2685:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2685, entitled: “A BILL FOR AN ACT RELATING TO BAIL JUMPING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2689:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2689, entitled: “A BILL FOR AN ACT RELATING TO STALKING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2300, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, H.B. No. 2300, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3086 (H.B. No. 2796, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3086 was adopted and H.B. No. 2796, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hogue, Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2743, H.D. 2, S.D. 1:

Senator Taniguchi moved that H.B. No. 2743, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Taniguchi rose and said:

“Mr. President, I’d like to have comments in favor inserted into the Journal.”

The Chair having so ordered, Senator Taniguchi’s comments read as follows:

“Mr. President, I rise to speak in favor of H.B. No. 2743, H.D. 2, S.D. 1.

“Mr. President, this measure transfers approximately \$55 million in excess balances contained in various special and revolving funds to the general fund. As you know, this year, as

in years past, the legislature and the executive branch have scrutinized the balances of the various special and revolving funds and have determined that many of these funds have balances in excess of their needs.

“Scrutinizing the financial statements of these funds has always proven to be a good thing. It is, in essence, the Legislature exercising its financial oversight responsibilities of all government operations.

“As I stated earlier, when the companion measure S.B. No. 1491, S.D. 1, was before us for consideration and adoption, this bill is a necessity. This is so because I believe the Governor has not formulated a truly balanced budget. Her six-year financial plan ends with only a \$6 million ending balance two years from now, and, she has failed to reasonably anticipate future expenditures required to provide more resources to our public schools, fight the war on ice, and fund collective bargaining pay raises.

“This measure will provide your Committee on Ways and Means with an additional, and much needed source of revenue, to address these and other vital issues, as we proceed to craft our supplemental budget.

“Mr. President, this measure also repeals the statutory authority of the Governor and the various executive departments’ to transfer excess balances from special funds to the general fund at any time during the fiscal year.

“Last year alone, the Governor authorized the transfer of over \$240 million from special and revolving funds to the general fund. These transfers were executed without the benefit of legislative oversight, public participation, and open debate.

“By repealing this provision all proposals to transfer excess special and revolving funds to the general fund will be subject to public scrutiny in open legislative forums where it rightfully and democratically belongs.

“I urge my colleagues to support this measure.”

The motion was put by the Chair and carried, H.B. No. 2743, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 1824, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 1824, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2411, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2411, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2683, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2683, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Taniguchi, Whalen).

H.B. No. 2789, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2789, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Taniguchi, Whalen).

H.B. No. 1103, H.D. 2, S.D. 1:

Senator Kawamoto moved that H.B. No. 1103, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to oppose the measure and said:

“Mr. President, I rise in opposition to this bill.

“It’s interesting that the committee report says that this bill is in support of small business but really has nothing to do with small business. It has to do with union prevailing wage rates. It was a gutted bill. It’s completely changed. It has to do with mandating the use of union rates for all kinds of people, a number of whom are not even defined in current labor law.

“It will harm small business. It will probably harm a lot of big businesses, and it will cost the taxpayers more money.

“Thank you.”

Senator Sakamoto rose and said:

“Please note my vote with reservations.”

The Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1103, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 2005, H.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health

**RE-REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

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

Senate

Concurrent

Resolution Referred to:

No. 150 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations

No. 151 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations

No. 164 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

No. 177 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Science, Arts, and Technology

**RE-REFERRAL OF
SENATE RESOLUTIONS**

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

Senate

Resolution

Referred to:

No. 43 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

No. 84 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

At 1:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:40 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 314, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1800, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 2, 2004, the Speaker appointed Representatives Takamine, chair, Kaho'ohalahala, Karamatsu, Kawakami, Magaoay, Mindo, Nakasone, Nishimoto, Shimabukuro, Wakai, Waters, Bukoski, Moses as managers on the part of the House for the consideration of said amendments, was read by the Clerk and was placed on file.

In accordance therewith, the President appointed Senators Taniguchi, chair; Kokubun, Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Sakamoto, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

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

"Mr. President, may I be permitted a point of personal privilege.

"Colleagues, I didn't want to do this when the gallery was full to make a point of this, but I think it's worth putting on the record.

"I voted 'no' against the budget in the Ways and Means Committee procedurally for the simple reason that I did not have a lot of the details in front of me. I know decisions were made while papers were being handed out half way through the hearing on it regarding what was going to happen, which led many of the testifiers to believe that they were testifying in vain.

"I didn't want to bring all of these things up. When we got to the Floor I realized that if I voted 'no' on the Floor, I wouldn't be on the Conference Committee, Mr. Chairman. And I believe that there are probably those who thought that was a great idea, but Mr. Chairman, I hope that we can continue to live in a free society where the right to dissent, the right to have a contrary point of view with the Majority is appreciated and allowed. I don't make the Rules. The Rule says if you vote 'no' on Third Reading of the bill, the interpretation of the Rule is you're not on Conference Committee.

"I really believe that the point of view that we represent over here needs to be represented. The point of view of the Governor needs to be represented, therefore, I voted 'yes.' That explains my vote and what might be perceived by some Majority members as a 180. I don't make the rules, Mr. Chairman, and I'm doing what I think is best to advance what I believe in my heart, believe in for my whole life. The fact that some people in the Majority Party want only people on the Conference Committee that will rubberstamp their dictates makes me even more desirous to be on the Conference Committee.

"I thank the leaders for recognizing the fact that voting 'no' on the Floor is where its decided who's going to be on Conference Committee. Thank you, Mr. President."

Senator Taniguchi rose in response and said:

"Mr. President, just in response.

"I guess part of it is that the theory I guess I've always had in my numerous years here is that, generally speaking, when you go to Conference, the conferees on behalf of the Senate are supposed to vigorously support the Senate position in Conference in opposition to what the House is doing. So, I think part of it for us is that if people vote 'no' on these bills, then I guess there's some question as to whether they will be supporting the Senate position.

"That's historically why people who vote 'no' on the bill weren't allowed to go to Conference because that was I guess the philosophy behind Conference is that you're supposed to really fight for our position even if you may not even agree with it. But if you voted for it, then you've got to go with it.

"That's a lot of why the Rule was established. It's not a matter of partisanship or that kind of thing or trying to keep a particular perspective out, but that's the basis of it. That's why I think we do have questions as to why people vote 'no' on particular bills and still would want to be on the Conference. I think we've had members in the Majority Party who also voted 'no' and would like to be on, or voted with reservations so that they could stay on to provide their input and I think we've acknowledged that.

“So, maybe that philosophy that I’ve had over the years about Conference maybe changed a little bit, but I think that was the reason why the Rule was established.

“Thank you.”

ADJOURNMENT

At 1:47 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., Monday, April 5, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate