

FORTY-EIGHTH DAY

Thursday, April 15, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 10:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Sam Slom, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 384 to 539) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 384, returning S.B. No. 14, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 14, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 385, returning S.B. No. 53, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 53, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 386, returning S.B. No. 214, S.D. 3, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 214, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 387, returning S.B. No. 473, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2003, 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.B. No. 473, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 388, returning S.B. No. 643, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 643, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 389, returning S.B. No. 762, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2003, 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.B. No. 762, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 390, returning S.B. No. 779, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 779, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 391, returning S.B. No. 1000, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 1000, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 392, returning S.B. No. 1138, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 1138, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 393, returning S.B. No. 1238, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 1238, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 394, returning S.B. No. 1318, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 1318, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 395, returning S.B. No. 1362, S.D. 3, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 1362, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 396, returning S.B. No. 1549, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 1549, S.D. 1, and requested a conference on the subject matter thereof.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3129, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 507, returning S.B. No. 3135, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3135, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 508, returning S.B. No. 3148, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3148, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 509, returning S.B. No. 3153, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3153, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 510, returning S.B. No. 3156, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3156, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 511, returning S.B. No. 3170, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3170, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 512, returning S.B. No. 3175, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3175, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 513, returning S.B. No. 3179, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3179, and requested a conference on the subject matter thereof.

Hse. Com. No. 514, returning S.B. No. 3182, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3182, and requested a conference on the subject matter thereof.

Hse. Com. No. 515, returning S.B. No. 3190, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3190, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 516, returning S.B. No. 3207, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3207, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 517, returning S.B. No. 3222, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3222, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 518, returning S.B. No. 3049, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 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.B. No. 3049, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 519, transmitting H.C.R. No. 72, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO RELAX RESTRICTIONS ON THE GRANTING OF NONIMMIGRANT VISAS TO NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE PURPOSE OF BUSINESS, TOURISM, AND STUDY IN THE UNITED STATES," was deferred until Friday, April 16, 2004.

Hse. Com. No. 520, transmitting H.C.R. No. 73, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHOCAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was deferred until Friday, April 16, 2004.

Hse. Com. No. 521, transmitting H.C.R. No. 81, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003," was deferred until Friday, April 16, 2004.

Hse. Com. No. 522, transmitting H.C.R. No. 84, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on 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 deferred until Friday, April 16, 2004.

Hse. Com. No. 523, transmitting H.C.R. No. 108, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION CALLING ON THE PEOPLE'S REPUBLIC OF CHINA IMMEDIATELY AND UNCONDITIONALLY TO RELEASE REBIYA KADEER AND URGING PRESIDENT BUSH TO TAKE URGENT STEPS TO SECURE THE RELEASE OF REBIYA KADEER AS SOON AS POSSIBLE," was deferred until Friday, April 16, 2004.

Hse. Com. No. 524, transmitting H.C.R. No. 111, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA," was deferred until Friday, April 16, 2004.

Hse. Com. No. 525, transmitting H.C.R. No. 115, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 115, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR BUILDING ORDINANCES," was deferred until Friday, April 16, 2004.

Hse. Com. No. 526, transmitting H.C.R. No. 145, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE RIGHTS OF UNITED STATES CITIZENS IN FOREIGN COUNTRIES," was deferred until Friday, April 16, 2004.

Hse. Com. No. 527, transmitting H.C.R. No. 153, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on 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 deferred until Friday, April 16, 2004.

Hse. Com. No. 528, transmitting H.C.R. No. 158, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was deferred until Friday, April 16, 2004.

Hse. Com. No. 529, transmitting H.C.R. No. 197, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 197, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE COMMUNITY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK AT KEHENA BEACH, HAWAII," was deferred until Friday, April 16, 2004.

Hse. Com. No. 530, transmitting H.C.R. No. 214, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on 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 deferred until Friday, April 16, 2004.

Hse. Com. No. 531, transmitting H.C.R. No. 250, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT H.R. 677 EXTENDING VETERANS' BENEFITS TO FILIPINO VETERANS," was deferred until Friday, April 16, 2004.

Hse. Com. No. 532, transmitting H.C.R. No. 216, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS BY THE KO'OLAU GREENBELT AND HERITAGE TRAILS SYSTEM TO PROVIDE A HOLISTIC APPROACH TO WATERSHED PROTECTION AND ENCOURAGE PUBLIC AND PRIVATE PARTNERSHIPS TO DETERMINE THE FUTURE OF THE ENTIRE KO'OLAU SYSTEM," was deferred until Friday, April 16, 2004.

Hse. Com. No. 533, transmitting H.C.R. No. 236, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 236, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW AND CONSIDER WHETHER THE EXCEPTION OF PSEUDOEPHEDRINE FROM THE REPORTING, RECORDKEEPING, AND PERMIT REQUIREMENTS GENERALLY APPLICABLE TO LIST 1 CHEMICALS SHOULD BE REPEALED," was deferred until Friday, April 16, 2004.

Hse. Com. No. 534, transmitting H.C.R. No. 245, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII FOOD INDUSTRY ASSOCIATION AND THE HAWAII RETAIL ASSOCIATION TO REPORT ON THE BACKHAUL OF SHIPPING AND PACKING MATERIALS AND PALLETS," was deferred until Friday, April 16, 2004.

Hse. Com. No. 535, transmitting H.C.R. No. 258, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Friday, April 16, 2004.

Hse. Com. No. 536, transmitting H.C.R. No. 265, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on 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 deferred until Friday, April 16, 2004.

Hse. Com. No. 537, transmitting H.C.R. No. 266, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO REPEAL THE CHANGES MADE BY THE BUSH ADMINISTRATION TO THE CLEAN AIR ACT IN 2002," was deferred until Friday, April 16, 2004.

Hse. Com. No. 538, returning S.C.R. No. 28, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

Hse. Com. No. 539, 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. 2003, H.D. 1 (S.D. 1), was placed on file.

CONFERENCE COMMITTEE REPORT

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. 1294, presented a report (Conf. Com.

Rep. No. 10-04) recommending that H.B. No. 1294, 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. 10-04 and H.B. No. 1294, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3320) recommending that the Senate advise and consent to the nomination of HENRY F. BEERMAN to the Board of Trustees of the Employees' Retirement System (ERS), in accordance with Gov. Msg. No. 153.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3320 and Gov. Msg. No. 153 was deferred until Friday, April 16, 2004.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3321) recommending that the Senate advise and consent to the nomination of SANDRA YAHIRO to the Board of Trustees of the Deferred Compensation Plan, in accordance with Gov. Msg. No. 185.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3321 and Gov. Msg. No. 185 was deferred until Friday, April 16, 2004.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3322) recommending that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

TODD K. APO, in accordance with Gov. Msg. No. 311;

MARCIA A. ARMSTRONG, in accordance with Gov. Msg. No. 312;

MICHAEL FITZGERALD, in accordance with Gov. Msg. No. 313;

SIGNE A. GODFREY, in accordance with Gov. Msg. No. 314;

ERWIN HUDELIST, in accordance with Gov. Msg. No. 315;

WAYNE K. KANEMOTO, in accordance with Gov. Msg. No. 316;

STEVE B. METTER, in accordance with Gov. Msg. No. 317;

DARNNEY L. PROUDFOOT, in accordance with Gov. Msg. No. 318; and

GREGG T. YAMANAKA, in accordance with Gov. Msg. No. 319.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3322 and Gov. Msg. Nos. 311, 312, 313, 314, 315, 316, 317, 318 and 319 was deferred until Friday, April 16, 2004.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority

of the Committees (Stand. Com. Rep. No. 3323) recommending that S.C.R. No. 13 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3323 and S.C.R. No. 13, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES," was deferred until Friday, April 16, 2004.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3324) recommending that S.R. No. 15 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3324 and S.R. No. 15, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES," was deferred until Friday, April 16, 2004.

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. 3325) recommending that S.C.R. No. 101, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3325 and S.C.R. No. 101, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE EAST-WEST CENTER TO CONDUCT AN INVENTORY OF INTERNATIONAL ACTIVITIES IN HAWAII TO AID BUSINESS, GOVERNMENT, AND CIVIC ORGANIZATIONS," was deferred until Friday, April 16, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3326) recommending that S.C.R. No. 146, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3326 and S.C.R. No. 146, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN THE PUNA DISTRICT OF THE ISLAND OF HAWAII BY EXPANDING ITS NETWORK OF DIALYSIS TREATMENT FACILITIES TO THE KEAAU FAMILY CENTER IN THE PUNA DISTRICT AND BY CONDUCTING A NEEDS ASSESSMENT THAT WILL DETERMINE THE COST AND REQUIREMENTS OF ESTABLISHING A DIALYSIS CENTER IN PUNA," was deferred until Friday, April 16, 2004.

Senators Baker and English, for the Committee on Health and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 3327) recommending that S.C.R. No. 183, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3327 and S.C.R. No. 183, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND AMERICAN INDUSTRIAL HYGIENE ASSOCIATION TO CONVENE A MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING MOLDS," was deferred until Friday, April 16, 2004.

Senators Baker and English, for the Committee on Health and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 3328) recommending that S.R. No. 100, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3328 and S.R. No. 100, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND AMERICAN INDUSTRIAL HYGIENE ASSOCIATION TO CONVENE A MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING MOLDS," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3329) recommending that S.C.R. No. 87, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3329 and S.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS THE KIYONO KUNITAKE STATE RECREATION AREA," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3330) recommending that S.R. No. 44, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3330 and S.R. No. 44, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS THE KIYONO KUNITAKE STATE RECREATION AREA," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3331) recommending that S.C.R. No. 97 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3331 and S.C.R. No. 97, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3332) recommending that S.R. No. 51 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3332 and S.R. No. 51, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3333) recommending that S.C.R. No. 126 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3333 and S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3334) recommending that S.R. No. 64 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3334 and S.R. No. 64, entitled: "SENATE RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3335) recommending that S.C.R. No. 203 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3335 and S.C.R. No. 203, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3336) recommending that S.R. No. 114 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3336 and S.R. No. 114, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3337) recommending that S.C.R. No. 106, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3337 and S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INQUIRY INTO THE DELAYS IN PAYMENT TO DEVELOPMENTAL DISABILITY PROVIDERS," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3338) recommending that S.C.R. No. 54 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3338 and S.C.R. No. 54, entitled: "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," was deferred until Friday, April 16, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3339) recommending that S.C.R. No. 76, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3339 and S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was deferred until Friday, April 16, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3340) recommending that S.R. No. 36, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3340 and S.R. No. 36, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was deferred until Friday, April 16, 2004.

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. 3341) recommending that S.C.R. No. 85 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3341 and S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES," was deferred until Friday, April 16, 2004.

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. 3342) recommending that S.R. No. 42 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3342 and S.R. No. 42, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3343) recommending that S.C.R. No. 187, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3343 and S.C.R. No. 187, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RESEARCH THE DEVELOPMENT OF A SUSTAINABLE FLOOD PROJECT SPONSORSHIP PROGRAM TO PROMOTE FLOOD ABATEMENT IN LANDS FROM WAIHAOLE TO LAIE," was deferred until Friday, April 16, 2004.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3344) recommending that S.C.R. No. 190, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3344 and S.C.R. No. 190, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY," was deferred until Friday, April 16, 2004.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3345) recommending that S.R. No. 104, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3345 and S.R. No. 104, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY," was deferred until Friday, April 16, 2004.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3346) recommending that S.C.R. No. 212 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3346 and S.C.R. No. 212, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR

AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII," was deferred until Friday, April 16, 2004.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3347) recommending that S.R. No. 123 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3347 and S.R. No. 123, entitled: "SENATE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3348) recommending that S.C.R. No. 50, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3348 and S.C.R. No. 50, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION, WITHIN AVAILABLE RESOURCES, TO ENSURE FULL COMPLIANCE WITH THAT PORTION OF THE ADMINISTRATIVE RULES THAT CALLS FOR 'APPROPRIATE INTERVENTION AND TREATMENT SERVICES' FOR STUDENTS EXCLUDED FROM SCHOOL DUE TO 'POSSESSION OF A DANGEROUS WEAPON, SWITCHBLADE KNIFE, INTOXICATING LIQUOR, OR ILLICIT DRUGS,'" was deferred until Friday, April 16, 2004.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3349) recommending that S.C.R. No. 71, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3349 and S.C.R. No. 71, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF DISCRIMINATION AND HARASSMENT OF STUDENTS IN THE PUBLIC SCHOOLS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3350) recommending that S.C.R. No. 86 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3350 and S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE

YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3351) recommending that S.R. No. 43 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3351 and S.R. No. 43, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3352) recommending that S.C.R. No. 91 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3352 and S.C.R. No. 91, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3353) recommending that S.C.R. No. 133 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3353 and S.C.R. No. 133, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT," was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3354) recommending that S.R. No. 71 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3354 and S.R. No. 71, entitled: "SENATE RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3355) recommending that S.C.R. No. 156, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3355 and S.C.R. No. 156, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING A

COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3356) recommending that S.C.R. No. 164 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3356 and S.C.R. No. 164, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3357) recommending that S.R. No. 84 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3357 and S.R. No. 84, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3358) recommending that S.C.R. No. 198 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3358 and S.C.R. No. 198, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3359) recommending that S.R. No. 111 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3359 and S.R. No. 111, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3360) recommending that S.C.R. No. 10, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3360 and S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND

INSTALL A TRAFFIC SIGNAL LIGHT AT THE INTERSECTION OF KAMEHAMEHA HIGHWAY AND KUALA STREET IN PEARL CITY TO ALLEVIATE TRAFFIC CONGESTION AND PROVIDE PROTECTION TO NEARBY RESIDENTS WHO FREQUENTLY CROSS THAT INTERSECTION," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3361) recommending that S.C.R. No. 11, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3361 and S.C.R. No. 11, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DESIGN AND ERECT AN ATTRACTIVE AND APPROPRIATE SIGNAGE FOR THE KOREAN VIETNAM VETERANS MEMORIAL ON THE GROUNDS OF THE STATE CAPITOL," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3362) recommending that S.R. No. 7, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3362 and S.R. No. 7, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DESIGN AND ERECT AN ATTRACTIVE AND APPROPRIATE SIGNAGE FOR THE KOREAN VIETNAM VETERANS MEMORIAL ON THE GROUNDS OF THE STATE CAPITOL," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3363) recommending that S.C.R. No. 38, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3363 and S.C.R. No. 38, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF THE SENATE AND HOUSE FLOOR SESSION ON THE FIRST SESSION DAY OF THE WEEK," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3364) recommending that S.R. No. 19, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3364 and S.R. No. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF THE SENATE AND HOUSE FLOOR SESSION ON THE FIRST SESSION DAY OF THE WEEK," was deferred until Friday, April 16, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3365) recommending that S.C.R. No. 99 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3365 and S.C.R. No. 99, entitled: "SENATE 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 deferred until Friday, April 16, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3366) recommending that S.R. No. 53 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3366 and S.R. No. 53, entitled: "SENATE 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 deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3367) recommending that S.C.R. No. 161, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3367 and S.C.R. No. 161, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3368) recommending that S.C.R. No. 180, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3368 and S.C.R. No. 180, S.D. 1, entitled: "SENATE 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 deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3369) recommending that S.R. No. 97, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3369 and S.R. No. 97, S.D. 1, entitled: "SENATE 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 deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3370) recommending that S.C.R. No. 181, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3370 and S.C.R. No. 181, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOMMENDING THE LONG-TERM CARE VETERANS AFFAIRS STATE HOME IN HILO BE NAMED IN HONOR OF YUKIO OKUTSU," was deferred until Friday, April 16, 2004.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3371) recommending that S.C.R. No. 107, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3371 and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII," was deferred until Friday, April 16, 2004.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3372) recommending that S.R. No. 57, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3372 and S.R. No. 57, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII," was deferred until Friday, April 16, 2004.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3373) recommending that S.C.R. No. 127, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3373 and S.C.R. No. 127, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DELAY THE IMPLEMENTATION OF THE ELIMINATION OF THE SOCIAL WORKER SERIES," was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3374) recommending that S.C.R. No. 62, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE CHARTER SCHOOL ADMINISTRATIVE OFFICE THAT SURVEYS EACH INDIVIDUAL CHARTER SCHOOL IN THE STATE OF HAWAII TO DETERMINE ITS FUNCTION, LOCATION, ENROLLMENT, STAFF SIZE, OPERATING AND MAINTENANCE COSTS, PHYSICAL CONDITION, CURRENT STATUS, AND PROJECTED FUTURE NEEDS," was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3375) recommending that S.C.R. No. 65 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 65, entitled: "SENATE

CONCURRENT RESOLUTION URGING HIGHER EDUCATION INSTITUTIONS TO REFUND OR REIMBURSE TUITION MONEY TO STUDENT MEMBERS OF THE HAWAII NATIONAL GUARD OR MILITARY RESERVES WHO ARE DEPLOYED DURING A SCHOOL SESSION," was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3376) recommending that S.R. No. 30 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 30, entitled: "SENATE RESOLUTION URGING HIGHER EDUCATION INSTITUTIONS TO REFUND OR REIMBURSE TUITION MONEY TO STUDENT MEMBERS OF THE HAWAII NATIONAL GUARD OR MILITARY RESERVES WHO ARE DEPLOYED DURING A SCHOOL SESSION," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3377) recommending that S.R. No. 113, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 113, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA TO FORM A TASK FORCE TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN HAWAIIAN STUDENTS," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3378) recommending that S.C.R. No. 95, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVEY A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3379) recommending that S.R. No. 49, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 49, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3380) recommending that the Senate consent to the nomination of BERT I. AYABE to the office of Judge, 21st Division, Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 421.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3380 and Gov. Msg. No. 421 was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3381) recommending that the Senate consent to the nomination of ALEXA D.M. FUJISE to the office of Associate Judge, Intermediate Court of Appeals, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 422.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3381 and Gov. Msg. No. 422 was deferred until Friday, April 16, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3299 (Gov. Msg. No. 377):

Senator Baker moved that Stand. Com. Rep. No. 3299 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JAMES P. EPURE MD to the Drug Product Selection Board, 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, 25. Noes, none.

FINAL READING

Conf. Com. Rep. No. 1-04 (H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 1-04 be adopted and H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

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

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

"Mr. President, H.B. No. 1800, C.D. 1, is the executive supplemental budget bill. It contains the operating and capital improvement appropriations for the executive branch for fiscal year 2004-2005.

"Before I make a few comments on the bill itself, I again would like to thank a few people who were instrumental in crafting this measure.

"First, I would like to thank the Conference members of the House, especially Chairman Dwight Takamine and Vice-Chair Bertha Kawakami, who spent countless hours with me and my Vice-Chair, the Senator from the Big Island, agonizing over the hundreds of crucial decisions that needed to be made.

"Next, I would like thank the members of the Ways and Means Committee for sitting through hours of hearings, briefings and Conference meetings.

"I would also like to thank my staff and the staff of the Finance Committee for their hard work.

"Finally, I would like to thank the Leadership teams of both Chambers, especially House Speaker Calvin Say, and you, Mr. President, thank you.

"In addition to my feelings of gratitude and appreciation, I want to convey one additional message to everyone: It's not over yet. While we are poised to approve this budget, and therefore technically 'close the book' on it, we are in no way done with our work this year. I think that bears repeating and re-emphasizing – we are not done with our work this year.

"As we all know, there are two public sector unions still out there negotiating hard with the Governor for a fair contract. Voting on this budget today in no way shuts the door on them, nor does it commit the Governor to any level of pay increases.

"In addition, we all know that on Monday, the Governor made some additional adjustments to her financial plan to try and accommodate appropriations for collective bargaining pay raises for all units. I appreciate the fact that she recognizes that all of our public employees deserve just compensation for their services. We are currently reviewing her proposed budget cuts, her special fund raids, and will try to address those in vehicles that we still have on the table.

"As I mentioned in my floor speech on the Senate's draft of this bill, I think the appropriations found in it represents what we have always tried to do over the years – we have provided much-needed resources to very crucial government programs.

"We have provided more critically needed resources to our public schools, more to our public and private hospital network, more to assist the indigent and the needy, more to help take ice off of our streets – and the list goes on. More importantly, we have provided these resources without bankrupting our state – despite what some may claim.

"This budget, in conjunction with our six-year general fund financial plan, demonstrates one fact: this Legislature has prioritized the use of our precious resources and has seen fit to provide those in areas that are most important to our state's well-being now and in the future.

"I find it unfortunate that now that the Governor feels that she is not getting her way with this budget, she has resorted to name-calling and has actually threatened the Legislature with retaliation come election time. I feel that is unfortunate. I'm not really surprised, however, as it is apparent that our Governor finds that retaliation, not cooperation, is the best course of action to get things done in government.

"Take, for example, the Department of Education's budget. First, the Governor refused to acknowledge the Board of Education's budget request in September of last year, ignoring their need for approximately \$50 million more in resources, most of which was to help the DOE come into compliance with the No Child Left Behind Act. On top of that, in the latest round of her proposed budget cuts, our Governor is slashing the DOE's base budget by an additional \$7.5 million. That is almost 25 percent of her entire proposed cut of \$30 million. Moreover, these cuts were done with absolutely no input from the DOE.

"The Governor has clearly been punitive on the DOE simply because our superintendent has had the courage to make independent decisions as our state's top education administrator.

"Furthermore, this Governor has also been attempting to fool the public into thinking that certain collective bargaining laws do not pertain to her and that she can change an arbitrated award because she feels like it. She has apparently singled out the HGEA and characterized this group of employees . . ."

Senator Whalen interjected:

"Point of order, Mr. President. I believe the speaker is not addressing the bill. Rather, he is going on a tirade against the Governor, and I ask that he be brought into order to address the merits or demerits of the bill at hand."

The President responded:

"We will keep to the merits and demerits. I will ask the Chair to continue his remarks."

Senator Taniguchi continued:

"Again, she has apparently singled out . . . after discussing the financial plan, they singled out the HGEA and characterized this group of employees as budget-busters. This, too, is unfortunate.

"In conclusion, members, I would again rather emphasize what we have accomplished in this budget as opposed to having to answer to all of the political mud that has been flung into this debate. I believe everyone, including the Governor, wants to provide the people of this state with a responsive and responsible government. So do I. So does everyone in this Chamber and the one next door. But when we have differences, we shouldn't be cajoled, criticized or coerced into a decision. There is a better way to do things.

"Members, judge for yourselves if this budget does what you think it should do. As your Chairman of the Ways and Means Committee, I ask that you have confidence in this document, as well as in the financial plan, and that we will provide the resources to operate our government in a responsible, efficient manner – without breaking the bank and without going into a deficit.

"Thank you."

Senator Slom rose in opposition to the measure and said:

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

"Gee, it's amazing. We start every Session with a prayer and, huh, we ditch the prayer immediately.

"I'm going to try to stick to the bill itself, H.B. No. 1800. It was unfortunate, I think, that the previous speaker did go far afield from the budget itself. We don't want to engage in name-calling. But let's just say that for the last couple of years there's been a change in philosophy and direction to try to reign in expenditures within the state to try to have a coherent, consistent philosophy of how you not only fund activities, but also how you prioritize activities rather than saying yes to all of them.

"The fact of the matter is this bill, while the good Chairman of Ways and Means is correct and said the whole process is not over yet, we are confronted with this bill today. Faced with this bill, we have several things that we have to consider. Number one is we do not have a balanced budget. That has not been presented to us. Number two, we also see that the financial picture of the state rests on the raid of the emergency so-called rainy day fund and also on special funds. Number three, we see that as we go into other bills, which are all part of the budgetary process and the financial picture, that we're going to have a problem with eliminating many vacancies that have not been called for before.

"You know that we in the Minority have often said that vacancies that have been vacant for up to 10 years where the departments have transferred the funds for other functions, those certainly would be prime candidates to get rid of those positions. But on the other hand, where we have positions that have been vacant for several months and the departments are in the process of filling them, that's not a good financial way of doing it, particularly when we're losing federal funds along the way and that will be pointed out in future discussions that we have.

"In terms of fooling the public, I think the problem is that we are all, who support this budget, trying to mask a financial situation that the Governor and the executive branch have given us notice about. I don't see it as threats or retaliation. They've said that if we do this, this is what's going to happen in terms of our financial picture in the future.

"We are just in the process now where our economy is improving, and that's a good sign; that's a positive sign. There's two ways of looking at that, though. If you start to improve an economy, you go out and continue spending or accelerate your spending. You can spend for many things that are not priorities and necessities or you can try to hold to a prudent, economic fiscal course of action. And I think that's what the executive did in the budget that was presented to us.

"So again, understanding that it's not over yet, what I'm faced with today I cannot support, but I urge further discussion and will keep an open mind on other measures that we will look at in the future.

"Thank you, Mr. President."

Senator Hemmings rose to speak in favor of the measure with reservations and stated:

"Mr. President, I rise to speak in favor of H.B. No. 1800 with reservations.

"First of all, I want to qualify reservations. This is the first time I've done anything with reservations this year. I've tried

to make it a personal practice to not be on the fence and equivocate my position, but to either be for or against something. I might vote in favor of this budget but I do have reservations, so I'm going to have to break my own pledge to myself.

"First of all, this is not a budget. The definition of the budget is to take into account income and expenditures and come out with a plan. This is simply the omnibus spending bill. As we will subsequently see, there are a number of other spending initiatives to follow this spending bill.

"I do have to regret the comments of the good Chairman of the Ways and Means Committee directed at the executive branch of government, more specifically the Governor. We are in two different political parties and we do have different ways of doing things. We believe that we're spending taxpayers' money. And we believe that budgets should be honest and accountable and not balanced and one-time raids of funds, or juggling of the books, or raiding the employees' retirement fund, or putting off debt service and have it back-loaded so that future generations will have huge bills to pay. We believe in prudent spending and we believe in honest long-term budgeting. The evidence over the last years have shown that we've done everything but.

"Regarding education – the formula of throwing more money at public education without accountability, without changing governance has produced exactly what we've got. If you're happy with education, then it's been a good investment. But I would submit to you that most of the people of Hawaii are not, including the superintendent of education who said we have to reinvent education. It's important for us to note that year in and year out the education budget has grown exponentially in relationship to the growth of the economy – \$1,726,000,000 was the EDN total budget request for this year. That's a lot of money . . . a lot of money.

"The Governor wanted to hold the system accountable and this Legislature with this spending initiative has chosen to do the same thing it's done in the past – throw money at the problem and tell the people of Hawaii that this, along with some fake education reform to come, that we've solved the education problem. It's not going to work.

"I want to hone in, because there's so much to be said looking over this committee report, I want to hone in on one specific item that's near and dear to my heart. And hopefully in doing so, I'll point out to the fool-heartedness of not what's being done, but how it's being done. Three years ago, at my urging with the prior administration, we called DHRD and we asked how many vacant positions there were, how long they were vacant, and how much they were worth. At that time, I think the figure was \$110 million of funded vacant positions that were not filled, many of which were a year, two years, three years out. We thought that maybe that money was being used for necessary services, but it certainly wasn't accounted for. At that time, I called a lot of the vacant position funding a slush fund because there was no legislative accountability. So, I think, with all due respect to the Chairman of the Ways and Means Committee and the Majority Party, after three years this issue is being addressed. I'm a little curious that it's being addressed now that we have a Republican Governor, but nevertheless, it's being addressed.

"We do not have a problem with what is being done, but how it's being done. I'd like to focus in on one department, Human Services, and show you what is being done and how it's going to impact the most vulnerable in our society and how economically foolish it is. In doing so, I want to especially pay tribute to the department director who has done some

unprecedented things to bring new money to the table to assist the truly needy in Hawaii.

"Now, I've heard oftentimes in Committee and read in committee reports that department heads have been unresponsive, and I've heard it said of Lillian Koller. This is a book full of responses to every question asked by the legislative branch to Lillian Koller. I won't go through it item by item, but this one concerns the impact of changes to the executive budget, H.B. No. 1800, H.D. 1. This response is to questions on proposed reductions to Medicaid federal funding, and the list goes on and on. In spite of claims otherwise, this director has been responsive. Quite truthfully, we kind of resent the implication that this director and other directors have not been responsive to the Legislature when the record will clearly show they have been.

"Let's talk about human services and what we're doing to the truly needy. Let's talk about vacant positions that have been cut down to being eliminated if they're more than six months. Let's talk about the Housing, Community Development Corporation of Hawaii, which Lillian Koller took over management of as of July 1st. In the last six months, she's hired 40 percent, 40 people, representing a 222 percent increase over the prior six months. She's using those vacant positions.

"What does this budget cut? It's cutting 28 positions – 11 from revolving funds, but more importantly, 17 from federal funds. That means there's not one cent in those 17 federal positions benefit to the State of Hawaii by saving general fund revenues. What it actually means is we're losing a huge amount of money from the federal government to service the housing needs of the needy in our society. Is that a conscientious cut? I'd submit to you, the Majority Party, for the sake of cutting money from the executive branch of government and possibly making the Governor's administration potholed is hurting the needy.

"But let's take something a little more specific. Let's take voc rehab. Voc rehab takes care of the blind, the disabled. Lillian Koller has hired 23 new people in the last six months – a 230 percent increase in hiring over the previous six months.

"This budget cuts six fully funded federal positions. Federal money is being sent or will not come to Hawaii because this budget is cutting those positions. For what? For whom? Whose money are we saving?

"Additionally, those positions are used to take people off welfare and put them on federal disability. So we'll continue, because of the slow processing, to have those people on welfare, which will be an additional financial burden.

"Once again, the disabled, the blind, the crippled are being hobbled because we're cutting six federally funded positions from the budget.

"How about Med-QUEST – the medically indigent, the people that don't have enough money to pay for their insurance. We currently handle in the department about 180,000 people. It's interesting to note that later on in this day we're going to pass Hawaii Rx and it's going to assist 300,000 people in getting their prescriptions filled and getting affordable prescriptions. In the last six months, Lillian Koller hired 28 people to assist in that project. This budget cuts 17 positions. Sixty percent of their salary is federally funded.

"You're not going to be able to blame the administration for the disservice that this budget does to the truly needy in our society. So the question becomes why? Why are we crippling human services programs? Why are we doing this? I think

possibly the Chairman of the Ways and Means Committee answered that question when he stood up and addressed this budget and chastised the Governor.

"We're going to talk about collective bargaining later, but I would submit to you, Majority Party, that we will continue to try to work with you. We will try to find ways to cut vacant position funding in a responsible manner. And in doing so, when we cut those positions, we make sure the money is there, as I've always advocated, to fund necessary programs.

"These are my reservations about this budget or this omnibus spending bill. But there's one last question that I hope I can ask the Majority Party and I hope one of you pops up and answers it – why now? Why now? I see a few smirks on the faces over there because obviously you've talked about this. You probably have a good answer.

"Mr. President, you and I were in the Legislature back in the '80s. The budget was always, always, used at the end of Session to leverage everything else. I can remember nights in the '80s when we'd be waiting for it to be decked and printed to get out on our desks for 48-hour notice to make the deadline at the end of the Session.

"So the question is – I think there's 12 days left in this, almost three weeks worth of work left – why is the budget coming out now? Is it because the Majority Party, who's controlled this Legislature for 40 years, all of a sudden has decided to be very efficient? Or is it political? Is it for political reasons so you can send this budget up to the Governor and have time to react to it politically on the Floor of this Legislature without having to call a Special Session in an election year? Hopefully, someone can answer that.

"Thank you, Mr. President."

Senator Taniguchi rose and said:

"Mr. President, I'd like to again speak in support and thank the previous speaker for his support of the budget bill.

"Could we have a short recess?"

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

The Senate reconvened at 11:17 o'clock a.m.

Senator Kokubun rose in support of the measure and said:

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

"Mr. President, this is probably the most important piece of legislation that's facing us this Session. The primary reason is because it enables us to address three main concerns that have come out from our Committee to help communities statewide. There will be discussion on those specific measures: on education, on ice, and as well as our consumer issues and prescription drug costs. So I think this bill allows and enables, really, this Legislature to get us in front of the ball to really address these concerns.

"I wanted to just share with all of you that I did have the wonderful opportunity to serve as Vice Chair to our Senator from Manoa. We did put in many long hours. He didn't necessarily command that I be there, but I think it was my own initiative to sit and be with them and with the other Conference Committee members because it was a tremendous learning experience. It's a fantastic way to learn how our government

functions and really a way to see the budget as a tool to set our priorities for the people of Hawaii. I think this budget responds to those priorities, and that's why I think it's so important.

"The Chairman of the Ways and Means Committee always, in my opinion, levels the playing field. His intent is to provide a very steady hand to all of the discussions about the budget. There are so many competing interests that we need balance here. But I think in terms of fairness, there's no doubt in my mind that his level of fairness is beyond reproach.

"Mr. Chairman, the other very, very important aspect to bring out at this point is the fact that the staff of the Ways and Means Committee are also there every minute. In fact they're there more than the Chairman and I are because they are doing the incredible detail work that goes into producing this document. This is not an easy thing. This is not just a political tool that we can talk about in terms of I did this; she did that; whatever it may be. Mr. President, it's so important for everyone to understand how the details of this budget cause our state government to function. Clearly in my mind, I think this sets out the right priorities for us as a Legislature.

"With respect to some of the comments made earlier by the Senator from Waimanalo, the issue about raiding vacancies, utilizing other funding tools, you know, are not new for us. The Governor, in her own manner, has used these same vehicles to balance the budget. So I don't think this is something that we can say one side is wrong or one side is right. We realize that these are the only means that we can utilize to balance our budget.

"Mr. President, this is a balanced budget. The good Chair of the Ways and Means Committee would not proceed forward with a budget that was not balanced.

"So, at this point in time, I echo his concerns that yes, we are not done. Certainly the Governor could react to this. We do have more time to address other important measures that are before this Body. But at this point in time, to me this budget clearly demonstrates what the priorities of the Legislature are and how we're going to provide the money to address these priorities.

"Thank you."

Senator Hogue rose in favor of the measure with reservations and said:

"Mr. President, I rise to speak in favor of this measure with reservations.

"We had a little bit of a conference there with the Chair of Ways and Means. I think there's an honest disagreement in interpretation about handling these vacant positions and how they affect federal funding. The Senate Ways and Means Chair believes that the budget, as written right now, does not affect the federal funding. We believe and the Director of Human Services that it will affect. I really strongly urge the two sides to get together and talk this over and perhaps get together maybe even with the third side, whether it's the attorney general or some other budget referee to finally get the proper interpretation of this particular measure.

"It's absolutely important for us to be as responsible as we can be regarding vacant positions. I would agree that both sides have looked at vacant positions. Both sides have looked at the raiding of special funds over the years, but we must be responsible and we must get the proper interpretation. Until we get that, I'll have reservations.

"Thank you very much, Mr. President."

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

"Mr. President, I would also like to stand in support of this measure.

"With regards to the concerns raised by the Senator from Waimanalo, when I first heard of concerns yesterday afternoon at a Keiki Caucus meeting, we did get a briefing this morning by the Ways and Means Chairman and that question of federally funded positions was raised. The Chairman of Ways and Means had indicated that his understanding was that the federal ceiling for these funds were intact and that the positions could be filled with the federal monies. And if there is any concern, I know historically the Chairman of Ways and Means and the Ways and Means Committee has been very supportive of human services, and I have no doubt if there is a problem that we will be able to correct it.

"But that was my understanding that the federally funded positions still could be filled. Thank you."

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

"Mr. President, I rise in opposition.

"The kindest thing that could be said about H.B. No. 1800 is that it is work in progress. I do not deny that much effort has been put forth, but if I remember from my high school physics course, work is defined as what is accomplished, not what is attempted. It really would not be in the public interest to find out after the fact that federally funded positions were unintentionally affected. The prudent thing to do is to recommit this measure to Committee to carefully review it in the timeframe that we still have before this Body adjourns, and then come back after the questions have been answered.

"Thank you."

Senator Espero rose to speak in favor of the measure as follows:

"Mr. President, I'd like to rise in support of this measure.

"The question was asked, why now? I think maybe we should ask, why not? Now, we know that our differences in this Body, in this building, there are Republicans and there are Democrats. That's the nature of the beast. And we come here every year to debate, to discuss, and to come up with what we think is the best bill, the best budget for the people of Hawaii. We will have our differences, yes. But as far as going to name-calling and fake education reform, you know, let's be adults here. We have differences. We accept those, but we move on.

"This budget before us, quite frankly, is an exceptional budget. We have \$100 million for repair and maintenance. We have tens of millions of dollars for new schools and new facilities, and that's repair and maintenance of our schools. We have \$4 million for the Hawaii Invasive Species Council to help our environment; \$2.5 million for new textbooks and learning materials; \$2.1 million to reduce the student/teacher ratio in kindergarten through second grade; \$1.7 million to get more parents involved in the schools via our parent-community networking centers; half-a-million dollars to give our teachers extra bonuses for those that pass the national board certification; \$25.8 million for our charter schools, which is a big piece of education reform that came out of this Legislative Body for charter schools; \$3.4 million for our A-plus after

school program; \$4 million for adult treatment services dealing with the substance abuse and ice problems; \$3 million for school-based treatment in our high schools and intermediate schools; half-a-million dollars for treatment of first-time nonviolent drug offenders; \$2.7 million for the expansion and the success of our drug court program, again, something that came out of this Legislative Body; \$25.8 million for the Department of Human Services to provide basic health insurance coverage for those people who are needy. We have funding to go to the counties to help them in all of their programs and all of the problems that our counties are having. We're assisting nonprofits and other organizations that are coming to us. Unfortunately, we are not able to help everybody because of the priorities we have to establish, but again, it's something we have to do.

"To knock this budget and to vote against the budget, I just don't understand that, Mr. President. This is a very good product and I will take literally the decades and years of experience that people in the Legislature have over the less than two years that this current administration has.

"Thank you, Mr. President."

Senator Hemmings rose in rebuttal and said:

"Mr. President, I rise in response or rebuttal.

"No where have I called anybody any name, and I certainly have not chastised anybody personally in the executive branch of government like was done with the Governor on this Floor. And I will tell my colleagues I have a tremendous amount of respect. Everything that was said about the Chairman of Ways and Means by the Vice Chair is exactly correct. He and I just have a different philosophy in some things, but he's a most noble adversary. He always comes and explains his position, as he just did on the Floor, and we agree to disagree. He's a good man, and I'm proud to work with him. We just disagree.

"In rebuttal, I'd like to say, regarding the vacant positions, I can see where the Human Service Chair is a little concerned. When you cut from the budget position counts and money, we believe that you can't hire those people if they're not authorized, no matter what the federal ceiling is. But the real question here is, if it does not affect hiring, why was it done? What has it accomplished? What's the purpose? We know the truth is that it does.

"If you take out of the budget a position count and the authorization of spending end funds or federal funds, you take away the department head's ability to hire a human being, to pay him federal money to get the job done. If that's not true, why did we do it? So, the argument put up by the Majority Party is quite contradictory.

"The good Senator from Ewa Beach stood up and said he wanted to answer the question – why, after the Majority Party has had power for 40 years and always bumps the budget up to the waning moments of the Legislature, why is it being passed close to three weeks prior to the close of the Legislature? That was my 'why now' question. For the record, the speaker who claimed to be addressing that question went on and lauded the spending this bill did but didn't answer the question. And I still await a logical, cogent, reasonable, fair answer. Why after 40 years and 100 percent control over the legislative and executive branch of government is this budget suddenly so efficient it's passing close to three weeks before the close of the Legislature? I think it's a legitimate question and I'll await the answer."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 1-04 was adopted and H.B. No. 1800, H.D. 1, S.D. 1,

C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

At 11:32 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:37 o'clock a.m.

At this time, the President made the following announcement:

"Members, if there are no objections, we will move onto the other business while we wait for word that the state budget has been transmitted to the Governor. We will move on to the items under Third Reading on page 46."

Senator Hemmings rose on a point of inquiry as follows:

"Mr. President, point of personal inquiry.

"What's the necessity of holding up these legislative proceedings to wait for the transmission of the state budget to the Governor?"

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:40 o'clock a.m.

The President then announced:

"Members, we just got the transmittals from the Governor's Office, so we will proceed as normal on page 45."

Senator Hemmings rose and again said:

"Mr. President, before the recess, I asked a question and I want the record to reflect in the Journal that the question was answered by the Clerk, and the answer is that before we can conduct anymore spending initiatives on the Floor, the budget or the spending bill, as we may call it, has to be, according to constitutional interpretation, delivered to the Governor. I'm sure the Majority Party, especially the barrister who fought a lawsuit on untimely vetoes would note the time appropriately so that we will all be in compliance with the constitution on this issue.

"Thank you, Mr. President."

Conf. Com. Rep. No. 2-04 (H.B. No. 2300, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 2-04 was adopted and H.B. No. 2300, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 3-04 (H.B. No. 2280, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 3-04 was adopted and H.B. No. 2280, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read

throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 4-04 (H.B. No. 1043, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 4-04 be adopted and H.B. No. 1043, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

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

"First let me say that as we said publicly before, we do respect and appreciate the work of public employees and their necessity in this state. However, as I've also said before, it seems that we spend an inordinate amount of time and resources in providing appropriations, salary increases, sick leave, holiday leave, benefits, and changes in state law for public employee unions, and that's what we're doing in this bill here.

"We've had the discussion over and over again about the merits and demerits of binding arbitration versus the right to strike and how the Senate members and House members changed their position in a very short period of time with the change in administration. And we're faced with a situation here where we've had binding arbitration, not collective bargaining, binding arbitration, which has resulted in an 8 percent salary increase. The actual numbers are \$32 million for the first six months of the next fiscal year, January through June 30th, and \$54 million the next year, which has not been appropriated.

"We also have replaced all of the changes that were made in the collective bargaining civil service reform of 2001 so that the benefits, the sick leave days, the vacation days, the step increases, all of these things go far beyond 8 percent. We all talk about having a fair compensation and fair benefits package for our public employees and I think the problem is that we have gone well beyond the fair and well beyond the ability to pay.

"And let's not get bogged down in an argument about the arbitrators from the mainland and whether they took this into consideration or that or they did not. The fact of the matter is we've got the taxpayers of this state who are paying for, continually, increases. Because as you know, even when you vote on this now, in a few short weeks the negotiations will start anew, all over again for the next contract for the government employees. And that's why I say we spend a great deal of time and effort just funding public employees' salaries when we should be doing other things with other bills and other monies.

"Are the public employees getting a fair wage at this point? Absolutely. Are they getting more benefits than in the private sector? Absolutely. The private sector is called upon to support this growing number of public employees and the benefits and the costs both in terms of active employees and retiree employees. And it is a tremendous burden which is only going to be exacerbated as we look further in the future.

"So, we've got the problem of arbitration, which really does not fit. We have the problem of the actual dollars, and we have a situation here where if we had a lessor amount, an increase which the Governor has been amenable to and which many of us in this Body who disapprove of this particular bill are amenable to, we're not doing that. We're still going at full bore

with a large and burdensome increase. So, I'm urging a 'no' vote.

"Thank you, Mr. President."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against this funding legislation, H.B. No. 1043.

"Maybe this is what it's all about. Parenthetically to this bill, I will tell you that later on we're going to have a bill that's going to raid, once again, the rainy day fund to fund human service programs. And guess what, it's been raining for an awfully long time in Hawaii and the rainy day fund is running out of money and so are the human service programs.

"It's important to note that public employees do a good job but they get paid excellently, and they get amongst the best fringe benefits in the nation of all other 50 states. When you go to work on the first day – 21 days of sick leave, cumulative benefits with paid days off or leave holidays, health insurance, second-most days off of any state in the nation. The fringe benefits are extraordinary, far in excess of the private sector.

"It's also important to note, in relationship to pay increases for other branches of government, that since 1998 through the year 2003, five years, these public employees have gotten 25 percent in pay increases. It's also important to note, and I'm going to read out of a resolution passed in Ways and Means just yesterday, whereas it should be pointed out that these recommended increases do not represent a just commitment on a one-time appropriation. On the contrary, they represent a permanent increase to the judiciary's base budget and/or as accordingly this Legislature refuses to commit future Legislatures to the liability resulting from these annual 3.5 percent salary increases without knowing their full impact on future financial plans.

"Extremely interesting – \$1.5 million pay increase for judges who ranked 48th in the nation for pay, 48th, after indexing for cost of living, 32nd in straight dollars. We can't give them a million-and-a-half-dollar pay raise – the most underpaid judges in the nation. But yet, and we have to worry about future budgets, the HGEA's pay raise this year, which this supplemental budget has taken care of, is going to add \$32 million to this year's cost.

"But what about what this resolution says about the million-and-a-half dollars for the judges? We can't do it without realizing the resulting liability in these annual increases on future impact. But we do know what the HGEA pay raises are going to do. It's going to be \$54 million every year for the future. Isn't it amazing? Isn't it amazing. We find the money for pay raises for a special interest group that is adequately paid, that has had 25 percent pay increases in the last five years, who has the most generous fringe benefits in the nation, but we cannot pay our judges a little more salary and they're amongst the worst paid in the nation. It's just not fair

"I'd ask you to vote against it, but I know who brought you to the dance. But I will tell you that this even hurts organized labor. In the long run they're paying for it too. The economy of Hawaii and the cost of living is directly related to how we spend taxpayer's dollars and collecting too much of it. This hurts everybody, including the unions. But the Majority Party seems to bow at the altar to it. It's time we hold the system accountable and do what's responsible for the taxpayers of Hawaii, and that's why I'm voting 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 4-04 was adopted and H.B. No. 1043, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Conf. Com. Rep. No. 5-04 (H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 5-04 be adopted and H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Aduja rose in support of the measure and said:

"Aloha, Mr. President, may it please the President and my Senate colleagues that I rise in support of this measure.

"Mr. President, your Windward Senator, Co-Chair of the Ice and Drug Abatement Task Force, fully and wholeheartedly commends the excellent work of the Conferees – Co-Chairs Taniguchi and Takamine; Senate Managers Kokubun and Hogue; and House Managers Kawakami, Nishimoto and Meyer.

"Mr. President, this measure makes appropriations for drug education and awareness, segments of the population that are particularly vulnerable to substance abuse, drug abuse treatment services, The Weed and Seed Program, Being Empowered and Together Reintegration Program, and the KASHBOX Substance Abuse Treatment Program; and grants-in-aid to counties to fund grassroots community efforts to sustain their anti-drug programs.

"This measure further establishes a statewide Substance Abuse Treatment Monitoring Program, which requires the Department of Public Safety to coordinate community-based drug abatement and mobilization efforts on a statewide basis.

"H.B. No. 2004 expands Drug Courts and the Canine Interdiction Program, and creates a multi-agency task force to respond to the effects of ice on children.

"Mr. President, as I had mentioned in my April 2nd floor speech on H.B. No. 2003, H.D. 1, S.D. 1, ice does not discriminate. It preys on the young and the old, the rich and the poor, the educated and the illiterate, the professional and the amateur, doctors, lawyers, elected officials, their husbands, wives, children and everyone in between.

"Mr. President, your Windward Senator personally knows the tragedy that all too many families suffer when someone close to them falls victim to drug addiction.

"Mr. President, the media and press has recently reported that my own family has been torn apart by my former husband's problems with illegal drugs. I, and my two small children, lived in the world of lies, abandonment, and betrayal that the drug addict creates to hide his addiction.

"Your Windward Senator has spent sleepless nights trying to comfort my crying children because they don't know why daddy hasn't been coming home. I have seen the sorrow in my own children's eyes when the daddy they love and so desperately need doesn't come home because he's doing something that he did not want his family to see. I have lived through the shame and humiliation of knowing that someone I loved and trusted with the lives of my children has betrayed our

love and our trust by the selfish seduction of chasing that next 'relapse.'

"Mr. President, my children and I, as with countless other families in Hawaii, have struggled through our individual battle against illegal drugs. With each new dawn, I look into the eyes of my fatherless children and renew my fight to hold on to my family, to raise my young children to be responsible members of our community, to maintain my dignity, and to work tirelessly to end the curse of illegal drugs in these small island communities that we call 'Hawaii.'

"Mr. President, the importance of Windward Oahu's ice campaign has been recognized by many of our island communities as an important first step to stop illegal drugs from taking over our families and our broader communities. As I mentioned earlier this month – 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 abandonment; the high divorce rates; the suicides in lieu of jail as with one of my favorite singer/songwriters, Mackey Feary; the homicide of a cop, our own Glen Gaspar; the suicides by cop; and sadly we can now add Kailua's arson of a primary residence and the murder and attempted murder of an aunt and mother of an addict – we have heard and seen it all. And, unfortunately, all too many of us are living with it and its lifelong scars.

"Mr. President and Colleagues, it is our legal and moral responsibility as the elected officials of our communities to put words into action, to stop the spread of illegal drugs, and to offer new opportunities to the victims of substance abuse to rebuild their families and their lives.

"Mr. President, we must work together to protect our children, the most vulnerable members of our community and the most innocent victims of illegal drugs.

"We must work together to provide long-term treatment to those 'hardcore' drug addicts to break the cycle of chemical dependency and help them regain their lives, their families, and their dignity.

"Mr. President, we must expand Drug Courts to include the Second and Third Judicial Circuits and to expand Juvenile and Family Drug Courts on Oahu to stop illegal drugs from harming more innocent families and children, and to stand firm against those who seek to profit from the misery they bring to our society by providing our Judges with the discretion to sentence drug dealers to prison rather than to allow dealers the luxury of treatment in lieu of jail.

"Mr. President, it is your Windward Senator's committed prayer that this measure will receive the bipartisan support that it deserves and that the families of our great state deserve. The issues relating to illegal drugs in our state are not about partisan politics. They are about the core values of our great society – our families, our children, and our future.

"Mahalo nui loa and I thank you, Mr. President, for all your blessings during the term of the Task Force. I urge all of my colleagues to continue the bipartisan work that we began in the meeting rooms by passing this bill and bringing our work out into our communities and our streets through the many valuable changes that this bill seeks to implement.

"Aloha, Mr. President and to all of you my colleagues and God bless."

Senator Slom rose to speak in opposition as follows:

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

"The previous speaker raised a number of excellent points, and of course she's absolutely right. This is not a partisan measure in any event and it does have bipartisan support. There are many good features to this bill, but there are also some troubling features.

"The fact of the matter is the Lt. Governor's Task Force that began this process was basically replicated and duplicated by the Legislative Task Force afterwards, although there was much more citizen input in the Lt. Governor's substance abuse meetings statewide. I think that a voice or voices that are not being heard are those voices that say we absolutely support treatment but first we want prevention. We want protection. We don't want people using drugs as an excuse for the crimes or for the things that they do.

"And so while there are good portions in this bill and good programs which we've all supported in the past, such as Weed and Seed and the expansion of the Drug Courts, there is a lack of law enforcement emphasis within this bill. The walk and talk, the knock and talk provisions were taken out very early. There are other provisions that were suggested by or really focused upon by both the law enforcement community and by those people that have come to all of us and said do something about this problem.

"Again, it's not a situation for those of us that may have objections or opposition that we don't want treatment. Treatment is fine, but if we're talking about crime prevention and crime reduction, as the bill purports to do, and also about successfully battling crystal meth and other substance abuses, then we've got to have the tools that those in the law enforcement community urge upon us. It's got to be a balanced approach. And in my humble opinion, unfortunately, this bill in this form is not a balanced approach. It gives a great deal of latitude to treatment, to victimization of the people that are creating, by their own choices, a course of conduct and action that they instill upon other family members and community members as well.

"So, unless we get serious about this, unless we have a balanced idea of true prevention, then we will not have a successful battle against crystal meth or any of the other substance abuses.

"Thank you."

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

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

"This is the part of the ice package that deals with prevention and treatment, diversion, rehabilitation. The other aspects of the problem which have to do with tweaking our criminal laws, making it easier to deal with the folks who actually have committed crimes is in another measure we passed.

"I also think it's important to recognize, for the record, that while the executive was involved and did a fine job with the summit, it was in fact the Legislature that took the lead. I wasn't on the task force but many of my colleagues were, and if you look at the timeline, it was created last Session. They worked all interim, went to countless meetings. I had the good fortune of chairing the meeting when they were on Maui and we heard hours of testimony from the prosecutors, from the police, from the providers, from the folks in drug court. They told us what we really needed was a comprehensive plan of prevention, diversion, support for people when they're coming out of

treatment, the clean and sober houses, the ability to have drug treatment in our correctional facilities, and how we need to help people stay away from that drug life once addicts get out of their treatment so they don't relapse.

"We're dealing with a drug that is very, very addictive. It's not just something that you can walk away from. Many people can't and they need to have that support, and that's what this bill does.

"This bill is in response to the hundreds of hours and the thousands of testimonies that the Legislative Task Force heard, and fortunately, when the Lt. Governor had his drug summit months after the Legislature had completed its work, they heard the same thing. So that's why we can go forward in many respects in tandem because it is a response to the community.

"I think this is a very good bill. I'm delighted to see the emphasis on prevention, treatment, and rehab, because I really think those, in the long term, are going to be the kinds of efforts that will enable us to break the cycle of drugs and the cycle of violence that goes with it.

"I urge all of my colleagues to support this measure. Thank you, Mr. President."

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

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

"My reservations have to do with the fact that so much of this bill is coming out of the rainy day fund. I'll talk a little bit more about the rainy day fund bill when that comes forward. I wish we could have just generally funded these rather than coming out of the rainy day fund.

"Also, I want to echo some of the comments brought forward by the good Senator from Hawaii Kai regarding balance. It really doesn't matter whether the Lt. Governor was first or the Legislature was first. Both of us talked about this problem and heard community efforts. I was at many of the meetings as well, and there has to be this balance between the law enforcement community and those who victimize and talk about treatment. This particular measure goes, I think, a little bit out of balance more towards the treatment side than the law enforcement side.

"There has to be equal balance brought forward here by the Legislature, and for those reasons, I want to note my reservations. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 5-04 was adopted and H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 6-04 (H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 6-04 be adopted and H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Hogue rose to speak in opposition as follows:

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

"This is the raid bill. If we were doing our own budget at home, it would kind of be like rob Peter to pay Paul. We all do it. So, that's essentially what's going on here.

"But I wanted to point out one particularly (I'm going to use the word here) egregious section – Sections 17 and 18. It's bothersome that we are going here and attacking the state highway fund. And the reason why I find this particularly problematic is that these funds are funds that we could get federally. As I understand it, and we have called the Department of Transportation, \$12.5 million total in Sections 17 and 18. This means we're going to raid these funds. It means that we will not get \$50 million from the federal government. I can't quite figure out why we're doing that. It doesn't make sense. When you as a family rob Peter to pay Pauls, you certainly want to make sure that you've got some money coming in and you want to do it responsibly. This doesn't seem to be the most responsible way to do that.

"So, remember that we get federal fund matching monies of 80 percent to our state's 20 percent, and we're raiding here \$12.5 million so we're going to lose \$50 million in federal grant monies from the highway fund if we do this, according to the Department of Transportation. So that's a big problem there. It almost speaks to the other issues that we had previously.

"So, over the last ten years, in fact, we've taken over \$200 million from this fund. That indicates a \$1 billion loss – a \$1 billion loss – to the state. So I would not say that that is responsible raiding of special funds.

"Also, speaking to this particular issue, the state highway fund . . . this is gas tax money. We're concerned. We see it all the time as to why our gas prices are so high. This is gas tax money right here. Here's the reason why the prices are so high. If we have a problem with this state highway fund, well then let's reduce the gas taxes. So, we answer that question as well.

"So, not responsible, doesn't make sense, and so I'm going to vote 'no.' Thank you."

Senator Taniguchi rose to speak in favor of the measure and said:

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

"Mr. President, this measure transfers approximately \$43 million in excess balances contained in various special and revolving funds to the general fund. Your Conference Committee has scrutinized the balances of the various special and revolving funds and has determined the various funds identified in this measure have balances in excess of their stated needs.

"Mr. President, this measure is an integral component of our supplemental budget and financial plan because it provides an additional source of revenue necessary to address a host of vital issues such as providing more resources for our public schools and fighting the war on ice.

"Mr. President, if I may, I would also like to note that last year the Governor transferred out of special and revolving funds over \$200 million, and that in my review of the Governor's message dated April 12, a couple days ago, the Governor is proposing transfers to the general fund of approximately \$30 million from certain special and revolving funds that have excess balances as a means to address, in part, projected collective bargaining cost items.

"I urge my colleagues to support this measure."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against this legislation, H.B. No. 2743.

"Mr. President, I would like to agree with the previous speaker regarding the necessity under this situation that we've been in for 10 years in the State of Hawaii in spending more money than we have that it's necessary to squeeze out of everything possible, including special funds, extra money. The Governor is doing it. The Legislature does it. And so in lies the story.

"I could agree to this procedure albeit for one special fund raid spoken about by the very quick to stand up Senator from Kaneohe, because the math just doesn't add up, Mr. President. Taking \$12.5 million out of the highway fund denies us the opportunity on the 80/20 percent match by the federal government, the opportunity to bring \$50 million to the highway fund. So, we'll tell our constituents next time they drive over a pothole or are stuck in traffic somewhere that the State of Hawaii turned down \$50 million because we did not spend \$12.5 million.

"Another way to look at it is that we're losing \$50 million by saving \$43 million in special funds in entirety. So by my math, it's almost a \$7 million net loss. It just doesn't make economic sense. So, there is a solution – for economic prudence I suggest we recommit this bill to Conference Committee and adjust it and see if we can't make the money up in some other area. But to lose \$50 million to save \$12.5 million just doesn't make sense.

"So, I'm voting 'no,' but I would certainly entertain a recess and a motion to recommit and take this back to Conference Committee, since we have so much time, and do what's prudent.

"Thank you, Mr. President."

Senator Kim rose to speak in favor of the measure as follows:

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

"Mr. President, I, too, was concerned about the monies taken from the state highway funds, but doing my homework and in discussing this fully, I've come to realize that this fund has more than \$12.5 million. This fund will have, I think it's \$60 million or probably even more than that. I believe our Ways and Means Chair is going to find that exact figure.

"But the fact of the matter is, those are excess funds, Mr. President, not funds that have been committed. It's not funds that are going to be matching funds. Matching funds come per project, Mr. President. Project by project, the federal government has certain kinds of matching funds, and these projects have already been identified. These projects are already part of the budget. These projects are already monies that are going to be used. They're not part of the excess funds. The excess funds are funds that the department has no intention of using, has no plans of using within their projected budget.

"So the fact that we didn't spend the money, it's the administration and it's the transportation department who did not spend the money to fix our roads. We had a hearing, Mr. President, and I questioned the department head as to why

aren't they paving our roads. They have all this money, all this money sitting there and they haven't paved our roads for years. Thirteen years have gone by and they have not paved our roads. They have not projected some of this money to be used.

"So I suggest that our colleagues across the way really go and talk to the Department of Transportation and find out why they have all this money, this excess money, why these monies are not committed as matching funds, and we are not losing \$50 million. We are not losing these matching funds. So I suggest that they go back and maybe take a recess so that they can go back and talk to the department head and find out why they haven't committed this money and why it's not part of their budget.

"Thank you."

Senator Hemmings rose in rebuttal and said:

"Mr. President, this is my first time or my first rebuttal on this particular issue. Thank you, Mr. President, I appreciate you keeping count for me.

"In rebuttal to the previous speaker in response, just so we all understand each other, we agree that the roads have not been repaired for 13 years. You're exactly correct. And that's exactly why we have a new administration that's going to correct the years of abuse the previous administrations heaped on this community regarding the maintenance of our highways.

"Nevertheless, though this money may be sitting in the fund, that does not preclude it from being used in the near future to get matching funds federally. Nevertheless, this money – \$12.5 million – could turn into \$50 million worth of federal help. That's a fact. When it's done, like we talked about hiring vacant positions, hopefully it will be sooner than later. And what we're really proud of on this side of the aisle is that this administration has done an excellent job of funding human service programs with federal money, and I'm sure the Department of Transportation Director, Rod Harada, is going to do an excellent job of pursuing turning state funds into a four to one match to federal funds.

"That's why it is imprudent to eliminate this money from the special fund. Thank you, Mr. President."

Senator Kim rose in rebuttal and stated:

"Mr. President, in rebuttal.

"Mr. President, I would like to remind the previous speaker that it's this administration and this transportation director who proposed the budget that is not using all the funds. I also propose that there is already \$12.5 million in the current excess fund that could get us the money. In fact, if we have \$60 million there, and I'm also hearing that it might even be \$100 million, those are all the monies that can be used for the matching funds.

"But again, it is this administration and this transportation director's budget that does not utilize these excess funds. Thank you."

Senator Sakamoto rose to speak in favor of the measure as follows:

"Mr. President, I speak in favor of the measure with some clarification on these funds.

"Some people seem to feel because we have a million dollars we go to the federal government and say, 'We have our million,

where's your four million? We have our 1.5, where's your 6 million?" That is not how it works.

"Having Co-Chaired the transportation Committee with our Senator from Waipahu, as well as for a time sat on the OMPO Committee and looked at how the state does planning, the federal government every six years does an act that funds transportation projects. Hawaii is fortunate that although we are a small state compared to Texas, we're what they call a zone E state. We get more money than states like Texas for the dollars our residents put in. So that's something that Congress does.

"But every six years, and it's coming up shortly, they start to say this is the portion of money that will go to Hawaii. For some of them, specific projects, like a project soon to come about in Pearl City where an additional lane is added, some for buses. But in essence, it's not an unlimited fund. It's a finite fund.

"As the Senator from Moanalua pointed out, these projects need to be planned out. In the past, these projects were planned out to match what federal dollars come in, and if we don't have enough federal dollars, we spend all the state dollars. But ideally, we do want to match.

"So, it's not a correct statement to say just because we have taken some money out of the fund, we've lost a billion dollars – far from it. We're not foolish. But certainly, as has just been pointed out, excess funds, pushing it up to the window, leaving it stacked there day and night, day and night, don't help us carry on the business of our state.

"So we need to look at how we can best use our funds, and certainly I'm sure the good people in the transportation department are doing that. But certainly perhaps they need to re-look at how we can use some of the dollars that are sitting there better. But certainly if there are excess dollars, let's put them to good use.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 6-04 was adopted and H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Conf. Com. Rep. No. 7-04 (H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 7-04 be adopted and H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in opposition as follows:

"Mr. President, I rise in opposition.

"This is the rainy day fund raid. First of all, I want to say that I certainly understand and I feel compassion for many of these programs that in here. I just don't believe it is good fiscal policy to come back year in and year out and raid the rainy day fund.

"I should note, colleagues, that the NCSL, also the National Association of State Budget Directors recommends that we have as much as 5 percent of our total budget in the rainy day

fund. As a matter of fact, we have about .6 percent. That's all, just a little over one-half of 1 percent – \$54.3 million in the rainy day fund of our total budget of \$9.15 billion.

"So, every year if we're going to go into this thing and we're going to raid it, I think the amount of this raid is around \$9 million or so, not good fiscal policy. So, I would encourage us to stop this particular practice. If these are worthy programs, and most of them are, then we've got to find ways to fund them through the general fund and not continuously raid the rainy day fund until it doesn't even exist when we finally have that really bad rainy day.

"Thank you very much, 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, this is a complimentary bill to the budget. This bill along with the funds in the budget helps make sure that our health safety net is intact. For many folks outside, it is raining, and this rainy day fund for those programs I believe is most appropriate because the rainy day and budget reserve fund is coming from a diversion of funds from the tobacco settlement fund. That's the source of the rainy day fund.

"It seems to me that the nexus between the bad health that those funds are deriving from and the good health that we need in our community is quite strong. Therefore, I think it's very appropriate that we use those funds to ensure that the health safety net stays intact. The funds for our community health centers, for our hospitals, for important health and social service programs are to try to help the most frail and vulnerable in our community.

"It seems to me, Mr. President and colleagues, that in a perfect world we would have all of the general fund monies we need, but since we don't have a perfect world and the budget and emergency reserve fund is coming from the tobacco settlement fund, it's an appropriate use of those funds when it is raining outside.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 7-04 was adopted and H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hogue, Slom, Trimble).

Conf. Com. Rep. No. 8-04 (S.B. No. 2525, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 8-04 be adopted and S.B. No. 2525, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kim.

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

"Mr. President, I rise to speak in support of S.B. No. 2525, C.D. 1.

"Mr. President, the purpose of this bill is to repeal the primary funding source for the Department of Commerce and Consumer Affairs in compliance resolution fund. Historically, several divisions in DCCA were self-sufficient, sustaining operations from the fees and other revenues they collected. In

1999, the move to make the entire department self-sufficient was made when the director approached the Legislature with a plan to commit the entire department to self-sufficiency and to remove any reliance on general funds.

“However, last year the department’s revenues and expenditures were off by approximately \$14 million. This raised concerns that there needs to be more accountability and scrutiny. Therefore, after careful consideration, we found that a reasonable solution is to require the department, like other departments, to make expenditure requests from general funds.

“We have considered a large raid of the compliance resolution fund rather than conversion to general funds, but we couldn’t do this, and actually the House argued not to do this, because the department’s revenue stream goes up and down throughout the year as they get revenue from different sources. If we took, I guess, a large \$30 million level of raid, there would be payroll shortfalls that would occur.

“We also believe that if the department has developed a culture of customer service that this would not change under this bill. The professional and vocational licensing division will remain special funded through the establishment of the compliance and regulatory education special fund. We left this division intact because the fees assessed, license fees, are tied only to the costs directly related to regulating that licensees, profession, or vocation.

“It has been brought to my attention that amendments made to Section 26-9, Hawaii Revised Statutes, regarding decreasing or increasing fees may have some ambiguity as to what are revenues in determining the formula for triggering the decrease or increase.

“It was our intent that revenues include but not be limited to any general fund appropriation fees or fines collected and received by the department.

“I urge all members to support this measure. Thank you.”

Senator Slom rose to oppose the measure and said:

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

“You know, of all of the lame, irrational, difficult bills and bone-headed bills that we’re discussing today. This is the worst. It makes absolutely no sense.

“As a customer of this department over many years and a strong critic of this department over many years, as were many in the community, this department has one of the worst reputations in state government. There was no reliance on customer needs. There was no reliance on providing efficient, productive, and rapid service until under a previous administration there was the proposal made to allow the department to become self-sufficient and to go in a direction that would change all of that.

“In the bad old days, one could wait for months for a very simple registration or a very simple report that was needed for business registration or one of the divisions under DCCA. And even though, as the previous speaker mentioned, we did make this change, the idea being to make this department both self-sufficient, autonomous, and to allow it to see if it could correct its many difficulties, many of the significant changes were not made until the last two years under yet another change in administrations.

“To say that the funding or the accountability is troubling leaves me greatly troubled. No one has been to more committee

meetings, Ways and Means and others, than the present director of DCCA. No one has answered questions better and more truthfully, more honestly, and in more detail than the current director of DCCA. And while I know my colleagues always take my word for everything I say, they don’t have to entirely take my word in this measure because a recent survey shows that of all the state departments, the one that was both most and improved and most customer friendly was the Department of Commerce and Consumer Affairs.

“Business pays into this fund, the CRF, the compliance resolution fund. Business pays in with the expectation that services will be delivered in a professional and business-like manner. Business has said overwhelmingly that they like the changes that have occurred within this department. Probably no department has taken to heart the Governor’s inaugural reforms that the ‘open for business’ sign is on in the state more than the DCCA.

“And the best part is that the director of the DCCA himself came before Legislative Committees and said, ‘Look, we’ve reviewed a number of the proposals; we’ve made a number of changes administratively, but I want to make more changes. One of the changes I want to make is to reduce fees.’ My understanding is that there were four bills that were introduced, two were never heard by Ways and Means, to reduce fees. One was going to do away with a certificate of completion fee entirely. The rationale from the director was, ‘look, we make businesses and individuals jump through all kinds of government hoops to prove to the community that they are legitimate, that they are in compliance, that they have accepted the regulation, that they have been accountable, and after we do all that then we charge them a fee to get the certificate to say that we’ve done that.’

“The director recommended that that fee be eliminated. The Ways and Means Committee said ‘well, not too fast now; we don’t like to operate too fast in state government. Let’s only reduce it. Let’s reduce it to \$10.’ The director was there the day that discussion took place and I asked the director pointedly, ‘Do you need the \$10?’ And the answer was ‘no.’ And he looked at other fees and requirements to reduce the cost of doing business in Hawaii. And what do these costs of doing business do? They limit new capital, new investment, new funds to not only stabilize and enhance our economy, but it also should be the source for paying the kinds of human service needs and other needs that we try to prioritize within the state.

“So here you have a department that is doing exactly what it was mandated to do, only even better. And what is our response? This is not a raid bill, Mr. President. This is an evisceration bill. We don’t want to just take money from the DCCA, we want to penalize it for their productivity. We want to penalize it for their success. We want to penalize them for the realization by the business community that supports them and pays the bills. We want to penalize them for doing a good job and for keeping their word.

“I don’t understand it. I really don’t understand it. There’s no economic or budgetary reason for doing this except, except if you just look at it from a monetary perspective. And what is that monetary perspective? This bill would repeal the CRF and would transfer approximately \$32-\$34 million from this compliance fund into the state general fund. I guess presumably to help us take care of our public employees even more. Maybe we could do it on a yearly basis instead of every two years.

“But the businesses have already paid and the businesses would continue to pay, only now, the Legislature would reinsert its control over this successful department. It’s kind of like

what happens in education – you have charter schools that are public schools and you have the unions and several of my colleagues that really don't like charter schools because they are autonomous and they are doing the things that they're supposed to do. They are a shining example, but we don't like that because they don't fall in line and they're not under control of the monolithic power of the educational bureaucracy.

"And here we have a department in the same situation. Why take this money away? Why take this CRF and eliminate it and start a special fund within the same treasury, take all the money from the general fund, keep the liability for the businesses there, make sure that the DCCA does not have a dedicated source of funding so that they have to come hat-in-hand every year to beg for their budget again as they used to. It gives nothing back to business. There's no benefit. There are no concerns about the DCCA and its customers. The customers have answered that.

"I looked over the testimony and all of the hearings in both the Senate and the House. There were like 40 to 1 in favor of DCCA opposed to this bill, 70 to 1, 80 to 1. But we're ignoring all those people. We're telling them that what they say and their daily involvement with this department doesn't matter because we know better. But you know what? We don't know better. The questions were asked. They were answered. We've got a very clear trend of what's happened in this department and we're ignoring it. I suggest we're doing it not just for the money, because we're going to take their money anyway, but we're doing it because we do not want any real independence or autonomy or success, because that might reflect on the executive branch and we certainly don't want to do that.

"So, business was overwhelmingly opposed to this bill. The monetary reasons for changing in the first place, which came from a Democratic administration, are as sound today as they were then. I don't see any forceful argument. I don't see any rational argument for doing this, and I know that some of the members of the Majority Party are conflicted because common sense and rationality tells them this is a bad, bad bill and a bad motive for doing this. And I hope that they will stand up and say so, and I hope that this bill will be defeated.

"Thank you, Mr. President."

Senator Taniguchi rose in rebuttal and said:

"Mr. President, a rebuttal. I support the bill.

"I'm certainly glad that we have refrained from the bone-headed practice of loudmouth name-calling on this Floor.

"In rebuttal, again, the department is not being negatively impacted. Actually, we think it may be better. They will be able to, rather than have to worry about I guess their up and down income and revenue source, by being in the general fund, they won't have to worry about that. Businesses should not see any change. All positions are retained. All the same people will be at the same counters that they have been. The director will still be able to hire and fire people. They can request additional positions as he does now.

"So, we believe it's a good bill. We need the bill for our financial plan, and we ask the members to be in support.

"Thank you."

Senator Menor rose in opposition and said:

"Mr. President, I just wanted the record to reflect the fact that I will be voting 'no' on this measure. I have strong opposition

to this measure, which I have already shared with my colleagues in Caucus and also in discussions.

"Let me just say briefly that when your Committees on Consumer Protection and Transportation conducted a hearing on this measure that there were about 80 testifiers, many of which came from the business community who expressed strong opposition to this measure. I believe that there was one testimony in support from the Tax Foundation of Hawaii, and to date, I don't think that there has been any additional testimony, correspondences, or communication that have been submitted in support.

"We decided to hold the bill because we felt that it took a wrong approach to budgeting. I'm very concerned about the fact that the passage of this bill could dismantle a system in DCCA that has served the public well and also has served businesses well.

"I'd also like to note that I have history with respect to this issue. As the longtime Chair of the House Consumer Protection Committee, I worked closely with former director Kathy Matayoshi and the Cayetano administration to put together this structure and I believed in the structure back then and I still believe in it now.

"Thank you."

Senator Hogue rose to inquire:

"Mr. President, would the good Senator from Mililani yield to a question?"

Senator Menor having answered in the affirmative, Senator Hogue inquired:

"I would find it very appreciative if you could give us the detailed reasons for your opposition to this particular measure. I think it would be very helpful. I know I served on the Committee with you. I know that you have worked very hard with this particular department, this administration and the previous administration, and I think it would be very instructive not only to the members of this Body, but also the members of the public as well, if you could please give out some of those reasons as to why you held that bill.

"Thank you very much."

Senator Menor responded:

"Mr. President, just in response, I think that the reasons are really a matter of public record. We had extensive hearings on the measure and the testimonies in opposition were quite persuasive to myself. In addition, I think we've already had lengthy remarks delivered in opposition by the Senator from Hawaii Kai and I'm sure that you'll hear other remarks being delivered along that line.

"My position basically reflects and echoes those sentiments."

Senator Trimble rose to oppose the measure and said:

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

"We have a legislative auditor. I think we may have just given her a raise, and then we completely ignore what she says. The legislative auditor has consistently said over time there are three criteria that should be used to determine whether a special fund makes sense or not. The first one is, are the people getting the benefit the same as those paying the fee? In the case of DCCA – yes, they are. Second, is there a relationship between

the fee that is paid and the service that is provided? In the case of DCCA – yes, it is. The third one is, is the special fund capable of being self-sufficient? The answer again is yes, it is.

“If ever there is a case that could be made for an organization to have a special fund, it is DCCA. Colleagues, what we are doing here today in terms of putting together the budget package makes no sense. There are some outside this Chamber that will view our actions here today as petty, misguided, short-sided, vindictive. Why do we continue to compound mistake, after mistake, after mistake?”

“I urge you to reject this bill. I urge you to vote ‘no.’ Thank you.”

Senator Slom rose in rebuttal and said:

“Mr. President, just a brief rebuttal.

“Let me assuage the concerns of the good Senator from Manoa, the Chair of Ways and Means. Bonehead is a bipartisan term of endearment and not meant to . . . you know.

“Two years ago when we took funds from the insurance regulation fund within DCCA, that resulted in a lawsuit, which I understand is still underway – a lawsuit for illegally taking those monies. I would suggest that if in fact we take these monies that there will be a similar lawsuit as there should. This is an illegal taking of funds that were deposited for a specific purpose and that purpose is not going to be realized.

“In addition to that, what troubles me more, when we were debating the budget, there was an issue about federal funding and positions. And the head of the department, Department of Human Services, stated her position very clearly that it would be the loss of the ability to fund those positions. But we, being wiser than the department head said, no, we have a different opinion; we’re going ahead and we will override that opinion.

“Now we’re saying the department head of the Department of Commerce and Consumer Affairs has said strenuously that this would be a bad move. And we’re saying, but we know better because we’re the Legislature. We’re going to take over everything. We’re going to do everything, and we can do it better.

“Look to the track record of this Legislature and look to the track record of DCCA and I will stay with the DCCA position. This is a bad move and we should be ashamed if we do it.

“Thank you.”

Senator Sakamoto rose and said:

“Mr. President, I just want a clarification from the Senator from Hawaii Kai.

“Over the years that we have been here, every time we increased or added a special fund he has voiced vocal opposition. This time we are proposing to do away with special funds or special fences around money, but he’s so vigorous in his support. So I’m wondering if he has changed his position and if he would just clearly answer that – yes or no.”

Senator Slom responded:

“I’d be very happy to, Mr. President.

“Yes, I have voted against the creation of every special fund. We’re talking about something that’s in existence right now. We’re talking about the department. And by the way, as I

mentioned earlier, what the state proposes to do is loot the money from the CRF and create a special fund to put that looted money into. But we’re talking about that department and how that department works, how it helps business, and the good Senator knows quite well that the business community overwhelmingly has supported this DCCA operation and wants it to continue the way it is. And I’d be very disappointed if this Senator votes to go against the wishes of the business community.

“Thank you.”

Senator Ihara rose in opposition to the measure and said:

“Mr. President, I rise in opposition to S.B. No. 2525.

“Mr. President, I understand the concerns about the need to balance the budget using monies from DCCA’s compliance resolution fund. I just prefer that this be accomplished without eliminating this fund.

“Thank you.”

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

“Mr. President, I rise in support of this measure with reservations.

“I had no problem with creating DCCA as a special funded department, and I still don’t. I suppose if I had my druthers and there weren’t budget implications, I would prefer that we keep it that way. But you know, Mr. President, I don’t believe that it’s the source of funds that determines whether a department is going to be efficient, effective, and friendly to business. If it were only determined on the source of their funds, we would be in big trouble.

“So, I reluctantly support this measure because I don’t think that the source of funds determines how well our departments operate.

“Thank you, Mr. President.”

Senator Fukunaga rose and said:

“Please record my support with reservations.”

The Chair so ordered.

Senators English, Aduja and Tsutsui requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 8-04 was adopted and S.B. No. 2525, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Chun Oakland, Hemmings, Hogue, Ige, Ihara, Menor, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 9-04 (S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 9-04 be adopted and S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

"I rise in support, Mr. President. I'd like to speak for a moment in support of S.B. No. 3238, relating to education, the reinventing education act of 2004.

"We spoke about many aspects of this measure in prior discussions, so I'll try to keep my remarks brief. However, I think this is, without a doubt, the most important piece of legislation that I've been privileged to participate in, in my brief career here in the Senate. When I first ran for office two years ago, the reason I chose to run for the office of Senator for district seven was to support and improve our public education system. I'm very thankful for the opportunity to participate in that process in the previous last two years. I'm also thankful for the opportunity on gratifying yourself, Mr. President and my colleagues, to serve as Vice Chair of the Senate Education Committee.

"The ability or the opportunity to participate in this process is really a unique one and it's been a really wonderful opportunity and it's brought about this significant piece of legislation and it's really been a partnership between the Senate and the House, teachers, principals, parents, the business community, and many, many people in our community.

"The process has been comprehensive. It's been long. It's been arduous at times. I'd like to take a moment to thank the Education Committee Chair, the Senator from Moanalua, for the hard work that he's done on this legislation. I personally witnessed long hours in the evenings working and meeting with people, as well as the Education Committee staff and my own staff, and of course members of the House who've also participated.

"I ran for this office to make a difference in public education, and the bill that we're voting on today does that and it does that in a very large measure. And while it may not satisfy everyone, there have been many sides to this debate. This bill, like most of our legislation, will not satisfy everyone. Of course, there was the obvious issue of the school board issue – the seven boards, the four boards, the multiple board constitutional question that is not included in the measure that we debate today. But I'm hoping, Mr. President, that those individuals who supported that measure both in the community as well as in our Chambers today, will put aside their disappointment and look closely at this bill and closely at the very many positive aspects this legislation has to offer to our community and to our schools and to our students.

"This bill represents a huge step forward and is a major reinvention of our public education system. The concepts and provisions in this bill were supported by teachers, principals, by our PTSA, by our Hawaii State Student Council, by the Hawaii Business Roundtable, by realtors, by neighborhood boards. The Honolulu Advertiser recently published a poll saying that the community at large, the majority of the community supported our bill, these provisions. The major provisions are reflected and have been practiced in places like Edmonton and in San Francisco. It is a good bill.

"We talked about many, many aspects many, many times, so I'm not going to go too much further. I'd like to encourage my colleagues to support the bill. This is a nonpartisan bill. This affects schools. It affects teachers. It affects students in all districts – Republican districts and Democratic districts, and, I suppose, nonpartisan districts.

"If you support direct funding of your schools in your district, I encourage my colleagues to vote 'yes' on this

measure. If you support increasing small class sizes or decreasing class sizes in K1 through 2, which has been proven to positively affect learning in young children, if you support that measure I encourage you to vote 'yes' on this measure. If you support, colleagues and Mr. President, spending more money for books and supplies, more money for parent network centers, I encourage you to vote 'yes' on this bill. If you support paying and rewarding our teachers more – teachers that excel, teachers that take the step to apply and qualify for national certification – if you support rewarding these teachers with a \$5,000 annual bonus in your district in your school, I encourage you to vote 'yes' on this bill. If you support empowering teachers, empowering and supporting our principals with additional responsibility, additional accountability, and additional rewards, I encourage you to support this bill and vote 'yes.' If you support reducing the bureaucracy in your districts and in your schools, again I encourage you to vote 'yes.'

"And of course, as much talked about increasing school/community participation, this bill does that. And again, if you support that in your school, the school in your neighborhood, the school in your district, I encourage all of you to vote 'yes.'

"This is a good bill. It does many, many good things. This bill changes fundamentally and positively the way our schools are mapped. This is a bill that each of us as individual Legislators can be extremely proud of, and I encourage all of you to vote 'yes.'

"Thank you, Mr. President."

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

"Mr. President, I rise in opposition, and I want to be respectful to the previous speaker. Good people can just agree to disagree.

"I do agree that we want to support the weighted student formula, textbooks, teacher retention, principal recruitment, some of those very necessary ideas regarding education. But have we truly reinvented our education system? Have we truly brought the real reform on our system? I would argue that we have not. Because essentially what this bill does is it gives actually more power to a centralized bureaucracy that unfortunately has not had the best results over these past 40 years.

"So, I disagree with the previous speaker. It's how do we change that? What is real reform? Real reform is bringing competition into the system. Real reform is bringing locally elected school boards. Real reform is breaking-up the centralized system. So we agree to disagree, and I think that's a very, very good debate. Maybe in your communities you're in favor of this venture to school reform, and maybe in other districts, including my district, you're not in favor of this being called school reform.

"So ultimately, we can throw the debate over to the people, and what this bill does not do, and what we have asked over and over again, is let the people decide. Is there a definition of real reform – breaking up the current centralized school bureaucracy – or do you want to empower it even more as this particular bill does? So, we've left out that great opportunity to hear from the people and give them an opportunity to vote in November.

"So we agree to disagree. Ultimately, we're going to find out over the next several years whether this in fact was real reform or fake reform. We don't know. We won't know, but

we've left out a very, very important voice, and I feel that is very, very problematic, I guess.

"So, I would encourage my colleagues to rethink their position. I wish we could go back to the table and allow people the opportunity to voice their opinion now on this very important measure.

"Thank you, Mr. President."

Senator Sakamoto rose in support of the measure and said:

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

"As the Senator from Kauai pointed out, many, many people helped and I can't fail to point out the Senator from Ways and Means and all of the people in this Body who supported via through the discussion, through the what can we fund, perhaps what can we not fund. And certainly, this measure funds many things, but combined with S.B. No. 1800, the Ways and Means and House Chairs have found a way to fund over \$26 million or about \$26 million, not in this bill, more for security, more for the treatment of drug treatment in the schools, more for transportation, transforming A-plus, more for coaches, more for trainers, more for the library books, certainly much more for repair and maintenance, much more for capital improvements.

"But back to this bill, many people are sort of confused when will what happen when. And as the Senator from Lanikai points out, it is not instant, but certainly this measure would bring more textbooks now, math books, and one of the reasons why math books, I think our system is overly decentralized now in curriculum in books. So this would help to focus the department on, well, let's look at math books and how can we use this source of money to perhaps bring together such things that are overly decentralized now.

"Class size now – kindergarten, first, second grade – the goal would be maximum 25. The bonuses that were previously bargained but not in this bargaining agreement, \$5,000 a year now . . . well, not now. They have a memorandum of agreement that goes forward, but when that ends, there will be certainties that the \$5,000 a year will continue.

"As mentioned, the PC&Cs every school starting now – student activity coordinators, high schools, full time; information technology infrastructure now; principals academy starting now; more faculty at the University of Hawaii for our teacher shortage starting now; repair and maintenance, getting those decisions de-linked from DAGS starting now. These things will start along with the pilot project to let's say how can this really happen. So, school year 04-05 pilot project provision in this bill for the department, for the board of education to have community meetings untangled from some of the bureaucracy that would prevent them from having a free discussion as they get public input, that can happen as soon as we pass this measure.

"The committee on weights will be starting discussion on how to de-link DAGS, DHRD, and perhaps that can happen very soon. Discussion on 12-month principals can start. So, for the school year 04-05, pilot project, repair and maintenance, board meeting, some of these issues. From 05-06, the hope is we can deal with principals and vice principals in a different context than other operational officers in the department so we get more efficiency there and we can look at our principals as the key leaders implementing the school-community councils 05-06. We can have that transition from SCBM, if they have one, for implementation of that 05-06. At that time, the performance contract for principals, hopefully there's something hammered out that that can start. De-link Budget

and Finance, Department of Health, Attorney General, Human Services come that time. Then 06-07, with all of that done – 04-05, 05-06, 06-07 – then we can implement the student weighted formula and the single calendar.

"The argument always talks about overly centralized. That is not correct. Look at our school calendars. They're so defused but they've caused so much confusion that parents are upset. We can't do professional development too decentralized, and I think that's one thing that will centralize, will actually mean more efficiency for parents for community, and for developing our professionals, that 06-07.

"So certainly, Mr. President, we go around the clock and we hope in that time, separate from the discussion of shall there or shall there not be school boards, people will all get behind having this be successful. Houston, San Francisco, Seattle, Edmonton, other places are looking at it. So Mr. President, let's go around the clock and be successful because it will take not just the students, not just the parents, not just the teachers, it will take the community to get behind this. So let's all get behind it and put our good effort to make it successful.

"Thank you."

Senator Menor rose to speak in favor of the measure with reservations and stated:

"Mr. President, I'd like to speak in favor of this measure but with some reservations.

"First of all, I wanted to commend the Chair of the Education Committee for all of the hard work and commitment that he has devoted to the issue of education reform. He really has done an outstanding job, so we need to express our gratitude to him for his leadership in that particular area.

"I'm also going to be very supportive of this bill because of the fact that as a member of the Senate Education Committee, I have oftentimes stated that the key to a quality education is to focus on basics, which are to provide adequate resources and funding to our schools to enable our educators to be able to do an effective job to educating our youngsters. I think that this bill focuses on those particular areas by including, for example, funds for reduced class sizes, textbooks, and other important areas in education.

"However, I do have some reservations. One of the concerns I have is the fact that there are still many details that have to be worked out during the interim regarding the implementation of this bill. Moreover, I do have some reservations about the establishment of school-community councils and how effective they would be. Moreover, I do have reservations about the provisions in this bill that propose adding more responsibilities and functions to the Department of Education, which in effect would be expanding the education bureaucracy which I think might be counterproductive.

"However, I believe that on balance that this measure is a strong measure. It is a significant start in the direction of education reform. So I will be voting in favor of this measure.

"Thank you."

Senator Trimble requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 9-04 was adopted and S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

S.B. No. 3237, S.D. 1, H.D. 1:

Senator Menor moved that S.B. No. 3237, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

“Mr. President, I rise to speak in support of S.B. No. 3237, S.D. 1, our Hawaii Rx-plus bill.

“Mr. President, I’m very happy to say that this measure, which is a product of a great deal of hard work, is a bill whose time has finally come. It will place Hawaii as a national leader in attacking one of our nation’s biggest problems in the areas of consumer protection and healthcare, which is the skyrocketing cost of prescription drugs.

“With the passage of this bill, as I’ve stated on many occasions, this bill will make Hawaii one of two states along with Maine as having a law which will enable state government to be able to effectively negotiate price discounts with the drug manufacturers on behalf of the consumers of Hawaii. So in that regard, this bill will position Hawaii as a national leader on healthcare issues once again.

“Mr. President, an estimated 300,000 people – some of them working individuals, seniors living on fixed incomes who struggle to pay for medication that they need – will benefit from this program. Most of these individuals have inadequate drug coverage or no coverage at all.

“As we all know, today’s vote represents the final action that the Legislature will be taking on this measure before it is sent to the Governor. So in that regard, before I offer my thanks, I just want to say that it really has been a long and difficult road and we are now poised to pass groundbreaking legislation with a clear benefit for the people of Hawaii.

“We have many people to thank for that. We have consumer groups who were involved in this legislation, concerned citizens, lawmakers such as my colleague Senator Baker who was my Co-Chair on this measure, and we also need to thank the Governor for her support. I would also like to note that there were several representatives of the consumer organizations who worked hard to make this bill a reality whom I believe are in the gallery. They include Greg Marchildon and Alicia Maluafiti of AARP; Albert Hamai of the Hawaii Alliance for Retired Americans; Donna Higashi and Justin Wong of the HTA retiree groups; and Joy Kealoha of ILWU. We really do thank them a great deal for all of their work.

“In closing, I ask my colleagues once again to join me in voting for S.B. No. 3237, S.D. 1. Thank you.”

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

“Mr. President, I, too, rise in support of this measure.

“Mr. President, it’s been my pleasure this year to work with the good Senator from Mililani, the Senator from Kaneohe, and others on trying to come up with not only a measure that is going to bring much needed relief in terms of the high drug

prices, but something that could be implemented and implemented quickly.

“It seems to me that the coalition of individuals both from the community, from the House and the Senate, and the administration came together. The kind of working relationship that ultimately emerged is the kind that we would like to see for all our bills. This is certainly a bipartisan effort and one that I was very pleased to be a part of.

“It’s going to help senior citizens, former plantation workers, folks that are regular citizens, individuals who at any place in the state do not have a drug benefit plan and need some assistance in paying for their prescription drugs. It’s a very forward-thinking bill, a forward-looking bill, and I’m so pleased to have had the opportunity, Mr. President, to be a part of this measure. I thank all of my colleagues who gave their input, gave their support, gave their help along the way, as well as our colleagues in the House, the representatives from the administration, the director of Human Services, the director of Health, and ultimately the Governor herself when she signs this measure into law and it becomes effective July 1st this year.

“Thank you, Mr. President.”

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

“Mr. President, I want to echo the comments of my colleagues from Maui and from Mililani. A lot of people worked on this. I also want to duly acknowledge the director of Human Services, who is up in the audience as well, for all her hard work. This is a bipartisan effort. The Governor has come out very strongly wanting to help the people in this gap group. It’s an important measure, I’m sure, not only in your communities but in my community as well, as we try to get some lower prices on prescription drugs, a very important measure.

“I just hope that we haven’t inadvertently, though, according to the director of Human Services, cut some positions which are going to be needed to administer this very important process. So, I hope that we can correct that in the days ahead here.

“I encourage your support on this particular measure, and I hope we can work out that potential personnel problem to administer this very important and much needed program.

“Thank you very much, Mr. President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3237, S.D. 1, and S.B. No. 3237, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

THIRD READING

H.B. No. 2840, H.D. 1, S.D. 3:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2840, H.D. 1, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2049, H.D. 1, S.D. 2:

On motion by Senator English, seconded by Senator Ige and carried, H.B. No. 2049, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 13, 2004

Stand. Com. Rep. No. 3280 (S.C.R. No. 18):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COURAGEOUS LEADERSHIP OF THE UNIFIED BUDDHIST CHURCH OF VIETNAM AND THE URGENT NEED FOR RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF VIETNAM," was adopted.

Stand. Com. Rep. No. 3281 (S.C.R. No. 22):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 22, entitled: "SENATE CONCURRENT RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," was adopted.

Stand. Com. Rep. No. 3282 (S.R. No. 11):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 11, entitled: "SENATE RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," was adopted.

Stand. Com. Rep. No. 3283 (S.C.R. No. 51):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING OUR CONGRESSIONAL DELEGATION'S SUPPORT FOR MEASURES TO RESTORE HEALTH CARE BENEFITS TO VETERANS," was adopted.

Stand. Com. Rep. No. 3284 (S.C.R. No. 52):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 52, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was adopted.

Stand. Com. Rep. No. 3285 (S.R. No. 23):

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

and S.R. No. 23, entitled: "SENATE RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was adopted.

Stand. Com. Rep. No. 3286 (S.C.R. No. 88):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF INTERISLAND AIR CARRIER FARE PRICE MECHANISMS," was adopted.

Stand. Com. Rep. No. 3287 (S.C.R. No. 102):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HONOLULU DISTRICT OFFICE OF THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO AUTHORIZE THE ENTRY OF FILIPINO LONGLINE FISHERMEN WITH VALID TRANSIT VISAS," was adopted.

Stand. Com. Rep. No. 3288 (S.C.R. No. 4):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERAGENCY TASK FORCE TO EVALUATE THE OPENING OF CHILD WELFARE FAMILY COURT PROCEEDINGS TO THE PUBLIC," was adopted.

Stand. Com. Rep. No. 3289 (S.C.R. No. 189):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 189, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR MALAMA O KAMALIGI MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR NEEDY CHILDREN OF HAWAIIAN ANCESTRY," was adopted.

Stand. Com. Rep. No. 3290 (S.C.R. No. 49):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 49, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFERING OF CONTINUING MEDICAL EDUCATION ON PAIN MANAGEMENT," was adopted.

Stand. Com. Rep. No. 3291 (S.R. No. 46, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 46, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 3292 (S.C.R. No. 144):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 144, entitled: "SENATE

CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3293 (S.R. No. 77):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 77, entitled: "SENATE RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3294 (S.C.R. No. 67):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was adopted.

Stand. Com. Rep. No. 3295 (S.R. No. 31):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 31, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was adopted.

Stand. Com. Rep. No. 3296 (S.C.R. No. 129, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 129, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," was adopted.

Stand. Com. Rep. No. 3297 (S.R. No. 67, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," was adopted.

Stand. Com. Rep. No. 3298 (S.C.R. No. 63, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL ORGANIZATIONS, PRIVATE AND PUBLIC, IN A COLLABORATIVE PROCESS WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO PLAN FOR, SUSTAIN, AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was adopted.

Stand. Com. Rep. No. 3307 (S.C.R. No. 77, 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. 77, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII," was adopted.

Stand. Com. Rep. No. 3308 (S.R. No. 37, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 37, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII," was adopted.

Stand. Com. Rep. No. 3309 (H.C.R. No. 159):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008," was adopted.

Stand. Com. Rep. No. 3310 (H.C.R. No. 47):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE

UNITED STATES POSTAL SERVICE TO HOST THE FINAL CEREMONY MARKING THE RELEASE OF THE 'SOUVENIR SHEET' OF ALL TWELVE CHINESE LUNAR NEW YEAR COMMEMORATIVE POSTAGE STAMPS IN HAWAII IN JANUARY 2005," was adopted.

Stand. Com. Rep. No. 3311 (H.C.R. No. 50, H.D. 1, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 50, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL PUBLIC AND PRIVATE ORGANIZATIONS TO COLLABORATE WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUSTAIN AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was adopted.

Stand. Com. Rep. No. 3319 (S.C.R. No. 46):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN 'EDUCATIONAL SERVICE AGENCY,'" was adopted with Senators Slom and Trimble voting "No."

At 1:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:24 o'clock p.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2577, S.D. 1 (H.D. 2):

Senator Baker moved that the Senate reconsider its action taken earlier on the calendar in disagreeing to the amendments proposed by the House to S.B. No. 2577, S.D. 1, seconded by Senator Hanabusa and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2577, S.D. 1, seconded by Senator Hanabusa.

Senator Baker noted:

"Mr. President, colleagues, this is the peer review amendments to facilitate the development of a patient safety standard, and although the Senate had broader language and would have liked to have had that move forward, this is the best we know we're going to do and there's really no sense in going to Conference. The proponents of the original bill asked us to accept these amendments, so that's why I'm moving to accept at this time."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2577, S.D. 1, and S.B. No. 2577, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," was placed on the calendar for Final Reading on Friday, April 16, 2004.

S.B. No. 3222, S.D. 2 (H.D. 2):

Senator Baker moved that the Senate reconsider its action taken earlier on the calendar in disagreeing to the amendments proposed by the House to S.B. No. 3222, S.D. 2, seconded by Senator Menor and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 3222, S.D. 2, seconded by Senator Menor.

Senator Baker noted:

"Mr. President, this measure would add naturopathy to the PIP for auto insurance. It has the same limitations as chiropractic and acupuncture. Really the only differences between the Senate version and the House version are stylistic nonsubstantive."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3222, S.D. 2, and S.B. No. 3222, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was placed on the calendar for Final Reading on Friday, April 16, 2004.

S.B. No. 2294, S.D. 1 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on March 30, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2294, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2294, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, S.B. No. 2294, S.D. 1, H.D. 1, is the criminal trespass bill. What it does is it raises criminal trespass to the second degree.

"The differences between the House and the Senate version is that the House removed the reference to private property because of the fact that there was no testimony evidencing any need for that and it also included that the notice shall be valid for a year.

"Mr. President, I believe that the Senate should agree to these amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2294, S.D. 1, and S.B. No. 2294, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," was placed on the calendar for Final Reading on Friday, April 16, 2004.

S.B. No. 2443, S.D. 1 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on March 30, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2443, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2443, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, S.B. No. 2443, S.D. 1, H.D. 1, is the attorney liens bill. Mr. President, you might recall this was the bill that resulted from a Ninth Circuit decision that results with double taxation with the awardee being taxed for attorney's fees and liens.

"The House simply deleted liberally construed language and made a variety of changes which I believe doesn't change the intent of the bill and is more stylistic."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2443, S.D. 1, and S.B. No. 2443, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS," was placed on the calendar for Final Reading on Friday, April 16, 2004.

S.B. No. 2844, S.D. 1 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on March 30, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2844, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2844, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, S.B. No. 2844, S.D. 1, H.D. 1, is the habitual offender bill. This is what many of our colleagues will find that their constituents are crying for. This is the one that basically enhances the sentence after the third offense for any property crime. The most common one that people refer to is of course theft of cars or breaking into cars.

"The difference between the Senate bill and the House bill is really only that the House removed the DAG and DANC changes that we made, but that is in a present bill moving over to the House. Also, they clarified that the third offense must be within five years and it must be on separate days.

"Mr. President, I believe that the Senate should concur."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2844, S.D. 1, and S.B. No. 2844, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," was placed on the calendar for Final Reading on Friday, April 16, 2004.

At this time, Senator Taniguchi, Chair of the Committee on Ways and Means, requested that the referrals of S.C.R. Nos. 39, 43, 44, 48, 60, 61, 62 and 68 to the Committee on Ways and Means be waived.

Senator Taniguchi noted:

"Your Committee on Ways and Means is requesting this waiver in order to meet the concurrent resolution crossover deadline tomorrow."

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolutions were placed on the calendar for Adoption on Friday, April 16, 2004:

S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT";

S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ESTABLISH A VIOLENCE PREVENTION UNIT THAT INCLUDES SEXUAL ASSAULT, TO PROVIDE SAFETY FOR VICTIMS OF SEXUAL ASSAULT, PROMOTE EFFECTIVE INTERVENTION, AND REDUCE THE INCIDENCE OF SEXUAL ASSAULT";

S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FORM AN OVERSIGHT COMMITTEE OF THE DOMESTIC VIOLENCE PREVENTION SPECIAL FUND AND THE SPOUSE AND CHILD ABUSE SPECIAL ACCOUNTS WITH THE DEPARTMENT OF HUMAN SERVICES AND JUDICIARY";

S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII";

S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION";

S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION TO CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM";

S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE CHARTER SCHOOL ADMINISTRATIVE OFFICE THAT SURVEYS EACH INDIVIDUAL CHARTER SCHOOL IN THE STATE OF HAWAII TO DETERMINE ITS FUNCTION, LOCATION, ENROLLMENT, STAFF SIZE, OPERATING AND MAINTENANCE COSTS, PHYSICAL CONDITION, CURRENT STATUS, AND PROJECTED FUTURE NEEDS"; and

S.C.R. No. 68, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING COOPERATIVE VENTURES WITH ORGANIZATIONS ON THE U.S. MAINLAND IN PROMOTING HAWAII AND ITS PRODUCTS."

Senator Hanabusa, Chair of the Committee on Judiciary and Hawaiian Affairs, requested that the referrals of S.C.R. Nos. 72 and 79 to the Committee on Judiciary be waived.

Senator Hanabusa noted:

"Mr. President, this waiver is being requested in order to meet the concurrent resolution crossover deadline, which is tomorrow."

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolutions were placed on the calendar for Adoption on Friday, April 16, 2004:

S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS"; and

S.C.R. No. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING."

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested that the referrals of S.C.R. No. 95 and S.R. No. 49 to the Committee on Commerce, Consumer Protection and Housing be waived.

Senator Menor noted:

"Mr. President, this waiver is being requested in order to meet the concurrent resolution crossover deadline tomorrow."

The Chair then granted the waiver.

By unanimous consent, the following resolutions were placed on the calendar for Adoption on Friday, April 16, 2004:

S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS"; and

S.R. No. 49, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS."

STANDING COMMITTEE REPORTS

Senators Fukunaga and Sakamoto, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3382) recommending that S.C.R. No. 26, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3382 and S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM

OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL," was deferred until Friday, April 16, 2004.

Senators Fukunaga and Sakamoto, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3383) recommending that S.R. No. 13, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3383 and S.R. No. 13, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL," was deferred until Friday, April 16, 2004.

Senators Hanabusa, Chun Oakland and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3384) recommending that S.C.R. No. 82, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3384 and S.C.R. No. 82, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS," was deferred until Friday, April 16, 2004.

Senators Hanabusa, Chun Oakland and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3385) recommending that S.R. No. 41, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3385 and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS," was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3386) recommending that S.C.R. No. 153 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3386 and S.C.R. No. 153, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JUDICIARY WORK GROUP TO EVALUATE AND RECOMMEND METHODS TO STREAMLINE COURT-ORDERED FORENSIC EVALUATIONS AND TO DELIVER APPROPRIATE MENTAL HEALTH TREATMENT TO PRETRIAL DETAINEES," was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3387) recommending that S.C.R. No. 154 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3387 and S.C.R. No. 154, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO

CONDUCT AN AUDIT OF THE DIAMONDBACK CORRECTIONAL FACILITY," was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3388) recommending that S.C.R. No. 159, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3388 and S.C.R. No. 159, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLORS OF THE UNIVERSITY OF HAWAII TO FORM TASK FORCES TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS," was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3389) recommending that S.C.R. No. 167 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3389 and S.C.R. No. 167, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS," was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3390) recommending that S.R. No. 87 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3390 and S.R. No. 87, entitled: "SENATE RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS," was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3391) recommending that S.C.R. No. 194 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3391 and S.C.R. No. 194, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGAL SERVICES CORPORATION TO REMOVE THE RESTRICTIONS ON ACCESS TO PUBLIC LEGAL SERVICES FOR CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR THE INCLUSION OF THE PROVISION OF LEGAL SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS UNDER THE COMPACT OF FREE ASSOCIATION, AND ANY SUBSEQUENTLY RENEGOTIATED COMPACT," was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3392) recommending that S.C.R. No. 114 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3392 and S.C.R. No. 114, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA," was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3393) recommending that S.C.R. No. 115 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3393 and S.C.R. No. 115, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM," was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3394) recommending that S.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3394 and S.R. No. 60, entitled: "SENATE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM," was deferred until Friday, April 16, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3395) recommending that S.C.R. No. 40 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3395 and S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was deferred until Friday, April 16, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3396) recommending that S.R. No. 20 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3396 and S.R. No. 20, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3397) recommending that S.R. No. 48, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3397 and S.R. No. 48, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3398) recommending that S.C.R. No. 92, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3398 and S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Menor, for the Committee on Education and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3399) recommending that S.C.R. No. 136 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3399 and S.C.R. No. 136, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH THE ASIA-PACIFIC RISK MANAGEMENT AND INSURANCE PROGRAM WITHIN THE COLLEGE OF BUSINESS ADMINISTRATION AT THE UNIVERSITY OF HAWAII AT MANOA," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3400) recommending that S.C.R. No. 147, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3400 and S.C.R. No. 147, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS AND OF THE STEWARDSHIP OF THE MARINE NATURAL AREA RESERVES SYSTEM BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3401) recommending that S.C.R. No. 209, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3401 and S.C.R. No. 209, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE `O KEALOHI STATE PARK," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3402) recommending that S.R. No. 120, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3402 and S.R. No. 120, S.D. 1, entitled: "SENATE RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE `O KEALOHI STATE PARK," was deferred until Friday, April 16, 2004.

Senators Ige and Menor, for the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3403) recommending that S.C.R. No. 112, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3403 and S.C.R. No. 112, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII, THE DEPARTMENT OF EDUCATION, AND THE COUNTIES TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM," was deferred until Friday, April 16, 2004.

Senators Ige and Menor, for the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3404) recommending that S.R. No. 58, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3404 and S.R. No. 58, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII, THE DEPARTMENT OF EDUCATION, AND THE COUNTIES TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM," was deferred until Friday, April 16, 2004.

Senators Ige and Sakamoto, for the Committee on Science, Arts, and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3405) recommending that S.C.R. No. 131, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3405 and S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII," was deferred until Friday, April 16, 2004.

Senators Ige and Sakamoto, for the Committee on Science, Arts, and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3406) recommending that S.R. No. 69, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3406 and S.R. No. 69, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII," was deferred until Friday, April 16, 2004.

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. 3407) recommending that S.C.R. No. 157, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3407 and S.C.R. No. 157, S.D. 1, entitled: "SENATE 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 deferred until Friday, April 16, 2004.

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. 3408) recommending that S.R. No. 80, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3408 and S.R. No. 80, S.D. 1, entitled: "SENATE 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 deferred until Friday, April 16, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3409) recommending that S.C.R. No. 168, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3409 and S.C.R. No. 168, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF LAND AND NATURAL RESOURCES REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE DIVISION OF BOATING AND OCEAN RECREATION IN ADDRESSING THE AUDITOR'S CONCERNS IN THE 1998 AND 2001 AUDITS OF THE MANAGEMENT OF STATE BOATING FACILITIES," was deferred until Friday, April 16, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3410) recommending that S.R. No. 88, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3410 and S.R. No. 88, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE BOARD OF LAND AND NATURAL RESOURCES REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE DIVISION OF BOATING AND OCEAN RECREATION IN ADDRESSING THE AUDITOR'S CONCERNS IN THE 1998 AND 2001 AUDITS OF THE MANAGEMENT OF STATE BOATING FACILITIES," was deferred until Friday, April 16, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3411) recommending that S.C.R. No. 171 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3411 and S.C.R. No. 171, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST," was deferred until Friday, April 16, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3412) recommending that S.R. No. 91 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3412 and S.R. No. 91, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST," was deferred until Friday, April 16, 2004.

Senators English and Kawamoto, for the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3413) recommending that S.C.R. No. 174, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3413 and S.C.R. No. 174, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR ORDINANCES," was deferred until Friday, April 16, 2004.

Senators English and Kawamoto, for the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3414) recommending that S.R. No. 93, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3414 and S.R. No. 93, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR ORDINANCES," was deferred until Friday, April 16, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3415) recommending that S.C.R. No. 175, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3415 and S.C.R. No. 175, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was deferred until Friday, April 16, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3416) recommending that S.R. No. 94, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3416 and S.R. No. 94, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3417) recommending that S.C.R. No. 185, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3417 and S.C.R. No. 185, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING IMMEDIATE

DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE," was deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3418) recommending that S.R. No. 102, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3418 and S.R. No. 102, S.D. 1, entitled: "SENATE RESOLUTION URGING IMMEDIATE DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Fukunaga, for the Committee on Human Services and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3419) recommending that S.C.R. No. 81, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3419 and S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO MAINTAIN AND UTILIZE THE SELF-SUFFICIENCY STANDARD AS A FRAMEWORK TO EVALUATE PROGRAMS AND DEVELOP PUBLIC POLICY," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Menor, for the Committee on Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3420) recommending that S.C.R. No. 135, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3420 and S.C.R. No. 135, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN AFFORDABLE HOUSING TASK FORCE," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Kanno, for the Committee on Human Services and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3421) recommending that S.C.R. No. 199 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3421 and S.C.R. No. 199, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND LABOR AND INDUSTRIAL RELATIONS TO JOINTLY EXAMINE ISSUES RELATING TO PUBLIC ASSISTANCE INVOLVING INCENTIVES AND REQUIREMENTS TO WORK AND INCOME AND ASSET THRESHOLDS THAT MAY ACT AS DISINCENTIVES TO WORK," was deferred until Friday, April 16, 2004.

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3422) recommending that S.C.R. No. 96 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3422 and S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES

CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS," was deferred until Friday, April 16, 2004.

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3423) recommending that S.R. No. 50 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3423 and S.R. No. 50, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3424) recommending that S.C.R. No. 123 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3424 and S.C.R. No. 123, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON EMPLOYEE OVERPAYMENT WITHIN THE UNIVERSITY OF HAWAII SYSTEM," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3425) recommending that S.R. No. 47 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3425 and S.R. No. 47, entitled: "SENATE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was deferred until Friday, April 16, 2004.

Senators Menor, Baker and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3426) recommending that S.C.R. No. 125 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3426 and S.C.R. No. 125, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," was deferred until Friday, April 16, 2004.

Senators Menor, Baker and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation,

Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3427) recommending that S.R. No. 63 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3427 and S.R. No. 63, entitled: "SENATE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3428) recommending that S.C.R. No. 149 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3428 and S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3429) recommending that S.R. No. 79 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3429 and S.R. No. 79, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3430) recommending that S.C.R. No. 64, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3430 and S.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENSURE THAT THE HAWAIIAN SPINNER DOLPHIN POPULATION ARE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH THE UNITED STATES MARINE MAMMAL PROTECTION ACT," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3431) recommending that S.R. No. 29, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3431 and S.R. No. 29, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENSURE THAT THE HAWAIIAN SPINNER DOLPHIN POPULATION ARE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH THE UNITED STATES MARINE MAMMAL PROTECTION ACT," was deferred until Friday, April 16, 2004.

Senators Inouye, Sakamoto and Ige, for the Committee on Water, Land, and Agriculture, the Committee on Education and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3432) recommending that S.C.R. No. 120, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3432 and S.C.R. No. 120, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY EVALUATING THE FEASIBILITY AND NECESSITY OF THE CREATION OF A MAUNA KEA SCIENCE RESERVE AUTHORITY," was deferred until Friday, April 16, 2004.

Senators Inouye, Sakamoto and Ige, for the Committee on Water, Land, and Agriculture, the Committee on Education and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3433) recommending that S.C.R. No. 162, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3433 and S.C.R. No. 162, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY EVALUATING THE NECESSITY FOR AND IMPACT OF IMPLEMENTING A NEW PROJECT APPROVAL PROCESS FOR THE MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Taniguchi, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3434) recommending that S.C.R. No. 118, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3434 and S.C.R. No. 118, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 EXECUTIVE SALARY COMMISSION," was deferred until Friday, April 16, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3435) recommending that S.C.R. No. 119, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3435 and S.C.R. No. 119, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 JUDICIAL SALARY COMMISSION," was deferred until Friday, April 16, 2004.

Senator Kim, requested a waiver of the notice requirement pursuant to the 2004 Committee on Conference Procedures for H.B. No. 2061, and the Chair granted the waiver.

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

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

"Yesterday I was in receipt of an e-mail from a member of the Hawaii Lupus Foundation. In it they were lamenting that it came to their attention that their purchase of service contract had been terminated. It's a six-year contract for \$150,000 – \$25,000 a year. This e-mail went out to a number of Legislators.

“What’s particularly alarming is the copy a director passed on to me regarding the response from one particular Legislator. That Legislator said, ‘This appears to be the Governor’s new tactic – she doesn’t like the fact that we’re funding government employee contracts and she’s going to take it out on health and human service programs we hold dear. Nice lady!’ It’s a very, very sad response because it’s a response that’s surely political and surely without foundation.

“I’d like to inform that Senator and my colleagues that I happen to know something about this. The reason why the Lupus Foundation’s contract is being terminated is because there is documented, verified, and collaborated evidence that this foundation has been falsifying its reports to the Department of Health.

“I surely want the human services providers in this state to know they have a Governor that believes in human services and the continued funding of most programs which are honest and generally serving the needy in our society more than she does extravagant pay raises.

“So, I think with that in mind, I hope the record is set straight and I hope that the Legislator, the Senator who sent that reply, understands what really is happening.

“Thank you, Mr. President.”

APPOINTMENT OF CONFEREES

S.B. No. 469 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 469, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Hanabusa, co-chairs; Kawamoto, Taniguchi, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2067, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2067, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Hooser, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2175, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2175, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, Kawamoto, co-chairs; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2349, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2349, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Taniguchi, co-chair; Fukunaga, Kanno, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2377, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2377, S.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Ige, Hanabusa, co-chairs; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2425, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2425, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2440, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2440, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Hanabusa, co-chairs; Chun Oakland, English, Espero, Ihara, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2478, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2478, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Inouye, Taniguchi, co-chairs; Whalen as managers on the part of the Senate at such conference.

S.B. No. 2608, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2608, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, Taniguchi, co-chairs; Fukunaga, Hooser, Inouye, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2968, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2968, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Hanabusa, co-chairs; Aduja, Fukunaga, Ihara, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3002 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3002, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, Fukunaga, Taniguchi, co-chairs; English, Hooser, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3025 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3025, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Fukunaga, Kokubun, co-chairs; Espero, Kanno, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3068, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3068, S.D. 2,

and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, co-chair; Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Sakamoto, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3230, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3230, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Sakamoto, Taniguchi, co-chairs; Fukunaga, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2061, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2061, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Taniguchi, Tsutsui as managers on the part of the Senate at such conference.

H.B. No. 2608, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2608, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, Hanabusa, co-chairs; Taniguchi, Whalen as managers on the part of the Senate at such conference.

ADJOURNMENT

At 1:35 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., Friday, April 16, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate