THE SENATE OF THE TWENTY-FOURTH LEGISLATURE STATE OF HAWAI'I REGULAR SESSION OF 2008

FORTY-FOURTH DAY

APRIL 3, 2008-THURSDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Pastor Michael Palompo New Hope Mililani

Roll Call

Approval of the Journal

Introductions

• Floor Presentations:

HONORING AND COMMENDING JEANINE WONG ON BEING NAMED THE 2008 HAWAII YOUNG MOTHER OF THE YEAR. (Senator Gabbard)

COMMENDING AND CONGRATULATING MARGARET MARIE "NIP" HO ON BEING NAMED THE 2008 HAWAI'I STATE MOTHER OF THE YEAR. (Senator Gabbard)

RECOGNIZING MAUI ECONOMIC OPPORTUNITY, INC. IN HONOR OF NATIONAL COMMUNITY ACTION MONTH. (Senator Tsutsui)

CONGRATULATING BAMBOO RIDGE PRESS ON ITS 30TH ANNIVERSARY. (Senator Sakamoto)

RECOGNIZING AND HONORING VARIOUS FILIPINO ORGANIZATIONS. (Senator Menor)

1. Messages from the Governor: None

2. Departmental Communication Nos. 40

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<u>MEASURE</u>	TITLE	REFERRAL
D.C. No. 40	From the Department of Education dated March 24, 2008, transmitting the Superintendent's 18th Annual Report for School Year 2006-2007.	FILE
3. House Comm	nunication Nos. 446-457	
	Informing the Senate that on April 2, 2008, the House disagreed to the amendments proposed by the Senate to the following House Bill:	REFERRAL
446	H.B. No. 2810, H.D. 1, S.D. 1 "RELATING TO WATER RATES."(Agricultural Water Rates; Public Utilities Commission)	FILE
	Informing the Senate that on April 2, 2008, the following House Concurrent Resolutions were adopted in the House:	
447	H.C.R. No. 124, H.D. 1 "REQUESTING A STUDY ON CONSTRUCTION."(Construction)	
448	H.C.R. No. 230, H.D. 1 "RECOGNIZING THE WEEK OF SEPTEMBER 1 – SEPTEMBER 7 AS HAWAII LABOR HISTORY WEEK."(Hawaii Labor History Week)	
	Returning the following Senate Bills which passed Third Reading in the House on April 2, 2008, in an amended form:	
449	S.B. No. 1802, H.D. 1 "RELATING TO MENTAL HEALTH." (Mental	AGREE/DISAGREE

Health Records; Confidentiality; Exceptions)

450	S.B. No. 2141, H.D. 1 "RELATING TO PUBLIC HOUSING."(Public Housing Project; Intoxicating Liquor)	AGREE/DISAGREE
451	S.B. No. 2363, S.D. 2, H.D. 1 "RELATING TO SEXUAL ASSAULT." (Sexual Assault)	AGREE/DISAGREE
452	S.B. No. 2997, S.D. 1, H.D. 1 "RELATING TO LAND USE."(Land Use; historic agricultural landmark)	AGREE/DISAGREE
453	S.B. No. 3203, S.D. 1, H.D. 1 "RELATING TO ANIMAL HOARDING."(Cruelty to Animals; Hoarding Pets)	AGREE/DISAGREE
	Returning the following Senate Bills which passed Third Reading in the House on April 2, 2008:	
454	S.B. No. 2399 "RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS."(Revision Bill)	FILE
455	S.B. No. 2401, S.D. 1 "RELATING TO CONDOMINIUMS: MAKING VARIOUS TECHNICAL AMENDMENTS TO THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, AND CLARIFYING LANGUAGE."(Condominium Housekeeping Bill)	FILE

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456

S.B. No. 2898, S.D. 1

"RELATING TO THE AGREEMENT AMONG
THE STATES TO ELECT THE PRESIDENT
BY NATIONAL POPULAR VOTE."(Interstate
Agreement; Presidential Election; National
Popular Vote)

5.B. No. 3105, S.D. 1

FILE

"RELATING TO PUBLIC AGENCY MEETINGS."(Public Attendance; Agency Meetings)

4. Senate Communications: None

5. Judiciary Communications: None

6. Standing Committee Report Nos. 3302-3338

3302 (CPH) <u>S.R. No. 47, S.D. 2</u>

(One Day Notice)

"URGING ASSOCIATIONS OF
APARTMENT OWNERS AND
CONDOMINIUM UNIT OWNERS'
ASSOCIATIONS IN THE STATE TO
DEVELOP EMERGENCY AND
EVACUATION PLANS FOR RESIDENTS,
INCLUDING PROVISIONS FOR SENIORS
AND RESIDENTS WITH SPECIAL

HEALTH NEEDS." (Recommends Adoption)

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3303 (CPH) <u>S.C.R. No. 85, S.D. 2</u>

(One Day Notice) "URGING ASSOCIATIONS OF

APARTMENT OWNERS AND CONDOMINIUM UNIT OWNERS' ASSOCIATIONS IN THE STATE TO

DEVELOP EMERGENCY AND

EVACUATION PLANS FOR RESIDENTS, INCLUDING PROVISIONS FOR SENIORS

AND RESIDENTS WITH SPECIAL

HEALTH NEEDS." (Recommends Adoption)

3304 (EDT) S.R. No. 132, S.D. 1

(One Day Notice) "ACKNOWLEDGING THE WORK OF THE

STATE FOUNDATION ON CULTURE
AND THE ARTS IN SUPPORTING ARTS
AND CULTURE IN HAWAII, AND
REQUESTING THAT AS AGENCIES
MOVE FROM THE NO. 1 CAPITOL
DISTRICT BUILDING, THE VACATED
SPACE SHALL BE ASSIGNED TO THE
STATE FOUNDATION ON CULTURE
AND THE ARTS AND THE STATE ART

MUSEUM." (AMENDED TITLE)

(Recommends Adoption)

3305 (EDT) S.C.R. No. 225, S.D. 1

(One Day Notice) "ACKNOWLEDGING THE WORK OF THE STATE FOUNDATION ON CULTURE

AND THE ARTS IN SUPPORTING ARTS
AND CULTURE IN HAWAII, AND
REQUESTING THAT AS AGENCIES
MOVE FROM THE NO. 1 CAPITOL
DISTRICT BUILDING, THE VACATED
SPACE SHALL BE ASSIGNED TO THE
STATE FOUNDATION ON CULTURE

AND THE ARTS AND THE STATE ART MUSEUM." (AMENDED TITLE)

(Recommends Adoption)

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3306 (HSP/IGM/EDU) <u>S.R. No. 118, S.D. 1</u>

(One Day Notice) "REQUESTING THE NATIONAL

DISASTER PREPAREDNESS TRAINING CENTER TO DEVELOP A PROGRAM FOR PRIVATE, GOVERNMENTAL, AND

NON-PROFIT ENTITIES WITH AN

EMPHASIS ON AT-RISK

COMMUNITIES." (AMENDED TITLE)

(Recommends Adoption)

3307 (HSP/IGM/EDU) S.C.R. No. 204, S.D. 1

(One Day Notice) "REQUESTING THE NATIONAL

DISASTER PREPAREDNESS TRAINING CENTER TO DEVELOP A PROGRAM FOR PRIVATE, GOVERNMENTAL, AND

NON-PROFIT ENTITIES WITH AN

EMPHASIS ON AT-RISK

COMMUNITIES." (AMENDED TITLE)

(Recommends Adoption)

3308 (HSP/PBS) <u>S.R. No. 59, S.D. 1</u>

(One Day Notice) "CALLING ON THE DEPARTMENT OF

HUMAN SERVICES TO CONVENE A

TASK FORCE TO ESTABLISH PROTOCOLS AND TRAINING

PROGRAMS FOR FIRST RESPONDERS

IN CHILD PROTECTIVE AWARENESS

SKILLS." (AMENDED TITLE)

(Recommends Adoption)

3309 (HSP/PBS) <u>S.C.R. No. 105, S.D. 1</u>

(One Day Notice) "CALLING ON THE DEPARTMENT OF

HUMAN SERVICES TO CONVENE A

TASK FORCE TO ESTABLISH PROTOCOLS AND TRAINING

PROGRAMS FOR FIRST RESPONDERS

IN CHILD PROTECTIVE AWARENESS

SKILLS." (AMENDED TITLE)

(Recommends Adoption)

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3310 (One Day Notice)	(PBS)	S.C.R. No. 125, S.D. 1 "REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO RESEARCH AND STUDY EARLY PAROLE ELIGIBILITY PROGRAMS THAT REDUCE THE MINIMUM PERIOD OF TIME THAT HAWAII INMATES MUST WAIT TO BECOME ELIGIBLE FOR PAROLE." (AMENDED TITLE) (Recommends Adoption)
3311 (One Day Notice)	(PBS)	S.R. No. 64, S.D. 1 "REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO RESEARCH AND STUDY EARLY PAROLE ELIGIBILITY PROGRAMS THAT REDUCE THE MINIMUM PERIOD OF TIME THAT HAWAII INMATES MUST WAIT TO BECOME ELIGIBLE FOR PAROLE." (AMENDED TITLE) (Recommends Adoption)
(One Day Notice)	(HSP/IGM)	H.C.R. No. 111, H.D. 1, S.D. 1 "URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATIVE INCENTIVES FOR PUBLIC HOUSING TENANTS TO TRANSITION INTO PERMANENT HOUSING." (AMENDED TITLE) (Recommends Adoption)
(One Day Notice)	(HTH/HSP/IGM)	S.R. No. 83 "SUPPORTING THE "DIVIDED WE FAIL" CAMPAIGN." (Recommends Adoption)
(One Day Notice)	(HTH/HSP/IGM)	S.C.R. No. 153 "SUPPORTING THE "DIVIDED WE FAIL" CAMPAIGN."

(Recommends Adoption)

3315 (One Day Notice)	(JDL)	S.C.R. No. 222 "REQUESTING STATE DEPARTMENTS TO CONVERT EXEMPT EMPLOYEES TO CIVIL SERVICE IN ACCORDANCE WITH ACT 253, SESSION LAWS OF HAWAII 2000, AND ACT 300, SESSION LAWS OF HAWAII 2006." (Recommends Adoption)
3316 (One Day Notice)	(WTL/HSP)	S.C.R. No. 119 "REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE APPROXIMATELY 13.2 ACRES OF STATE-OWNED PUBLIC LAND NEAR KE'EHI LAGOON." (Recommends Adoption)
3317 (48 Hrs. Notice)	(JDL)	H.B. No. 1978, H.D. 1, S.D. 1 "RELATING TO PUBLIC ORDER." (Recommends passage on <u>SECOND</u> READING and placement on the calendar for Third Reading)
3318 (48 Hrs. Notice)	(ENE/IGM)	H.B. No. 2977, H.D. 1, S.D. 1 "RELATING TO INVASIVE SPECIES." (Recommends passage on <u>SECOND</u> READING and placement on the calendar for Third Reading)
(One Day Notice)	(JDL)	H.B. No. 3011, H.D. 1, S.D. 1 "RELATING TO MOTOR VEHICLE REGISTRATION." (Recommends passage on <u>THIRD</u> READING)

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(One Day Notice)	(JDL)	H.B. No. 2254, H.D. 2, S.D. 1 "RELATING TO BANKS AND FINANCIAL INSTITUTIONS." (Recommends passage on <u>THIRD</u> <u>READING</u>)
(One Day Notice)	(JDL)	H.B. No. 2675, H.D. 2, S.D. 1 "RELATING TO MEDICAL MARIJUANA." (Recommends passage on <u>THIRD</u> <u>READING</u>)
(One Day Notice)	(JDL)	H.B. No. 2326, H.D. 2, S.D. 1 "RELATING TO MORTGAGES." (Recommends passage on <u>THIRD</u> <u>READING</u>)
(One Day Notice)	(WAM)	H.B. No. 2366, S.D. 1 "RELATING TO THE ORGAN DONOR REGISTRY." (Recommends passage on <u>THIRD</u> READING)
(One Day Notice)	(WAM)	H.B. No. 2238, H.D. 1, S.D. 1 "RELATING TO PUBLIC HOUSING." (Recommends passage on <u>THIRD</u> <u>READING</u>)
3325 (One Day Notice)	(WAM)	H.B. No. 2739, H.D. 1, S.D. 2 "RELATING TO STATE ENTERPRISE ZONES." (Recommends passage on <u>THIRD</u> <u>READING</u>)
3326 (One Day Notice)	(WAM)	H.B. No. 2441 "RELATING TO WORKERS' COMPENSATION." (Recommends passage on THIRD READING)

(One Day Notice)	(WAM)	H.B. No. 2163, H.D. 2, S.D. 1 "RELATING TO COMPTROLLER SUPERVISION OF ACCOUNTS." (Recommends passage on <u>THIRD</u> <u>READING</u>)
(One Day Notice)	(WAM)	H.B. No. 2527, H.D. 1, S.D. 1 "RELATING TO SMART GROWTH." (Recommends passage on <u>THIRD</u> <u>READING</u>)
(One Day Notice)	(WAM)	H.B. No. 2306, H.D. 2, S.D. 2 "RELATING TO GENERAL EXCISE TAXATION." (Recommends passage on <u>THIRD</u> <u>READING</u>)
(One Day Notice)	(WAM)	H.B. No. 2761, H.D. 1, S.D. 1 "RELATING TO WOMEN'S HEALTH." (Recommends passage on THIRD READING)
(One Day Notice)	(WAM)	H.B. No. 2763, H.D. 1, S.D. 1 "RELATING TO THE CHILDREN OF INCARCERATED PARENTS TASK FORCE." (Recommends passage on THIRD READING)
(One Day Notice)	(JDL)	H.B. No. 2730, H.D. 1, S.D. 1 "RELATING TO LEGAL REQUIREMENTS FOR NEIGHBORHOOD BOARD MEETINGS." (Recommends passage on THIRD READING)

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3333 (One Day Notice)	(JDL)	H.B. No. 2696, H.D. 2 "RELATING TO THE BOARD OF THE JUDICIARY HISTORY CENTER." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
3334 (48 Hrs. Notice)	(JDL)	H.B. No. 2699, H.D. 1, S.D. 1 "RELATING TO THE UNIFORM PROBATE CODE." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
3335 (48 Hrs. Notice)	(JDL)	H.B. No. 2729, H.D. 1, S.D. 1 "RELATING TO BURGLARY." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
3336 (48 Hrs. Notice)	(JDL)	H.B. No. 3002, H.D. 1, S.D. 1 "RELATING TO PROSTITUTION." (Recommends passage on <u>SECOND</u> READING and placement on the calendar for Third Reading)
3337 (48 Hrs. Notice)	(JDL)	H.B. No. 3383, S.D. 1 "RELATING TO HAWAII PENAL CODE." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)

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3338 (WTL) <u>G.M. No. 258</u>

(One Day Notice)

"Submitting for consideration and confirmation as Director of the Office of Planning, Gubernatorial Nominee, ABBEY SETH MAYER, for a term to expire 12-06-

2010"

(Recommends Senate Consent to

Nomination)

ORDER OF THE DAY

1. Deferred Matters – House Communications for Agree/Disagree

HSE. COM. NO.

402	S.B. No. 1035, S.D. 1, H.D. 1	AGREE/DISAGREE
	<u>21211011000, 21211, 111211</u>	1101122/2101101122

"RELATING TO MAKAHIKI DAY COMMEMORATION." - (WAH/EDT)

(Makahiki; Commemoration)

403 S.B. No. 2441, H.D. 1 AGREE/DISAGREE

"RELATING TO HIGHWAYS." -

(TIA/IGM)

(State Highways; County Subdivision

Ordinances; Exemption)

404 S.B. No. 2849, S.D. 1, H.D. 1 AGREE/DISAGREE

"RELATING TO AGRICULTURAL

LANDS." - (AHW/ENE)

(Agricultural-energy Facilities; Agricultural

Districts)

415	S.B. No. 2159, H.D. 1 "RELATING TO PROFESSIONS." - (CPH)	AGREE/DISAGREE
	(Regulation of Licensed mental health counselors; Sunset; Repealed; Reimbursable Practitioners)	
416	S.B. No. 2434, H.D. 1 "RELATING TO THE STADIUM AUTHORITY." - (EDT/TSG)	AGREE/DISAGREE
	(Stadium Authority; Composition)	
417	S.B. No. 2464, H.D. 1 "RELATING TO THE STATE MAMMAL." - (EDT)	AGREE/DISAGREE
	(Hawaiian Monk Seal; State Mammal)	
418	S.B. No. 2584, S.D. 2, H.D. 1 "RELATING TO HONEY." - (CPH)	AGREE/DISAGREE
	(Honey; Commodity)	
419	S.B. No. 3166, H.D. 1 "RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY." - (EDT/WTL)	AGREE/DISAGREE
	(HCDA; Kakaako Small Business Representatives)	
444	<u>S.B. No. 2499, H.D. 1</u> "RELATING TO TARO." - (AHW)	AGREE/DISAGREE
	(Taro; Kalo; State Plant)	

7. Advise and Consent

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3282 CPH <u>G.M. No. 323</u>

Testimony Status

"Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, CAROL MAE A.

BALL, for a term to expire 6-30-2012."

3282 CPH G.M. No. 324

Testimony Status "Submitting for consideration and confirmation to the Real Estate Commission,

Gubernatorial Nominee, MICHELE

SUNAHARA LOUDERMILK, for a term to

expire 6-30-2012."

3283 CPH G.M. No. 305

"Submitting for consideration and confirmation to the Board of Professional

Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial

Nominee, MICHAEL S. CHU, for a term to

expire 6-30-2012."

3283 CPH G.M. No. 306

"Submitting for consideration and confirmation to the Board of Profes

confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, ROSS S. OKUDA, for a term to

expire 6-30-2012."

3284 CPH <u>G.M. No. 303</u>

Testimony Status confirmation to the Credit Union Advisory Board, Gubernatorial Nominee, WAYNE

MINORU SHINTANI, for a term to expire 6-

"Submitting for consideration and

30-2012."

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3285 CPH

Testimony Status

G.M. No. 301

"Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, DENNY R. SADOWSKI, for a term to expire 6-30-2012."

3286 TSG

Testimony Status

G.M. No. 541

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, Gubernatorial Nominee, SHARON R. WEINER, for a term to expire 6-30-2012."

8. Adopt Resolutions

3287 CPH

Testimony Prior Versions Status

S.C.R. No. 134, S.D. 2

"URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO "BUY LOCAL" AND TO IMPLEMENT AND DEVELOP FOOD WARE AND FOOD WASTE RECYCLING PROGRAMS TO ENCOURAGE SUSTAINABILITY." (AMENDED TITLE)

9. Final Reading

S.B. No. 1805, S.D. 1

Testimony Prior Versions Status

"RELATING TO GENETIC COUNSELORS." – (HTH, CPH)

(Genetic Counselors; Licensure)

10. Third Reading

Testimony Prior Versions Status

Stand. Com. Rep. No. 3290 H.B. No. 2165

"RELATING TO NURSING." - (CPH)

<u>Testimony Prior Versions Status</u>
(Registered Nurses; Licensure)

Stand. Com. Rep. No. 3291 H.B. No. 2301, H.D. 1, S.D. 1

"RELATING TO DENTISTRY." - (CPH)

(Dentistry)

Stand. Com. Rep. No. 3292 H.B. No. 2523

"RELATING TO THE LAND USE

<u>Testimony Prior Versions Status</u> COMMISSION." - (WTL)

(Land Use Commission; Decision-making

Criteria; County General Plan)

(See Stand. Com. Rep. No. 3293) H.B. No. 3343, H.D. 1

"RELATING TO FILIPINO-AMERICAN

Testimony Prior Versions Status HISTORY MONTH." - (EDT)

(Filipino-American History Month)

(See Stand. Com. Rep. No. 3280) H.B. No. 3085, H.D. 2, S.D. 1

"RELATING TO BUSINESS
Testimony Prior Versions Status REGISTRATION." - (CPH/JDL)

(Trade Names and Marks)

(See Stand. Com. Rep. No. 3281) H.B. No. 3174, H.D. 1, S.D. 1

"RELATING TO FEDERAL FISHERIES

<u>Testimony Prior Versions Status</u> REGULATIONS." - (WTL)

(Federal Fisheries Regulation)

- 11. Miscellaneous Communications: None
- 12. Miscellaneous Business
- 13. Announcements
- Floor Presentation for Friday, April 4, 2008:

CONGRATULATING CAMPBELL HIGH SCHOOL GIRLS BASKETBALL TEAM FOR WINNING THE DIVISION II STATE CHAMPIONSHIP TITLE. (Senator Espero)

• Committee Hearing Schedule:

<u>COMMITTEE</u>	DATE & TIME	ROOM
AHW/ENE	4/3/2008 1:15 PM	414
EDT	4/3/2008 1:15 PM	224
EDU	4/3/2008 1:15 PM	016
HSP/CPH	4/3/2008 1:15 PM	016
HSP/HTH	4/3/2008 1:15 PM	016
TSG	4/3/2008 1:15 PM	229
AHW	4/3/2008 2:45 PM	224
ENE	4/3/2008 2:45 PM	414
ENE/CPH	4/3/2008 2:45 PM	414
ENE/WTL	4/3/2008 2:45 PM	414
PBS	4/3/2008 2:45 PM	225
PBS/JDL	4/3/2008 2:45 PM	225
СРН	4/4/2008 9:30 AM	229
WAM	4/4/2008 10:00 AM	211
WAM	4/4/2008 10:05 AM	211
WAM	4/4/2008 10:10 AM	211
HTH/HSP	4/4/2008 1:15 PM	016
PBS-PSM	4/5/2008 9:00 AM	225
HSP	4/8/2008 1:15 PM	016
TSG	4/8/2008 1:15 PM	229
EDT	4/9/2008 1:00 PM	016
HTH	4/9/2008 1:15 PM	016
TSG	4/10/2008 1:00 PM	229
EDT	4/10/2008 1:15 PM	224

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HSP	4/10/2008 1:15 PM	016
ENE/EDT	4/10/2008 2:45 PM	414
ENE/TSG	4/10/2008 2:45 PM	414
EDT	4/17/2008 1:15 PM	224

• Senate Session will convene at 11:30 a.m. on Friday, April 4, 2008.

14. Adjournment