

SEVENTH DAY

Monday, January 30, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:31 a.m. with the Vice President in the Chair.

The Roll was called showing all Senators present with the exception of Senator Tsutsui who was excused.

The Vice President announced that she had read and approved the Journal of the Sixth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 199 to 203) were read by the Clerk and were placed on file:

Gov. Msg. No. 199, dated December 23, 2011, transmitting the Sheriff Division's Expenditure on Overtime Related to Special Duty Assignments Report, prepared by the Department of Public Safety pursuant to Act 164, Section 24, SLH 2011.

Gov. Msg. No. 200, dated January 6, 2012, transmitting the Hawaii Economic Development Task Force Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 73, SLH 2010.

Gov. Msg. No. 201, dated January 6, 2012, transmitting the Energy Resources Coordinator's Annual Report for 2011, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 155, SLH 2009.

Gov. Msg. No. 202, dated January 13, 2012, transmitting the Sheriff Division's Task Force Recommendations Related to Creating a Department of the Sheriff, prepared by the Department of Public Safety pursuant to Act 215, SLH 2001.

Gov. Msg. No. 203, dated January 25, 2012, transmitting the Transfer of Revolving Fund Monies Annual Report for 2011, prepared by the Department of Agriculture pursuant to Sections 155-14 and 219-4, HRS.

CONFERENCE COMMITTEE REPORT

Senator Green, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 905, H.D. 1, presented a report (Conf. Com. Rep. No. 4-12) recommending that H.B. No. 905, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 4-12 and H.B. No. 905, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DELIVERY OF GOVERNMENT SERVICES," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORT

Senator Espero, for the majority of the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2002) recommending that S.B. No. 2245, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2245, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

FINAL READING

MATTER DEFERRED FROM
FRIDAY, JANUARY 27, 2012

Conf. Com. Rep. No. 1-12 (H.B. No. 608, H.D. 3, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 1-12 and H.B. No. 608, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, January 31, 2012.

FINAL READING

Conf. Com. Rep. No. 2-12 (S.B. No. 239, S.D. 2, H.D. 2, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 2-12 be adopted and S.B. No. 239, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Green.

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

"I would like to encourage the passage of both measures that are a part of our fast tracked priorities: SB 239 and SB 809. The first will extend the use of tobacco funds to allow the John A. Burns School of Medicine to cover operating expenses; and the latter bill is in alignment with the Senate's focus this session to create a win-win situation by creating jobs through badly needed construction and repair and maintenance projects, while addressing our aging infrastructure and capacity needs. I appreciate the body's support on these measures and I hope we can get this rolling. Thank you."

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

"As I've said in the past, I cannot support the bill because what it does is divert money from the legitimate purposes that the Legislature authorized for the use of this tobacco settlement money to the School of Medicine to operating expenses, to their debt service, and then in the future it's going to go into the general fund. Again, it makes a mockery of the special fund and specifically, purposes to which the people think the money is going. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 2-12 was adopted S.B. No. 239, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Chun Oakland, Slom). Excused, 1 (Tsutsui).

Conf. Com. Rep. No. 3-12 (S.B. No. 809, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 3-12 was adopted and S.B. No. 809, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Taniguchi). Excused, 1 (Tsutsui).

MISCELLANEOUS COMMUNICATION

The following communication (Misc. Com. No. 2) was read by the Clerk and was placed on file:

Misc. Com. No. 2, from the Hawaii State Center for Nursing dated December 28, 2011, transmitting the Report Evaluating the Need for and Resources Required to Establish a Continuing Education Program for Nurses pursuant to S.C.R. No. 167, S.D. 2 (2010).

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

“It’s been brought to my attention—I hope my colleagues will support me in this—that there’s been a banner posted on the Royal Mausoleum fence. This is very offensive to me. I think it’s an affront to the Hawaiian people, but also to the State of Hawai‘i and it involves departments. I ask the support of my colleagues to demand that it be removed immediately.”

At this time, the Chair made the following announcement:

“Referrals and re-referrals are made in accordance with the the Supplemental Order of the Day that may be distributed to your offices later this afternoon.”

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.:	Re-referred to:
S.B. No. 2274	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 2354	Committee on Agriculture, then to the Committee on Judiciary and Labor
S.B. No. 2492	Committee on Judiciary and Labor
S.B. No. 2494	Committee on Judiciary and Labor
S.B. No. 2785	Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.B. No. 2822	Committee on Energy and Environment, then to the Committee on Ways and Means
S.B. No. 2823	Committee on Energy and Environment, then to the Committee on Ways and Means

ADJOURNMENT

At 11:37 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, January 31, 2012.