

SIXTEENTH DAY

Friday, February 10, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:40 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Fifteenth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 212 to 215) were read by the Clerk and were placed on file:

Gov. Msg. No. 212, dated January 26, 2012, transmitting the 2011 Environmental Council Annual Report, prepared by the Department of Health, Office of Environmental Quality Control, pursuant to Act 45, SLH 2011.

Gov. Msg. No. 213, dated February 2, 2012, transmitting the 2011 Annual Report for the Pesticide Use Revolving Fund, prepared by the Department of Agriculture pursuant to Act 154, SLH 2000.

Gov. Msg. No. 214, dated February 6, 2012, transmitting the 2011 Annual Report of the Brownfields Cleanup Revolving Loan Fund, prepared by the Department of Business, Economic Development and Technology, Office of Planning, pursuant to Section 201-18(e), HRS.

Gov. Msg. No. 215, dated February 8, 2012, transmitting the Annual Report for FY2011 of the Hawaii Health Systems Corporation pursuant to Section 323F-22, HRS.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 11) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 11, transmitting H.B. No. 1743, which passed Third Reading in the House of Representatives on February 9, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1743, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed First Reading by title and was deferred.

JUDICIARY COMMUNICATION

The following communication from the Judiciary (Jud. Com. No. 4) was read by the Clerk and was placed on file:

Jud. Com. No. 4 dated February 8, 2012, transmitting The Judiciary's 2011 Annual Report Statistical Supplement pursuant to Section 601-3, HRS.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 40) was read by the Clerk and was deferred:

S.C.R. No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING THE EXTENSION OF THE PROMPT PAYMENT TASK FORCE TO DEVELOP RECOMMENDATIONS TO ADDRESS ISSUES THAT AFFECT PROMPT PAYMENT FOR GOODS AND SERVICES PURCHASED THROUGH NONPROFIT ORGANIZATIONS, INCLUDING HUMAN SERVICE NONPROFIT ORGANIZATIONS THAT DELIVER PIVOTAL GOODS AND SERVICES TO INDIVIDUALS,

FAMILIES, COMMUNITIES, AND OTHER SMALL BUSINESSES."

Offered by: Senators Fukunaga, Baker, Slom, Solomon, Wakai.

STANDING COMMITTEE REPORTS

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2098) recommending that H.B. No. 2002, H.D. 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2002, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 13, 2012.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 2320, 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 Committee was adopted and S.B. No. 2320, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 2978 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 Committee was adopted and S.B. No. 2978, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2101) recommending that S.B. No. 2120 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 Committee was adopted and S.B. No. 2120, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2102) recommending that S.B. No. 2182 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 Committee was adopted and S.B. No. 2182, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 2427, 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 Committee was adopted and S.B. No. 2427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 2784, 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 Committee was adopted and S.B. No. 2784, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO RECAPITALIZE STATE FISCAL RESERVES," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

Stand. Com. Rep. No. 2063 (H.B. No. 238, H.D. 2, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 2063 was adopted and H.B. No. 238, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2062, S.D. 1:

Senator Hee moved that S.B. No. 2062, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

Senator Slom rose to speak in support of the measure with reservations as follows:

"As we found out during the hearing, there are some vagaries within the bill. We need to make some additional changes and all of that. Our primary concern, of course, is taking care of children and those with special needs, but we also have to make sure that the bill is technically and legally correct. Thank you."

The motion was put by the Chair and carried, S.B. No. 2062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Ihara).

S.B. No. 2218, S.D. 1:

Senator Hee moved that S.B. No. 2218, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

Senators Slom, Tokuda, Solomon, Dela Cruz, Wakai, Fukunaga, Kidani, Baker, Taniguchi, Ryan, Gabbard, English, Espero, Ige, and Nishihara requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2218, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO RESIDENCY

REQUIREMENTS FOR MEMBERS OF THE LEGISLATURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Baker, Dela Cruz, English, Espero, Fukunaga, Gabbard, Ige, Kidani, Nishihara, Ryan, Slom, Solomon, Taniguchi, Tokuda, Wakai). Noes, none. Excused, 1 (Ihara).

S.B. No. 2058, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 2058, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FELONIES FOR WHICH CRIMINAL CHARGES MAY BE INSTITUTED BY WRITTEN INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2712:

On motion by Senator Chun Oakland, seconded by Senator Green and carried, S.B. No. 2712, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, the Chair made the following announcement:

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

ADJOURNMENT

At 11:46 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, February 13, 2012.