

## FORTY-SEVENTH DAY

## Thursday, April 12, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:51 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Galuteria and Kahele who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 237 and 1113 to 1115) were read by the Clerk and were placed on file:

Gov. Msg. No. 237, dated March 29, 2012, transmitting the 2011 Annual Report on the Agricultural Development and Food Security Special Fund, prepared by the Department of Agriculture pursuant to Act 73, SLH 2010.

Gov. Msg. No. 1113, informing the Senate that on April 10, 2012, the Governor signed into law House Bill No. 2576, H.D. 2 as Act 13, entitled: "RELATING TO EMPLOYMENT SECURITY LAW."

Gov. Msg. No. 1114, informing the Senate that on April 10, 2012, the Governor signed into law House Bill No. 2573, H.D. 1 as Act 14, entitled: "RELATING TO APPRENTICESHIP."

Gov. Msg. No. 1115, informing the Senate that on April 11, 2012, the Governor signed into law Senate Bill No. 2783 as Act 15, entitled: "RELATING TO THE PUBLIC TRUST LANDS."

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 385 to 546) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 385, returning S.B. No. 2337, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012.

Hse. Com. No. 386, returning S.B. No. 2671, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 387, returning S.B. No. 2752, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 388, returning S.B. No. 2758, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 389, returning S.B. No. 2768, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 390, returning S.B. No. 2772, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 391, returning S.B. No. 2796, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 392, returning S.B. No. 2803, S.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 393, returning S.B. No. 2808, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 394, returning S.B. No. 2874, S.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Hse. Com. No. 395, returning S.B. No. 490, S.D. 3, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 490, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 396, returning S.B. No. 580, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 580, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 397, returning S.B. No. 650, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 650, seconded by Senator Espero.

Senator Hee noted:

"Senate Bill 650, HD1; 2588, HD3; 2751, HD1; and 2842, HD1 have been amended by the House and they are substantially the same in content as when the Senate sent the original bills over to the House for their consideration. For those reasons—and if people want to go into detail, I am happy to do it—but for the reasons that they are substantially in alignment with the Senate position at First Crossover, I suggest that rather than go through conference and then deal with the Governor's position presumably, that the Senate agree to the House amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 650, and S.B. No. 650, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII AUTHORIZING THE CHIEF JUSTICE OF THE STATE SUPREME COURT TO APPOINT RETIRED JUDGES TO SERVE AS EMERITUS JUDGES," was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 398, returning S.B. No. 745, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 745, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 399, returning S.B. No. 755, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed

by the House to S.B. No. 755, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 400, returning S.B. No. 824, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 824, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 401, returning S.B. No. 1142, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1142, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 402, returning S.B. No. 1197, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1197, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 403, returning S.B. No. 1276, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1276, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 404, returning S.B. No. 1312, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Dela Cruz moved that the Senate agree to the amendments proposed by the House to S.B. No. 1312, seconded by Senator Espero.

Senator Dela Cruz noted:

“The Committee on Water, Land, and Housing supports this administration measure as a necessary improvement to the structure of these commissions. Currently, Chapter 173A, Hawaii Revised Statutes, requires that the Natural Area Reserves System Committee (NARSC) Chairperson also serve as the ex-officio Chairperson of the Legacy Land Conservation Program (LLCP). This arrangement places a disproportionate amount of responsibility on the NARSC Chairperson. Members of state boards and commissions are unpaid and commit a large amount of time and attention toward serving the State, and members that serve as chairpersons have additional leadership and representative duties. This bill would give the NARSC chairperson the flexibility to either serve on the LLCP or select a designated representative from among the NARSC members, depending on the chair’s interest, workload, and capacity to serve on both commissions. Senate Bill 1312 is a measure that would distribute the workload more evenly and fairly between the members of these commissions, benefitting these volunteers and allowing them to better serve the public.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1312, and S.B. No. 1312, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION COMMISSION,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 405, returning S.B. No. 2001, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2001, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 406, returning S.B. No. 2030, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2030, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 407, returning S.B. No. 2056, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2056, and requested a conference on the subject matter thereof.

Hse. Com. No. 408, returning S.B. No. 2084, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2084, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 409, returning S.B. No. 2101, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2101, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 410, returning S.B. No. 2103, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2103, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 411, returning S.B. No. 2110, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 2110, S.D. 1, seconded by Senator Espero.

Senator Fukunaga noted:

“The House inserted an effective date of July 1, 2012.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2110, S.D. 1, and S.B. No. 2110, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PRESERVATION OF HAWAII’S MOVING IMAGES,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 412, returning S.B. No. 2115, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2115, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 413, returning S.B. No. 2116, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2116, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 414, returning S.B. No. 2123, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2123, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 415, returning S.B. No. 2126, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2126, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 416, returning S.B. No. 2158, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments made by the House to S.B. No. 2158, and requested a conference on the subject matter thereof.

Hse. Com. No. 417, returning S.B. No. 2213, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2213, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 418, returning S.B. No. 2214, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2214, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 419, returning S.B. No. 2220, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2220, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 420, returning S.B. No. 2224, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

At 12:00 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 p.m.

Senator English moved that the Senate agree to the amendments proposed by the House to S.B. No. 2224, S.D. 1, seconded by Senator Espero.

Senator English noted:

“After much thought on this because we have a ‘may’ in our version and they changed it to ‘shall be allowed’; and after looking at the grammatical construction it means the same thing, so we are agreeing to that.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2224, S.D. 1, and S.B. No. 2224, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 421, returning S.B. No. 2226, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2226, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 422, returning S.B. No. 2228, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2228, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 423, returning S.B. No. 2235, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2235, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 424, returning S.B. No. 2236, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2236, and requested a conference on the subject matter thereof.

Hse. Com. No. 425, returning S.B. No. 2238, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2238, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 426, returning S.B. No. 2239, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2239, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 427, returning S.B. No. 2248, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.



Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 2397, S.D. 1, seconded by Senator Kidani.

Senator Espero noted:

“These bills basically have not had any substantive changes; most of them have to do with semantics or just how one is phrasing a certain paragraph or language, and a couple of them have bill description changes only.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2397, S.D. 1, and S.B. No. 2397, S.D. 1, H.D. 3, entitled: “A BILL FOR AN ACT RELATING TO FIRE SPRINKLERS,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 445, returning S.B. No. 2402, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments made by the House to S.B. No. 2402, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 446, returning S.B. No. 2412, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2412, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 447, returning S.B. No. 2424, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2424, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 448, returning S.B. No. 2429, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2429, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 449, returning S.B. No. 2434, S.D. 1, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2434, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 450, returning S.B. No. 2435, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2435, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 451, returning S.B. No. 2438, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2438, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 452, returning S.B. No. 2457, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2457, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 453, returning S.B. No. 2466, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2466, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 454, returning S.B. No. 2489, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2489, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 455, returning S.B. No. 2506, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2506, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 456, returning S.B. No. 2528, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2528, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 457, returning S.B. No. 2534, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2534, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 458, returning S.B. No. 2536, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2536, and requested a conference on the subject matter thereof.

Hse. Com. No. 459, returning S.B. No. 2540, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2540, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 460, returning S.B. No. 2545, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2545, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 461, returning S.B. No. 2568, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2568, and requested a conference on the subject matter thereof.

Hse. Com. No. 462, returning S.B. No. 2576, S.D. 1, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2576, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 463, returning S.B. No. 2579, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2579, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 464, returning S.B. No. 2584, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2584, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 465, returning S.B. No. 2588, S.D. 1, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 2588, S.D. 1, seconded by Senator Espero.

Senator Hee noted:

“Senate Bill 650, HD1; 2588, HD3; 2751, HD1; and 2842, HD1 have been amended by the House and they are substantially the same in content as when the Senate sent the original bills over to the House for their consideration. For those reasons—and if people want to go into detail, I am happy to do it—but for the reasons that they are substantially in alignment with the Senate position at First Crossover, I suggest that rather than go through conference and then deal with the Governor’s position presumably, that the Senate agree to the House amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2588, S.D. 1, and S.B. No. 2588, S.D. 1, H.D. 3, entitled: “A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 466, returning S.B. No. 2630, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2630, and requested a conference on the subject matter thereof.

Hse. Com. No. 467, returning S.B. No. 2632, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2632, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 468, returning S.B. No. 2655, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2655, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 469, returning S.B. No. 2678, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2678, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 470, returning S.B. No. 2695, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2695, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 471, returning S.B. No. 2709, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2709, and requested a conference on the subject matter thereof.

Hse. Com. No. 472, returning S.B. No. 2712, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2712, and requested a conference on the subject matter thereof.

Hse. Com. No. 473, returning S.B. No. 2713, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2713, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 474, returning S.B. No. 2737, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2737, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 475, returning S.B. No. 2739, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2739, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 476, returning S.B. No. 2742, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2742, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 477, returning S.B. No. 2745, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2745, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 478, returning S.B. No. 2746, S.D. 1, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2746, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 479, returning S.B. No. 2747, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator English moved that the Senate agree to the amendments proposed by the House to S.B. No. 2747, S.D. 1, seconded by Senator Espero.

Senator English noted:

“Considering the number of electric cars on the road, the House version designates at least one parking space equipped with a charging system that is practical, versus the Senate bill which designates at least one percent of the parking spaces. But we have in the bill also is the fact that they cannot use the handicapped parking space as the designated space, so that is agreeable to the Senate.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2747, S.D. 1, and S.B. No. 2747, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLE PARKING,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 480, returning S.B. No. 2748, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2748, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 481, returning S.B. No. 2750, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed

by the House to S.B. No. 2750, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 482, returning S.B. No. 2751, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 2751, seconded by Senator Espero.

“Senate Bill 650, HD1; 2588, HD3; 2751, HD1; and 2842, HD1 have been amended by the House and they are substantially the same in content as when the Senate sent the original bills over to the House for their consideration. For those reasons—and if people want to go into detail, I am happy to do it—but for the reasons that they are substantially in alignment with the Senate position at First Crossover, I suggest that rather than go through conference and then deal with the Governor’s position presumably, that the Senate agree to the House amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2751, and S.B. No. 2751, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 483, returning S.B. No. 2763, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2763, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 484, returning S.B. No. 2765, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2765, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 485, returning S.B. No. 2766, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2766, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 486, returning S.B. No. 2767, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2767, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 487, returning S.B. No. 2769, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2769, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 488, returning S.B. No. 2773, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2773, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 489, returning S.B. No. 2774, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 2774, S.D. 2, seconded by Senator Espero.

Senator Fukunaga noted:

“The House made minor technical, non-substantive amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2774, S.D. 2, and S.B. No. 2774, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT PUBLICATIONS,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 490, returning S.B. No. 2776, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2776, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 491, returning S.B. No. 2778, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2778, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 492, returning S.B. No. 2779, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2779, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 493, returning S.B. No. 2780, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2780, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 494, returning S.B. No. 2782, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2782, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 495, returning S.B. No. 2784, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2784, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 496, returning S.B. No. 2785, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2785, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 497, returning S.B. No. 2787, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2787, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 498, returning S.B. No. 2790, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2790, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 499, returning S.B. No. 2797, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2797, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 500, returning S.B. No. 2798, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2798, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 501, returning S.B. No. 2800, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2800, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 502, returning S.B. No. 2804, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2804, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 503, returning S.B. No. 2805, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2805, and requested a conference on the subject matter thereof.



Hse. Com. No. 504, returning S.B. No. 2810, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2810, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 505, returning S.B. No. 2813, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2813, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 506, returning S.B. No. 2816, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2816, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 507, returning S.B. No. 2818, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2818, and requested a conference on the subject matter thereof.

Hse. Com. No. 508, returning S.B. No. 2820, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2820, and requested a conference on the subject matter thereof.

Hse. Com. No. 509, returning S.B. No. 2821, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2821, and requested a conference on the subject matter thereof.

Hse. Com. No. 510, returning S.B. No. 2822, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Gabbard moved that the Senate agree to the amendments proposed by the House to S.B. No. 2822, S.D. 2, seconded by Senator Espero.

Senator Gabbard noted:

“Colleagues, this is an admin bill addressing e-waste recycling. The Senate amended it to establish the Hawai‘i electric device recycling task force. No substantial changes at the House; they added a couple of members, so we are in accord with the House amendments and recommend that the Senate agree to Senate Bill 2822, SD2, HD2.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2822, S.D. 2, and S.B. No. 2822, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RECYCLING,” was

placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 511, returning S.B. No. 2825, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2825, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 512, returning S.B. No. 2827, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2827, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 513, returning S.B. No. 2828, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2828, and requested a conference on the subject matter thereof.

Hse. Com. No. 514, returning S.B. No. 2833, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2833, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 515, returning S.B. No. 2842, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 2842, S.D. 1, seconded by Senator Espero.

Senator Hee noted:

“Senate Bill 650, HD1; 2588, HD3; 2751, HD1; and 2842, HD1 have been amended by the House and they are substantially the same in content as when the Senate sent the original bills over to the House for their consideration. For those reasons—and if people want to go into detail, I am happy to do it—but for the reasons that they are substantially in alignment with the Senate position at First Crossover, I suggest that rather than go through conference and then deal with the Governor’s position presumably, that the Senate agree to the House amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2842, S.D. 1, and S.B. No. 2842, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL ACTIONS FOR DISCRIMINATORY PRACTICES IN REAL PROPERTY TRANSACTIONS,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 516, returning S.B. No. 2850, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Dela Cruz moved that the Senate agree to the amendments proposed by the House to S.B. No. 2850, S.D. 1, seconded by Senator Espero.

Senator Dela Cruz noted:

“This bill seeks to authorize the Department of Land and Natural Resources to assume control of and remove a vessel grounded on a coral reef or in imminent danger of breaking up if the vessel cannot be removed by the owner within 24 hours of the grounding. Currently, section 200-47.5(b), Hawaii Revised Statutes, allows vessels grounded on coral reefs or in imminent danger of breaking up to be removed by the owner within 72 hours. Committee discussion deemed this is far too long to leave a vessel grounded on a coral reef or in imminent danger of breaking up. The department has experienced vessel groundings on a coral reef, causing extensive and irreparable damage and breaking apart due to wave action, which creates marine pollution and a hazard to natural resources. This bill will ensure that grounded vessels will be removed in a timely manner and reduce costs to the department for having to salvage vessels that have broken apart or have been deposited in hard-to-reach areas because of the time it took to remove the vessel.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2850, S.D. 1, and S.B. No. 2850, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GROUNDED VESSELS,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 517, returning S.B. No. 2858, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2858, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 518, returning S.B. No. 2859, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2859, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 519, returning S.B. No. 2865, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 2865, seconded by Senator Kidani.

Senator Espero noted:

“These bills basically have not had any substantive changes; most of them have to do with semantics or just how one is phrasing a certain paragraph or language, and a couple of them have bill description changes only.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2865, and S.B. No. 2865, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DEPARTMENT OF PUBLIC SAFETY FEDERAL REIMBURSEMENT MAXIMIZATION SPECIAL FUND,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 520, returning S.B. No. 2866, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 2866, S.D. 1, seconded by Senator Kidani.

Senator Espero noted:

“These bills basically have not had any substantive changes; most of them have to do with semantics or just how one is phrasing a certain paragraph or language, and a couple of them have bill description changes only.”

The motion was then put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2866, S.D. 1, and S.B. No. 2866, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMPREHENSIVE OFFENDER REENTRY SYSTEM,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 521, returning S.B. No. 2868, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2868, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 522, returning S.B. No. 2872, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 2872, seconded by Senator Kidani.

Senator Espero noted:

“These bills basically have not had any substantive changes; most of them have to do with semantics or just how one is phrasing a certain paragraph or language, and a couple of them have bill description changes only.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2872, and S.B. No. 2872, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

Hse. Com. No. 523, returning S.B. No. 2873, S.D. 1, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2873, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 524, returning S.B. No. 2876, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2876, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 525, returning S.B. No. 2877, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 2877, S.D. 1, seconded by Senator Kidani.

Senator Espero noted:

“These bills basically have not had any substantive changes; most of them have to do with semantics or just how one is phrasing a certain paragraph or language, and a couple of them have bill description changes only.”



Hse. Com. No. 542, returning S.B. No. 3025, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3025, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 543, returning S.B. No. 3048, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3048, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 544, returning S.B. No. 3050, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3050, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 545, returning S.B. No. 3053, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3053, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 546, returning S.B. No. 3062, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 10, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3062, S.D. 1, and requested a conference on the subject matter thereof.

#### STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3366) recommending that the Senate advise and consent to the nominations to the State Board of Nursing of the following:

JAEDA ELVENIA, in accordance with Gov. Msg. No. 747;

LORAIN FLEMING, in accordance with Gov. Msg. No. 748; and

JAMES HOBAN, in accordance with Gov. Msg. No. 749.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3366 and Gov. Msg. Nos. 747, 748, and 749 was deferred until Friday, April 13, 2012.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3367) recommending that the Senate advise and consent to the nomination of PATRICK JAMES HART to the Endangered Species Recovery Committee, in accordance with Gov. Msg. No. 527.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3367 and Gov. Msg. No. 527 was deferred until Friday, April 13, 2012.

Senators English and Tokuda, for the Committee on Transportation and International Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3368)

recommending that S.C.R. No. 156, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3368 and S.C.R. No. 156, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CREATION OF AN EXPLORATORY COMMITTEE TO CONSIDER THE ESTABLISHMENT OF AN INTERNATIONAL AVIATION TRAINING CENTER AT THE HILO INTERNATIONAL AIRPORT AND AN ADVANCED AVIATION DEGREE TRAINING PROGRAM AT THE UNIVERSITY OF HAWAII AT HILO," was deferred until Friday, April 13, 2012.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3369) recommending that S.C.R. No. 80, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3369 and S.C.R. No. 80, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT RESEARCH ON THE CORRELATION BETWEEN CHILDREN WHO ARE LATE-BORN AND EDUCATIONAL OUTCOMES," was deferred until Friday, April 13, 2012.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3370) recommending that the Senate advise and consent to the nominations to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

DALLEN PALEKA, in accordance with Gov. Msg. No. 673; and

JAMIE TOMITA, in accordance with Gov. Msg. No. 674.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3370 and Gov. Msg. Nos. 673 and 674 was deferred until Friday, April 13, 2012.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3371) recommending that the Senate advise and consent to the nominations to the Board of Health of the following:

ALAN KATZ, in accordance with Gov. Msg. No. 688;

VINCENT LEE, in accordance with Gov. Msg. No. 689;

CLARYSSE NUNOKAWA, in accordance with Gov. Msg. No. 690; and

ERIC TASH, in accordance with Gov. Msg. No. 691.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3371 and Gov. Msg. Nos. 688, 689, 690, and 691 was deferred until Friday, April 13, 2012.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3372) recommending that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

KAMAKANAOKEALOHA AQUINO, in accordance with Gov. Msg. No. 724;

ELMER KA'AI, JR., in accordance with Gov. Msg. No. 725;

MARILYN KHAN, in accordance with Gov. Msg. No. 726;

DARYL FUJIWARA, in accordance with Gov. Msg. No. 806; and

BEVERLY LEE, in accordance with Gov. Msg. No. 807.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3372 and Gov. Msg. Nos. 724, 725, 726, 806, and 807 was deferred until Friday, April 13, 2012.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3373) recommending that the Senate advise and consent to the nominations to the Stadium Authority of the following:

ODETTA FUJIMORI, in accordance with Gov. Msg. No. 808;

EDWARD HASEGAWA, in accordance with Gov. Msg. No. 809; and

SCOT LONG, in accordance with Gov. Msg. No. 810.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3373 and Gov. Msg. Nos. 808, 809, and 810 was deferred until Friday, April 13, 2012.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3374) recommending that the Senate advise and consent to the nomination of SANJEEV BHAGOWALIA as Chief Information Officer to the Office of Information Management and Technology, in accordance with Gov. Msg. No. 540.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3374 and Gov. Msg. No. 540 was deferred until Friday, April 13, 2012.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 3375) recommending that S.C.R. No. 61, S.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3375 and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING SINGLE-FAMILY RESIDENCE BUILDERS AND COUNTIES TO CONSIDER CERTAIN FACTORS THAT WILL FACILITATE INSTALLATION OF PHOTOVOLTAIC SYSTEMS DURING THE CONSTRUCTION AND DEVELOPMENT OF SINGLE-FAMILY RESIDENCES," was deferred until Friday, April 13, 2012.

Senators Espero and English, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 3376) recommending that S.R. No. 76, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3376 and S.R. No. 76, S.D. 1, entitled: "SENATE RESOLUTION URGING THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION TO DETERMINE COST-EFFECTIVE AND REVENUE-GENERATING RIDERSHIP LEVELS FOR THE RAIL TRANSIT SYSTEM," was deferred until Friday, April 13, 2012.

Senators Espero and English, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 3377) recommending that S.C.R. No. 140, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3377 and S.C.R. No. 140, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION TO DETERMINE COST-EFFECTIVE AND REVENUE-

GENERATING RIDERSHIP LEVELS FOR THE RAIL TRANSIT SYSTEM," was deferred until Friday, April 13, 2012.

Senators Dela Cruz, Espero, and English, for the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 3378) recommending that S.R. No. 103, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3378 and S.R. No. 103, S.D. 1, entitled: "SENATE RESOLUTION URGING THE OFFICE OF PLANNING TO COORDINATE WITH ALL STATE AGENCIES THAT HOLD TITLE TO OR LEASES OF LAND ALONG THE TRANSIT ROUTE TO DEVELOP A COMMUNITY DEVELOPMENT PLAN FOR COMMUNITIES ALONG THE ROUTE," was deferred until Friday, April 13, 2012.

Senators Dela Cruz, Espero, and English, for the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 3379) recommending that S.C.R. No. 173, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3379 and S.C.R. No. 173, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFICE OF PLANNING TO COORDINATE WITH ALL STATE AGENCIES THAT HOLD TITLE TO OR LEASES OF LAND ALONG THE TRANSIT ROUTE TO DEVELOP A COMMUNITY DEVELOPMENT PLAN FOR COMMUNITIES ALONG THE ROUTE," was deferred until Friday, April 13, 2012.

Senators Dela Cruz, Espero, and Chun Oakland, for the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3380) recommending that S.C.R. No. 111, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3380 and S.C.R. No. 111, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PRESERVE EXISTING AFFORDABLE HOUSING AND CREATE NEW AFFORDABLE HOUSING OPPORTUNITIES, FAMILY-ORIENTED SUPPORT SERVICES, HEALTH CENTERS, COMMUNITY CENTERS, RETAIL SERVICES RELATED TO HEALTHY LIVING, AND COMMUNITY GARDENS WITHIN TRANSIT-ORIENTED DEVELOPMENT ZONES ALONG THE HONOLULU RAIL TRANSIT PROJECT CORRIDOR," was deferred until Friday, April 13, 2012.

Senator Baker, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3381) recommending that the Senate advise and consent to the nomination of HARDY SPOEHR to the Board of Directors of the Hawai'i Health Connector, in accordance with Gov. Msg. No. 828.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3381 and Gov. Msg. No. 828 was deferred until Friday, April 13, 2012.

## ORDER OF THE DAY

### AGREE/DISAGREE

**MATTERS DEFERRED FROM  
TUESDAY, APRIL 10, 2012**

S.B. No. 223, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 223, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1168, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1168, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2009, S.D. 1 (H.D. 2):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2009, S.D. 1, seconded by Senator Espero.

Senator Baker noted:

“S.B. 2009, H.D. 2 deals with the use of claims history; and this was basically to make sure that if a consumer inquires on a claim that it doesn’t automatically trigger a reconsideration of their rates. The House made some technical, non-substantive amendments for clarity.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2009, S.D. 1, and S.B. No. 2009, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

S.B. No. 2013, S.D. 1 (H.D. 2):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2013, S.D. 1, seconded by Senator Espero.

Senator Baker noted:

“S.B. 2013, H.D. 2 relates to dental hygienists. The House made some clarifying changes at the request of the hygienists, and it comports with what we had originally put forward.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2013, S.D. 1, and S.B. No. 2013, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

S.B. No. 2167, S.D. 1 (H.D. 2):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2167, S.D. 1, seconded by Senator Espero.

Senator Baker noted:

“S.B. 2167 updates the definition of land surveyors; and we had gotten the same information late from this particular board in DCCA and agree with the updates that they made. When we heard the House bill, we had made those same changes and passed them out.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2167, S.D. 1, and S.B. No. 2167, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

S.B. No. 2256 (H.D. 2):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2256, and requested a conference on the subject matter thereof.

S.B. No. 2375, S.D. 3 (H.D. 2):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2375, S.D. 3, and requested a conference on the subject matter thereof.

S.B. No. 2486, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2486, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2640, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2640, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2646, S.D. 1 (H.D. 2):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2646, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2703, S.D. 1 (H.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2703, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 3031, S.D. 1 (H.D. 1):

Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 3031, S.D. 1, seconded by Senator Kidani.

Senator Espero noted:

“This measure, S.B. 3031, has to do with intoxicating liquor (I didn’t know there was any other type). However, what we’ll be doing is just changing the defective date from ‘2050’ to ‘approval’ and there are a few word-smithing and semantics that are not substantive in change.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3031, S.D. 1, and S.B. No. 3031, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,” was placed on the calendar for Final Reading on Friday, April 13, 2012.

**ADVISE AND CONSENT**

Stand. Com. Rep. No. 3359 (Gov. Msg. No. 543):

Senator Green moved that Stand. Com. Rep. No. 3359 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of ABELINA SHAW to the Board of Directors of the Hawai’i Health Systems Corporation, term to expire June 30, 2013, seconded by Senator Nishihara.

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

Ayes, 23. Noes, none. Excused, 2 (Galuteria, Kahele).

Stand. Com. Rep. No. 3360 (Gov. Msg. Nos. 510 and 511):

Senator Baker moved that Stand. Com. Rep. No. 3360 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Pharmacy of the following:

JILL OLIVEIRA GRAY, term to expire June 30, 2014 (Gov. Msg. No. 510); and

LYDIA KUMASAKA, term to expire June 30, 2015 (Gov. Msg. No. 511),

seconded by Senator Taniguchi.

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

“These are both excellent nominees to the Board of Pharmacy.”

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

Ayes, 23. Noes, none. Excused, 2 (Galuteria, Kahele).

Stand. Com. Rep. No. 3364 (Gov. Msg. Nos. 589, 590, 591, 592, 600, and 603):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3364 be received and placed on file, seconded by Senator Solomon and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nominations to the Hawai'i Community Development Authority of the following:

SHIRLEY SWINNEY, term to expire June 30, 2014 (term amended to June 30, 2015 by Gov. Msg. No. 604) (Gov. Msg. No. 589);

ALICIA MALUAFITI, term to expire June 30, 2014 (Gov. Msg. No. 590);

RYAN MUKAI, term to expire June 30, 2015 (Gov. Msg. No. 591);

MILES KAMIMURA, term to expire June 30, 2014 (Gov. Msg. No. 592);

AMY LUERSEN, term to expire June 30, 2015 (Gov. Msg. No. 600); and

MAILE MEYER, term to expire June 30, 2015 (Gov. Msg. No. 603),

seconded by Senator Solomon.

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

Ayes, 23. Noes, none. Excused, 2 (Galuteria, Kahele).

Stand. Com. Rep. No. 3365 (Gov. Msg. Nos. 856, 857, and 858):

Senator English moved that Stand. Com. Rep. No. 3365 be received and placed on file, seconded by Senator Espero and carried.

Senator English then moved that the Senate advise and consent to the nominations to the Hawai'i Sister State Committee of the following:

ROMY CACHOLA, term to expire June 30, 2014 (Gov. Msg. No. 856);

JILL CANFIELD, term to expire June 30, 2015 (Gov. Msg. No. 857); and

JOSEPH TANAKA, term to expire June 30, 2015 (Gov. Msg. No. 858),

seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Galuteria, Kahele).

**ADOPTION OF RESOLUTIONS**

**MATTERS DEFERRED FROM TUESDAY, APRIL 10, 2012**

Stand. Com. Rep. No. 3361 (S.R. No. 68):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 68, entitled: “SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AMENDMENTS TO THE UNITED STATES CONSTITUTION TO ADDRESS CAMPAIGN SPENDING ISSUES UNDER THE HOLDING OF CITIZENS UNITED V. FEDERAL ELECTION COMMISSION,” was adopted.

Stand. Com. Rep. No. 3362 (S.C.R. No. 143, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 143, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE STATE'S FULL COMPLIANCE WITH THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET'S STATISTICAL POLICY DIRECTIVE NO. 15, ENTITLED “RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING”, AND THE PUBLICATION OF COLLECTED RACE AND ETHNICITY DATA SUBJECT TO APPLICABLE STATE AND FEDERAL LAWS,” was adopted.

Stand. Com. Rep. No. 3363 (S.R. No. 79, S.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 79, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE STATE'S FULL COMPLIANCE WITH THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET'S STATISTICAL POLICY DIRECTIVE NO. 15, ENTITLED “RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING”, AND THE PUBLICATION OF COLLECTED RACE AND ETHNICITY DATA SUBJECT TO APPLICABLE STATE AND FEDERAL LAWS,” was adopted.

**FINAL READING**

S.B. No. 2698, S.D. 1, H.D. 1:

On motion by Senator Fukunaga, seconded by Senator Wakai and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2698, S.D. 1, and S.B. No. 2698, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE INFORMATION PRIVACY AND SECURITY COUNCIL,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Galuteria, Kahele).

## THIRD READING

H.B. No. 108, H.D. 1, S.D. 2:

Senator Hee moved that H.B. No. 108, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Gabbard.

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

“The bill, as originally introduced, had to do with dog fighting. There was no controversy there. However, when the bill was gut-and-replaced, additional material was put in and it affected dog breeders. We all are aware of problems that we have had with individual dog breeders and some very controversial cases. However, the preponderance of testimony and witnesses that came down to the hearing took issue with the fact that all dog breeders were in violation and that there should be a broad and over-reaching law, such as this one, that penalizes those that follow the law. Obviously, there are good parts to the bill, and the fact that the dog fighting provision is still in here is worthwhile, but this bill would do more harm to dog breeders and retail dealers of pets; and for that reason I vote ‘no’. Thank you.”

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

“Let me offer a few short remarks to the previous speaker. The idea that 108 started as a dog fighting bill and has emerged as Senate Bill 2494 and 2492 should come as no surprise to anyone who’s had some time in the legislative process. This isn’t the only bill that has changed in its make-up. There’ve been several bills; one offhand would be the plastic bag ban by our colleague who chairs the energy committee. This is not an epiphany in the process, and in fact has become a necessary part of legislation because of the actions of our counterparts in the lower chamber.

“The idea that all dog breeders are in violation is simply not true. The American Kennel Club has made a concerted effort by sending out the dogs (pun intended) to take a bite out of those who would write legislation for consideration on animal welfare. The previous speaker is spot-on when it comes to the abuses of puppy mills. No one needs to review the bad behavior of humans towards our animal companions, the most recent in Waimānalo. Interestingly enough, this individual—who got away because the corporation filed for bankruptcy and had no assets, so the Humane Society was left with a quarter million dollar shortfall as a result that could not be collected—started another puppy mill in Volcano on the Big Island. His daughter is evidently the majority owner, if not the owner, of a pet store. This puppy mill on the Big Island, if this proposal does not become law, will be allowed to repeat its performance on bad behavior towards dogs.

“This bill represents what has been done in other states to curb the abuse of puppy mills. The previous speaker is correct—the overwhelming testimony was in opposition to the bill. What the previous speaker failed to share is that the opposition would not fall under the shadow of this bill. This bill, for example, says if you have 31 or more dogs, sexual organs intact over the age of 1, it shall no longer be permitted by law—31. This bill says if you have 11 dogs over the age of 4 months, sexual organs intact, you shall be considered a large dog breeder, and by that virtue you shall adhere to standards of care which include regular vet checks, minimum space per dog, a prohibition on breeding the female more than once every 18 months, and other issues related to animal welfare.

“Just so everybody knows, and in the event you may not have read the committee report, the city ordinance does not permit any individual to have 10 dogs if your domicile is zoned

residential. Just so everyone knows: If you have more than 10 dogs and you live on property zoned residential, you are in violation of the county ordinance.

“You folks received an email yesterday from Patty Van Sicklen: ‘The American Kennel Club writes to express strong concerns with HB108, a measure that would be detrimental to the welfare and safety of dogs...’ How can that be, based on the remarks I’ve just made, burdensome to responsible dog owners? How can that be if you’re a responsible dog owner? ‘...and would limit the options for residents of Hawai‘i to acquire a dog from a local responsible breeder in the future.’ How can that be?”

“The fact of the matter is when you go to a so-called ‘responsible breeder’ who may be a member of the American Kennel Club, as my father was years ago with English bull terriers—when you go to pick up a dog in this nice shiny place, you take the puppy home and six months later the puppy starts wobbling his back legs because he has hip dysplasia. How would you know? How would you know? And if you think that I’m making the example up, ask people who purchase registered AKC German shepherd pups. Ask people who go to responsible breeders who purchase AKC registered Rottweilers. How can they have hip dysplasia? Ask people who purchase registered AKC Dalmatians. What happened? How come the dog is deaf? Well, maybe because when you bought the German shepherd for thousands of dollars because the father was a champion and the mother was a champion, you never asked if the father and the mother were brother and sister, maybe. Ask an AKC breeder of bulldogs what’s the objective: flatten the face. What’s the consequence of a flat face? Respiratory issues.

“This bill puts on notice—does not stop, but puts on notice—standards of care. That’s what this bill does. This bill says that the Legislature of the State of Hawai‘i is concerned about animal welfare. This is not a panacea. This will not stop the abuse from happening. This allows the Humane Society to go forward in its investigations. And by the way, just for the record: not *one* testifier before this committee fell under the shadow of this bill. When Brian Walsh, my constituent from Ka‘a‘awa came forward: ‘Mr. Walsh, how many dogs you have?’ ‘Three.’ ‘Well, you’re okay. You understand this bill doesn’t impact you?’ I can’t remember her first name, I think it’s Lynn Muramaru; she’s written letters to the editor, you folks received an email. When she came forward: ‘Miss Muramaru, how many dogs do you have?’ ‘Oh, I have one.’ ‘You understand this bill doesn’t impact you?’ One person it impacted, and that was a dog person who boards, but this bill does not place limits on boarders.

“This is a bill headed to conference. It may not be perfect, but it cannot be perfected unless given the opportunity to go to conference. This is a bill about animal welfare. This is a bill about the abusive nature of human beings towards their animal companions. Thank you, Mr. President.”

Senator Slom rose in rebuttal and said:

“I thank the Judiciary Chairman for the expanded explanation of the bill. I’d just like to make a couple of comments about that. First of all, as far as the gut-and-replace process: Yes, we’re all familiar with that. The public is not as familiar with it, and we probably have used that procedure and process more and earlier this session than ever in the history of the Legislature. So, it catches people off balance.

“As to the people that came in: We can debate the interpretation of this bill and who it applies to, but that would mean that everybody that opposed the bill was wrong and misinformed and didn’t think that there was a possibility that this bill would apply to them. I’m not willing to take that position. I think that they were earnest. They were sincere; and



when we invite people to come down here, we should at least listen to them. There are unintended consequences of this bill.

“As far as the issue about zoning and number of dogs that one can have in a residential area: That’s well and good and that is the law, but this bill applies to everyone, in every other area, in every zoned area. So, to just talk about residential is, I think, is only part of the picture.

“And by the way, let me disclose, as I think I have before: I own 2 dogs, 2 cats, and 55 fish, so I’m well aware of the problems of pet management, pet ownership, and all of that. I think I’ve supported almost all animal cruelty bills, and we’ve had a lot of them, because we know down here if you want to get a crowd at a hearing, you have a bill about animals. Not about taxes, not about technical things, but have it about animals and you’ll guarantee that the place will be packed.

“Now having said that, the people that are in the pet shop business, retail pet dealers, those that are in the breeding business, the responsible people that the chair had referred to, and they are responsible—they more than anyone else want people indicted, convicted, and sentenced who are guilty of the crimes of animal cruelty and not taking care of the welfare of animals because if they’re not, it reflects upon them. And then we pass legislation that ‘one size fits all’ and that’s just not fair. And let’s look at the case in Waimānalo and elsewhere where we had the puppy mills: The idea that we were not able to enforce the laws that we have—and we have plenty of laws—goes to the heart of the matter of this and other legislation that we have. We pass laws all the time. We have people from law enforcement telling us it’s going to be difficult or impossible to enforce; and then the public gets frustrated with us because they ask us and we say, ‘Well, we passed the law.’ But oftentimes we pass the law knowing that the enforceability is going to be the difficult thing, and that is the problem that we are facing right here.

“The question of whether or not this is going to apply to the most difficult of circumstances again is a debatable point. And whether or not it applies to many, many other legitimate and responsible dog owners, dog breeders, and retail pet shops, again we can debate. But we can argue on the interpretation of this bill. I err on the side of those who are the responsible owners, and I think that’s part of the problem. I think, Mr. Chair and Mr. President, that to put all of these components in this bill does a disservice to the term ‘animal cruelty’, and I think it weakens our position which is 100 percent bipartisan against true animal cruelty. Thank you.”

Senator Hee rose in rebuttal and said:

“Mr. President, I just want to share with my colleagues that if we were talking about drunk driving and DUI, I err on the side of victims. Thank you, Mr. President.”

The motion was put by the Chair and carried, H.B. No. 108, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17; Ayes with Reservations (Baker, Chun Oakland, English, Fukunaga, Gabbard, Ige, Ihara, Kidani, Nishihara, Solomon, Tokuda, Wakai). Noes, 5 (Green, Kouchi, Ryan, Slom, Taniguchi). Excused, 3 (Galuteria, Kahele, Shimabukuro).

H.B. No. 2527, H.D. 2, S.D. 2:

By unanimous consent, H.B. No. 2527, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was recommitted to the Committee on Ways and Means.

At this time, Senator Dela Cruz introduced Ryan Mukai and Amy Luersen, newly confirmed members of the Hawai‘i Community Development Authority who were seated in the gallery.

At this time, the Chair made the following announcement:

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

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of House concurrent resolutions received on Tuesday, April 3, 2012; and Thursday, April 5, 2012:

H.C.R. No.:	Referred to:
H.C.R. No. 61	Committee on Water, Land, and Housing
H.C.R. No. 84, H.D. 1	Jointly to the Committee on Water, Land, and Housing and the Committee on Judiciary and Labor
H.C.R. No. 92	Committee on Public Safety, Government Operations, and Military Affairs
H.C.R. No. 109	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Economic Development and Technology
H.C.R. No. 155, H.D. 1	Committee on Judiciary and Labor
H.C.R. No. 162	Committee on Water, Land, and Housing

At this time, Senator Tokuda rose to speak on a point of personal privilege as follows:

“Colleagues, I first want to start off by thanking all of you. The votes I’ve asked you to take, the measures I’ve asked you to move, have by no means been easy. It’s required a great deal of political will and, at many points, trust and faith in myself and our education committee to do what is in the best interest of our students.

“That being said, while today we have closed the door on our performance management system bills, I continue to stand by the work we started but was unable to finish. While the fear and rhetoric seems to have clouded and distorted the facts surrounding both our evaluation and instructional time bills, let me be clear: These measures put students first, and clearly stated, *‘Learning matters.’*”

“In stating that evaluation systems for teachers should have as a component student growth, which are already in statute and well within our collective bargaining rights as defined in chapter 89-9, we are saying, *‘Learning matters.’* In looking at the definition of instructional time and refocusing the discussion from teacher contract minutes to identifying those teachable moments where students learn best and increase access to those opportunities, we are clearly and definitively saying, *‘Learning matters.’*”

“While Tuesday had its share of highs and lows, I went home that night reaffirmed that when a legislature takes a stand and makes a bold policy statement, like the fact that principal evaluations must include student growth, our children win. It took some time, but principal evaluations tied to student achievement as prescribed in statute through Act 51 showed me

it works. When we as a legislature embrace our constitutionally-defined role to provide the Board of Education with the power to formulate statewide educational policies, involve parties like our department, the board and unions can and will come together to put students first and again make it clear that *learning matters*.

“Many of the targeted emails the unions have asked my windward district teachers to send me have stated, ‘You are not putting students first when you put teachers last.’ While we definitely were not putting teachers last, they have to know that this isn’t all about them. It has always been, as it always should be, about the kids. I truly believe that if teachers look beyond the fear and the rhetoric and read the measures we’ve put forward with an open mind, they would clearly see proposals that respect teaching as a profession and in no way infringes upon their collective bargaining rights. For years, teachers have been asked to be treated, respected, and supported as professionals. Without arguing all of the specifics, that is exactly what these bills would have done.

“You know, perhaps I have a bit of a conflict of interest: As a mother of two little boys who will be in our public schools in a few years, I want the very best for them, and I know that I’m not alone. All of us here want and expect nothing less than that for everyone’s child, which is why when we know that a student in one school receives 75 minutes less of instructional time than a student in a school down the road—that’s 2 months worth of instruction per year—that is *not acceptable*; that if students are not making the kinds of gains we’d like to see, are not learning, that is *not acceptable*; and that when business as usual, while comfortable, predictable, and yes, in some cases controllable, is not working, that is *not acceptable*.

“So colleagues, when you get asked by your constituents why—why did you push so hard? why did you even vote to keep those measures going? why did you put up a fight?—you can hold your head high and say because what we saw was not acceptable, and by putting students first we made it clear that *learning matters*.”

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

“As a parent who had four sons go through the Hawai‘i public school system, as a member of the education committee, I want to echo and congratulate the words and the passion of the Senate Education Chair. But from my perspective, I am more disturbed about what has taken place during the last couple of weeks here—the heavy lobbying by the HSTA dysfunctional union leadership. And I separate out the union leadership because with the teachers that I’ve talked to, no one fears or opposes teacher evaluation—only the union leadership. And when we talk about doing things here in this body for the keiki—everything is for the keiki—this is not.

“By denying this piece of legislation and requiring the teachers to be evaluated in a fair and just way, which is all they’ve ever asked for, then we really show that public education is not being run in the best interest of the children, or the parents, or the taxpayers, but in the best interests of the limited leadership of the HSTA. And this harkens back to the contract that was negotiated and signed several years ago in collective bargaining, where the HSTA agreed to drug testing, and after the contract was signed and after it was implemented, they reneged on that deal, that agreement, that pledge, that law, and nothing has been done because of that. So, I think it’s time colleagues that not only do we stand tall during committee hearings and during initial voting, but that we stand tall and we let the public and the public teachers know that we do support them, but more importantly we do support the best education for our children. Thank you.”

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

“As a former teacher, I’m not here to talk about the bill, but rather about the lead editorial in the *Star-Advertiser* that suggests that the Land Use Commission ought to approve Koa Ridge and the development, the 1,500 units that go with it. I think some of you know I am an intervener. Not to belabor the point, but let me quote what it says: ‘Last week’s hearing before the Land Use Commission, Governor Neil Abercrombie’s new ag director Russell Kokubun said he’s convinced that there’s much land to be used for agriculture.’ He did say that. What the paper doesn’t say is that when he was asked by the attorney whether that was his position or the policy decision of the Board of Agriculture, he disclosed—because he takes an oath to tell the truth before you proceed on your testimony—that it was his position and not the Board of Agriculture.

“The second point and I’ll quote this: ‘The Office of Planning had it right the first time—provisions for viable, comparable acreage for farming in perpetuity should be a condition of approval before prime farmland can be converted to housing development.’ That’s very accurate, but that’s the office of state planning for the previous governor, not for this governor. Finally, it concludes: ‘Decades ago, urbanization for housing was paramount. It still is.’ Really? There’s 20,000 units on the ‘Ewa plain that had been permitted to be built that are not being built; 15,000 more homes, Ho‘opili, that are being asked to be urbanized, to take it up to 35,000; and these 5,000 in Koa Ridge would take it to 40,000. Hooray for the people who live out there and work in Honolulu, with or without rail.

“But going forward, agriculture and self-sustainability have emerged as enduring, crucial issues as development threatens to push prime farmland aside. As a policy, agriculture must be given greater importance in determining where else housing can be considered.’ Members, the Committee on Ways and Means, the Committee on Agriculture, and the Senate have passed House Bill 2703. Let me read just a few lines from the committee report: ‘The purpose and intent of the measure is to make increased local food production a key priority for the state. Your committee finds that Hawai‘i is dangerously dependent on imported foods and it must import approximately 92 percent of all food consumed in the state. Research shows that replacing even 10 percent of current food imports with locally-grown food will create 2,300 local jobs, keep hundreds of millions of dollars circulating within the Hawai‘i economy, and ensure the state food supplies. Currently, Hawai‘i has a supply of fresh produce for no more than 10 days; 90 percent of the beef, 67 percent of fresh vegetables, 65 percent of fresh fruits, and 80 percent of all milk produced in the state are imported.’ All of us here who are over 30 years old, and some of you who may have been here 30 years ago, all know that the last milk commissioner was Clarice Hashimoto, and the reason Hawai‘i had a milk commissioner was because we produced 100 percent of our own milk. We produce 20 percent today.

“The newspaper can’t have it both ways. On one hand, they say, ‘Build more houses.’ On the other hand, they say, ‘But, food security is very important.’ Thank you, Mr. President.”

Senator Chun Oakland, Chair of the Committee on Human Services, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 84.

The Chair granted the waiver.

At this time, the Chair made the following announcement:

“The deadline to file standing committee reports on Senate concurrent resolutions to meet tomorrow’s crossover deadline is 7:00 p.m. this evening. Members, the Clerk’s office will

distribute a list of all resolutions to be scheduled on tomorrow's OD later this evening."

**ADJOURNMENT**

At 12:45 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, April 13, 2012.