

## FIFTY-EIGHTH DAY

Friday, April 27, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 6:31 p.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 244 and 1175 to 1190) were read by the Clerk and were placed on file:

Gov. Msg. No. 244, dated April 24, 2012, transmitting the Annual Report on the Operation of the Internet Portal for Fiscal Year 2011, prepared by the Department of Accounting and General Services and the Access Hawaii Committee pursuant to Act 172, SLH 2007.

Gov. Msg. No. 1175, dated April 26, 2012, informing the Senate that on April 25, 2012, the Governor allowed the following measure to become law without signature, which reads as follows:

House Bill No. No. 1868, H.D. 1 as Act 74, entitled: "RELATING TO TELECOMMUNICATIONS."

"Dear President Tsutsui, Speaker Say and Members of the Legislature:

Re: HB1868 HD1

I intend HB1868 HD1, entitled "RELATING TO TELECOMMUNICATIONS." to become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to amend section 269-16.85, Hawaii Revised Statutes, to prohibit a telecommunications carrier from charging a rate for any retail telecommunications basic exchange service that is higher than the rate in the filed tariff, unless otherwise approved by the Public Utilities Commission ("PUC").

I understand the overall importance of section 269-16.85 as a means for providing telecommunication carriers with pricing flexibility in today's competitive market environment. This measure retains such flexibility except for basic exchange service, which remains subject to PUC oversight.

However, I am concerned that the competitive market today may change in the future, and/or that a service that is now considered to be a non-basic exchange service may become essential in the future. In either situation, PUC oversight may become necessary or appropriate for far more than what is now considered to be basic exchange service.

For the foregoing reasons, I intended HB1868 HD1 to become law as Act 074 (12), effective April 25, 2012, without my signature.

Sincerely,

/s/ Neil Abercrombie  
NEIL ABERCROMBIE  
Governor, State of Hawaii"

Gov. Msg. No. 1176, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2818,

H.D. 1 as Act 75, entitled: "RELATING TO DISPOSITION OF DEAD HUMAN BODIES."

Gov. Msg. No. 1177, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2866, S.D. 1, H.D. 2 as Act 76, entitled: "RELATING TO COMPREHENSIVE OFFENDER REENTRY SYSTEM."

Gov. Msg. No. 1178, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2865, H.D. 1 as Act 77, entitled: "RELATING TO DEPARTMENT OF PUBLIC SAFETY FEDERAL REIMBURSEMENT MAXIMIZATION SPECIAL FUND."

Gov. Msg. No. 1179, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2822, S.D. 2, H.D. 2 as Act 78, entitled: "RELATING TO RECYCLING."

Gov. Msg. No. 1180, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2167, S.D. 1, H.D. 2 as Act 79, entitled: "RELATING TO PROFESSIONS AND VOCATIONS."

Gov. Msg. No. 1181, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2009, S.D. 1, H.D. 2 as Act 80, entitled: "RELATING TO INSURANCE."

Gov. Msg. No. 1182, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2013, S.D. 1, H.D. 2 as Act 81, entitled: "RELATING TO DENTAL HYGIENISTS."

Gov. Msg. No. 1183, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 1312, H.D. 1 as Act 82, entitled: "RELATING TO THE LEGACY LAND CONSERVATION COMMISSION."

Gov. Msg. No. 1184, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2397, S.D. 1, H.D. 3 as Act 83, entitled: "RELATING TO FIRE SPRINKLERS."

Gov. Msg. No. 1185, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2386, S.D. 2, H.D. 2 as Act 84, entitled: "RELATING TO THE NATIVE HAWAIIAN ROLL COMMISSION."

Gov. Msg. No. 1186, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2842, S.D. 1, H.D. 1 as Act 85, entitled: "RELATING TO CIVIL ACTIONS FOR DISCRIMINATORY PRACTICES IN REAL PROPERTY TRANSACTIONS."

Gov. Msg. No. 1187, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2709, H.D. 2 as Act 86, entitled: "RELATING TO FURNISHING THE DATE OF VITAL EVENTS TO GOVERNMENTAL AGENCIES WITHIN THE STATE OF HAWAII THAT REQUEST VERIFICATION."

Gov. Msg. No. 1188, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2820, H.D. 2 as Act 87, entitled: "RELATING TO THE HAWAII ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES."

Gov. Msg. No. 1189, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 3031, S.D. 1, H.D. 1 as Act 88, entitled: "RELATING TO INTOXICATING LIQUOR."

Gov. Msg. No. 1190, informing the Senate that on April 26, 2012, the Governor signed into law Senate Bill No. 2747, S.D. 1, H.D. 2 as Act 89, entitled: "RELATING TO ELECTRIC VEHICLE PARKING."

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 692 to 710) were read by the Clerk and were placed on file:

Hse. Com. No. 692, returning S.C.R. No. 12, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 693, returning S.C.R. No. 18, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 694, returning S.C.R. No. 19, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 695, returning S.C.R. No. 20, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 696, returning S.C.R. No. 21, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 697, returning S.C.R. No. 22, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 698, returning S.C.R. No. 23, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 699, returning S.C.R. No. 24, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 700, returning S.C.R. No. 25, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 701, returning S.C.R. No. 97, S.D. 1, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 702, returning S.C.R. No. 135, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 703, returning S.C.R. No. 143, S.D. 1, which was adopted by the House of Representatives on April 26, 2012.

Hse. Com. No. 704, informing the Senate that the House agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House of Representatives on April 26, 2012:

H.B. No. 1181, H.D. 1, S.D. 1;  
H.B. No. 1765, H.D. 2, S.D. 1;  
H.B. No. 2179, S.D. 1;  
H.B. No. 2605, H.D. 1, S.D. 1; and  
H.B. No. 2682, H.D. 1, S.D. 1.

Hse. Com. No. 705, informing the Senate that on April 26, 2012, the House agreed to the amendments proposed by the Senate to H.C.R. No. 178, H.D. 1, and H.C.R. No. 178, H.D. 1, S.D. 1 was Finally Adopted in the House of Representatives.

Hse. Com. No. 706, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 26, 2012:

H.B. No. 1957, H.D. 2, S.D. 2, C.D. 1;  
S.B. No. 824, S.D. 2, H.D. 2, C.D. 1; and  
S.B. No. 2419, S.D. 2, H.D. 3, C.D. 1.

Hse. Com. No. 707, informing the Senate that on April 26, 2012, the House reconsidered its action taken on March 8, 2012, in disagreeing to the amendments proposed by the Senate to H.B. No. 461, H.D. 1 (S.D. 1).

Hse. Com. No. 708, informing the Senate that on April 26, 2012, the House reconsidered its action taken on March 20,

2012, in disagreeing to the amendments proposed by the Senate to H.B. No. 2030, H.D. 2 (S.D. 1).

Hse. Com. No. 709, informing the Senate that on April 26, 2012, the House reconsidered its action taken on April 12, 2012, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 755, H.D. 3 (S.D. 2);  
H.B. No. 2150, H.D. 2 (S.D. 1);  
H.B. No. 2608, H.D. 1 (S.D. 2); and  
H.B. No. 2751, H.D. 2 (S.D. 1).

Hse. Com. No. 710, informing the Senate that on April 27, 2012, the House discharged all conferees to H.B. No. 2529, H.D. 1 (S.D. 1).

#### CONFERENCE COMMITTEE REPORTS

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2004, H.D. 2, presented a report (Conf. Com. Rep. No. 47-12) recommending that H.B. No. 2004, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47-12 and H.B. No. 2004, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2513, H.D. 1, presented a report (Conf. Com. Rep. No. 48-12) recommending that H.B. No. 2513, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48-12 and H.B. No. 2513, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2347, presented a report (Conf. Com. Rep. No. 49-12) recommending that H.B. No. 2347, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49-12 and H.B. No. 2347, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS FOR REVENUE-PRODUCING UNDERTAKINGS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2099, H.D. 1, presented a report (Conf. Com. Rep. No. 50-12) recommending that H.B. No. 2099, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50-12 and H.B. No. 2099, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2326, H.D. 1, presented a report (Conf. Com. Rep. No. 51-12) recommending that H.B. No. 2326, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51-12

and H.B. No. 2326, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Dela Cruz, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2001, S.D. 1, presented a report (Conf. Com. Rep. No. 74-12) recommending that S.B. No. 2001, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74-12 and S.B. No. 2001, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2763, S.D. 2, presented a report (Conf. Com. Rep. No. 75-12) recommending that S.B. No. 2763, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75-12 and S.B. No. 2763, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATION," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2540, S.D. 2, presented a report (Conf. Com. Rep. No. 76-12) recommending that S.B. No. 2540, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76-12 and S.B. No. 2540, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2800, S.D. 1, presented a report (Conf. Com. Rep. No. 77-12) recommending that S.B. No. 2800, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77-12 and S.B. No. 2800, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2655, S.D. 2, presented a report (Conf. Com. Rep. No. 78-12) recommending that S.B. No. 2655, S.D. 2, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78-12 and S.B. No. 2655, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORTABLE ELECTRONICS INSURANCE," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2277, S.D. 2, presented a report (Conf. Com. Rep. No. 79-12) recommending that S.B. No. 2277, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79-12 and S.B. No. 2277, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED AND

THREATENED SPECIES," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2810, S.D. 1, presented a report (Conf. Com. Rep. No. 80-12) recommending that S.B. No. 2810, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80-12 and S.B. No. 2810, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT EXEMPTION FOR DOMESTIC SERVICES AUTHORIZED BY THE DEPARTMENT OF HUMAN SERVICES," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1382, S.D. 2, presented a report (Conf. Com. Rep. No. 81-12) recommending that S.B. No. 1382, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81-12 and S.B. No. 1382, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3008, presented a report (Conf. Com. Rep. No. 82-12) recommending that S.B. No. 3008, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82-12 and S.B. No. 3008, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 243, S.D. 2, presented a report (Conf. Com. Rep. No. 83-12) recommending that S.B. No. 243, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83-12 and S.B. No. 243, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," was deferred for a period of 48 hours.

#### **ORDER OF THE DAY**

#### **ADVISE AND CONSENT**

Stand. Com. Rep. No. 3572 (Gov. Msg. No. 859):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3572 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 nomination of DANIELLE BEIRNE-KEAWE to the Kahana Valley Living Park Planning Council, term to expire June 30, 2016, seconded by Senator Solomon.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3573 (Gov. Msg. Nos. 860, 861, and 862):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3573 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 Natural Area Reserve System Commission of the following:

TRAE MENARD, term to expire June 30, 2016 (Gov. Msg. No. 860);

ROBIN NEWBOLD, term to expire June 30, 2016 (Gov. Msg. No. 861); and

JONATHAN PRICE, term to expire June 30, 2016 (Gov. Msg. No. 862),

seconded by Senator Solomon.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3574 (Gov. Msg. Nos. 900, 901, and 902):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3574 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 Legacy Land Conservation Commission of the following:

THORNE ABBOTT, term to expire June 30, 2015 (Gov. Msg. No. 900);

JOAN CANFIELD, term to expire June 30, 2016 (Gov. Msg. No. 901); and

HERBERT RICHARDS, JR., term to expire June 30, 2015 (Gov. Msg. No. 902),

seconded by Senator Solomon.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3575 (Gov. Msg. Nos. 918 and 919):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3575 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 Kaho'olawe Island Reserve Commission of the following:

NOA EMMETT ALULI, term to expire June 30, 2015 (Gov. Msg. No. 918); and

CHRISTOPHER BAKER, term to expire June 30, 2013 (Gov. Msg. No. 919),

seconded by Senator Solomon.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3576 (Gov. Msg. No. 920):

Senator Dela Cruz moved that Stand. Com. Rep. No. 3576 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 nomination of LANCE INOUE to the Land Use Commission, term to expire June 30, 2016, seconded by Senator Solomon.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3577 (Gov. Msg. No. 561):

Senator Hee moved that Stand. Com. Rep. No. 3577 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of VINCENT BARFIELD to the Employees' Retirement System, Board of Trustees, term to expire June 30, 2017 (Term amended to January 1, 2017 by Gov. Msg. No. 922), seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

#### ADOPTION OF RESOLUTION

##### MATTER DEFERRED FROM THURSDAY, APRIL 26, 2012

Stand. Com. Rep. No. 3571 (H.C.R. No. 82):

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS BY NON-GOVERNMENTAL ORGANIZATIONS THAT ASSIST IN FINDING OPPORTUNITIES AND SOLUTIONS TO ADDRESS HOMELESSNESS IN HAWAII," was adopted.

#### ADOPTION OF RESOLUTIONS

H.C.R. No. 85:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO COMPLY IN FULL WITH THE FINDINGS AND RECOMMENDATIONS OF THE OFFICE OF THE AUDITOR'S MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," was adopted.

H.C.R. No. 99, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 99, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO WORK WITH STAKEHOLDERS AND APPROPRIATE AGENCIES TO CREATE AN EFFICIENT TRACKING METHOD FOR DEOXYRIBONUCLEIC ACID (DNA) RAPE KITS," was adopted.

H.C.R. No. 115:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO REPEAL THE MANDATORY MILITARY DETENTION AND INDEFINITE DETENTION

PROVISIONS OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012 AND AMEND THE AUTHORIZATION FOR USE OF FORCE," was adopted.

H.C.R. No. 140, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 140, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF THE OFFICE OF AEROSPACE DEVELOPMENT TO COORDINATE COMMENTS AND IDENTIFY A LEAD ENTITY TO PREPARE A PROPOSAL, ON BEHALF OF THE STATE, FOR HAWAII TO BE SELECTED AS ONE OF THE FEDERAL AVIATION ADMINISTRATION'S SIX UNMANNED AIRCRAFT SYSTEM TEST SITES," was adopted.

#### FINAL ADOPTION

S.C.R. No. 49, S.D. 1, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, S.C.R. No. 49, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO STATEWIDE," was Finally Adopted.

S.C.R. No. 73, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, S.C.R. No. 73, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE CONFERENCE OF THE PARTIES," was Finally Adopted.

S.C.R. No. 137, S.D. 1, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, S.C.R. No. 137, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF AEROSPACE DEVELOPMENT TO DEVELOP AND PROMOTE A PARTNERSHIP IN AEROSPACE WITH THE STATE OF ALASKA TO EXPAND AND DIVERSIFY BOTH STATES' ECONOMIES AND THE UNITED STATES SPACE PROGRAM," was Finally Adopted.

At this time, Senator Dela Cruz introduced Lance Inouye, newly appointed member of the Land Use Commission who was seated in the gallery.

#### FINAL READING

Conf. Com. Rep. No. 7-12 (S.B. No. 2748, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 7-12 was adopted and S.B. No. 2748, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2506, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 2506, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL IDENTIFICATION," was deferred until Tuesday, May 1, 2012.

S.B. No. 2868, S.D. 1, H.D. 1:

Senator Ige moved that S.B. No. 2868, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

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

"This bill adds tax clearance fees; it's something that the taxpayers are already paying for. They pay their taxes. They go through the process. They should be getting a tax clearance with no additional charge, and the CD actually is worse than we've had before—or, I mean, the final House draft, it's got even more fees, so it's my 'no' vote. Thank you."

Senator Kim requested her vote be cast "aye, with reservations," and the Chair so noted.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2868, S.D. 1, and S.B. No. 2868, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CLEARANCE FEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Kim). Noes, 1 (Slom).

S.B. No. 3010, S.D. 2, H.D. 1:

On motion by Senator English, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3010, S.D. 2, and S.B. No. 3010, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ihara).

#### MISCELLANEOUS BUSINESS

##### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2859, S.D. 1 (H.D. 2):

Senator Hee moved that the Senate reconsider its action taken on April 12, 2012, in disagreeing to the amendments proposed by the House to S.B. No. 2859, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2859, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hee, Shimabukuro, Ihara). Noes, none. Excused, 1 (Slom).

Senator Hee then moved that the Senate agree to the amendments made by the House to S.B. No. 2859, S.D. 1, seconded by Senator Espero.

Senator Hee noted:

"The House amendments are mostly technical, but they also do not change the original intent of S.B. 2859."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2859, S.D. 1 and S.B. No. 2859, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OPEN GOVERNMENT," was placed on the calendar for Final Reading on Tuesday, May 1, 2012.

S.B. No. 2876, S.D. 2 (H.D. 3):

Senator Dela Cruz moved that the Senate reconsider its action taken on April 12, 2011, in disagreeing to the

amendments proposed by the House to S.B. No. 2876, S.D. 2, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2876, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Dela Cruz, Kidani, Solomon, Slom). Noes, none. Excused, 1 (English).

Senator Dela Cruz then moved that the Senate agree to the amendments made by the House to S.B. No. 2876, S.D. 2, seconded by Senator Espero.

Senator Dela Cruz noted:

“Your Committee on Water, Land, and Housing moved to agree with the House draft 3 language. The amendments made established and clarified the violations process system, general administrative penalties, fines, and outlined the Department of Transportation’s responsibilities.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2876, S.D. 2 and S.B. No. 2876, S.D. 2, H.D. 3, entitled: “A BILL FOR AN ACT RELATING TO THE COMMERCIAL HARBORS,” was placed on the calendar for Final Reading on Tuesday, May 1, 2012.

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

“I wish to offer a public apology to the Senate majority floor leader for some unkind remarks that I made to him this afternoon in front of my staff. Thank you.”

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

“I’d just like to thank you, Mr. President, and the Senate leadership for trying to help us in our resolution of H.B. No. 2819, H.D. 1, S.D. 2, C.D. 1. This is relating to the Kaka’ako bill; and as you know, colleagues, this was the part two of the settlement bill which was discussed early on. I have a prepared statement; may I please read it?”

“The amended bill—and many of you have copies (this was given to the House for consideration)—I feel is a template for the future settlement of all claims of the Hawaiian people. The kauna of this bill is Native Hawaiian self-determination.

“We are now working with Hawaiians of reason, in stark contrast to those times when many of us were here when we worked in those days with protest and strife. I had experienced this 30 years ago.

“The Senate’s position, Mr. President, has always been to support reasonable appeals for Hawaiian self-determination. The Senate Conferees added language to C.D. No. 1 in order to address public concerns. This language addresses the use of two mauka most parcels. In particular, S.D. No. 1 includes new language as follows:

“In response to the public’s concerns regarding the residential exemption, the conference draft provisions do not affect HCDA’s commitment to consider the Kaka’ako Makai Conceptual Master Plan Final Report as the guiding document for reviewing and approving future projects at Kaka’ako Makai, and also expressly allows at least two opportunities for community input. In fact, the language is included to allow any public concern to be voiced at HCDA master plan permit and SMA permit application phases and both provide for a Chapter 91 right of appeal.

“I am satisfied, Mr. President, that this amended bill is a good bill and will go far to further advance the process of reconciliation between the State of Hawai’i and the Hawaiian people. So with that, Mr. President, again, I would like to thank the leadership in their attempts—they did assign conferees—and to let you know that I am very much in support. And I don’t know, maybe hoping some miracle may transpire between now and then, that maybe this would have a breath of light. Thank you very much.”

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

“I’d like to take this opportunity to thank the good Senator from Moku O Keawe for her remarks, and certainly would appreciate it if you would enter her remarks into the Journal as if they were my own. Mahalo nui loa. As the area legislator of Kaka’ako, we are looking forward to being the model and certainly ground zero for all things Native Hawaiian in urban Honolulu. Mahalo, Mr. President.”

At this time, the Chair made the following announcements:

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

“Conferees will be named in accordance with the action sheets distributed to your offices later tonight.

“The decking deadline for all fiscal bills in conference is midnight tonight.”

At 6:44 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:45 p.m.

#### APPOINTMENT AND DISCHARGE OF CONFEREES

H.B. No. 1705, H.D. 1 (S.D. 1):

The President discharged Senator Kidani as co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1705, H.D. 1.

H.B. No. 1800, H.D. 2 (S.D. 2):

The President discharged Senator Hee as chair; discharged Senator Ige as co-chair and appointed him as chair; and appointed Senator Tokuda as manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1800, H.D. 2.

H.B. No. 2012, H.D. 1 (S.D. 1):

The President discharged Senator Kim as manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2012, H.D. 1.

H.B. No. 2819, H.D. 1 (S.D. 2):

The President appointed Senator Galuteria as manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2819, H.D. 1.

At 6:46 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:46 p.m.

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator Espero, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive conference committee reports on Senate and House bills

for Final Reading. In consequence thereof, and subsequent to its recessing at 6:47 p.m., the Senate took the following actions:

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2502, H.D. 2, presented a report (Conf. Com. Rep. No. 52-12) recommending that H.B. No. 2502, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-12 and H.B. No. 2502, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS," was deferred for a period of 48 hours.

Senator Dela Cruz, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2871, H.D. 1, presented a report (Conf. Com. Rep. No. 53-12) recommending that H.B. No. 2871, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-12 and H.B. No. 2871, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST MAUI OCEAN RECREATION MANAGEMENT AREA," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2328, H.D. 1, presented a report (Conf. Com. Rep. No. 54-12) recommending that H.B. No. 2328, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54-12 and H.B. No. 2328, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2290, H.D. 1, presented a report (Conf. Com. Rep. No. 55-12) recommending that H.B. No. 2290, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55-12 and H.B. No. 2290, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2320, H.D. 2, presented a report (Conf. Com. Rep. No. 56-12) recommending that H.B. No. 2320, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56-12 and H.B. No. 2320, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2740, H.D. 1, presented a report (Conf. Com. Rep. No. 57-12) recommending that H.B. No. 2740, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57-12 and H.B. No. 2740, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1705, H.D. 1, presented a report (Conf. Com. Rep. No. 58-12) recommending that H.B. No. 1705, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58-12 and H.B. No. 1705, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1295, H.D. 3, presented a report (Conf. Com. Rep. No. 59-12) recommending that H.B. No. 1295, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59-12 and H.B. No. 1295, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2644, H.D. 2, presented a report (Conf. Com. Rep. No. 60-12) recommending that H.B. No. 2644, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60-12 and H.B. No. 2644, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1892, presented a report (Conf. Com. Rep. No. 61-12) recommending that H.B. No. 1892, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61-12 and H.B. No. 1892, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REAPPORTIONMENT COMMISSION," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2265, H.D. 2, presented a report (Conf. Com. Rep. No. 62-12) recommending that H.B. No. 2265, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62-12 and H.B. No. 2265, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROCUREMENT CODE," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1875, H.D. 2, presented a report (Conf. Com. Rep. No. 63-12) recommending that H.B. No. 1875, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63-12 and H.B. No. 1875, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," was deferred for a period of 48 hours.

Senator Kouchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2078, H.D. 2, presented a report (Conf. Com. Rep. No. 64-12) recommending that H.B. No. 2078, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64-12 and H.B. No. 2078, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1054, H.D. 1, presented a report (Conf. Com. Rep. No. 65-12) recommending that H.B. No. 1054, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65-12 and H.B. No. 1054, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2773, S.D. 1, presented a report (Conf. Com. Rep. No. 84-12) recommending that S.B. No. 2773, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84-12 and S.B. No. 2773, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 240, S.D. 2, presented a report (Conf. Com. Rep. No. 85-12) recommending that S.B. No. 240, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85-12 and S.B. No. 240, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2115, S.D. 2, presented a report (Conf. Com. Rep. No. 86-12) recommending that S.B. No. 2115, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86-12 and S.B. No. 2115, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2766, S.D. 2, presented a report (Conf. Com. Rep. No. 87-12) recommending that S.B. No. 2766, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87-12 and S.B. No. 2766, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTITIES REGULATED BY THE INSURANCE COMMISSIONER," was deferred for a period of 48 hours.

Senator Dela Cruz, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by

the House to S.B. No. 2742, S.D. 1, presented a report (Conf. Com. Rep. No. 88-12) recommending that S.B. No. 2742, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88-12 and S.B. No. 2742, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2238, S.D. 1, presented a report (Conf. Com. Rep. No. 89-12) recommending that S.B. No. 2238, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89-12 and S.B. No. 2238, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2383, S.D. 1, presented a report (Conf. Com. Rep. No. 90-12) recommending that S.B. No. 2383, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90-12 and S.B. No. 2383, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2797, S.D. 1, presented a report (Conf. Com. Rep. No. 91-12) recommending that S.B. No. 2797, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91-12 and S.B. No. 2797, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATIONS IN MEDICAID," was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2816, S.D. 1, presented a report (Conf. Com. Rep. No. 92-12) recommending that S.B. No. 2816, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92-12 and S.B. No. 2816, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2821, presented a report (Conf. Com. Rep. No. 93-12) recommending that S.B. No. 2821, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93-12 and S.B. No. 2821, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTALITY REVIEW OF DEATHS OF PERSONS WITH DEVELOPMENTAL OR



INTELLECTUAL DISABILITIES,” was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2833, S.D. 1, presented a report (Conf. Com. Rep. No. 94-12) recommending that S.B. No. 2833, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94-12 and S.B. No. 2833, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT EXEMPTION FOR DOMESTIC SERVICES FOR PERSONS WITH DEVELOPMENTAL AND INTELLECTUAL DISABILITIES,” was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3006, S.D. 2, presented a report (Conf. Com. Rep. No. 95-12) recommending that S.B. No. 3006, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 95-12 and S.B. No. 3006, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRES,” was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2737, S.D. 1, presented a report (Conf. Com. Rep. No. 96-12) recommending that S.B. No. 2737, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 96-12 and S.B. No. 2737, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS,” was deferred for a period of 48 hours.

Senator Dela Cruz, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2335, presented a report (Conf. Com. Rep. No. 97-12) recommending that S.B. No. 2335, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 97-12 and S.B. No. 2335, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS,” was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2318, S.D. 1, presented a report (Conf. Com. Rep. No. 98-12) recommending that S.B. No. 2318, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 98-12 and S.B. No. 2318, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION,” was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2813, S.D. 1, presented a report (Conf. Com. Rep. No. 99-12) recommending that S.B. No. 2813, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99-12 and S.B. No. 2813, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL

FOR AN ACT RELATING TO THE DISABILITY AND COMMUNICATION ACCESS BOARD SPECIAL FUND,” was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 596, S.D. 2, presented a report (Conf. Com. Rep. No. 100-12) recommending that S.B. No. 596, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100-12 and S.B. No. 596, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS,” was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1083, S.D. 1, presented a report (Conf. Com. Rep. No. 101-12) recommending that S.B. No. 1083, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101-12 and S.B. No. 1083, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2158, presented a report (Conf. Com. Rep. No. 102-12) recommending that S.B. No. 2158, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102-12 and S.B. No. 2158, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BAIL,” was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2323, S.D. 1, presented a report (Conf. Com. Rep. No. 103-12) recommending that S.B. No. 2323, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103-12 and S.B. No. 2323, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS,” was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2324, S.D. 1, presented a report (Conf. Com. Rep. No. 104-12) recommending that S.B. No. 2324, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 104-12 and S.B. No. 2324, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS,” was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2858, S.D. 1, presented a report (Conf. Com. Rep. No. 105-12) recommending that S.B. No. 2858, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 105-12

and S.B. No. 2858, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPEN GOVERNMENT," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3001, S.D. 2, presented a report (Conf. Com. Rep. No. 106-12) recommending that S.B. No. 3001, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 106-12 and S.B. No. 3001, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1879, H.D. 2, presented a report (Conf. Com. Rep. No. 111-12) recommending that H.B. No. 1879, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 111-12 and H.B. No. 1879, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER," was deferred for a period of 48 hours.

Senator Dela Cruz, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1617, H.D. 2, presented a report (Conf. Com. Rep. No. 112-12) recommending that H.B. No. 1617, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 112-12 and H.B. No. 1617, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1972, H.D. 2, presented a report (Conf. Com. Rep. No. 113-12) recommending that H.B. No. 1972, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 113-12 and H.B. No. 1972, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 280, H.D. 1, presented a report (Conf. Com. Rep. No. 114-12) recommending that H.B. No. 280, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 114-12 and H.B. No. 280, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2487, H.D. 1, presented a report (Conf. Com. Rep. No. 115-12) recommending that H.B. No. 2487, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 115-12 and H.B. No. 2487, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES"

RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Green, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 609, H.D. 2, presented a report (Conf. Com. Rep. No. 116-12) recommending that H.B. No. 609, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 116-12 and H.B. No. 609, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2248, H.D. 2, presented a report (Conf. Com. Rep. No. 117-12) recommending that H.B. No. 2248, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 117-12 and H.B. No. 2248, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HAWAII PACIFIC UNIVERSITY," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2626, H.D. 2, presented a report (Conf. Com. Rep. No. 118-12) recommending that H.B. No. 2626, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 118-12 and H.B. No. 2626, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE ROUTES TO SCHOOL," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2495, H.D. 1, presented a report (Conf. Com. Rep. No. 119-12) recommending that H.B. No. 2495, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 119-12 and H.B. No. 2495, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2569, H.D. 2, presented a report (Conf. Com. Rep. No. 120-12) recommending that H.B. No. 2569, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 120-12 and H.B. No. 2569, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2476, H.D. 1, presented a report (Conf. Com. Rep. No. 121-12) recommending that H.B. No. 2476, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121-12 and H.B. No. 2476, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS

AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES,” was deferred for a period of 48 hours.

Senator Galuteria, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2848, H.D. 3, presented a report (Conf. Com. Rep. No. 122-12) recommending that H.B. No. 2848, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122-12 and H.B. No. 2848, H.D. 3, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1974, H.D. 2, presented a report (Conf. Com. Rep. No. 123-12) recommending that H.B. No. 1974, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 123-12 and H.B. No. 1974, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VETERANS,” was deferred for a period of 48 hours.

#### ADJOURNMENT

At 12:00 midnight, the Senate adjourned until 9:30 a.m., Tuesday, May 1, 2012.

#### OTHER COMMUNICATIONS

The following memorandum was read by Senate President Shan S. Tsutsui at 12:04 a.m., Saturday, April 28, 2012, in Conference Room 309:

“In December of this year, we prepared an internal legislative timetable, setting April 27, 2012, as the last day to file fiscal bills to deck for Final Reading. Earlier this month, we signed the Conference Committee Report Guidelines that provide, in paragraph 11(b) and (c), that all Conference Committee negotiation shall conclude by 6:00 p.m. and all Conference Committee reports shall be filed by 11:30 p.m. on Friday, April 27, 2012. However, due to the delay in negotiations and passage of H.B. 2012, the supplemental Executive budget bill, several measures will need to be negotiated and Conference Committee reports filed beyond the evening of April 27, 2012.

“Therefore, we are exercising our powers under Rule 13 of the Conference Committee Guidelines, to make an exception to these deadlines for certain fiscal measures. The Conference Committees on:

- (1) Bills with general fund appropriations that fit within a \$50 million ceiling;
- (2) Bills with non-general fund appropriations that had the agreement of the Conference Committee on language and approval of the Chairs of the Senate Committee on Ways and means (WAM) and the House Committee on Finance (FIN) as of 6:00 p.m., Friday, April 27, 2012; and
- (3) Other fiscal bills (bills with WAM or FIN referral) that had the agreement of the Conference Committee on language and approval of the Chairs of WAM or FIN as of 6:00 p.m., Friday, April 27, 2012,

shall be permitted to continue negotiations beyond 6:00 p.m., Friday, April 27, 2012, until 10:00 a.m. on Monday, April 30, 2012. No general fund enhancement or tax relief bills shall be permitted to continue negotiations beyond 6:00 p.m. on Friday, April 27, 2012. Furthermore, to allow adequate time to prepare and review the reports and the final form of the Conference

Drafts, the filing deadline shall be extended until April 30, 2012, at 1:00 p.m. the opening of the any conference meeting must be approved by signatures of the Chairs of WAM and FIN.

“We are granting this exception to provide the conference members with an opportunity to ensure that the Conference Committee report and the Conference draft reflect the agreements made throughout the weekend. We believe that, due to the delay in the passage of the budget, allowing these bills to die based on an internal procedural deadline is not in the best interest of the people of Hawaii.

“For SB120, SD1, HD1, the Clerks of the respective Chambers shall accept a Conference draft no later than 9:00 a.m. tomorrow, Saturday, April 30<sup>th</sup>.

“We wish to emphasize that previous Legislatures, when facing similar problems in past years, have followed the same procedure we will follow with these measures.”