

## TWENTIETH DAY

## Thursday, February 16, 2012

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2012, convened at 11:36 a.m. with the President in the Chair.

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

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

At this time, Senator Chun Oakland welcomed a group of third- and fourth-grade students from Soto Academy and their teachers Rose Ann Nakamoto and Jan Wong. Senator Chun Oakland noted that among the students was Jace Arakaki, son of Doug Arakaki of the Senate Sergeant-at-Arms office.

Senator English, on behalf of Senators Tsutsui, Baker, and himself, introduced several participants of the Ka Ipu Kuku Fellows program who were seated in the gallery.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 642 to 643 and 1104 to 1105) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 642, informing the Senate that on February 15, 2012, the Governor withdrew MARY ONEHA, Gubernatorial Nominee to the Board of Directors of the Hawai'i Health Connector, from consideration by the Senate (Gov. Msg. Nos. 608 and 619), was placed on file.

Gov. Msg. No. 643, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, the nomination of CLEMENTINA CERIA-ULEP, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 1104, informing the Senate that on February 15, 2012, the Governor signed into law House Bill No. 905, H.D. 1, S.D. 1, C.D. 1 as Act 4, entitled: "RELATING TO DELIVERY OF GOVERNMENT SERVICES," was placed on file.

Gov. Msg. No. 1105, informing the Senate that on February 15, 2012, the Governor signed into law House Bill No. 2002, H.D. 1 as Act 5, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," was placed on file.

## DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 71) was read by the Clerk and was placed on file:

Dept. Com. No. 71, from University of Hawaii dated February 10, 2012, transmitting the Quarterly Report on Expenditure of Funds from the Tobacco Settlement Agreement for University Revenue Undertakings FY2012 pursuant to Act 164, Section 23, SLH 2011.

## HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 15) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 15, transmitting H.B. No. 2438, H.D. 2, which passed Third Reading in the House of Representatives on February 15, 2012, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 2438, H.D. 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed First Reading by title and was deferred.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 42 to 48) were read by the Clerk and were deferred:

S.C.R. No. 42 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE WAYS, OTHER THAN TAX INCENTIVES, TO ENCOURAGE EMPLOYERS TO PROVIDE AND PAY FOR LONG TERM CARE INSURANCE AND INDIVIDUALS TO PURCHASE LONG TERM CARE INSURANCE."

Offered by: Senators Chun Oakland, Espero, Green, Shimabukuro, Baker, Fukunaga, Galuteria, Ihara.

S.C.R. No. 43 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO ALLOW PUBLIC SCHOOL CAMPUSES THAT HAVE SMALLER STUDENT ENROLLMENTS TO BE USED FOR AGING AND DISABILITY RESOURCE CENTERS, SENIOR CENTERS, AND OTHER KUPUNA-RELATED PROGRAMS TO MEET COMMUNITY NEEDS AND AVOID THE CLOSURE OF SCHOOLS."

Offered by: Senators Chun Oakland, Espero, Fukunaga, Green, Baker, Galuteria, Ihara, Shimabukuro, Taniguchi.

S.C.R. No. 44 "SENATE CONCURRENT RESOLUTION ESTABLISHING THE LONG-TERM CARE FINANCING TASK FORCE TO CONDUCT A FEASIBILITY STUDY ON THE VIABILITY OF USING ACCELERATED DEATH BENEFITS AND VIATICAL SETTLEMENTS AS SOURCES OF FUNDING FOR LONG-TERM CARE NEEDS."

Offered by: Senators Chun Oakland, Ihara, Shimabukuro, Espero.

S.C.R. No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO ASSESS THE FEASIBILITY OF CONSOLIDATING OVERSIGHT RESPONSIBILITY OF ADULT RESIDENTIAL CARE AND FOSTER HOME FACILITIES UNDER A SINGLE DEPARTMENT."

Offered by: Senators Chun Oakland, Espero, Ihara, Shimabukuro, Galuteria, Nishihara.

S.C.R. No. 46 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT OF PROPOSED MANDATORY HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS UNDER ACCIDENT AND HEALTH OR SICKNESS INSURANCE, INDIVIDUAL AND GROUP HOSPITAL AND MEDICAL SERVICE CONTRACTS, AND HEALTH MAINTENANCE ORGANIZATIONS."

Offered by: Senators Chun Oakland, Shimabukuro, Baker, Fukunaga, Galuteria, Ige, Kidani, Nishihara, Tokuda.

S.C.R. No. 47 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A JOINT PUBLIC AND PRIVATE SECTOR TASK FORCE TO IDENTIFY THE FEASIBILITY AND BENEFITS OF EXTENDING FOSTER CARE UP TO THE AGE OF TWENTY-ONE."

Offered by: Senators Chun Oakland, Shimabukuro, Baker, Fukunaga, Galuteria, Ige, Kidani.

S.C.R. No. 48 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO EXPAND A SCHOOL GARDEN PROGRAM STATEWIDE."

Offered by: Senators Chun Oakland, Fukunaga, Shimabukuro, Baker, Galuteria, Ige, Kidani, Nishihara, Taniguchi, Tokuda.

#### STANDING COMMITTEE REPORTS

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2235) recommending that S.B. No. 2826, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2826, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Baker and Hee, for the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2236) recommending that S.B. No. 2748 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2748, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Baker, for the Committee on Health and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2237) recommending that S.B. No. 2473, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2473, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2238) recommending that S.B. No. 2769, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2769, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2239) recommending that S.B. No. 2779, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGING AND DISABILITY RESOURCE CENTERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Green, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2240) recommending that S.B. No. 2319, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2319, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators English, Espero, and Hee, for the Committee on Transportation and International Affairs and the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2241) recommending that S.B. No. 2506, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2506, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL IDENTIFICATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Dela Cruz and English, for the Committee on Water, Land, and Housing and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 2242) recommending that S.B. No. 2875, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2875, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Dela Cruz and English, for the Committee on Water, Land, and Housing and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 2243) recommending that S.B. No. 2876, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2876, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMERCIAL HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2244) recommending that S.B. No. 2305, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2305, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 2245) recommending that S.B. No. 2360, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2360, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Dela Cruz and Nishihara, for the Committee on Water, Land, and Housing and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 2246) recommending that S.B. No. 3011, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3011, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Fukunaga, for the Committee on Commerce and Consumer Protection and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 2247) recommending that S.B. No. 2504, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2504, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF DOGS AND CATS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2248) recommending that S.B. No. 2178, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2178, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2249) recommending that S.B. No. 2466, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2250) recommending that S.B. No. 490, S.D. 1, as amended in S.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 490, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2251) recommending that S.B. No. 3060, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDERS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2252) recommending that S.B. No. 2091 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2091, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2253) recommending that S.B. No. 2100, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2100, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSAULT ON MEDICAL SERVICES PROVIDERS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2254) recommending that S.B. No. 2101 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2101, entitled: "A BILL FOR AN ACT RELATING TO THE TRICARE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2255) recommending that S.B. No. 2578, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2578, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2256) recommending that S.B. No. 2035 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2035, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WAHIAWA GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2257) recommending that S.B. No. 2103, as amended in S.D. 1, pass Second Reading and be

referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2103, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Green, Chun Oakland, and Hee, for the Committee on Health and the Committee on Human Services and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2258) recommending that S.B. No. 2126, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2259) recommending that S.B. No. 2642 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2642, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green, Chun Oakland, and Hee, for the Committee on Health and the Committee on Human Services and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2260) recommending that S.B. No. 2121, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2121, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2261) recommending that S.B. No. 2472, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2472, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENT-CENTERED MEDICAL HOMES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2262) recommending that S.B. No. 2778, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2778, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY CHILDHOOD HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Hee, for the majority of the Committee on Health and the majority of the Committee on Judiciary and

Labor, presented a joint report (Stand. Com. Rep. No. 2263) recommending that H.B. No. 466, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and H.B. No. 466, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2264) recommending that S.B. No. 2909 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2909, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 17, 2012.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2265) recommending that S.B. No. 3031 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3031, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2266) recommending that S.B. No. 2030, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2030, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Espero and Chun Oakland, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2267) recommending that S.B. No. 2071, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2071, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2268) recommending that S.B. No. 2728 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2728, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2269) recommending that S.B. No. 2731 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2731, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2270) recommending that S.B. No. 2735, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2735, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRISON LITIGATION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2271) recommending that S.B. No. 2865 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2865, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF PUBLIC SAFETY FEDERAL REIMBURSEMENT MAXIMIZATION SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2272) recommending that S.B. No. 2945 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2945, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2273) recommending that S.B. No. 2950, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR THE HONOLULU FAMILY JUSTICE CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2274) recommending that S.B. No. 2955, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2955, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION OFFICERS," passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 2275) recommending that S.B. No. 3054 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3054, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2276) recommending that S.B. No. 2221 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2221, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2277) recommending that S.B. No. 2811 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2811, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2278) recommending that S.B. No. 2269, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2269, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO BEST BUDDIES INTERNATIONAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga, Baker, and Hee, for the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2279) recommending that S.B. No. 2433, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2433, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHALLENGE COURSE TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga, Espero, and Hee, for the Committee on Economic Development and Technology and the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 2280) recommending that S.B. No. 2233, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC INFORMATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga, Dela Cruz, and Espero, for the Committee on Economic Development and Technology and the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 2281) recommending that S.B. No. 2381 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2381, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF LAND AND NATURAL RESOURCES MARITIME FACILITIES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Fukunaga and Baker, for the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2282) recommending that S.B. No. 2655, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2655, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORTABLE ELECTRONICS INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2283) recommending that S.B. No. 2941, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2284) recommending that S.B. No. 2895, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2895, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW MARKETS TAX CREDITS," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### THIRD READING

S.B. No. 2988:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 2988, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2709:

On motion by Senator Green, seconded by Senator Nishihara and carried, S.B. No. 2709, entitled: "A BILL FOR AN ACT RELATING TO FURNISHING THE DATE OF VITAL EVENTS TO GOVERNMENTAL AGENCIES WITHIN THE STATE OF HAWAII THAT REQUEST VERIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2821:

Senator Green moved that S.B. No. 2821, having been read throughout, pass Third Reading, seconded by Senator Nishihara.

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

"Thanks to my crack legal staff, we uncovered something that really should be taken care of: on page five of the bill, in subsection c, it grants immunity. It says no individual participating in the department's multidisciplinary and multiagency mortality review should be questioned in any civil or criminal proceeding, etc. This particular bill, which is an administration bill, is patterned after what's known as Brian's Law in a number of states, originating in Illinois. In that bill and in the others across the country, they clearly make a distinction and they have set up the usual languages that the Department of Human Services shall develop an independent team of experts from the academic, private, and public sectors to examine all deaths at facilities and community agencies. In other words, they specifically define those individuals who would be granted immunity. There is ambiguity in our particular bill here and in this particular sentence because it may extend far beyond immunity to those people that are directly involved. So, I would urge that at some point we so amend the bill. Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 2821, entitled: "A BILL FOR AN ACT RELATING TO MORTALITY REVIEW OF DEATHS OF PERSONS WITH DEVELOPMENTAL OR INTELLECTUAL DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2828:

On motion by Senator Green, seconded by Senator Nishihara and carried, S.B. No. 2828, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EARLY INTERVENTION COORDINATING COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

"This morning's newspaper, on page A-11, there's an article by Cynthia Oi who writes a column entitled, 'Under the Sun'. The title of her article this morning is, 'Developers: Don't make promises you can't keep.' The reason I raise this article is that it is timely because we heard a bill in the Committees on Water Land and Hawaiian Affairs and PGM and Judiciary about giving the Land Use Commission the authority to issue sanctions when developers make promises but don't keep them.

“And interestingly enough, it uses the same example that I used yesterday about Haseko promising to build a marina, 1,400 slips. So Cynthia Oi says, among other things, that when this issue came up before the Land Use Commission, the developer promised to create 1,500 jobs ‘that was envisioned to supplement tourism with charter tours and other boating activities such as an America’s Cup-style yachting competition,’ will now be a lagoon. She continues and says, ‘Some who put up money for a house in Ewa are having buyers’ remorse.’ Obviously, because they bought the unit that they’re living in with the expectation that there would be 1,400 slips, a yacht harbor. She says, ‘But the developer says government approvals for land reclassification and zoning were not contingent on the marina, although it appears a Land Use Commission ruling requires compliance.’ *It appears.*

“She says, ‘The loss of a marina isn’t the end of the world,’ and I agree. ‘But the situation illustrates how government cannot rely on promises or good intentions. Should the state approve development of hundreds of acres of good Central Oahu farmland, it should get guarantees that schools, hospitals and adequate traffic mitigation will be completed early in decades-long build-outs. Government agencies should require public benefits will come, that bait-and-switches will no longer be acceptable vision statements for development.’

“We have a bill—we have several bills—to give the Land Use Commission the authority to issue admonishments, to issue sanctions to developers who engage in bait-and-switch tactics, to developers who do not keep their promises; including promises of thousands of jobs that are an ongoing situation as we deliberate policy this session. Thank you. Thank you, Mr. President.”

Senator Galuteria, Chair of the Committee on Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 2212.

Senator Galuteria noted:

“I request a waiver of the notice requirement pursuant to Senate Rule 21 in order to conduct decision-making on Senate Bill 2212, which addresses the congressional consent requirement for amendments made to the provision related to community based governance on Hawaiian home lands.”

The Chair granted the waiver.

At 11:49 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate recovered at 11:50 a.m.

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

“I just want to share my feedback on some of the things that the previous speaker had mentioned in regards to the promises that were made and in regards to the jobs that were supposed to enhance tourism. You know, my feeling is that we’re supposed to diversify the economy. Why are we continuing to put more eggs into the tourism basket? We already said we need to diversify our economy. You know, I don’t think it’s the time to force developers to keep promises that no longer make sense. It’s really the time for us to re-examine those promises to see if it where Hawai’i needs to be.

“If we’re going to keep promises that don’t make sense, then we’re going to be expanding urban sprawl, which is going to increase the cost of government. More roads, more sewers, more police stations, and schools versus focusing growth in the urban core in our main streets, letting our small communities have the opportunity to have some economic development.

“You know, if we want to talk about promises kept, there are so many promises in our Constitution, so many promises that the government has made that have not been kept either. So if we’re going to call a spade a spade, let’s look at ourselves in the mirror, too, and figure out how we’re going to achieve the New Day. Thank you.”

Senator Hee rose in rebuttal as follows:

“I do not disagree with him in what he said, but that’s not what I was talking about. I couldn’t care less that he believes time has changed and we shouldn’t be in tourism and we should diversify; in fact, I agree with him. He’s absolutely correct. But that wasn’t my point.

“My point was developers come before the Land Use Commission, they make all kinds of promises—1,500 jobs, a yacht harbor—they get the zoning change. Then they start their marketing campaign, and at the top of the marketing campaign is guess what—private marina, 1,400 slips, you get to keep your boat there. Without that private marina, they would not have sold some of those lots. I grant you that someone who bought the lot under a false pretense could seek redress through the courts. I grant you that there is a fraud statute that allows an individual or class of individuals, but we all know what it costs to fight a developer well-heeled from Japan like Haseko. That’s not the point. The point is when developers come forward with these grandiose plans and these jobs, there should be consequences to pay, and those consequences belong in the kuleana of the Land Use Commission, which grants the privilege of taking farmland and turning them into other uses. That was my point. Thank you.”

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

“Just to note that today we have completed our twentieth day of the session, one-third of the session; and to date, we have not really answered the pleas from our residents, our over-taxed, over-regulated residents. We really have not done the things that we need to do to inspire improvements in the business and investment climate in our state and to enthusiastically achieve private job creation.

“We have, however, spent a lot of time debating new tax increases, fee increases by the bushel load, more regulations, more studies. While it’s true that we have fasttracked film credits for one industry, it is our basic industries and basic small businesses that comprise 98 percent of total businesses in the state that feel that we have not given them the attention that they deserve. Notably, some relief from the looming large increase again on unemployment compensation taxes coming up in just a few weeks. So, I would urge my colleagues to spend a little bit more time in trying to fasttrack and develop those things that our residents come here and testify and tell us that they need in order to run their business, pay for their families, increase and expand our economy so that we may all benefit. Thank you, Mr. President.”

At this time, the Chair made the following announcements:

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

“Secondly, the deadline for filing standing committee reports on Senate bills that need to pass Second Reading and move laterally to the final Senate committee is 8:00 p.m. this evening.”

#### REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House bills received on Friday, February 10, 2012; and Tuesday, February 14, 2012:

H.B. No.:	Referred to:	S.R. No.:	Re-referred to:
H.B. No. 1743	Committee on Transportation and International Affairs	S.R. No. 15	Jointly to the Committee on Economic Development and Technology and the Committee on Education, then to the Committee on Ways and Means
H.B. No. 2096, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means		
H.B. No. 2437, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means		

**ADJOURNMENT**

At 11:56 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, February 17, 2012.

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of Senate concurrent resolutions offered on Thursday, February 9, 2012; Friday, February 10, 2012; and Tuesday, February 14, 2012:

S.C.R. No.:	Referred to:
S.C.R. No. 38	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.C.R. No. 39	Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor
S.C.R. No. 40	Committee on Ways and Means
S.C.R. No. 41	Jointly to the Committee on Economic Development and Technology and the Committee on Judiciary and Labor, then to the Committee on Ways and Means

**REFERRAL OF A SENATE RESOLUTION**

The President made the following committee assignments of a Senate resolution offered on Thursday, February 9, 2012:

S.R. No.:	Referred to:
S.R. No. 16	Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor

**RE-REFERRAL OF A HOUSE BILL**

The Chair re-referred the following House bill that was received:

H.B. No.:	Re-referred to:
H.B. No. 1868, H.D. 1	Committee on Economic Development and Technology, then to the Committee on Commerce and Consumer Protection

**RE-REFERRAL OF A  
SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following Senate concurrent resolution that was offered:

S.C.R. No.:	Re-referred to:
S.C.R. No. 36	Jointly to the Committee on Economic Development and Technology and the Committee on Education, then to the Committee on Ways and Means

**RE-REFERRAL OF A SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered: