

THE SENATE  
OF THE  
TWENTY-SIXTH LEGISLATURE  
STATE OF HAWAII  
REGULAR SESSION OF 2012

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SECOND DAY

JANUARY 19, 2012-THURSDAY-11:30 O'CLOCK A.M.

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ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: No. 154

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 154</a>	Dated January 4, 2012, transmitting the Annual Report of the Hawaii Employer-Union Health Benefits Trust Fund for fiscal year ending June 30, 2011, pursuant to Chapter 87A, HRS.	FILE

2. Departmental Communication Nos. 60-61

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">D.C. No. 60</a>	From the Public Utilities Commission dated January 11, 2012, transmitting a Report on the Application of Hawaii Water Service Co., Inc./Ka'anapali Division for Approval of a General Rate Increase and Other Related Matters pursuant to Section 269-16(d), HRS.	FILE

[D.C. No. 61](#) From the University of Hawaii dated January 13, 2012, transmitting the Annual Report on University of Hawaii Special, Revolving, and Trust Funds FY2011 pursuant to Sections 304A-106 and 304A-2007, HRS. FILE

3. House Communication Nos. 1-2

Informing the Senate that on January 18, 2012, the following House Concurrent Resolutions were adopted in the House: REFERRAL

1 [H.C.R. No. 1](#) ADOPT  
"RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2012."(Recess Days; Regular Session of 2012)

2 [H.C.R. No. 2](#) ADOPT  
"REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION."(Governor; State of the State Address)

4. Senate Communications: None

5. Judiciary Communications: None

6. Introduction of Measures: Senate Bill Nos. 2077-2163

Senate Resolution No. 4

7. Standing Committee Report No. 2001

[2001](#)  
(One Day Notice)

(JDL)

[J.C. No. 1](#)

"Submitting for consideration and confirmation to the District Court of the Second Circuit, State of Hawaii, Judicial Nominee, MIMI DESJARDINS, for a term of six years."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY

8. Referrals

REFERRALS FOR THURSDAY, JANUARY 19, 2012

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">S.B. 2031</a>	RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTH SENATORIAL DISTRICT. (CIP; 7th Senatorial District)	WAM
<a href="#">S.B. 2032</a>	RELATING TO GAMBLING. (Gambling; Slot Machines; Video Poker; Counties)	TSM/PGM/EDT, JDL/WAM
<a href="#">S.B. 2033</a>	RELATING TO EDUCATION. (Education; School Supplies; Debit Card System; Appropriation)	EDU, WAM

<a href="#">S.B. 2034</a>	RELATING TO WATER SERVICE CONSUMPTION DATA. (Public Access; Water Service Consumption Data)	PGM, JDL
<a href="#">S.B. 2035</a>	RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WAHIAWA GENERAL HOSPITAL. (Wahiawa General Hospital; SPRB)	HTH, WAM
<a href="#">S.B. 2036</a>	RELATING TO COUNTIES. (Counties; Townships)	PGM, JDL
<a href="#">S.B. 2037</a>	PROPOSING AN AMENDMENT TO ARTICLE VIII OF THE HAWAII STATE CONSTITUTION TO ENABLE COUNTIES TO CREATE TOWNSHIPS. (Constitutional Amendment; Counties; Townships)	PGM, JDL
<a href="#">S.B. 2038</a>	RELATING TO ENERGY RESOURCES. (Energy; Solar Water Heater; Conservation; Kauai County Package)	ENE/EDT, WLH
<a href="#">S.B. 2039</a>	RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND. (Employer-Union Health Benefits Trust Fund; Kauai County Package)	JDL, WAM
<a href="#">S.B. 2040</a>	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. (Employees' Retirement System; Board of Trustees; Kauai County Package)	JDL, WAM
<a href="#">S.B. 2041</a>	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. (Employees' Retirement System; Teachers; Kauai County Package)	JDL, WAM
<a href="#">S.B. 2042</a>	RELATING TO AQUATIC LIFE. (Aquatic Life; Sale; Prohibition; Kauai County Package)	WLH/JDL, WAM

<a href="#">S.B. 2043</a>	RELATING TO BUSINESS DEVELOPMENT IN HAWAII. (Business Development in Hawaii; Motion Picture, Digital Media, and Film Production Tax Credits; Maui County Council Package)	EDT, WAM
<a href="#">S.B. 2044</a>	RELATING TO TIME SHARE ZONING. (Maui County Package; Time Share Zoning)	PGM/TSM, CPN
<a href="#">S.B. 2045</a>	RELATING TO TRAFFIC SAFETY. (Traffic Safety; Bicycle Path; Bicycle Lane; Moped; Maui County Council Package)	TIA, WAM
<a href="#">S.B. 2046</a>	RELATING TO TRAFFIC INFRACTIONS. (Traffic Infractions; Fines and Forfeitures; HSAC Package)	PGM/JDL, WAM
<a href="#">S.B. 2047</a>	RELATING TO HOUSING. (Affordable Housing Projects; HSAC Package)	PGM/WLH
<a href="#">S.B. 2048</a>	RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM. (Employee's Retirement System; Representation; Board of Trustees; HSAC Package)	JDL, WAM
<a href="#">S.B. 2049</a>	RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND. (Employer-Union Health Benefits Trust Fund; Counties; HSAC Package)	JDL, WAM
<a href="#">S.B. 2050</a>	RELATING TO LIABILITY. (Liability; Duty To Warn Of Dangers On Public Lands; County Lifeguards; HSAC Package)	JDL
<a href="#">S.B. 2051</a>	RELATING TO VOTER REGISTRATION. (Voter Registration; Appropriation; Office of Elections Package)	JDL, WAM
<a href="#">S.B. 2052</a>	RELATING TO ELECTIONS. (Elections; Absentee Ballots; Unique Ballots; Office of Elections Package)	JDL

<a href="#">S.B. 2053</a>	RELATING TO CAMPAIGN SPENDING. (Campaign Spending)	JDL
<a href="#">S.B. 2054</a>	RELATING TO THE JUDICIARY. (Judiciary; Supplemental Appropriations; Judiciary Package)	JDL, WAM
<a href="#">S.B. 2055</a>	RELATING TO CONDITIONAL RELEASE. (Judiciary Package; Conditional Release; Tolling)	JDL
<a href="#">S.B. 2056</a>	RELATING TO THE PENAL CODE. (Probation; Early Discharge; Compliance Report; Judiciary Package)	JDL
<a href="#">S.B. 2057</a>	RELATING TO SALARIES. (Salaries; State Officials; Judges; Legislators; Judiciary Package)	JDL, WAM
<a href="#">S.B. 2058</a>	RELATING TO FELONIES FOR WHICH CRIMINAL CHARGES MAY BE INSTITUTED BY WRITTEN INFORMATION. (Felonies Chargeable by Written Information; Prosecuting Attorney Package)	JDL
<a href="#">S.B. 2059</a>	RELATING TO VIOLATION OF PRIVACY. (Violation of Privacy; Prosecuting Attorney Package)	JDL
<a href="#">S.B. 2060</a>	RELATING TO ACCUSED TO TRANSPORT WITNESS OR WITNESSES. (Accused to Transport Witness or Witnesses; Prosecuting Attorney's Package )	JDL, WAM
<a href="#">S.B. 2061</a>	RELATING TO CRIMINAL PROCEDURE. (Criminal Procedure; Dismissal; Abuse of Family or Household Member; Honolulu Prosecutor's Package)	JDL

<a href="#">S.B. 2062</a>	RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS. (Justifiable Use of Force; Minors; Discipline; Prosecuting Attorney Package)	JDL
<a href="#">S.B. 2063</a>	RELATING TO COMMUNICATION SERVICE PROVIDERS. (Communication; Service Providers; Privacy; Disclosure; Prosecuting Attorney's Office Package)	PGM, JDL
<a href="#">S.B. 2064</a>	RELATING TO PRODUCTION OF RECORDS. (Production of Records; Prosecuting Attorney Package)	JDL
<a href="#">S.B. 2065</a>	RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU. (Appropriation; Prosecuting Attorney; Honolulu; Prosecuting Attorney Package)	JDL, WAM
<a href="#">S.B. 2066</a>	RELATING TO UNAUTHORIZED COMPUTER ACCESS. (Unauthorized Computer Access; Honolulu Prosecutor Package)	EDT, JDL
<a href="#">S.B. 2067</a>	RELATING TO PRIVATIZATION OF GOVERNMENT SERVICES. (Government Agencies; Procurement; City and County of Honolulu Package)	JDL/PGM, WAM
<a href="#">S.B. 2068</a>	RELATING TO COLLECTIVE BARGAINING. (Collective Bargaining; Public Sector Unions; Essential Employees; City and County of Honolulu Package)	JDL, WAM

<a href="#"><u>S.B. 2069</u></a>	RELATING TO COLLECTIVE BARGAINING. (Collective Bargaining; Public Sector Unions; City & County of Honolulu Package)	JDL, WAM
<a href="#"><u>S.B. 2070</u></a>	RELATING TO THE RESIDENCY OF APPOINTIVE OFFICERS. (Residency Requirements; State and County Appointed Officers; City and County of Honolulu Package)	JDL, WAM
<a href="#"><u>S.B. 2071</u></a>	RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES. (Criminal History Record Checks for County Employees; City and County of Honolulu Package)	PGM/HMS, JDL
<a href="#"><u>S.B. 2072</u></a>	PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO RATIFICATION OF CONSTITUTIONAL AMENDMENTS. (Constitutional Amendments; Ratification of Constitutional Amendments; City and County of Honolulu Package)	JDL
<a href="#"><u>S.B. 2073</u></a>	RELATING TO SIMULATED FIREARMS. (Simulated Firearms; Terroristic Threatening; Robbery)	JDL
<a href="#"><u>S.B. 2074</u></a>	RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE. (Procurement; City and County of Honolulu Package)	PGM, WAM
<a href="#"><u>S.B. 2075</u></a>	RELATING TO CIVIL ACTIONS. (Government Tort Liability; City and County of Honolulu Package)	TIA/PGM, JDL
<a href="#"><u>S.B. 2076</u></a>	RELATING TO COUNTIES. (Counties; Tort Liability; Written Notice of Defect; City and County of Honolulu Package.)	PGM, JDL



MEASURE

TITLE

REFERRAL

[S.C.R. 1](#)

REQUESTING THE LEGISLATURE OF THE STATE OF HAWAII TO AMEND CHAPTER 188, HAWAII REVISED STATUTES, BY ADDING A NEW SECTION TO BE APPROPRIATELY DESIGNATED PROHIBITING THE SALE OF AQUATIC LIFE FOR AQUARIUM PURPOSES AND AMEND EXISTING SECTION 188F-4 REGARDING THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA PLAN AND SECTION 189-11 REGARDING RECEIPTS IN MANAGEMENT AREA PLAN AND SECTION 189-11 REGARDING RECEIPTS IN DUPLICATE;  
(Aquatic Life Resolution; Kauai County Package)

WLH, JDL

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#"><u>S.R. 2</u></a>	<p>REQUESTING THE LEGISLATURE OF THE STATE OF HAWAII TO AMEND CHAPTER 188, HAWAII REVISED STATUTES, BY ADDING A NEW SECTION TO BE APPROPRIATELY DESIGNATED PROHIBITING THE SALE OF AQUATIC LIFE FOR AQUARIUM PURPOSES AND AMEND EXISTING SECTION 188F-4 REGARDING THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA PLAN AND SECTION 189-11 REGARDING RECEIPTS IN MANAGEMENT AREA PLAN AND SECTION 189-11 REGARDING RECEIPTS IN DUPLICATE; A RESOLUTION REQUESTING THE GOVERNOR TO ISSUE A MORATORIUM ON THE COMMERCIAL TAKE AND SALE OF AQUATIC LIFE TAKEN FOR AQUARIUM PURPOSES FROM STATE WATERS; AND REQUESTING THE HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT A RULE PROHIBITING THE COMMERCIAL TAKE AND SALE OF AQUATIC LIFE TAKEN FOR AQUARIUM PURPOSES FROM STATE WATERS. (Aquatic Life Resolution; Kauai County Package)</p>	WLH, JDL
<a href="#"><u>S.R. 3</u></a>	<p>URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX. (Transient Accommodations Tax; HSAC Package)</p>	PGM/TSM, WAM

9. Miscellaneous Communications: None

10. Miscellaneous Business

11. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
INFO-TIA	1/19/2012 1:15 PM	224
INFO-WAM-FIN	1/19/2012 1:30 PM	Auditorium
INFO-PGM-ERB	1/19/2012 3:30 PM	312
CONF	1/20/2012 1:30 PM	225
INFO-HAW-HWN-HLT- HTH	1/23/2012 2:45 PM	329
INFO-CPN	1/24/2012 10:00 AM	229
INFO-EDU-EDN	1/25/2012 2:00 PM	309
INFO-EDU-EDN	1/27/2012 2:00 PM	309

- Senate Session will convene at 11:30 a.m. on Friday, January 20, 2012.

12. Adjournment