

SEVENTEENTH DAY

Tuesday, February 12, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, 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 Kahele who was excused.

The President announced that she had read and approved the Journal of the Sixteenth Day.

At this time, Senator Taniguchi introduced representatives from the National Conference of State Legislatures including Executive Director Bill Pound and Director of State Services and Hawai'i liaison Corina Eckl.

Senator English introduced Shawn Gray and Tara Radcliffe, newlyweds from New York City who were visiting 'ohana in Hawai'i.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 14) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 14, transmitting H.B. No. 941, which passed Third Reading in the House of Representatives on February 11, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 941, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVES SYSTEM COMMISSION," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 189) recommending that S.B. No. 4 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. 4, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator English, for the majority of the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 190) recommending that S.B. No. 574 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 majority of the Committee was adopted and S.B. No. 574, entitled: "A BILL FOR AN ACT RELATING TO EXCESSIVE SPEEDING," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator English, for the majority of the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 191) recommending that S.B. No. 484, 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 majority of the Committee was adopted and S.B. No. 484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the majority of the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 192) recommending that S.B. No. 1309, 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 majority of the Committee was adopted and S.B. No. 1309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURIES," 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. 193) recommending that S.B. No. 960, 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. 960, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," 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. 194) recommending that S.B. No. 1074, 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. 1074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 195) recommending that S.B. No. 1370, 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. 1370, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDIATION AFFECTING JUDICIAL FORECLOSURE," 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. 196) recommending that S.B. No. 1092, 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. 1092, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO RECAPITALIZE THE HURRICANE RESERVE TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 197) recommending that S.B. No. 915 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. 915, entitled: "A BILL FOR AN ACT REPEALING A SUNSET PROVISION IN SECTION 21 OF ACT 120, SESSION LAWS OF HAWAII 2009," 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. 198) recommending that S.B. No. 1108 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. 1108, entitled: "A BILL FOR AN ACT RELATING TO THE DESIGNEES FOR THE DIRECTORS OF THE DEPARTMENTS OF COMMERCE AND CONSUMER AFFAIRS, OF HEALTH, OF HUMAN SERVICES, AND OF LABOR AND INDUSTRIAL RELATIONS FOR THE BOARD OF DIRECTORS OF THE HAWAII HEALTH INSURANCE EXCHANGE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 199) recommending that S.B. No. 239, 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. 239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 200) recommending that S.B. No. 237, 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. 237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 201) recommending that S.B. No. 573, 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. 573, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Dela Cruz and Espero, for the Committee on Economic Development, Government Operations and Housing and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 202) recommending that S.B. No. 474, 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. 474, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOCUMENTS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Dela Cruz and Chun Oakland, for the Committee on Economic Development, Government Operations and Housing and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 203) recommending that

S.B. No. 809, 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. 809, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE CONSTRUCTION AND IMPROVEMENT OF LOW- AND MODERATE-INCOME HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Economic Development, Government Operations and Housing, presented a report (Stand. Com. Rep. No. 204) recommending that S.B. No. 21, 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. 21, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS TO THE STATE CAPITOL REFLECTING POOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Espero, for the Committee on Human Services and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 205) recommending that S.B. No. 312 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. 312, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY SHERIFF DIVISION ENTERING INTO AGREEMENTS TO PROVIDE SECURITY AT PUBLIC HOUSING PROJECTS OPERATED BY THE PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Espero, for the Committee on Human Services and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 206) recommending that S.B. No. 814 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. 814, entitled: "A BILL FOR AN ACT RELATING TO STATE LOW-INCOME PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tokuda and Hee, for the Committee on Education and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 207) recommending that S.B. No. 419, 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. 419, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES INVOLVED IN THE JUSTICE SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tokuda and Hee, for the Committee on Education and the Committee on Judiciary and Labor, presented a joint

report (Stand. Com. Rep. No. 208) recommending that S.B. No. 562, 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. 562, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Wakai, for the Committee on Commerce and Consumer Protection and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 209) recommending that S.B. No. 1259, 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. 1259, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Baker and Wakai, for the Committee on Commerce and Consumer Protection and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 210) recommending that S.B. No. 1040 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. 1040, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Wakai, for the Committee on Commerce and Consumer Protection and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 211) recommending that S.B. No. 511 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. 511, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 4A," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM MONDAY, FEBRUARY 11, 2013

H.C.R. No. 41 (Hse. Com. No. 12):

By unanimous consent, action on H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RENAME THE KILAUEA POINT LIGHTHOUSE LOCATED ON THE ISLAND OF KAUAI, HAWAII, IN HONOR OF THE LATE SENATOR DANIEL K. INOUE," was deferred until Wednesday, February 13, 2013.

H.C.R. No. 42 (Hse. Com. No. 13):

By unanimous consent, action on H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE, WHEN APPROPRIATE, ROUTE 200 ON THE ISLAND OF HAWAII AS THE DANIEL K. INOUE LEGACY HIGHWAY," was deferred until Wednesday, February 13, 2013.

STANDING COMMITTEE REPORT

Senators Dela Cruz and Solomon, for the Committee on Economic Development, Government Operations and Housing and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 212) recommending that S.B. No. 707, 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. 707, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.:	Re-referred to:
S.B. No. 767	Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 769	Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 933	Committee on Ways and Means
S.B. No. 1123	Committee on Ways and Means
S.B. No. 1285	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Economic Development, Government Operations and Housing, then to the Committee on Ways and Means

At this time, Senator Kouchi congratulated the Kapa'a High School boys' soccer team for winning the Division II soccer championship title.

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

"I wanted to, by this means, convey some thoughts with regard to where the Committee on Judiciary and Labor is at this point in the session. There evidently is some discussion that the Committee on Judiciary and Labor has been difficult to deal with because bills are not being heard, so I want to offer a few comments in that regard.

"Like every committee chair here, I presume, the buck stops with the committee chair. What's heard, what's not heard, what's recommended to be passed, what's recommended to be deferred, whether indefinitely or not – it really rests with the leadership of the committee. Some of you have asked to hear certain bills, and to the extent possible I have tried to accommodate all of you. But there have been occasions where I may have disagreed with your request or there may have been other issues involved.

"Let me share with you some information. The Committee on Judiciary and Labor was referred 260 bills this session. Other committees have been referred 47, 85, 70, 59, 52, 67 – you get the point. As of February 4th, the Committee on Judiciary and Labor had passed out 25 bills and had heard 57 of the 260 bills – as of February 4th. What about other committees? One committee passed out zero bills as of the 4th; one committee passed out one bill; one committee passed out three bills; one committee passed out four bills; two committees passed out five bills; two committees passed out six bills. I can

tell you as of today, *as of today*, the Judiciary and Labor Committee has passed out 107 bills for the Senate's consideration. We're not done, but to give you the context of what we've been doing...

"It may be a privilege to say that one committee or another committee is difficult to deal with – you certainly have that privilege – but I would appreciate, as far as the Judiciary and Labor Committee is concerned, if there is an axe to grind or a bone to pick, I'm your huckleberry. Here I am. Not my staff, I'm your huckleberry. So if you folks have any thoughts of aloha you wish to share with me, I sure would be privileged to have those thoughts borne on my shoulders. Thank you."

ADJOURNMENT

At 11:46 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 13, 2013.