

SIXTEENTH DAY

Monday, February 11, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:35 a.m. with the President in the Chair.

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 225 and 672 to 675) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 225, dated January 31, 2013, transmitting the 2012 Annual Report of the Department of Labor and Industrial Relations pursuant to Act 100, SLH 1999, was placed on file.

Gov. Msg. No. 672, informing the Senate that on February 8, 2013, the Governor withdrew BAILEY YOUNG, Gubernatorial Nominee to the State Council on Mental Health, from consideration by the Senate (Gov. Msg. No. 554), was placed on file.

Gov. Msg. No. 673, informing the Senate that on February 8, 2013, the Governor withdrew MICHAEL ZARATE, Gubernatorial Nominee to the State Council on Mental Health, from consideration by the Senate (Gov. Msg. No. 557), was placed on file.

Gov. Msg. No. 674, submitting for consideration and confirmation to the Board of Trustees of the Employees' Retirement System, the nomination of COLBERT MATSUMOTO, term to expire January 1, 2019, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 675, submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, the nomination of DONALD GENTZLER, term to expire June 30, 2017, was referred to the Committee on Judiciary and Labor.

STANDING COMMITTEE REPORTS

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 154) recommending that S.B. No. 1162 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. 1162, entitled: "A BILL FOR AN ACT RELATING TO SHORELINE VEGETATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 155) recommending that S.B. No. 803, 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. 803, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 156) recommending that S.B. No. 1164, 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. 1164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL SHORELINE ENCROACHMENT EASEMENTS," 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. 157) recommending that S.B. No. 505, 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. 505, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," 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. 158) recommending that S.B. No. 1071, 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. 1071, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Solomon and Dela Cruz, for the Committee on Water and Land and the Committee on Economic Development, Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 159) recommending that S.B. No. 1026 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. 1026, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Solomon and Dela Cruz, for the majority of the Committee on Water and Land and the majority of the Committee on Economic Development, Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 160) recommending that S.B. No. 1275 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 S.B. No. 1275, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWA ISLAND RESERVE COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Solomon and Dela Cruz, for the Committee on Water and Land and the Committee on Economic Development, Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 161) recommending that S.B. No. 1027 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. 1027, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second

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

Senators Solomon and Nishihara, for the Committee on Water and Land and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 162) recommending that S.B. No. 5 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. 5, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Solomon and Nishihara, for the Committee on Water and Land and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 163) recommending that S.B. No. 1339 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. 1339, entitled: "A BILL FOR AN ACT RELATING TO RURAL AREAS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 164) recommending that S.B. No. 22, 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. 22, 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.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 165) recommending that S.B. No. 508, 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. 508, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUSPENSION OF FORECLOSURE ACTIONS BY JUNIOR LIENHOLDERS," 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. 166) recommending that S.B. No. 631, 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. 631, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY IMMUNITY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 167) recommending that S.B. No. 974, 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. 974, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST AGRICULTURAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 168) recommending that S.B. No. 595 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. 595, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 169) recommending that S.B. No. 585 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. 585, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 170) recommending that S.B. No. 757, 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. 757, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 171) recommending that S.B. No. 78 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. 78, entitled: "A BILL FOR AN ACT RELATING TO RESISTING ARREST," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 172) recommending that S.B. No. 835 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. 835, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ETHICS COMMISSIONS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Espero and Dela Cruz, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Economic Development, Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 173) recommending that S.B. No. 930 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. 930, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS SUSTAINABLE CONCRETE INITIATIVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 174) recommending that S.B. No. 1256

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. 1256, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 175) recommending that S.B. No. 437, 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. 437, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 176) recommending that S.B. No. 883, 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. 883, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 177) recommending that S.B. No. 868, 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. 868, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 178) recommending that S.B. No. 889, 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. 889, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 179) recommending that S.B. No. 414, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection and 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. 414, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DOG BREEDERS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 180) recommending that S.B. No. 1010, 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. 1010, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO LEGAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 181) recommending that S.B. No. 1263, 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. 1263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 182) recommending that S.B. No. 30 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. 30, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 183) recommending that S.B. No. 34 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. 34, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 184) recommending that S.B. No. 856 pass Second Reading and be referred to the Committee on Technology and the Arts.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 856, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," passed Second Reading and was referred to the Committee on Technology and the Arts.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 185) recommending that S.B. No. 878 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. 878, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 186) recommending that S.B. No. 879 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. 879, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 187) recommending that S.B. No. 1014, as amended in S.D. 1, 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. 1014, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC IDENTIFICATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 13, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 188) recommending that S.B. No. 1015, as amended in S.D. 1, 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. 1015, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 13, 2013.

ORDER OF THE DAY

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM FRIDAY, FEBRUARY 8, 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 Tuesday, February 12, 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 Tuesday, February 12, 2013.

THIRD READING

S.B. No. 328, S.D. 1:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 328, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1116, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Green and carried, S.B. No. 1116, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF PUBLIC HOUSING PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 319:

On motion by Senator Solomon, seconded by Senator Gabbard and carried, S.B. No. 319, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 454, S.D. 1:

On motion by Senator Solomon, seconded by Senator Gabbard and carried, S.B. No. 454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CONSERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

ADJOURNMENT

At 11:40 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, February 12, 2013.