

EIGHTEENTH DAY

Wednesday, February 13, 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.

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

At this time, Senator Ihara introduced a group of 39 fifth-grade students from Kaimuki Christian School who were touring the Capitol and learning about state government. Accompanying the students were teachers Jane McClair and Chau Sachs, and parents Lisa Kamibayashi, Jann Kono, and Mrs. Shiinoki.

Senator Kahele introduced Emily Fujita, sixth-grade student at Waiakea Intermediate School in Hilo and 2013 Youth Honoree for the Arthritis Foundation – Hawaii Office. Accompanying Emily were her mother Sherri and Jennifer Hee, Executive Director of the Arthritis Foundation Hilo Office.

Senator Espero recognized and commended the family of Master Sergeant Hugh O'Reilly and the soldiers of the 27th Infantry Regiment "Wolfhounds" for their involvement in the Peace Bridge program with the orphans of the Holy Family Home and the Sisters of Charity of St. Vincent de Paul including: Mrs. Yuko O'Reilly and her son Hugh O'Reilly, Jr.; mother-in-law Norma Vantoll; family friend Kuniko Iwaki; Maura Dolormente, president of Peace Bridge; Lieutenant Colonel Todd Fox; Command Sergeant Major James Wadsworth; Lieutenant Colonel Barrett Bernard; and Command Sergeant Major Tony Tuck.

At 11:44 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 a.m.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 213) recommending that S.B. No. 1021, 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. 1021, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," 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. 214) recommending that S.B. No. 1078, 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. 1078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT TOOLS TO IMPROVE PATIENT SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 215) recommending that S.B. No. 612, 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. 612, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CURTAILMENT," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 216) recommending that S.B. No. 19 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. 19, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Gabbard and Baker, for the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 217) recommending that S.B. No. 988 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. 988, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 218) recommending that S.B. No. 760 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. 760, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE COUNTY OF HAWAII AS THE STATE'S SHARE OF JOINT FUNDING WITH THE COUNTY TO CONSTRUCT IMPROVEMENTS TO WAIMEA DISTRICT/REGIONAL PARK," 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. 219) recommending that S.B. No. 51, 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. 51, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading with Senator Thielen voting "Aye with Reservations" 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. 220) recommending that S.B. No. 894, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor and the Committee on Tourism and Hawaiian Affairs 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. 894, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," passed Second Reading and was referred to the Committee on Judiciary and Labor and the Committee on Tourism and Hawaiian Affairs and the Committee on Ways and Means.

Senators Espero and Wakai, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 221) recommending that S.B. No. 67, 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. 67, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," 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. 222) recommending that S.B. No. 442, 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. 442, S.D. 1, 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, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 223) recommending that S.B. No. 1224, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development, Government Operations and Housing.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1224, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading with Senator Thielen voting "Aye with Reservations" and was referred to the Committee on Economic Development, Government Operations and Housing.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 224) recommending that S.B. No. 855 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. 855, entitled: "A BILL FOR AN ACT RELATING TO COUNTY GAMBLING ORDINANCES," 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. 225) recommending that S.B. No. 987 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. 987, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," 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. 226) recommending that S.B. No. 1175 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. 1175, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," 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. 227) recommending that S.B. No. 1180 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. 1180, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES," 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. 228) recommending that S.B. No. 1287 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. 1287, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA," 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. 229) recommending that S.B. No. 1328 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. 1328, entitled: "A BILL FOR AN ACT RELATING TO CIVIL AIR PATROL," 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. 230) recommending that S.B. No. 308, 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. 308, S.D. 1, entitled: "A BILL FOR AN ACT MAKING A GRANT FOR THE ESTABLISHMENT AND OPERATION OF A COMPREHENSIVE SERVICE CENTER," 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. 231) recommending that S.B. No. 390, 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. 390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," 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. 232) recommending that S.B. No. 591, 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. 591, 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 Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 233) recommending that S.B. No. 737, 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. 737, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUTH-IN-ADVERTISING," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 234) recommending that S.B. No. 1283, 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. 1283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Dela Cruz, for the Committee on Agriculture and the Committee on Economic Development, Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 235) recommending that S.B. No. 733, 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. 733, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Espero, for the Committee on Agriculture and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 236) recommending that S.B. No. 681, 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. 681, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara, Tokuda, and Taniguchi, for the Committee on Agriculture and the Committee on Education and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 237) recommending that S.B. No. 592, 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. 592, 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 Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 238) recommending that S.B. No. 997, 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. 997, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ARCHIVES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 239) recommending that S.B. No. 1281, 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. 1281, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAHILU THEATRE IN WAIMEA, HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Dela Cruz and Baker, for the Committee on Economic Development, Government Operations and Housing and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 240) recommending that S.B. No. 504, 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. 504, 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 Dela Cruz and Wakai, for the Committee on Economic Development, Government Operations and Housing and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 241) recommending that S.B. No. 1234 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. 1234, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tokuda and English, for the Committee on Education and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 242) recommending that S.B. No. 1082 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. 1082, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tokuda and Dela Cruz, for the Committee on Education and the Committee on Economic Development, Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 243) recommending that S.B. No. 1083 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. 1083, entitled: "A BILL FOR AN ACT RELATING

TO TRANSPORTATION OF SCHOOL CHILDREN,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 244) recommending that S.B. No. 1001 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. 1001, entitled: “A BILL FOR AN ACT RELATING TO THE ENHANCED 911 BOARD,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 14, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 245) recommending that S.B. No. 1230 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. 1230, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT MOTOR VEHICLES,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 14, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 246) recommending that S.B. No. 1079 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. 1079, entitled: “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 14, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 247) recommending that S.B. No. 1075 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. 1075, entitled: “A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 14, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 248) recommending that S.B. No. 423 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. 423, entitled: “A BILL FOR AN ACT RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 14, 2013.

Senators Tokuda and Espero, for the Committee on Education and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 249) recommending that S.B. No. 48 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 48, entitled: “A BILL FOR AN ACT RELATING TO

THE DEPARTMENT OF EDUCATION,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 14, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 250) recommending that S.B. No. 913, 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. 913, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARES,” passed Second Reading and was placed on the calendar for Third Reading on Friday, February 15, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 251) recommending that S.B. No. 507, 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. 507, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS,” passed Second Reading and was placed on the calendar for Third Reading on Friday, February 15, 2013.

Senators Solomon and Espero, for the Committee on Water and Land and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 252) recommending that S.B. No. 456, 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. 456, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MAUNA KEA STATE RECREATIONAL AREA,” passed Second Reading with Senator Thielen voting “Aye with Reservations” and was referred to the Committee on Ways and Means.

Senators Solomon, Espero and Hee, for the Committee on Water and Land and the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 253) recommending that S.B. No. 1170, 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. 1170, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENFORCEMENT OF VIOLATIONS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Solomon and Espero, for the Committee on Water and Land and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 254) recommending that S.B. No. 1361, 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. 1361, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BANYAN DRIVE,” passed Second Reading with Senator Thielen voting “Aye with Reservations” and was referred to the Committee on Ways and Means.

Senators Solomon, Espero and Hee, for the Committee on Water and Land and the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 255) recommending that S.B. No. 1007, 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. 1007, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," 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. 256) recommending that S.B. No. 102, 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 joint report of the Committees was adopted and S.B. No. 102, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 257) recommending that S.B. No. 1143, 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. 1143, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," 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. 258) recommending that the Senate advise and consent to the nomination of THEODORE I. SAKAI as the Director of the Department of Public Safety, in accordance with Gov. Msg. No. 582.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 258 and Gov. Msg. No. 582 was deferred until Thursday, February 14, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 259) recommending that S.B. No. 198 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 259 and S.B. No. 198, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," was deferred until Thursday, February 14, 2013.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 260) recommending that S.B. No. 531, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 260 and S.B. No. 531, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WARNING SIGNS," was deferred until Friday, February 15, 2013.

ORDER OF THE DAY

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM TUESDAY, FEBRUARY 12, 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 Thursday, February 14, 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 Thursday, February 14, 2013.

THIRD READING

S.B. No. 1014, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 1014, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC IDENTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1015, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 1015, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Wakai, Chair of the Committee on Technology and the Arts, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 460.

Senator Wakai noted:

"Members, this is regarding funding for the librarian's position at the UH's library in their Okinawan collection. The Technology Committee made an error in voting on this measure by passing it with amendments; this was a joint hearing with the Higher Education Committee, which passed it without amendments. So, I apologize to the members of the Technology Committee. I would like us to cast another vote on this measure."

The Chair granted the waiver.

Senator Wakai announced that the Committee on Technology and the Arts would hold a decision making meeting on Thursday, February 14, 2013, at 1:20 p.m. in Conference Room 414.

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

"We passed a bill on forensic identification earlier this session. The question came up in caucus with respect to the bill whether this bill's proposal would count as a third in the Three Strikes Law.

"As far as we are able to confirm with the Office of the Attorney General and looking at their quick review of the statutes, the Three Strikes Law in Hawai'i sunset in 2011. That

being said, if the Three Strikes Law were in effect, it could only count as a third strike because the first and second strikes needed to be – if my memory is correct – Felony A or B, so I hope this clarifies the inquiry made during caucus. Thank you.”

At this time, Senator Galuteria wished hau’oli lā hānau to Terrence Aratani, Chief of Staff for Senate President Kim.

REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House bills received on Friday, February 1, 2013; and Monday, February 4, 2013:

- H.B. No.: Referred to:
- H.B. No. 423 Jointly to the Committee on Water and Land, the Committee on Technology and the Arts, and the Committee on Commerce and Consumer Protection, then jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means
- H.B. No. 530 Jointly to the Committee on Human Services and the Committee on Technology and the Arts

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of Senate concurrent resolutions offered on Thursday, January 24, 2013; Wednesday, January 30, 2013; and Thursday, January 31, 2013:

- S.C.R. No.: Referred to:
- S.C.R. No. 1 Jointly to the Committee on Tourism and Hawaiian Affairs, the Committee on Water and Land, and the Committee on Public Safety, Intergovernmental and Military Affairs
- S.C.R. No. 2 Jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor
- S.C.R. No. 3 Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
- S.C.R. No. 4 Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
- S.C.R. No. 5 Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs, then jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Economic Development, Government Operations and Housing
- S.C.R. No. 6 Jointly to the Committee on Energy and Environment and the Committee on Public Safety, Intergovernmental and Military Affairs

- S.C.R. No. 7 Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Health, then to the Committee on Judiciary and Labor
- S.C.R. No. 8 Committee on Public Safety, Intergovernmental and Military Affairs
- S.C.R. No. 9 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- S.C.R. No. 10 Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Technology and the Arts, then to the Committee on Ways and Means
- S.C.R. No. 11 Jointly to the Committee on Human Services and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
- S.C.R. No. 12 Jointly to the Committee on Human Services and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
- S.C.R. No. 13 Jointly to the Committee on Health and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
- S.C.R. No. 14 Committee on Health, then to the Committee on Ways and Means
- S.C.R. No. 15 Committee on Health, then to the Committee on Ways and Means
- S.C.R. No. 16 Jointly to the Committee on Health and the Committee on Technology and the Arts, then to the Committee on Commerce and Consumer Protection
- S.C.R. No. 17 Jointly to the Committee on Health, the Committee on Transportation and International Affairs, and the Committee on Water and Land
- S.C.R. No. 18 Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
- S.C.R. No. 19 Jointly to the Committee on Health, the Committee on Higher Education, and the Committee on Education
- S.C.R. No. 20 Committee on Water and Land, then to the Committee on Ways and Means
- S.C.R. No. 21 Committee on Water and Land, then to the Committee on Ways and Means
- S.C.R. No. 22 Committee on Water and Land, then to the Committee on Ways and Means
- S.C.R. No. 23 Committee on Water and Land, then to the Committee on Ways and Means
- S.C.R. No. 24 Committee on Higher Education
- S.C.R. No. 26 Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means

- S.C.R. No. 27 Committee on Education, then to the Committee on Ways and Means
- S.C.R. No. 28 Committee on Energy and Environment, then to the Committee on Commerce and Consumer Protection

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of Senate resolutions offered on Thursday, January 24, 2013; and Thursday, January 31, 2013:

- S.R. No.: Referred to:
- S.R. No. 3 Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
- S.R. No. 4 Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
- S.R. No. 5 Jointly to the Committee on Energy and Environment and the Committee on Public Safety, Intergovernmental and Military Affairs
- S.R. No. 6 Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Health, then to the Committee on Judiciary and Labor
- S.R. No. 7 Committee on Public Safety, Intergovernmental and Military Affairs
- S.R. No. 8 Committee on Education, then 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. 213 Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means
- S.B. No. 869 Jointly to the Committee on Health, the Committee on Public Safety, Intergovernmental and Military Affairs, and the Committee on Judiciary and Labor
- S.B. No. 1264 Committee on Ways and Means

ADJOURNMENT

At 11:57 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, February 14, 2013.