

## NINETEENTH DAY

## Thursday, February 14, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:34 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 Eighteenth Day.

At this time, Senator Espero welcomed a group of students from Japan, the Philippines, and Korea who were studying social work at the University of Hawai'i on a three-week program. Accompanying the students were their guides Uncle Joe, Aunt June, and Aunt Ruby, as well as their interpreter Keiko Grant.

## MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 226) was read by the Clerk and was placed on file:

Gov. Msg. No. 226, dated February 12, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Departments of Accounting and General Services; Attorney General; Budget and Finance; Business, Economic Development and Tourism; Education-Charter Schools; Defense; Hawaiian Home Lands; Public Safety; Office of the Lieutenant Governor; and the University of Hawaii.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 82 to 86) were read by the Clerk and were placed on file:

Dept. Com. No. 82, from the Legislative Reference Bureau dated January 22, 2013, transmitting the report, "Autism Spectrum Disorders and Mandated Benefits Coverage in Hawaii" pursuant to H.C.R. No. 177, H.D. 2, S.D. 1 (2012).

Dept. Com. No. 83, from the Department of Business, Economic Development and Tourism dated January 22, 2013, transmitting recommendations for a streamlined permitting process for the restoration of Hawaiian fishponds pursuant to S.R. No. 86 (2012).

Dept. Com. No. 84, from the County of Kauai Police Department dated February 4, 2013, transmitting the Report Concerning Electric Guns and Their Use pursuant to Section 134-16(d), HRS.

Dept. Com. No. 85, from the County Clerk, County of Hawai'i, dated February 6, 2013, transmitting Resolution No. 45-13, which was adopted by the Hawai'i County Council on February 6, 2013.

Dept. Com. No. 86, from the Hawaii Community Development Authority dated February 11, 2013, transmitting the Report of Public Hearing on Development Permit Application KAK 12-076 Alii International Enterprises pursuant to Act 251, SLH 2006.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 15 and 16) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 15, transmitting H.B. No. 231, H.D. 1, which passed Third Reading in the House of Representatives on February 13, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 231, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS," passed First Reading by title and was deferred.

Hse. Com. No. 16, transmitting H.C.R. No. 3, which was adopted by the House of Representatives on February 13, 2013, was placed on file.

By unanimous consent, action on H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING CONGRESS AND THE PRESIDENT TO RE-STATE THAT THE CONGRESSIONAL INTENT OF THE FEDERAL CONTROLLED SUBSTANCES ACT IS NOT TO PROHIBIT THE PRODUCTION OF INDUSTRIAL HEMP," was deferred.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 32) was read by the Clerk and was deferred:

S.C.R. No. 32 "SENATE 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."

Offered by: Senators Kouchi, English, Espero, Ihara, Keith-Agaran, Kidani, Kim, Nishihara, Solomon, Thielen, Dela Cruz, Kahele.

## SENATE RESOLUTION

The following resolution (S.R. No. 13) was read by the Clerk and was deferred:

S.R. No. 13 "SENATE 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."

Offered by: Senators Kouchi, English, Keith-Agaran, Kim, Nishihara.

## STANDING COMMITTEE REPORTS

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. 261) recommending that S.B. No. 695 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. 695, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP RESEARCH," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 262) recommending that S.B. No. 614 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. 614, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS OF ART," 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. 263) recommending that S.B. No. 679, 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. 679, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND ARTS," 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. 264) recommending that S.B. No. 1003, 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. 1003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Wakai and Espero, for the Committee on Technology and the Arts and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 265) recommending that S.B. No. 941, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection and 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. 941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor.

Senators Solomon and Hee, for the Committee on Water and Land and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 266) recommending that S.B. No. 1168, 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. 1168, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY FOR MOUNTAIN CLIMBING, ROCK CLIMBING, RAPPELLING, AND BOULDERING ON GOVERNMENT LAND," passed Second Reading and was referred to the Committee on Ways and Means.

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. 267) recommending that S.B. No. 747, 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. 747, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and English, for the Committee on Commerce and Consumer Protection and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 268) recommending that S.B. No. 495, 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. 495, 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.

Senators Galuteria and Espero, for the Committee on Tourism and Hawaiian Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 269) recommending that S.B. No. 1097 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. 1097, entitled: "A BILL FOR AN ACT RELATING TO SEWER SYSTEMS SERVICING ON HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 270) recommending that S.B. No. 444, 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. 444, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HABITUALLY OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Hee, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 271) recommending that S.B. No. 381, 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. 381, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE PUBLIC FUNDING FOR ELECTIONS," 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. 272) recommending that S.B. No. 1288, 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. 1288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," 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. 273) recommending that S.B. No. 854, 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. 854, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO ELECTIONS,” 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. 274) recommending that S.B. No. 1057, 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. 1057, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYER UNION HEALTH BENEFITS TRUST FUND CONTRIBUTIONS,” 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. 275) recommending that S.B. No. 1249, 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. 1249, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COMPENSATION OF TRUSTEES,” 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. 276) recommending that S.B. No. 885, 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. 885, 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.

Senators Tokuda and Hee, for the Committee on Education and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 277) recommending that S.B. No. 244, 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. 244, 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.

Senators English and Espero, for the Committee on Transportation and International Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 278) recommending that S.B. No. 571, 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. 571, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COUNTY SURCHARGE ON STATE TAX,” 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. 279) recommending that S.B. No. 867, 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. 867, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND,” 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. 280) recommending that S.B. No. 332, 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. 332, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WAGES,” 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. 281) recommending that S.B. No. 874 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. 874, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” 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. 282) recommending that S.B. No. 993, 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. 993, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS,” 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. 283) recommending that S.B. No. 992, 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. 992, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIVESTOCK BIOSECURITY,” 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. 284) recommending that S.B. No. 937, 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. 937, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAII FOOD RESILIENCY,” 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. 285) recommending that S.B. No. 754, 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. 754, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND ACQUISITION,” 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. 286) recommending that S.B. No. 753, 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. 753, 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. 287) recommending that S.B. No. 752 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. 752, 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.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 288) recommending that S.B. No. 709 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. 709, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," 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. 289) recommending that S.B. No. 998 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. 998, entitled: "A BILL FOR AN ACT RELATING TO WASHINGTON PLACE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Wakai and Baker, for the majority of the Committee on Technology and the Arts and the majority of the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 290) recommending that S.B. No. 345 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. 345, entitled: "A BILL FOR AN ACT RELATING TO PORTABLE ELECTRONICS INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Wakai and Taniguchi, for the Committee on Technology and the Arts and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 291) recommending that S.B. No. 1273, 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. 1273, 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.

Senator Solomon, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 292) recommending that S.B. No. 1342 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. 1342, entitled: "A BILL FOR AN ACT RELATING TO ASSET FORFEITURE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Solomon and Nishihara, for the Committee on Water and Land and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 293) recommending that S.B. No. 708, 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. 708, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero, Green, and Wakai, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Health and the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 294) recommending that S.B. No. 548 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. 548, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Espero and Hee, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 295) recommending that S.B. No. 1009, 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. 1009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," 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. 296) recommending that S.B. No. 777, 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. 777, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPERSONATION OF A LAW ENFORCEMENT OFFICER," 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. 297) recommending that S.B. No. 103 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. 103, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," 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. 298) recommending that S.B. No. 1336, 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. 1336, 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 Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 299) recommending that S.B. No. 1340, 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. 1340, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE," 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. 300) recommending that S.B. No. 1226, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor 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. 1226, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary and Labor and 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. 301) recommending that S.B. No. 1106, 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. 1106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 302) recommending that S.B. No. 518, 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. 518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Tokuda and Green, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 303) recommending that S.B. No. 240, 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. 240, 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.

Senators Tokuda and Green, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 304) recommending that S.B. No. 241, 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. 241, 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.

Senators English, Espero, and Wakai, for the Committee on Transportation and International Affairs and the majority of the Committee on Public Safety, Intergovernmental and Military Affairs and the majority of the Committee on Technology and the Arts, presented a joint report (Stand. Com. Rep. No. 305) recommending that S.B. No. 693, 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 S.B. No. 693, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 306) recommending that S.B. No. 1307 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. 1307, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Espero, for the Committee on Health and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 307) recommending that S.B. No. 1255 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. 1255, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 308) recommending that S.B. No. 1127 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. 1127, entitled: "A BILL FOR AN ACT RELATING TO SALES OF ELECTRONIC SMOKING DEVICES TO PERSONS UNDER 18 YEARS OF AGE," 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. 309) recommending that S.B. No. 984 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. 984, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE PACIFIC RENAL CARE

FOUNDATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Espero, for the Committee on Health and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 310) recommending that S.B. No. 981 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. 981, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HEALTH STATISTICS RECORDS,” 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. 311) recommending that S.B. No. 665 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. 665, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” 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. 312) recommending that S.B. No. 662 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. 662, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 313) recommending that S.B. No. 645 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. 645, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 314) recommending that S.B. No. 642 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 majority of the Committee was adopted and S.B. No. 642, 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 and Espero, for the Committee on Health and the Committee on Public Safety, Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 315) recommending that S.B. No. 1254 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. 1254, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL CARE,” 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. 316) recommending that S.B. No. 1337, 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. 1337, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH WELLNESS PROGRAMS,” 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. 317) recommending that S.B. No. 1139, 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. 1139, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HOME VISITING 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. 318) recommending that S.B. No. 608, 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. 608, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MEDICINE,” passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 319) recommending that S.B. No. 1000, 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. 1000, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2013.

Senators Espero and Galuteria, for the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Tourism and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 320) recommending that S.B. No. 404 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. 404, entitled: “A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION,” passed Second Reading and was placed on the calendar for Third Reading on Friday, February 15, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 321) recommending that S.B. No. 886 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. 886, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES

AND JUDGES,” passed Second Reading and was placed on the calendar for Third Reading on Friday, February 15, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 322) recommending that S.B. No. 870, 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. 870, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 323) recommending that S.B. No. 880, 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. 880, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SENTENCE OF IMPRISONMENT FOR SEXUAL ASSAULT OF A MINOR UNDER THE AGE OF TWELVE YEARS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 324) recommending that S.B. No. 890, 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. 890, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 325) recommending that S.B. No. 1016, 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. 1016, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REGISTRATION OF COVERED OFFENDERS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2013.

#### ORDER OF THE DAY

#### HOUSE COMMUNICATIONS

#### MATTERS DEFERRED FROM WEDNESDAY, FEBRUARY 13, 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 20, 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 20, 2013.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 258 (Gov. Msg. No. 582):

Senator Espero moved that Stand. Com. Rep. No. 258 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of THEODORE I. SAKAI as the Director of the Department of Public Safety, term to expire December 1, 2014, seconded by Senator Baker.

Senator Espero rose to speak in support of the nominee as follows:

“Today, I am pleased to introduce to you the Director of the Department of Public Safety, Mr. Theodore I. Sakai, also known as ‘Ted.’

“Ted Sakai has at least 26 years within the corrections industry in our state. Many of you may know him as the former director working for Governor Ben Cayetano, from the first term of the governor. During his term, he had many accomplishments; they include: implementation of substance abuse and sex offender treatment programs for inmates, reorganization of the correctional industries program in Hawai‘i, development of accountability systems for managers, development of strategic plans for the department, coordination of a multi-agency approach for substance abuse treatment, implementing programs to minimize suicides by inmates, restructuring of the correctional healthcare delivery system, developing effective policies and programs to reduce abuse of inmates by correctional staff, and working with children of incarcerated parents. His experience and his knowledge is second to none, and there is no doubt that Mr. Sakai will be a benefit to the department, a benefit to the State of Hawai‘i, and a benefit to the inmates and their families as well.

“He has a big plate that is very full for the next two, and hopefully six, years. This will include: the reopening of Kulani prison; building a new facility on Maui to replace MCCC, and a new prison for Maui; improving our reentry and rehabilitation services for our inmates so that the revolving door of prison is stopped and we can lower the recidivism rate; improving our Sheriff Division, and hopefully looking at making our State Sheriff Division the best that it can be and the best law enforcement division in the state; and many, many other opportunities, especially with the passing of last year’s justice reinvestment initiatives. We currently have approximately 1,500 to 1,600 inmates on the mainland. The goal is to get the majority of them back to Hawai‘i before 2018 – in the next four to six years – and spend that \$50 million which we are currently exporting to the mainland here within our state.

“So Madam President, I am very happy to nominate Mr. Ted Sakai as our new director. Thank you.”

Senator Kouchi rose to speak in support of the nominee as follows:

“I only wanted to add to the previous speaker’s comments relating to the new correctional facility on Kaua‘i. Thank you.”

Senator Kahele rose to speak in support of the nominee as follows:

“Ted Sakai serves as a great example of someone who gives much of his time and energy to fulfill a vision of well-being for our community. He’s such a pioneer of his time that I could stand here for hours and reiterate the countless challenges that he overcame.

"However, I will specifically speak, as did the previous speaker, on an issue that he is currently tasked with: to activate the Kulani Correctional Facility. This particular project will not only bring a portion of our inmates home, but it will also provide these individuals with the cultural rehabilitation programs which they so greatly need and deserve.

"His perseverance, dedication, and commitment to our community confirms his capacity to ensure the department's continued progress towards a new day in Hawai'i. He also comes highly recommended by one of his classmates that happens to be my younger brother, who is a Hilo product also and he says he's a good guy. Thank you."

Senator Hee rose to speak in support of the nominee as follows:

"I want to say a few words that haven't been expressed: that is, I don't know why he is taking this job. Ted Sakai can make more money in the private sector than working for the State of Hawai'i, and that speaks to his dedication as a state employee – a lifelong state employee who knows his craft. But quite frankly, he and his wife Ruth should be spending more time with their grandson. I really don't know why he's taking this job. But since it's his idea, I'm going to vote for him. Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

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

At this time, Senator Espero introduced Director Ted Sakai, who was accompanied by his wife Ruth as well as supporters and friends who were seated in the gallery.

At 11:45 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

### THIRD READING

S.B. No. 1001:

On motion by Senator Wakai, seconded by Senator Nishihara and carried, S.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO THE ENHANCED 911 BOARD," 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. 1230:

On motion by Senator Espero, seconded by Senator Baker and carried, S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT MOTOR VEHICLES," 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. 1079:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 1079, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," 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. 1075:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 1075, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," 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. 423:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 423, entitled: "A BILL FOR AN ACT RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE," 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. 48:

On motion by Senator Tokuda, seconded by Senator Espero and carried, S.B. No. 48, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 259 (S.B. No. 198):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 259 was adopted and S.B. No. 198, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, Senator Kouchi rose on a point of personal privilege to wish Senate Clerk Carol Taniguchi a happy birthday on behalf of the members of the Senate.

Senator Gabbard rose on a point of personal privilege to share a humorous anecdote about Valentine's chocolates with the members of the Senate.

Senator Galuteria rose on a point of personal privilege, on behalf of the men of the Senate, to offer the women of the Senate roses and aloha in honor of Valentine's Day.

The Chair then made the following announcement:

"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."

### 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. 482	Jointly to the Committee on Agriculture, the Committee on Health, and the Committee on Commerce and Consumer Protection
S.B. No. 1201	Jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Ways and Means
S.B. No. 1272	Jointly to the Committee on Judiciary and Labor and the 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



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and Housing, then jointly to the  
Committee on Judiciary and Labor and  
the Committee on Ways and Means

**ADJOURNMENT**

At 11:58 a.m., on motion by Senator Espero, seconded by  
Senator Slom and carried, the Senate adjourned until  
11:30 a.m., Friday, February 15, 2013.