

## FIFTY-FIRST DAY

## Wednesday, April 17, 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.

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

At this time, Senator Galuteria introduced Naomi Chu and Stacey Mickelson, two representatives from Artspace who were visiting from Minnesota to bring together a community of artists in Kaka'ako. Joining them in the gallery was Kumu Hula Vicky Holt Takamine.

Senator Ruderman introduced his youngest daughter, Zoe Franchini, a senior at Hilo High School who was visiting the State Capitol for the first time.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 260 and 261) were read by the Clerk and were placed on file:

Gov. Msg. No. 260, dated April 10, 2013, transmitting the Amended and Restated Annual Report on Goals and Objectives, prepared by the Department of the Attorney General pursuant to Act 100, SLH 1999, as amended by Act 154, SLH 2005 (amends report submitted under Gov. Msg. No. 117).

Gov. Msg. No. 261, dated April 12, 2013, transmitting the FY 2012 Annual Report, prepared by the Department of Human Services pursuant to Section 346-5, HRS.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 700 and 701) were read by the Clerk and were placed on file:

Hse. Com. No. 700, informing the Senate that on April 16, 2013, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 87 (S.D. 2):

Representatives Cabanilla, Rhoads, co-chairs; Carroll, Ward.

H.B. No. 369, H.D. 3 (S.D. 2):

Representatives Aquino, Rhoads, Ing, co-chairs; Yamane, McDermott.

Hse. Com. No. 701, informing the Senate that on April 16, 2013, the House made the following changes to the conferees on the following bills:

H.B. No. 120, H.D. 2 (S.D. 2):

Representative Cabanilla added as a manager.

H.B. No. 252, H.D. 2 (S.D. 2):

Representative Coffman added as a manager.

H.B. No. 353, H.D. 1 (S.D. 2):

Representative Wooley added as a manager.

H.B. No. 726, H.D. 1 (S.D. 2):

Representative Choy added as a manager.

H.B. No. 799, H.D. 3 (S.D. 2):

Representative Choy added as a manager.

H.B. No. 858, H.D. 1 (S.D. 1):

Representative Choy added as a manager.

H.B. No. 1068, H.D. 1 (S.D. 2):

Representative Cabanilla added as a manager.

## STANDING COMMITTEE REPORTS

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1563) recommending that the Senate advise and consent to the nomination of JOAN HUSTED to the Education Commission of the States, in accordance with Gov. Msg. No. 746.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1563 and Gov. Msg. No. 746 was deferred until Thursday, April 18, 2013.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1564) recommending that the Senate advise and consent to the nominations to the Early Learning Advisory Board of the following:

LYNN CABATO, in accordance with Gov. Msg. No. 747;

MAUREEN RAWLINS, in accordance with Gov. Msg. No. 748;

KERRIE UROSEVICH, in accordance with Gov. Msg. No. 749; and

BENJAMIN NAKI III, in accordance with Gov. Msg. No. 750.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1564 and Gov. Msg. Nos. 747, 748, 749, and 750 was deferred until Thursday, April 18, 2013.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1565) recommending that the Senate advise and consent to the nomination of VOLETTA NOE NOE TOM to the Hawai'i Teacher Standards Board, in accordance with Gov. Msg. No. 751.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1565 and Gov. Msg. No. 751 was deferred until Thursday, April 18, 2013.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1566) recommending that the Senate advise and consent to the nomination of BRIAN DELIMA to the Board of Education, in accordance with Gov. Msg. No. 779.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1566 and Gov. Msg. No. 779 was deferred until Thursday, April 18, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1567) recommending that the Senate advise and consent to the nomination of SHELDON LEHMAN to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 732.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1567 and Gov. Msg. No. 732 was deferred until Thursday, April 18, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1568) recommending that the Senate advise and consent to the nomination of ABELINA SHAW to the Crime Victim Compensation Commission, in accordance with Gov. Msg. No. 772.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1568 and Gov. Msg. No. 772 was deferred until Thursday, April 18, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1569) recommending that the Senate advise and consent to the nomination of PATRICIA WIELAND to the Advisory Board on Veterans' Services, in accordance with Gov. Msg. No. 786.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1569 and Gov. Msg. No. 786 was deferred until Thursday, April 18, 2013.

Senator Espero, for the Committee on Public Safety, Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1570) recommending that the Senate advise and consent to the nominations to the Hawai'i Aerospace Advisory Committee of the following:

REID NOGUCHI, in accordance with Gov. Msg. No. 778;

STEPHEN DAY, in accordance with Gov. Msg. No. 787;

DANIEL HANLON, in accordance with Gov. Msg. No. 788; and

MARK SPENCE, in accordance with Gov. Msg. No. 789.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1570 and Gov. Msg. Nos. 778, 787, 788, and 789 was deferred until Thursday, April 18, 2013.

Senator Galuteria, for the Committee on Tourism and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1571) recommending that the Senate advise and consent to the nomination of BARBARA SAY to the Island Burial Council, Islands of Kaua'i and Ni'ihau, in accordance with Gov. Msg. No. 687.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1571 and Gov. Msg. No. 687 was deferred until Thursday, April 18, 2013.

Senator Galuteria, for the Committee on Tourism and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1572) recommending that the Senate advise and consent to the nomination of HINALEIMOANA WONG-KALU to the Island Burial Council Island of O'ahu, in accordance with Gov. Msg. No. 729.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1572 and Gov. Msg. No. 729 was deferred until Thursday, April 18, 2013.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1573) recommending that H.C.R. No. 57 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1573 and H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO CONTINUE TO COLLABORATE WITH FAMILY AND COMMUNITY ORGANIZATIONS TO ESTABLISH, IMPLEMENT, AND MONITOR STATEWIDE POLICIES FOR FAMILY-SCHOOL PARTNERSHIPS IN

HAWAII'S PUBLIC SCHOOLS," was deferred until Thursday, April 18, 2013.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1574) recommending that H.C.R. No. 178, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1574 and H.C.R. No. 178, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REVIEW AND MODIFY BOARD POLICY NO. 6710 TO IDENTIFY WAYS TO INCORPORATE SUSTAINABILITY EDUCATION AND ENVIRONMENTAL STEWARDSHIP AT THE CLASSROOM LEVEL," was deferred until Thursday, April 18, 2013.

## ORDER OF THE DAY

### AGREE/DISAGREE

#### MATTER DEFERRED FROM TUESDAY, APRIL 16, 2013

S.B. No. 516, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 516, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," was deferred until Thursday, April 18, 2013.

### ADVISE AND CONSENT

Stand. Com. Rep. No. 1552 (Gov. Msg. Nos. 524, 525, 619 and 715):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1552 be received and placed on file, seconded by Senator Slom and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

LU ANN LANKFORD-FABORITO, term to expire June 30, 2016 (Gov. Msg. No. 524);

MELISSIA MAE SUGAI, term to expire June 30, 2014 (Gov. Msg. No. 525);

KAINOA DAINES, term to expire June 30, 2014 (Gov. Msg. No. 619); and

ELMER KAAI, term to expire June 30, 2017 (Gov. Msg. No. 715),

seconded by Senator Slom.

Senator Hee requested his vote be cast "No" on Gov. Msg. No. 715 and the Chair so ordered.

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

Gov. Msg. Nos. 524, 525, and 619:

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

Gov. Msg. No. 715:

Ayes, 23. Noes, 1 (Hee). Excused, 1 (Ihara).

Stand. Com. Rep. No. 1553 (Gov. Msg. Nos. 745 and 769):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1553 be received and placed on file, seconded by Senator Green and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

JOY MIYASAKI, term to expire June 30, 2017 (Gov. Msg. No. 745); and

MAEONA MENDELSON, term to expire June 30, 2016 (Gov. Msg. No. 769),

seconded by Senator Green.

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

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

Stand. Com. Rep. No. 1554 (Gov. Msg. No. 790):

Senator English moved that Stand. Com. Rep. No. 1554 be received and placed on file, seconded by Senator Dela Cruz and carried.

Senator English then moved that the Senate advise and consent to the nomination of JOVANIE DE LA CRUZ to the State Highway Safety Council, term to expire June 30, 2017, seconded by Senator Dela Cruz.

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

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

Stand. Com. Rep. No. 1555 (Gov. Msg. Nos. 721 and 724):

Senator Baker moved that Stand. Com. Rep. No. 1555 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Motor Vehicle Industry Licensing Board of the following:

DENNIS SHORT, term to expire June 30, 2017 (Gov. Msg. No. 721); and

WERNER UMBHAU, term to expire June 30, 2017 (Gov. Msg. No. 724),

seconded by Senator Galuteria.

Senator Baker rose to speak in support of the nominees as follows:

"I'd like to offer my wholehearted support to all of the nominees that have been reported from your Committee on Commerce and Consumer Protection. All of these individuals are very well-qualified, very eager to serve, and bring a wealth of information to the boards to which they've been appointed. Mahalo."

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

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

Stand. Com. Rep. No. 1556 (Gov. Msg. Nos. 722 and 764):

Senator Baker moved that Stand. Com. Rep. No. 1556 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Pest Control Board of the following:

ALVIN FUKUYAMA, term to expire June 30, 2017 (Gov. Msg. No. 722); and

TERRANCE MANAGO, term to expire June 30, 2015 (Gov. Msg. No. 764),

seconded by Senator Galuteria.

Senator Baker rose to speak in support of the nominees as follows:

"I'd like to offer my wholehearted support to all of the nominees that have been reported from your Committee on Commerce and Consumer Protection. All of these individuals are very well-qualified, very eager to serve, and bring a wealth of information to the boards to which they've been appointed. Mahalo."

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

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

Stand. Com. Rep. No. 1557 (Gov. Msg. No. 723):

Senator Baker moved that Stand. Com. Rep. No. 1557 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of GARRETT LAU to the Board of Pharmacy, term to expire June 30, 2017, seconded by Senator Galuteria.

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

"I'd like to offer my wholehearted support to all of the nominees that have been reported from your Committee on Commerce and Consumer Protection. All of these individuals are very well-qualified, very eager to serve, and bring a wealth of information to the boards to which they've been appointed. Mahalo."

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

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

Stand. Com. Rep. No. 1558 (Gov. Msg. Nos. 725 and 760):

Senator Baker moved that Stand. Com. Rep. No. 1558 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects of the following:

CRAIG MURAYAMA, term to expire June 30, 2016 (Gov. Msg. No. 725); and

RICHARD SUZUKI, term to expire June 30, 2017 (Gov. Msg. No. 760),

seconded by Senator Galuteria.

Senator Baker rose to speak in support of the nominees as follows:

"I'd like to offer my wholehearted support to all of the nominees that have been reported from your Committee on Commerce and Consumer Protection. All of these individuals are very well-qualified, very eager to serve, and bring a wealth of information to the boards to which they've been appointed. Mahalo."

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

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

Stand. Com. Rep. No. 1559 (Gov. Msg. Nos. 761, 762 and 763):

Senator Baker moved that Stand. Com. Rep. No. 1559 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Contractors License Board of the following:

ALDON MOCHIDA, term to expire June 30, 2017 (Gov. Msg. No. 761);

WILLIAM KAMAI, term to expire June 30, 2017 (Gov. Msg. No. 762); and

LES BOTELHO, term to expire June 30, 2017 (Gov. Msg. No. 763),

seconded by Senator Galuteria.

Senator Baker rose to speak in support of the nominees as follows:

"I'd like to offer my wholehearted support to all of the nominees that have been reported from your Committee on Commerce and Consumer Protection. All of these individuals are very well-qualified, very eager to serve, and bring a wealth of information to the boards to which they've been appointed. Mahalo."

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

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

Stand. Com. Rep. No. 1560 (Gov. Msg. No. 765):

Senator Baker moved that Stand. Com. Rep. No. 1560 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of LAURIE LEE to the Real Estate Commission, term to expire June 30, 2017, seconded by Senator Galuteria.

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

"I'd like to offer my wholehearted support to all of the nominees that have been reported from your Committee on Commerce and Consumer Protection. All of these individuals are very well-qualified, very eager to serve, and bring a wealth of information to the boards to which they've been appointed. Mahalo."

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

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

Stand. Com. Rep. No. 1561 (Gov. Msg. No. 780):

Senator Baker moved that Stand. Com. Rep. No. 1561 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of CARLETON WILLIAMS to the State Board of Public Accountancy, term to expire June 30, 2017, seconded by Senator Galuteria.

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

"I'd like to offer my wholehearted support to all of the nominees that have been reported from your Committee on Commerce and Consumer Protection. All of these individuals are very well-qualified, very eager to serve, and bring a wealth

of information to the boards to which they've been appointed. Mahalo."

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

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

Stand. Com. Rep. No. 1562 (Gov. Msg. No. 782):

Senator Baker moved that Stand. Com. Rep. No. 1562 be received and placed on file, seconded by Senator Galuteria and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JAMES WILBURN, JR. to the Elevator Mechanics Licensing Board, term to expire June 30, 2017, seconded by Senator Galuteria.

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

"I'd like to offer my wholehearted support to all of the nominees that have been reported from your Committee on Commerce and Consumer Protection. All of these individuals are very well-qualified, very eager to serve, and bring a wealth of information to the boards to which they've been appointed. Mahalo."

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

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

At this time, Senator Baker introduced and congratulated Laurie Lee, newly confirmed member of the Real Estate Commission who was accompanied by her husband in the gallery.

### FINAL READING

S.B. No. 482, S.D. 1, H.D. 1:

On motion by Senator Nishihara, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 482, S.D. 1, and S.B. No. 482, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Ihara).

S.B. No. 529, S.D. 1, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 529, S.D. 1, and S.B. No. 529, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1138, H.D. 1:

On motion by Senator Green, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1138, and S.B. No. 1138, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VACCINATION GUIDELINES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

**WAIVERS OF REFERRAL**

Senator Solomon, Chair of the Committee on Water and Land, requested that the referral of H.C.R. No. 25 and H.C.R. No. 104 to the Committee on Water and Land and the Committee on Ways and Means be waived.

Senator Solomon further requested that the referral of H.C.R. No. 181, H.D. 1 to the Committee on Water and Land and the Committee on Economic Development, Government Operations and Housing and the Committee on Ways and Means be waived.

Senator Solomon noted:

"Madam President, due to the time constraints of the pending deadline, this is the reason for this request. Thank you."

The Chair granted the waivers.

By unanimous consent, the following House concurrent resolutions were placed on the calendar for adoption on Thursday, April 18, 2013:

H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE,"

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO THE RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND," and

H.C.R. No. 181, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SUBMIT A REPORT TO THE LEGISLATURE ON CURRENT AND POTENTIAL REVENUE GENERATING ACTIVITIES ON STATE-OWNED LAND AT SAND ISLAND."

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 1193, S.D. 1 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 11, 2013, in disagreeing to the amendments proposed by the House to S.B. No. 1193, S.D. 1, seconded by Senator Espero and carried.

Senator Ige then moved that the Senate agree to the amendments proposed by the House to S.B. No. 1193, S.D. 1, seconded by Senator Espero.

Senator Ige noted:

"Madam President, the only amendments made were technical and correcting the effective date."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1193, S.D. 1, and S.B. No. 1193, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 237-24.3, HAWAII REVISED STATUTES," was placed on the calendar for Final Reading on Thursday, April 18, 2013.

Senator Gabbard, Chair of the Committee on Energy and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 96, H.D. 2.

Senator Gabbard noted:

"We seek to amend H.C.R. No. 96. Your committees need to hear it by Friday, April 19 in order to meet the final deadline; however, the committees were not able to reach consensus on hearing this bill until after the 72-hour limit passed."

The Chair granted the waiver.

Senator Gabbard announced that the Committee on Energy and Environment and the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Water and Land would hold a public hearing on H.C.R. No. 96, H.D. 2 on Friday, April 19, 2013, at 3:30 p.m. in Conference Room 225.

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

"Members, you have received a letter – an electronic letter – from Jeff Portnoy, who made certain statements and alleged certain issues with regard to the Senate Judiciary and Labor hearing on the Shield Law. I want to enter into the record my response to Mr. Portnoy that all of you have received as well.

"Evidently, Mr. Portnoy can't seem to bring himself to grips with the fact that his testimony before the Committee on Judiciary and Labor was not entirely accurate. He was one of the first to testify, if not the first, and as he is prone to do, he blathered on about his role as a media attorney in the commission on blathering. Mr. Portnoy said that the Judiciary Committee on Rules of Evidence had unanimously adopted the proposition that the Shield Law should be adopted by the Legislature by removing the sunset date. In fact, that's not accurate, and he was put in his place by none other than the Deputy Attorney General who followed, Deirdre Marie-Iha, who testified and said that Mr. Portnoy's remarks on the Judiciary Committee on Rules of Evidence was untrue. Whereupon she was asked by the minority member, 'How would she know?' To which she responded directly, 'I was a member of the committee, the Judiciary Committee on Rules of Evidence, and I voted "No."'

"Now maybe this is a small thing; evidently it would appear so to Mr. Portnoy. But there's a huge difference between unanimous and not unanimous, and to represent something to the Committee on Judiciary and Labor that is not true is inappropriate, and his impertinent comment was noted. I raise this issue because the self-serving industry has been very active to protect their interests, which I personally believe to be vague and overly broad.

"I would note here that you have added the majority policy leader to the conference – and I note this only because he voted 'with reservations' – whereupon I asked you, upon learning of that addition, because he asked you – not me, you – that I asked that the Chair of the Committee on Energy also be added so that there's an odd number on this conference committee. So what we have here is the entire Committee on Judiciary and Labor serving as conferees. There's no rule against it, but it is out of the ordinary. There is a reasonable expectation that the conferees assigned to this conference, as well as all others, would represent the interest of the Senate position. There is an expectation that that will be done, and I promise you that if that is not done, I shall ask you to take appropriate action. Thank you."

**APPOINTMENT AND DISCHARGE OF CONFEREES**

S.B. No. 66, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 66, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Shimabukuro,

co-chair; Slom as manager on the part of the Senate at such conference.

S.B. No. 753, S.D. 2 (H.D. 1):

The President discharged Senator Ige as a co-chair and appointed Senator Dela Cruz as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 753, S.D. 2.

H.B. No. 471, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 471, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Dela Cruz, chair; Espero, co-chair; English, Green, Slom as managers on the part of the Senate at such conference.

#### **ADJOURNMENT**

At 11:49 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, April 18, 2013.