### THE SENATE

# OF THE TWENTY-SEVENTH LEGISLATURE STATE OF HAWAI'I REGULAR SESSION OF 2013

### NINETEENTH DAY

# FEBRUARY 14, 2013-THURSDAY-11:30 O'CLOCK A.M.

# **ORDER OF BUSINESS**

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: No. 226

MEASURE
TITLE

G.M. 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.

2. Departmental Communication Nos. 82-86

MEASURE TITLE REFERRAL

D.C. No. 82 From the Legislative Reference Bureau dated FILE

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).

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D.C. 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).	FILE
D.C. 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.	FILE
D.C. 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.	FILE
D.C. 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.	FILE

# 3. House Communication Nos. 15-16

Informing the Senate that on February 13, 2013, the following House Bill passed Third Reading in the House:

**REFERRAL** 

#### 15 H.B. No. 231, H.D. 1

"RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS."(Honolulu Prosecutor Package; Use of Force Unjustified)

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Informing the Senate that on February 13, 2013, the following House Concurrent Resolution was adopted in the House:

16 <u>H.C.R. No. 3</u>

"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." (Industrial Hemp)

4. Senate Communications: None

5. Judiciary Communications: None

6. Introduction of Measures: Senate Concurrent Resolution No. 32

Senate Resolution No. 13

7. Standing Committee Report Nos. 261-325

261 (EGH/PSM) S.B. No. 695

"RELATING TO INDUSTRIAL HEMP

RESEARCH."

(Recommends passage on <u>SECOND</u> READING and referral to JDL)

262 (TEC) S.B. No. 614

"RELATING TO PUBLIC WORKS OF

ART."

(Recommends passage on <u>SECOND</u> READING and referral to WAM)

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<u>263</u>	(TEC)	S.B. No. 679, S.D. 1  "RELATING TO THE STATE FOUNDATION ON CULTURE AND ARTS."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>264</u>	(TEC)	S.B. No. 1003, S.D. 1  "RELATING TO INFORMATION TECHNOLOGY."  (Recommends passage on <u>SECOND</u> READING and referral to WAM)
<u>265</u>	(TEC/PSM)	S.B. No. 941, S.D. 1  "RELATING TO BROADBAND."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to CPN/JDL)
<u>266</u>	(WTL/JDL)	S.B. No. 1168, S.D. 1 "RELATING TO LIMITED LIABILITY FOR MOUNTAIN CLIMBING, ROCK CLIMBING, RAPPELLING, AND BOULDERING ON GOVERNMENT LAND." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>267</u>	(EGH/WTL)	S.B. No. 747, S.D. 1  "RELATING TO OCEAN RECREATION."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>268</u>	(CPN/TIA)	S.B. No. 495, S.D. 1  "RELATING TO INSURANCE."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)

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<u>269</u>	(THA/PSM)	S.B. No. 1097 "RELATING TO SEWER SYSTEMS SERVICING ON HAWAIIAN HOME LANDS." (Recommends passage on SECOND READING and referral to WAM)
<u>270</u>	(TIA)	S.B. No. 444, S.D. 1 "RELATING TO HABITUALLY OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT." (Recommends passage on <u>SECOND</u> READING and referral to JDL)
<u>271</u>	(JDL)	S.B. No. 381, S.D. 1 "RELATING TO COMPREHENSIVE PUBLIC FUNDING FOR ELECTIONS." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>272</u>	(JDL)	S.B. No. 1288, S.D. 1 "RELATING TO FAMILY LEAVE." (Recommends passage on SECOND READING and referral to WAM)
<u>273</u>	(JDL)	S.B. No. 854, S.D. 1 "RELATING TO ELECTIONS." (Recommends passage on SECOND READING and referral to WAM)
<u>274</u>	(JDL)	S.B. No. 1057, S.D. 1  "RELATING TO EMPLOYER UNION HEALTH BENEFITS TRUST FUND CONTRIBUTIONS."  (Recommends passage on SECOND READING and referral to WAM)

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<u>275</u>	(JDL)	S.B. No. 1249, S.D. 1 "RELATING TO THE COMPENSATION OF TRUSTEES." (Recommends passage on <u>SECOND</u> READING and referral to WAM)
<u>276</u>	(JDL)	S.B. No. 885, S.D. 1  "RELATING TO COLLECTIVE BARGAINING."  (Recommends passage on <u>SECOND</u> READING and referral to WAM)
<u>277</u>	(EDU/JDL)	S.B. No. 244, S.D. 1 "RELATING TO EDUCATION." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>278</u>	(TIA/PSM)	S.B. No. 571, S.D. 1 "RELATING TO COUNTY SURCHARGE ON STATE TAX." (Recommends passage on <u>SECOND</u> READING and referral to WAM)
<u>279</u>	(JDL)	S.B. No. 867, S.D. 1  "RELATING TO THE HAWAII  EMPLOYER-UNION HEALTH BENEFITS  TRUST FUND."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>280</u>	(JDL)	S.B. No. 332, S.D. 1  "RELATING TO WAGES."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)

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<u>281</u>	(JDL)	S.B. No. 874  "RELATING TO WORKERS'  COMPENSATION."  (Recommends passage on SECOND  READING and referral to WAM)
<u>282</u>	(AGL)	S.B. No. 993, S.D. 1 "RELATING TO AGRICULTURAL LOANS." (Recommends passage on SECOND READING and referral to WAM)
<u>283</u>	(AGL)	S.B. No. 992, S.D. 1  "RELATING TO LIVESTOCK BIOSECURITY."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>284</u>	(AGL)	S.B. No. 937, S.D. 1  "RELATING TO HAWAII FOOD RESILIENCY."  (Recommends passage on SECOND READING and referral to WAM)
<u>285</u>	(AGL)	S.B. No. 754, S.D. 1  "RELATING TO AGRICULTURAL LAND ACQUISITION."  (Recommends passage on SECOND READING and referral to WAM)
<u>286</u>	(AGL)	S.B. No. 753, S.D. 1  "RELATING TO AGRICULTURE."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)

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287	(AGL)	S.B. No. 752  "RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>288</u>	(AGL)	S.B. No. 709 "RELATING TO AGRICULTURAL DEVELOPMENT." (Recommends passage on SECOND READING and referral to WAM)
<u>289</u>	(TEC)	S.B. No. 998 "RELATING TO WASHINGTON PLACE." (Recommends passage on <u>SECOND</u> READING and referral to WAM)
<u>290</u>	(TEC/CPN)	S.B. No. 345 "RELATING TO PORTABLE ELECTRONICS INSURANCE." (Recommends passage on <u>SECOND</u> READING and referral to WAM)
<u>291</u>	(TEC/HRE)	S.B. No. 1273, S.D. 1  "RELATING TO ECONOMIC DEVELOPMENT."  (Recommends passage on <u>SECOND</u> READING and referral to WAM)
<u>292</u>	(WTL)	S.B. No. 1342 "RELATING TO ASSET FORFEITURE." (Recommends passage on SECOND READING and referral to JDL)

<u>293</u>	(WTL/AGL)	S.B. No. 708, S.D. 1  "RELATING TO THE LEGACY LAND CONSERVATION PROGRAM."  (Recommends passage on SECOND READING and referral to WAM)
<u>294</u>	(PSM/HTH/TEC)	S.B. No. 548 "RELATING TO TELEMEDICINE." (Recommends passage on SECOND READING and referral to CPN)
<u>295</u>	(PSM/JDL)	S.B. No. 1009, S.D. 1 "RELATING TO TORT LIABILITY." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>296</u>	(PSM)	S.B. No. 777, S.D. 1  "RELATING TO THE IMPERSONATION OF A LAW ENFORCEMENT OFFICER." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to JDL)
<u>297</u>	(HMS)	S.B. No. 103  "RELATING TO LONG TERM CARE."  (Recommends passage on SECOND  READING and referral to WAM)
<u>298</u>	(HMS/HTH)	S.B. No. 1336, S.D. 1 "RELATING TO HEALTH CARE." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>299</u>	(HMS)	S.B. No. 1340, S.D. 1  "RELATING TO FOSTER CARE."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)

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<u>300</u>	(HMS)	S.B. No. 1226, S.D. 1  "RELATING TO FAMILY COURT."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to JDL/WAM)
301	(HMS/PSM)	S.B. No. 1106, S.D. 1  "RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to CPN)
302	(HMS)	S.B. No. 518, S.D. 1 "RELATING TO PUBLIC HOUSING." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to JDL)
<u>303</u>	(EDU/HTH)	S.B. No. 240, S.D. 1  "RELATING TO EDUCATION."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
304	(EDU/HTH)	S.B. No. 241, S.D. 1 "RELATING TO EDUCATION." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>305</u>	(TIA/PSM/TEC)	S.B. No. 693, S.D. 1  "RELATING TO HIGHWAY SAFETY."  (Recommends passage on SECOND  READING and referral to WAM)
306	(HTH)	S.B. No. 1307 "RELATING TO HEALTH." (Recommends passage on SECOND READING and referral to WAM)

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<u>307</u>	(HTH/PSM)	S.B. No. 1255 "RELATING TO EMERGENCY MEDICAL SERVICES." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>308</u>	(HTH)	S.B. No. 1127 "RELATING TO SALES OF ELECTRONIC SMOKING DEVICES TO PERSONS UNDER 18 YEARS OF AGE." (Recommends passage on <u>SECOND</u> READING and referral to JDL)
<u>309</u>	(HTH)	S.B. No. 984 "MAKING AN APPROPRIATION TO THE PACIFIC RENAL CARE FOUNDATION." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
310	(HTH/PSM)	S.B. No. 981  "RELATING TO PUBLIC HEALTH STATISTICS RECORDS."  (Recommends passage on <u>SECOND</u> READING and referral to JDL)
<u>311</u>	(HTH)	S.B. No. 665 "RELATING TO HEALTH." (Recommends passage on SECOND READING and referral to WAM)
312	(HTH)	S.B. No. 662  "RELATING TO HEALTH."  (Recommends passage on SECOND READING and referral to WAM)

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<u>313</u>	(HTH)	S.B. No. 645 "RELATING TO HEALTH." (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>314</u>	(HTH)	S.B. No. 642 "RELATING TO HEALTH." (Recommends passage on SECOND READING and referral to CPN)
<u>315</u>	(HTH/PSM)	S.B. No. 1254 "RELATING TO EMERGENCY MEDICAL CARE." (Recommends passage on SECOND READING and referral to WAM)
<u>316</u>	(HTH)	S.B. No. 1337, S.D. 1  "RELATING TO HEALTH WELLNESS PROGRAMS."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to JDL)
<u>317</u>	(HTH)	S.B. No. 1139, S.D. 1  "RELATING TO THE HAWAII HOME VISITING PROGRAM."  (Recommends passage on <u>SECOND</u> <u>READING</u> and referral to WAM)
<u>318</u>	(HTH)	S.B. No. 608, S.D. 1  "RELATING TO MEDICINE."  (Recommends passage on SECOND READING and referral to CPN)

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(TEC) S.B. No. 1000, S.D. 1 319 (48 Hrs. Notice) "RELATING TO THE ACCESS HAWAII COMMITTEE." (Recommends passage on SECOND **READING** and placement on the calendar for Third Reading) 320 (PSM/THA) S.B. No. 404 "RELATING TO THE CORRECTIONS (One Day Notice) POPULATION MANAGEMENT COMMISSION." (Recommends passage on SECOND READING and placement on the calendar for Third Reading) S.B. No. 886 321 (JDL) (One Day Notice) "PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES." (Recommends passage on SECOND READING and placement on the calendar for Third Reading)

S.B. No. 870, S.D. 1

Third Reading)

PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE,

"RELATING TO USE OF FORCE BY

(Recommends passage on SECOND

DISCIPLINE, OR SAFETY OF OTHERS."

READING and placement on the calendar for

(JDL)

(48 Hrs. Notice)

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323 (JDL) <u>S.B. No. 880, S.D. 1</u>

(48 Hrs. Notice) "RELATING TO SENTENCE OF

IMPRISONMENT FOR SEXUAL

ASSAULT OF A MINOR UNDER THE

AGE OF TWELVE YEARS."

(Recommends passage on **SECOND** 

**READING** and placement on the calendar for

Third Reading)

324 (JDL) S.B. No. 890, S.D. 1

(48 Hrs. Notice) "RELATING TO THE HAWAII LABOR

RELATIONS BOARD."

(Recommends passage on SECOND

READING and placement on the calendar for

Third Reading)

325 (JDL) S.B. No. 1016, S.D. 1

(48 Hrs. Notice) "RELATING TO REGISTRATION OF

COVERED OFFENDERS."

(Recommends passage on **SECOND** 

READING and placement on the calendar for

Third Reading)

# ORDER OF THE DAY

## 8. Deferred Matters – House Communications

<u>HSE. COM. NO.</u> Informing the Senate that on February 7,

<u>REFERRAL</u>

2013, the following House Concurrent Resolutions were adopted in the House:

12 H.C.R. No. 41

"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. INOUYE." (Kilauea Point Lighthouse; Daniel

K. Inouye)

13 H.C.R. No. 42

"REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE, WHEN APPROPRIATE, ROUTE 200 ON THE ISLAND OF HAWAII AS THE DANIEL K. INOUYE LEGACY HIGHWAY "(Daniel K. Inouye Legacy

HIGHWAY."(Daniel K. Inouye Legacy Highway; Route 200; Saddle Road)

9. Advise and Consent

258 PSM G.M. No. 582

"Submitting for consideration and confirmation to the Director of the

Department of Public Safety, Gubernatorial Nominee, THEODORE I. SAKAI, for a term

to expire 12/1/2014."

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# 10. Third Reading

(See Stand. Com. Rep. No. 244) S.B. No. 1001

"RELATING TO THE ENHANCED 911

Prior Versions/Status & Testimony BOARD." - (TEC)

(Enhanced 911 Board)

(See Stand. Com. Rep. No. 245) S.B. No. 1230

"RELATING TO GOVERNMENT MOTOR

<u>Prior Versions/Status & Testimony</u> VEHICLES." - (PSM)

(Government Motor Vehicles; Use Exceptions; Board of Water Supply)

(See Stand. Com. Rep. No. 246) S.B. No. 1079

"RELATING TO HEALTH INSURANCE." -

<u>Prior Versions/Status & Testimony</u> (CPN)

(Health Insurance)

(See Stand. Com. Rep. No. 247) S.B. No. 1075

"RELATING TO PHYSICAL THERAPY." -

Prior Versions/Status & Testimony (CPN)

(Physical Therapy; Continuing Competence)

(See Stand. Com. Rep. No. 248) S.B. No. 423

"RELATING TO IN VITRO
Prior Versions/Status & Testimony FERTILIZATION INSURANCE

COVERAGE." - (CPN)

(In Vitro Fertilization; Insurance Coverage)

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(See Stand. Com. Rep. No. 249)

S.B. No. 48
"RELATING TO THE DEPARTMENT OF

Prior Versions/Status & Testimony

EDUCATION." - (EDU/PSM)

(Department of Education; Aerospace Advisory Committee; Marine and Coastal

Management)

Stand. Com. Rep. No. 259

S.B. No. 198

"RELATING TO ADVANCED PRACTICE REGISTERED NURSES." - (CPN)

Prior Versions/Status & Testimony

(Health; Licensed Practical Nurse; Registered Nurse; Physician Assistant; Consensus

Model)

- 11. Miscellaneous Communications: None
- 12. Miscellaneous Business
- 13. Announcements
- Floor Presentation for Friday, February 15, 2013:

HONORING AND COMMENDING THE HAWAI'I CONSERVE ENERGY CHAMPION 2013 SUPER GREEN CHAMPIONS AND THE 2013 CAPITAL 10 ENERGY CHALLENGE CHAMPION. (Senator Gabbard)

RECOGNIZING AND CONGRATULATING DANIEL AYALA FOR BEING INDUCTED INTO THE NATIONAL SENIOR SOFTBALL HALL OF FAME. (Senator Kahele)

• Committee Hearing Schedule:

<u>COMMITTEE</u>	DATE & TIME	<u>ROOM</u>
HMS/JDL	2/14/2013 1:15 PM	016
TEC	2/14/2013 1:15 PM	414
WTL/ENE	2/14/2013 1:15 PM	225

WTL/THA/HRE	2/14/2013 1:15 PM	225
EGH/WTL	2/14/2013 1:18 PM	225
EGH/TEC	2/14/2013 1:20 PM	414
HRE/TEC	2/14/2013 1:20 PM	414
HTH/HMS/JDL	2/14/2013 1:20 PM	016
TEC/WTL	2/14/2013 1:20 PM	414
HMS/HTH	2/14/2013 1:30 PM	016
HMS	2/14/2013 1:45 PM	016
HRE/EGH	2/14/2013 2:45 PM	414
HRE/JDL	2/14/2013 2:45 PM	414
PSM	2/14/2013 2:45 PM	224
PSM/EGH/JDL	2/14/2013 2:45 PM	224
WAM	2/15/2013 9:00 AM	211
JDL	2/15/2013 10:00 AM	016
PSM	2/19/2013 2:45 PM	224
INFO-MBTF	2/19/2013 4:00 PM	016
CPN/JDL	2/20/2013 10:00 AM	016
EDU	2/25/2013 1:15 PM	414
CPN	2/26/2013 10:00 AM	229

• Senate Session will convene at 11:30 a.m. on Friday, February 15, 2013.

# 14. Adjournment