

THE SENATE
OF THE
TWENTY-SEVENTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2013

TWENTY-SECOND DAY

FEBRUARY 20, 2013-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: No. 1101

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 1101	Informing the Legislature that on February 14, 2013, the Governor signed the following bill into law: HB26 HD1 (Act 001). "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION."	FILE

2. Departmental Communications: None

3. House Communication Nos. 26-68

Informing the Senate that on February 19, 2013,
the following House Bills passed Third Reading
in the House:

REFERRAL

- 26 [H.B. No. 51](#)
"RELATING TO STATE BONDS."(General
Obligation Bond Declaration)
- 27 [H.B. No. 389, H.D. 1](#)
"RELATING TO INCOME TAX."(Income Tax;
Check-off)
- 28 [H.B. No. 425, H.D. 1](#)
"RELATING TO OFFERS IN
COMPROMISE."(Tax Administration; Offers in
Compromise)
- 29 [H.B. No. 431](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining Unit
13)
- 30 [H.B. No. 432](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining Unit
8)
- 31 [H.B. No. 433](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining Unit
9)
- 32 [H.B. No. 434](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining Unit
6)

- 33 [H.B. No. 435, H.D. 1](#)
 "RELATING TO PUBLIC
 EMPLOYEES."(Office of Talent Management;
 Human Resources)
- 34 [H.B. No. 514, H.D. 2](#)
 "RELATING TO PUBLIC HOUSING."(Hawaii
 Public Housing Authority; Public Housing
 Agency; Tax Exemption)
- 35 [H.B. No. 518, H.D. 2](#)
 "RELATING TO HOUSING."(Housing;
 Homeless; State Rent Supplement Program;
 Appropriation)
- 36 [H.B. No. 519, H.D. 1](#)
 "RELATING TO HOUSING."(Housing; Housing
 First Programs; Department of Human Services;
 Appropriation)
- 37 [H.B. No. 521](#)
 "RELATING TO AFFORDABLE
 HOUSING."(General Obligation Bonds;
 Appropriation; Rental Housing Trust Fund)
- 38 [H.B. No. 750, H.D. 2](#)
 "RELATING TO THE HAWAII ISLAND
 TECHNOLOGY EXCHANGE
 INSTITUTE."(UH Hilo; Hawaii Community
 College; Technology Exchange Institute)
- 39 [H.B. No. 762, H.D. 2](#)
 "RELATING TO WASHINGTON
 PLACE."(Washington Place)
- 40 [H.B. No. 800, H.D. 1](#)
 "MAKING AN EMERGENCY
 APPROPRIATION TO THE DEPARTMENT
 OF BUSINESS, ECONOMIC DEVELOPMENT,
 AND TOURISM FROM THE ENERGY
 SECURITY SPECIAL FUND."(Emergency
 Appropriation; DBEDT; Hawaii Refinery Task
 Force)

- 41 [H.B. No. 816](#)
 "MAKING APPROPRIATIONS FOR
 COLLECTIVE BARGAINING COST
 ITEMS."(Appropriations for Collective
 Bargaining Cost Items)
- 42 [H.B. No. 820](#)
 "MAKING APPROPRIATIONS FOR
 COLLECTIVE BARGAINING COST
 ITEMS."(Appropriations for Collective
 Bargaining Cost Items)
- 43 [H.B. No. 822](#)
 "MAKING APPROPRIATIONS FOR
 COLLECTIVE BARGAINING COST
 ITEMS."(Appropriations for Collective
 Bargaining Cost Items)
- 44 [H.B. No. 868](#)
 "RELATING TO ELIMINATING THE ASSET
 LIMIT ELIGIBILITY REQUIREMENT FOR
 THE TEMPORARY ASSISTANCE FOR
 NEEDY FAMILIES PROGRAM."(Asset Limit;
 Temporary Assistance for Needy Families
 Program)
- 45 [H.B. No. 879, H.D. 2](#)
 "RELATING TO THE HOSPITAL
 SUSTAINABILITY PROGRAM."(Hospital
 Sustainability Program; Special Fund)
- 46 [H.B. No. 880, H.D. 2](#)
 "RELATING TO THE NURSING FACILITY
 SUSTAINABILITY PROGRAM."(Nursing
 Facility Sustainability Program; Special Fund)
- 47 [H.B. No. 897](#)
 "RELATING TO FOOD
 ESTABLISHMENTS."(Inspection of Food
 Establishments)
- 48 [H.B. No. 917](#)
 "RELATING TO WAGES."(Wages; Payment of
 Compensation)

- 49 [H.B. No. 918, H.D. 1](#)
"RELATING TO THE EMPLOYMENT AND
TRAINING FUND."(Workforce Investment Act;
Department of Labor and Industrial Relations;
Employment and Training Fund)
- 50 [H.B. No. 919](#)
"RELATING TO STATE
EMPLOYMENT."(Civil Service; Exemptions;
State Employment)
- 51 [H.B. No. 921](#)
"RELATING TO PROCEEDINGS BEFORE
THE LABOR AND INDUSTRIAL RELATIONS
APPEALS BOARD."(Labor and Industrial
Relations Appeals Board Proceedings)
- 52 [H.B. No. 922, H.D. 2](#)
"RELATING TO MEDICAL BENEFITS
UNDER THE WORKERS' COMPENSATION
LAW."(Workers' Compensation Medical
Treatment; Decisions Without a Hearing)
- 53 [H.B. No. 924, H.D. 1](#)
"RELATING TO COLLECTIVE
BARGAINING."(Collective Bargaining; Hawaii
Labor Relations Board)
- 54 [H.B. No. 925](#)
"RELATING TO THE EMPLOYMENT
SECURITY APPEALS REFEREE'S
OFFICE."(Employment Security Appeals
Referee's Office; Electronic Filing)
- 55 [H.B. No. 926](#)
"RELATING TO OCCUPATIONAL SAFETY
AND HEALTH HEARINGS."(Occupational
Safety and Health; Hawaii Labor Relations
Board)

- 56 [H.B. No. 927](#)
"RELATING TO THE EMPLOYMENT AND TRAINING FUND."(Department of Labor and Industrial Relations; Employment and Training Fund; Small Businesses)
- 57 [H.B. No. 928, H.D. 1](#)
"RELATING TO CERTAIN FUNDS UNDER THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS."(Trust Funds, Reclassification)
- 58 [H.B. No. 929](#)
"RELATING TO EMPLOYMENT AND TRAINING ASSESSMENT."(Employment and Training Assessment)
- 59 [H.B. No. 964, H.D. 1](#)
"RELATING TO GENERAL EXCISE TAX EXEMPTION FOR CERTAIN SCIENTIFIC CONTRACTS WITH THE UNITED STATES."(General Excise Tax; Exemption; Scientific Contracts)
- 60 [H.B. No. 983, H.D. 1](#)
"RELATING TO TRANSPORTATION."(Commission on Transportation; Repeal)
- 61 [H.B. No. 1162](#)
"MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."(Cost Items; Collective Bargaining Unit 4)
- 62 [H.B. No. 1163](#)
"MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."(Cost Items; Collective Bargaining Unit 3)

- 63 [H.B. No. 1164](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining; Unit
2)
- 64 [H.B. No. 1168](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining Unit
13)
- 65 [H.B. No. 1169](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining Unit
8)
- 66 [H.B. No. 1170](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining Unit
6)
- 67 [H.B. No. 1171](#)
"MAKING APPROPRIATIONS FOR
COLLECTIVE BARGAINING COST
ITEMS."(Cost Items; Collective Bargaining; Unit
9)
- 68 [H.B. No. 1207, H.D. 1](#)
"RELATING TO HUMAN
SERVICES."(Department of Human Services
Compliance; Affordable Care Act)

4. Senate Communication No. 1

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
1	Notice to Governor dated February 20, 2013, transmitting the following Senate Bill which proposes amendments to the Hawaii State Constitution: S.B. No. 886 "PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES."(Judges; Mandatory Retirement Age; Constitutional Amendment)	FILE

5. Judiciary Communications: None

6. Introduction of Measures: Senate Concurrent Resolution Nos. 36 – 41
Senate Resolution Nos. 17 – 19

7. Standing Committee Report Nos. 454-462

454	(THA)	S.B. No. 170, S.D. 1 "RELATING TO TOURISM." (Recommends recommittal to THA)
455 (One Day Notice)	(TIA/WTL)	S.B. No. 1207 "RELATING TO TRANSPORTATION." (Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)

456 (One Day Notice)	(CPN)	S.B. No. 633 "RELATING TO UNLICENSED CONTRACTING ACTIVITIES." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
457	(EGH)	S.B. No. 123, S.D. 1 "RELATING TO ECONOMIC DEVELOPMENT." (Recommends recommittal to EGH)
458	(THA)	S.B. No. 168, S.D. 1 "RELATING TO HAWAIIAN AFFAIRS." (Recommends recommittal to THA)
459 (One Day Notice)	(CPN)	S.B. No. 120, S.D. 1 "RELATING TO PUBLIC UTILITIES." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
460 (One Day Notice)	(CPN)	S.B. No. 1066 "RELATING TO SECURITIES LAW." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
461 (48 Hrs. Notice)	(CPN)	S.B. No. 470, S.D. 1 "RELATING TO CREDIT CARDS." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)

[462](#)
(48 Hrs. Notice)

(CPN)

[S.B. No. 1020, S.D. 1](#)
"RELATING TO CHARITABLE
SOLICITATION."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

ORDER OF THE DAY

8. Deferred Matters – House Communications

HSE. COM. NO.

Informing the Senate that on February 7,
2013, the following House Concurrent
Resolutions were adopted in the House:

REFERRAL

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; Route 200; Saddle Road)

9. Deferred Matters - Third Reading

[\(See Stand. Com. Rep. No. 323\)](#)

[Prior Versions/Status & Testimony](#)

[S.B. No. 880, S.D. 1](#)

"RELATING TO SENTENCE OF IMPRISONMENT FOR SEXUAL ASSAULT OF A MINOR UNDER THE AGE OF TWELVE YEARS." - (JDL)

(Sentencing; Sexual Assault; Minor)

10. Re-Referrals

RE-REFERRAL FOR WEDNESDAY, FEBRUARY 20, 2013

<u>MEASURE</u>	<u>TITLE</u>	<u>RE-REFERRAL</u>
H.B. 423	RELATING TO BUREAU OF CONVEYANCES. (Bureau of Conveyances; Sunset Provision; Repeal) (WTL/TEC/CPN, JDL/WAM)	CPN, JDL

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

- Floor Presentation for Thursday, February 28, 2013:

HONORING AND RECOGNIZING THE AMERICAN DIABETES ASSOCIATION.
(Senator Green)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
WAM	2/21/2013 9:00 AM	211
WAM	2/21/2013 9:15 AM	211
CPN	2/21/2013 10:30 AM	229
CPN	2/21/2013 10:45 AM	229
INFO-EEP-CPC-ENE-CPN	2/21/2013 1:00 PM	Auditorium
TEC	2/21/2013 1:15 PM	414
WAM	2/22/2013 9:00 AM	211
HTH/EDU	2/22/2013 1:15 PM	229
HTH	2/22/2013 1:30 PM	229
EDU	2/25/2013 1:15 PM	414
INFO-EDN-EDU	2/25/2013 3:00 PM	309
CPN	2/26/2013 10:00 AM	229
CPN	2/26/2013 10:15 AM	229
CPN	2/27/2013 10:00 AM	229
PSM	2/28/2013 2:45 PM	224
CPN	3/1/2013 9:00 AM	229
THA	3/4/2013 2:45 PM	224

- Senate Session will convene at 11:30 a.m. on Thursday, February 28, 2013.

14. Adjournment