

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

FORTIETH DAY

MARCH 28, 2013-THURSDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

CONGRATULATING AND RECOGNIZING DR. AMEFIL AGBAYANI AND DR. DORIS CHING FOR INITIATING AND PUBLISHING *ASIAN AMERICANS AND PACIFIC ISLANDERS IN HIGHER EDUCATION RESEARCH AND PERSPECTIVES ON IDENTITY, LEADERSHIP, AND SUCCESS*. (Senator Taniguchi)

1. Messages from the Governor: Nos. 251-255 and 757-772

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 251	Dated March 19, 2013, transmitting the 2012 Annual Report of the Hawaii Community Development Authority pursuant to Section 206E-19, HRS.	FILE
G.M. No. 252	Dated March 27, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Department of Budget and Finance.	FILE

<u>G.M. No. 253</u>	Dated March 21, 2013, transmitting the Office of Information Management and Technology Procurement Report as of February 28, 2013, pursuant to Act 222, SLH 2012.	FILE
<u>G.M. No. 254</u>	Dated March 27, 2013, transmitting the Report and Recommendations of the Commission on Salaries pursuant to Section 26-56, HRS.	FILE
<u>G.M. No. 255</u>	Dated March 27, 2013, transmitting the Medicaid Health Care Insurance Plan Contracts Report, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Section 103F-107, HRS.	FILE
<u>G.M. No. 757</u>	Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, WILBERT CHEE, for a term to expire 6-30-2017.	EGH
<u>G.M. No. 758</u>	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Strategic Development Corporation, Gubernatorial Nominee, JEFFREY TORRES, for a term to expire 6-30-2017.	EGH
<u>G.M. No. 759</u>	Submitting for consideration and confirmation to the Hawai'i Community Development Authority (Kalaehoa District), Gubernatorial Nominee, SHIRLEY SWINNEY, for a term to expire 6-30-2017.	EGH
<u>G.M. No. 760</u>	Submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, RICHARD SUZUKI, for a term to expire 6-30-2017.	CPN
<u>G.M. No. 761</u>	Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, ALDON MOCHIDA, for a term to expire 6-30-2017.	CPN

G.M. No. 762	Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, WILLIAM KAMAI, for a term to expire 6-30-2017.	CPN
G.M. No. 763	Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, LES BOTELHO, for a term to expire 6-30-2017.	CPN
G.M. No. 764	Submitting for consideration and confirmation to the Pest Control Board, Gubernatorial Nominee, TERRANCE MANAGO, for a term to expire 6-30-2015.	CPN
G.M. No. 765	Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, LAURIE LEE, for a term to expire 6-30-2017.	CPN
G.M. No. 766	Submitting for consideration and confirmation to the Civil Rights Commission, Gubernatorial Nominee, ARTEMIO BAXA, for a term to expire 6-30-2017.	JDL
G.M. No. 767	Submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, Gubernatorial Nominee, ELDON PATE-KAHAKALAU, for a term to expire 6-30-2016.	THA
G.M. No. 768	Submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, Gubernatorial Nominee, SANDI KATO-KLUTKE, for a term to expire 6-30-2017.	AGL
G.M. No. 769	Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, MAEONA MENDELSON, for a term to expire 6-30-2016.	HMS

<u>G.M. No. 770</u>	Submitting for consideration and confirmation to the Statewide Health Coordinating Council , Gubernatorial Nominee, WENDY MORRIARTY, for a term to expire 6-30-2017.	HTH
<u>G.M. No. 771</u>	Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, JOHN BARNETT, for a term to expire 6-30-2017.	HTH
<u>G.M. No. 772</u>	Submitting for consideration and confirmation to the Crime Victim Compensation Commission, Gubernatorial Nominee, ABELINA SHAW, for a term to expire 6-30-2017.	PSM

2. Departmental Communication No. 95

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<u>D.C. No. 95</u>	From the County Clerk, County of Kaua'i, dated March 22, 2013, transmitting Resolution No. 2013-40, Draft 1, which was adopted by the Kaua'i County Council on March 13, 2013.	FILE

3. House Communication No. 382

	Informing the Senate that on March 27, 2013, the House disagreed to the amendments proposed by the Senate to the following House bill:	<u>REFERRAL</u>
382	<u>H.B. No. 776, H.D. 2, S.D. 1</u> "RELATING TO GOVERNMENT TORT LIABILITY."(Government Tort Liability)	FILE

4. Senate Communications: None

5. Judiciary Communications: None
6. Standing Committee Report Nos. 1056-1077

1056	(EDU/HTH)	S.R. No. 27 "ENCOURAGING THE DEPARTMENT OF EDUCATION TO WORK WITH THE DEPARTMENT OF HEALTH TO DEVELOP NUTRITIONALLY-SOUND PUBLIC SCHOOL MEAL PLANS THAT GIVE STUDENTS THE OPTION OF A VEGETARIAN ENTRÉE AT LEAST ONCE A WEEK." (Recommends referral to WAM)
1057	(EDU)	S.C.R. No. 76 "REQUESTING THE BOARD OF EDUCATION TO RESEARCH STATE MODELS AND BEST PRACTICES ON HOME SCHOOLED STUDENT PARTICIPATION IN PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES AND SPORTS AND EXPLORE IMPLEMENTATION OF SUCH A PROGRAM IN HAWAII." (Recommends referral to WAM)
1058	(EDU)	S.R. No. 43 "REQUESTING THE BOARD OF EDUCATION TO RESEARCH STATE MODELS AND BEST PRACTICES ON HOME SCHOOLED STUDENT PARTICIPATION IN PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES AND SPORTS AND EXPLORE IMPLEMENTATION OF SUCH A PROGRAM IN HAWAII." (Recommends referral to WAM)

- [1059](#) (EDU) [S.C.R. No. 77](#)
"REQUESTING THE BOARD OF EDUCATION TO DEVELOP A UNIFORM SEXUALITY HEALTH EDUCATION PROGRAM FOR ALL PUBLIC SCHOOLS."
(Recommends referral to WAM)
- [1060](#) (EDU) [S.R. No. 44](#)
"REQUESTING THE BOARD OF EDUCATION TO DEVELOP A UNIFORM SEXUALITY HEALTH EDUCATION PROGRAM FOR ALL PUBLIC SCHOOLS."
(Recommends referral to WAM)
- [1061](#) (EDU/HRE) [S.C.R. No. 96](#)
"COMMENDING THE JUMP START TASK FORCE ON THE CREATION OF THE JUMP START PROGRAM, ENCOURAGING EXPANSION OF THE PROGRAM TO SCHOOLS ON THE ISLANDS OF MAUI AND HAWAII, AND REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES TO CONTINUE THEIR SUPPORT OF THE PROGRAM."
(Recommends referral to WAM)

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| <u>1062</u> | (EDU/HRE) | <u>S.R. No. 62</u>
"COMMENDING THE JUMP START TASK FORCE ON THE CREATION OF THE JUMP START PROGRAM, ENCOURAGING EXPANSION OF THE PROGRAM TO SCHOOLS ON THE ISLANDS OF MAUI AND HAWAII, AND REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES TO CONTINUE THEIR SUPPORT OF THE PROGRAM."
(Recommends referral to WAM) |
| <u>1063</u> | (EDU/EGH) | <u>S.C.R. No. 190</u>
"REQUESTING THE HAWAII BOARD OF EDUCATION TO REVIEW POLICY NO. 6701 IN LIGHT OF THE STATE'S EFFORT TO RENOVATE AND BUILD TWENTY-FIRST CENTURY SCHOOLS AND TO REPORT ITS RECOMMENDATIONS TO THE LEGISLATURE."
(Recommends referral to WAM) |
| <u>1064</u> | (EDU/EGH) | <u>S.R. No. 145</u>
"REQUESTING THE HAWAII BOARD OF EDUCATION TO REVIEW POLICY NO. 6701 IN LIGHT OF THE STATE'S EFFORT TO RENOVATE AND BUILD TWENTY-FIRST CENTURY SCHOOLS AND TO REPORT ITS RECOMMENDATIONS TO THE LEGISLATURE."
(Recommends referral to WAM) |

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| 1065 | (TIA/PSM) | S.C.R. No. 121
"REQUESTING HAWAII'S
CONGRESSIONAL DELEGATION TO
PROPOSE AMENDMENTS TO THE
AIRLINE DEREGULATION ACT TO
EXEMPT HAWAII FROM THE UNITED
STATES' PREEMPTION OF STATE
ECONOMIC REGULATION OF
INTERSTATE AIR TRANSPORTATION."
(Recommends referral to WAM) |
| 1066 | (TIA/PSM) | S.R. No. 84
"REQUESTING HAWAII'S
CONGRESSIONAL DELEGATION TO
PROPOSE AMENDMENTS TO THE
AIRLINE DEREGULATION ACT TO
EXEMPT HAWAII FROM THE UNITED
STATES' PREEMPTION OF STATE
ECONOMIC REGULATION OF
INTERSTATE AIR TRANSPORTATION."
(Recommends referral to WAM) |
| 1067 | (TIA/PSM) | S.C.R. No. 169
"STRONGLY URGING HAWAII'S
CONGRESSIONAL DELEGATION TO
SEEK AND OBTAIN ADDITIONAL
FEDERAL AID TO THE STATE OF
HAWAI'I FOR THE PROVISION OF
EDUCATIONAL SERVICES TO
MIGRANTS FROM THE COMPACT OF
FREE ASSOCIATION NATIONS."
(Recommends referral to WAM) |

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| <p><u>1068</u></p> | <p>(TIA/PSM)</p> | <p><u>S.R. No. 126</u>
"STRONGLY URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK AND OBTAIN ADDITIONAL FEDERAL AID TO THE STATE OF HAWAI'I FOR THE PROVISION OF EDUCATIONAL SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS."
(Recommends referral to WAM)</p> |
| <p><u>1069</u></p> | <p>(TIA/PSM)</p> | <p><u>S.C.R. No. 182, S.D. 1</u>
"EXPRESSING SUPPORT FOR THE ENHANCED TRADE AND INVESTMENT OPPORTUNITIES AMONG MEMBER COUNTRIES OF THE TRANS-PACIFIC PARTNERSHIP AND ENCOURAGING SUPPORT FOR FINALIZATION OF THE PARTNERSHIP."
(Recommends referral to WAM)</p> |
| <p><u>1070</u></p> | <p>(TIA/PSM)</p> | <p><u>S.R. No. 138, S.D. 1</u>
"EXPRESSING SUPPORT FOR THE ENHANCED TRADE AND INVESTMENT OPPORTUNITIES AMONG MEMBER COUNTRIES OF THE TRANS-PACIFIC PARTNERSHIP AND ENCOURAGING SUPPORT FOR FINALIZATION OF THE PARTNERSHIP."
(Recommends referral to WAM)</p> |
| <p><u>1071</u>
(One Day Notice)</p> | <p>(EDU)</p> | <p><u>S.C.R. No. 97</u>
"REQUESTING THE DEPARTMENT OF EDUCATION TO UNDERTAKE A SYSTEMWIDE REVIEW OF ITS OVERSIGHT, MONITORING, AND ACCOUNTABILITY OF THE OPERATIONAL AND FISCAL PRACTICES OF THE DEPARTMENT'S SCHOOL FOOD SERVICES BRANCH."
(Recommends Adoption)</p> |

[1072](#)
(One Day Notice)

(EDU)

[S.R. No. 63](#)

"REQUESTING THE DEPARTMENT OF EDUCATION TO UNDERTAKE A SYSTEMWIDE REVIEW OF ITS OVERSIGHT, MONITORING, AND ACCOUNTABILITY OF THE OPERATIONAL AND FISCAL PRACTICES OF THE DEPARTMENT'S SCHOOL FOOD SERVICES BRANCH."
(Recommends Adoption)

[1073](#)
(One Day Notice)

(TIA/HMS/PSM)

[S.C.R. No. 108](#)

"URGING THE UNITED STATES CONGRESS TO INCLUDE RESIDENT CITIZENS OF THE FREELY ASSOCIATED STATES WHO LAWFULLY RESIDE IN THE UNITED STATES AS "QUALIFIED ALIENS" UNDER THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 IN RECOGNIZING THEIR UNIQUE HISTORIC AND ONGOING SACRIFICES AND CONTRIBUTIONS TO THE UNITED STATES OF AMERICA."
(Recommends Adoption)

[1074](#)
(One Day Notice)

(TIA/HMS/PSM)

[S.R. No. 74](#)

"URGING THE UNITED STATES CONGRESS TO INCLUDE RESIDENT CITIZENS OF THE FREELY ASSOCIATED STATES WHO LAWFULLY RESIDE IN THE UNITED STATES AS "QUALIFIED ALIENS" UNDER THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 IN RECOGNIZING THEIR UNIQUE HISTORIC AND ONGOING SACRIFICES AND CONTRIBUTIONS TO THE UNITED STATES OF AMERICA."
(Recommends Adoption)

[1075](#)
(One Day Notice)

(EGH)

[G.M. No. 522](#)

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, Gubernatorial Nominee, LEILANI PULMANO, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1076](#)
(One Day Notice)

(AGL)

[G.M. No. 597](#)

"Submitting for consideration and confirmation to the Board of Agriculture, Gubernatorial Nominee, GLENN HONG, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

[1077](#)
(One Day Notice)

(AGL)

[G.M. No. 503](#)

"Submitting for consideration and confirmation to the Advisory Committee on Pesticides, Gubernatorial Nominee, JAMES ESCHLE, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1077](#)
(One Day Notice)

(AGL)

[G.M. No. 504](#)

"Submitting for consideration and confirmation to the Advisory Committee on Pesticides, Gubernatorial Nominee, JEFFREY KERMODE, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1077](#)
(One Day Notice)

(AGL)

[G.M. No. 505](#)

"Submitting for consideration and confirmation to the Advisory Committee on Pesticides, Gubernatorial Nominee, JOHN MCHUGH, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1077](#)
(One Day Notice)

(AGL)

[G.M. No. 506](#)

"Submitting for consideration and confirmation to the Advisory Committee on Pesticides, Gubernatorial Nominee, ROGER BREWER, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY

7. Deferred Matters – House Communication

<u>HSE. COM. NO.</u>	Returning the following Senate Bill which passed Third Reading in the House on March 25, 2013, in an amended form:	<u>REFERRAL</u>
381	<u>S.B. No. 870, S.D. 1, H.D. 1</u> "RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS."(Use of Force by Persons with Special Responsibility for Care, Discipline, or Safety of Others)	AGREE/DISAGREE

8. Miscellaneous Communications: None

9. Miscellaneous Business

10. Announcements

- Floor Presentation for Monday, April 1, 2013:

CONGRATULATING CHALLENGER CENTER HAWAII IN COMMEMORATION OF ITS 20TH ANNIVERSARY. (Senator Ige)

CELEBRATING THE 20TH YEAR OF THE W.M. KECK OBSERVATORY. (Senator Solomon)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
AGL/CPN	3/28/2013 1:15 PM	229
EDU/WTL	3/28/2013 1:15 PM	225

PSM/HTH/HMS	3/28/2013 1:15 PM	016
WTL	3/28/2013 1:15 PM	225
WTL/EGH	3/28/2013 1:15 PM	225
WTL/PSM	3/28/2013 1:15 PM	225
HTH/TEC	3/28/2013 1:20 PM	414
PSM/HMS	3/28/2013 1:20 PM	016
TEC	3/28/2013 1:20 PM	414
HMS	3/28/2013 1:30 PM	016
HMS/CPN	3/28/2013 1:30 PM	016
WTL/ENE/PSM	3/28/2013 2:30 PM	225
ENE/WTL	3/28/2013 2:45 PM	225
HRE/AGL	3/28/2013 2:45 PM	414
INFO-PSM-PBS	3/28/2013 2:45 PM	423
HRE/JDL	3/28/2013 2:50 PM	414
AGL	3/28/2013 3:00 PM	229
HRE	3/28/2013 3:00 PM	414
HRE/CPN	3/28/2013 3:00 PM	414
HRE/EGH	3/28/2013 3:00 PM	414
HTH/HRE	3/28/2013 3:00 PM	414
AGL/WTL	3/28/2013 3:05 PM	229
PSM	3/28/2013 4:00 PM	224
WTL/PSM	3/28/2013 4:00 PM	224
PSM/WAM	4/1/2013 9:55 AM	211
WAM	4/1/2013 10:00 AM	211
ENE/CPN	4/1/2013 10:30 AM	229
EGH/WTL/PSM	4/1/2013 2:45 PM	016
PSM/WTL/EGH	4/1/2013 2:45 PM	016
EGH/PSM	4/1/2013 2:46 PM	016
PSM/EGH	4/1/2013 2:46 PM	016
EGH	4/1/2013 3:00 PM	016
JDL	4/2/2013 10:30 AM	016
HMS/TEC	4/2/2013 1:15 PM	016
WTL/JDL	4/2/2013 1:15 PM	225
WTL/THA/JDL	4/2/2013 1:20 PM	225
HMS	4/2/2013 1:30 PM	016
THA/WTL/TEC	4/2/2013 1:30 PM	225
AGL/PSM	4/2/2013 2:30 PM	224
EGH/PSM	4/2/2013 2:45 PM	224
PSM	4/2/2013 2:45 PM	224
HRE	4/2/2013 3:00 PM	414
CPN	4/3/2013 10:00 AM	229
HMS/TIA/PSM	4/3/2013 1:15 PM	224
TIA	4/3/2013 1:16 PM	224
WAM	4/4/2013 9:00 AM	211

INFO-PSM	4/4/2013 2:30 PM	224
ENE	4/4/2013 2:45 PM	225

- Senate Session will convene at 11:30 a.m. on Monday, April 1, 2013.

11. Adjournment