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

FORTY-SECOND DAY

APRIL 2, 2013-TUESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

• Floor Presentation:

CONGRATULATING WAIANAE HIGH SCHOOL SEARIDER PRODUCTIONS DIGITAL PROGRAM APPLE DISTINGUISHED PROGRAM AWARD RECIPIENT. (Senator Shimabukuro)

1. Messages from the Governor: Nos. 778-794

<u>MEASURE</u>	TITLE	REFERRAL
<u>G.M. No. 778</u>	Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, REID NOGUCHI, for a term to expire 6-30-2015.	PSM
<u>G.M. No. 779</u>	Submitting for consideration and confirmation to the Board of Education, Gubernatorial Nominee, BRIAN DELIMA, for a term to expire 6-30-2016.	EDU
G.M. No. 780	Submitting for consideration and confirmation to the State Board of Public Accountancy, Gubernatorial Nominee, CARLETON WILLIAMS, for a term to expire 6-30-2017.	CPN

G.M. No. 781	Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, LESLIE TAWATA, for a term to expire 6-30-2015.	НТН
G.M. No. 782	Submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, Gubernatorial Nominee, JAMES WILBURN, JR., for a term to expire 6-30-2017.	CPN
G.M. No. 783	Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, WILLIAM SOUZA, for a term to expire 6-30-2017.	TEC
G.M. No. 784	Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, NANCY PEACOCK, for a term to expire 6-30-2017.	TEC
G.M. No. 785	Submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, Gubernatorial Nominee, EVA ROSE WASHBURN-REPOLLO, for a term to expire 6-30-2017.	TEC
G.M. No. 786	Submitting for consideration and confirmation to the Advisory Board on Veterans' Services, Gubernatorial Nominee, PATRICIA WIELAND, for a term to expire 6-30-2017.	PSM
G.M. No. 787	Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, STEPHEN DAY, for a term to expire 6-30-2015.	PSM
G.M. No. 788	Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, DANIEL HANLON, for a term to expire 6-30-2015.	PSM

G.M. No. 789	Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, MARK SPENCE, for a term to expire 6-30-2015.	PSM
G.M. No. 790	Submitting for consideration and confirmation to the State Highway Safety Council, Gubernatorial Nominee, JOVANIE DE LA CRUZ, for a term to expire 6-30-2017.	TIA
G.M. No. 791	Submitting for consideration and confirmation to the Health Planning Council, West O'ahu Subarea, Gubernatorial Nominee, MARALYN KURSHALS, for a term to expire 6-30-2017.	НТН
G.M. No. 792	Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, CRAIG TAKAMINE, for a term to expire 6-30-2016.	EGH
G.M. No. 793	Informing the Senate that on April 1, 2013, the Governor has withdrawn ANNE CHIPCHASE, Gubernatorial Nominee to the Board of Registration of the Island of O'ahu, from consideration by the Senate (GM566).	FILE
G.M. No. 794	Submitting for consideration and confirmation to the Kaneohe Bay Regional Council, Gubernatorial Nominee, JUDITH LEMUS, for a term to expire 6-30-2015.	WTL

2. Departmental Communications: None

3. House Communication Nos. 386-405

REFERRAL

Returning the following Senate Concurrent Resolution which was adopted by the House on April 1, 2013:

386 <u>S.C.R. No. 61, S.D. 1</u>

FILE

"URGING THE GOVERNOR, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, BOARD OF REGENTS OF THE UNIVERSITY OF HAWAI'I, BOARD OF EDUCATION, AND HAWAI'I'S CONGRESSIONAL DELEGATION TO STRENGTHEN THE SISTER-STATE RELATIONSHIP WITH TAIWAN IN COMMEMORATION OF THE TWENTIETH ANNIVERSARY OF THE SISTER-STATE RELATIONSHIP BETWEEN HAWAI'I AND TAIWAN."(Taiwan; Sister-State Relationship; Strengthening)

Informing the Senate that on April 1, 2013, the following House Concurrent Resolutions were adopted in the House:

387 H.C.R. No. 33

"REQUESTING THE LEGISLATURE TO PARTICIPATE IN "LIGHT THE STATE CAPITOL BLUE" DURING A PORTION OF THE 2013 REGULAR SESSION." (Prostate Cancer; Light the State Capitol Blue)

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388 H.C.R. No. 120

"REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY OF THE COMMERCIAL VESSEL PERMITS IN STATE SMALL BOAT HARBORS INVOLVING OCEAN-RELATED ACTIVITIES FOR OCEAN WATERS BETWEEN KALAELOA POINT AND KAENA POINT." (Department of Land and Natural Resources; Kaena Point; Kalaeloa Point; Small Boat Harbors; Commercial Permits)

389 H.C.R. No. 127

"URGING THE MAYOR OF THE COUNTY OF KAUAI, THE KAUAI COUNTY COUNCIL, KAUAI PLANNING AND ACTION ALLIANCE, WEST SIDE KAUAI COMMUNITIES, AND THE WAIMEA SPORTS COMPLEX STEERING COMMITTEE TO COLLABORATE TO EXPEDITE THE CONSTRUCTION OF THE WAIMEA SPORTS COMPLEX." (Waimea Sports Complex)

390 H.C.R. No. 141

"URGING THE DEPARTMENT OF
TRANSPORTATION TO MAKE THE
NECESSARY ACCOMMODATIONS TO
ALLOW THE EASTBOUND SHOULDER
LANES FROM THE MAKAKILO DRIVE ONRAMP TO THE KUNIA OFF-RAMP ON THE
H-1 FREEWAY DURING PEAK MORNING
TRAFFIC HOURS TO ASSIST IN
ALLEVIATING TRAFFIC
CONGESTION."(Department of Transportation;
Shoulder Lane; Leeward Coast)

391 H.C.R. No. 142

"URGING THE DEPARTMENT OF TRANSPORTATION TO EXAMINE ALTERNATIVE WAYS TO REDESIGN THE H-1/H-2 FREEWAY MERGE TO ALLEVIATE TRAFFIC CONGESTION."(Traffic Congestion; H-1/H-2 Freeway Merge) ORDER OF THE DAY FORTY-SECOND DAY April 2, 2013 Page 6 of 17

392 H.C.R. No. 183

"URGING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO SUPPORT AND PASS THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2013."(Veterans; Filipino Family Member Reunification; Congress)

393 H.C.R. No. 218

"URGING THE UNITED STATES CONGRESS TO AWARD THE CONGRESSIONAL MEDAL OF HONOR TO JOHN KUULEI KAUHAIHAO, OF HONAUNAU, HAWAII."(Congressional Medal of Honor; John Kuulei Kauhaihao)

Returning the following Senate Bills which passed Third Reading in the House on April 1, 2013, in an amended form:

394 S.B. No. 2, H.D. 1

AGREE/DISAGREE

"RELATING TO SIMULATED

FIREARMS."(Simulated Firearms; Terroristic Threatening; Robbery)

395 S.B. No. 30, S.D. 1, H.D. 1

AGREE/DISAGREE

"RELATING TO CAMPAIGN

SPENDING."(Campaign Spending; Voluntary Candidate Expenditure Limits; Prosecuting Attorney)

396 S.B. No. 31, H.D. 1

AGREE/DISAGREE

"RELATING TO CAMPAIGN SPENDING." (Campaign Spending;

Noncandidate Committee Reports; Filing Dates)

397 S.B. No. 192, H.D. 1

AGREE/DISAGREE

"RELATING TO

PROSTITUTION."(Prostitution; Minors;

Offenses; Statute of Limitations; Forfeiture; Sex

Offender Registry)

398	S.B. No. 194, S.D. 1, H.D. 1 "RELATING TO CRIMINAL PROCEDURE."(Criminal Procedure; Deferred Acceptance of Guilty Pleas)	AGREE/DISAGREE
399	S.B. No. 442, S.D. 1, H.D. 1 "RELATING TO INTOXICATING LIQUOR."(Intoxicating Liquor; Minors)	AGREE/DISAGREE
400	S.B. No. 502, S.D. 1, H.D. 1 "RELATING TO REAL ESTATE SELLER DISCLOSURE."(Real Estate; Seller Disclosure; Required Documents)	AGREE/DISAGREE
401	S.B. No. 853, S.D. 1, H.D. 1 "RELATING TO THE ELECTIONS COMMISSION."(Elections Commission; Evaluation of Chief Election Officer)	AGREE/DISAGREE
402	S.B. No. 966, H.D. 1 "RELATING TO THE UNIFORM MEDIATION ACT."(Uniform Mediation Act)	AGREE/DISAGREE
403	S.B. No. 995, H.D. 1 "RELATING TO IRRIGATION WATER DEVELOPMENT."(Irrigation Water Development)	AGREE/DISAGREE
	Returning the following Senate Bills which passed Third Reading in the House on April 1, 2013:	
404	S.B. No. 32 "RELATING TO THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT."(Uniform Electronic Legal Material Act)	FILE
405	S.B. No. 341, S.D. 2 "RELATING TO DISPOSITION OF REMAINS."(Dispositions of Remains; Right of Disposition)	FILE

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4. Senate Communications: None

5. Judiciary Communications: None

6. Standing Committee Report Nos. 1220-1240

<u>1220</u> (HMS/CPN) <u>S.C.R. No. 125, S.D. 1</u>

(One Day Notice) "URGING THE DEPARTMENT OF

COMMERCE AND CONSUMER AFFAIRS AND THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY: HAWAII DIVISION, TO DEVELOP DRAFT LEGISLATION

ESTABLISHING, IMPLEMENTING, AND

MONITORING CONTINUING

EDUCATION REQUIREMENTS FOR ALL LICENSED MARRIAGE AND FAMILY

THERAPISTS IN HAWAII." (Recommends Adoption)

1221 (HMS/CPN) S.R. No. 88, S.D. 1

(One Day Notice)

"URGING THE DEPARTMENT OF

COMMERCE AND CONSUMER AFFAIRS

AND THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY: HAWAII DIVISION, TO DEVELOP DRAFT LEGISLATION

ESTABLISHING, IMPLEMENTING, AND

MONITORING CONTINUING

EDUCATION REQUIREMENTS FOR ALL LICENSED MARRIAGE AND FAMILY

THERAPISTS IN HAWAII." (Recommends Adoption)

<u>1222</u> (JDL) <u>S.R. No. 66</u>

(One Day Notice)

"URGING THE GOVERNOR TO STRIVE TO ACHIEVE OR MAINTAIN GENDER EQUITY IN THE NOMINATIONS AND APPOINTMENTS OF MEMBERS TO STATE BOARDS AND COMMISSIONS." (Recommends Adoption)

(One Day Notice)

<u>1223</u>	(JDL)	S.C.R. No. 100
(One Day Notice)		"URGING THE

"URGING THE GOVERNOR TO STRIVE TO ACHIEVE OR MAINTAIN GENDER EQUITY IN THE NOMINATIONS AND APPOINTMENTS OF MEMBERS TO STATE BOARDS AND COMMISSIONS."

(Recommends Adoption)

<u>1224</u> (ENE/PSM) <u>S.R. No. 5</u>

(One Day Notice) "ENCOURAGING THE UNITED STATES

CONGRESS TO ENACT FEDERAL LEGISLATION TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT OF 1976 TO STRENGTHEN CHEMICALS MANAGEMENT THROUGH POLICY

REFORMS."

(Recommends Adoption)

<u>1225</u> (ENE/PSM) <u>S.C.R. No. 6</u>

(One Day Notice) "ENCOURAGING THE UNITED STATES CONGRESS TO ENACT FEDERAL

LEGISLATION TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT OF 1976 TO STRENGTHEN CHEMICALS MANAGEMENT THROUGH POLICY

REFORMS."

(Recommends Adoption)

<u>1226</u> (CPN) <u>S.C.R. No. 84, S.D. 1</u>

"REQUESTING THE CONTRACTORS LICENSE BOARD TO CONDUCT AN

ASSESSMENT AND PREPARE A REPORT THAT EVALUATES EACH LICENSING CLASSIFICATION UNDER CHAPTER 444, HAWAII REVISED STATUTES."

(AMENDED TITLE)

(Recommends Adoption)

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(One Day Notice)	(CPN)	S.R. No. 50, S.D. 1 "REQUESTING THE CONTRACTORS LICENSE BOARD TO CONDUCT AN ASSESSMENT AND PREPARE A REPORT THAT EVALUATES EACH LICENSING CLASSIFICATION UNDER CHAPTER 444, HAWAII REVISED STATUTES." (AMENDED TITLE) (Recommends Adoption)
1228 (One Day Notice)	(PSM/TEC)	S.C.R. No. 47, S.D. 1 "REQUESTING THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO RENAME A PORTION OF CORAL STREET TO "LEX BRODIE STREET"." (Recommends Adoption)
1229 (One Day Notice)	(PSM/TEC)	S.R. No. 24, S.D. 1 "REQUESTING THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO RENAME A PORTION OF CORAL STREET TO "LEX BRODIE STREET"." (Recommends Adoption)
(One Day Notice)	(HTH/TEC)	S.C.R. No. 91, S.D. 1 "RECOGNIZING SEPTEMBER 21, 2013, AS HYDROCEPHALUS AWARENESS DAY IN HAWAII." (AMENDED TITLE) (Recommends Adoption)
(One Day Notice)	(HTH/TEC)	S.R. No. 57, S.D. 1 "RECOGNIZING SEPTEMBER 21, 2013, AS HYDROCEPHALUS AWARENESS DAY IN HAWAII." (AMENDED TITLE) (Recommends Adoption)

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1232 (One Day Notice)	(HTH/TEC)	S.C.R. No. 62, S.D. 1 "URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT CONTINUED FUNDING FOR THE CONGRESSIONALLY DIRECTED MEDICAL RESEARCH PROGRAM FOR NEUROFIBROMATOSIS." (AMENDED TITLE) (Recommends Adoption)
(One Day Notice)	(HTH/TEC)	S.R. No. 32, S.D. 1 "URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT CONTINUED FUNDING FOR THE CONGRESSIONALLY DIRECTED MEDICAL RESEARCH PROGRAM FOR NEUROFIBROMATOSIS." (AMENDED TITLE) (Recommends Adoption)
(One Day Notice)	(THA)	G.M. No. 589 "Submitting for consideration and confirmation to the Island Burial Council, Islands of Kaua'i and Ni'ihau, Gubernatorial Nominee, MAUNA KEA HIGUERA TRASK, for a term to expire 6-30-2017." (Recommends Senate Consent to Nomination)
(One Day Notice)	(CPN)	H.B. No. 79, H.D. 1 "RELATING TO ADVANCED PRACTICE REGISTERED NURSES." (Recommends passage on THIRD

READING)

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1236 (One Day Notice)	(CPN)	H.B. No. 651, H.D. 1 "RELATING TO ELECTRONIC PRESCRIPTIONS." (Recommends passage on THIRD READING)
(One Day Notice)	(CPN)	H.B. No. 178, H.D. 1, S.D. 1 "RELATING TO CONTINUING EDUCATION." (Recommends passage on <u>THIRD</u> READING)
1238 (48 Hrs. Notice)	(CPN)	H.B. No. 369, H.D. 3, S.D. 2 "RELATING TO FIRE SAFETY." (Recommends passage on <u>THIRD</u> <u>READING</u>)
<u>1239</u>	(WTL)	H.C.R. No. 46, S.D. 1 "AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LANIKAI, KOOLAUPOKO, OAHU, FOR SEAWALL AND REVETMENT PURPOSES." (AMENDED TITLE) (Recommends referral to WAM)
<u>1240</u>	(WTL)	H.C.R. No. 37 "AUTHORIZING THE ISSUANCE OF A PERPETUAL, NONEXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS LOCATED IN KAPAHULU, HONOLULU, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF AN EXISTING SEAWALL AND STEPS."

(Recommends referral to WAM)

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ORDER OF THE DAY

7. Deferred Matters – House Communications

HSE. COM. NO. **REFERRAL**

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

"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)

8. Advise and Consent

1106 **EGH** G.M. No. 523

"Submitting for consideration and

confirmation to the Enhanced 911 Board, Status & Testimony Gubernatorial Nominee, RYAN FREITAS,

AGREE/DISAGREE

for a term to expire 6-30-2016."

1106 **EGH** G.M. No. 618

"Submitting for consideration and Status & Testimony

confirmation to the Enhanced 911 Board. Gubernatorial Nominee, DAVE KAJIHIRO,

for a term to expire 6-30-2015."

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> 1107 THA

Status & Testimony

G.M. No. 585

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, Gubernatorial Nominee, L. RICHARD FRIED, JR., for a term to expire 6-30-2014."

9. Adopt Resolutions

CPN 1108

Prior Versions/Status & **Testimony**

S.C.R. No. 28, S.D. 1

"REQUESTING THE PUBLIC UTILITIES COMMISSION TO REPORT TO THE LEGISLATURE ON THE PROGRESS IN IMPLEMENTING THE RECOMMENDATIONS OF THE RELIABILITY STANDARDS WORKING GROUP." (AMENDED TITLE)

TIA/ENE 1109

Prior Versions/Status & Testimony

S.R. No. 144, S.D. 1

"REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES TO ENCOURAGE TAXIS TO USE HIGH EFFICIENCY VEHICLES, INCLUDING HYBRID ELECTRIC VEHICLES, AT HONOLULU INTERNATIONAL AIRPORT."

TIA/ENE 1110

Prior Versions/Status & Testimony

S.C.R. No. 189, S.D. 1

"REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES TO ENCOURAGE TAXIS TO USE HIGH EFFICIENCY VEHICLES, INCLUDING HYBRID ELECTRIC VEHICLES, AT HONOLULU INTERNATIONAL

AIRPORT."

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<u>1111</u> CPN

Prior Versions/Status & Testimony

1112 CPN

Prior Versions/Status & Testimony

S.R. No. 53, S.D. 1

"URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE HAWAII PSYCHOLOGICAL ASSOCIATION TO DEVELOP DRAFT LEGISLATION ESTABLISHING, IMPLEMENTING, AND MONITORING CONTINUING EDUCATION REQUIREMENTS FOR ALL LICENSED PSYCHOLOGISTS IN HAWAII."

S.C.R. No. 87, S.D. 1

"URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE HAWAII PSYCHOLOGICAL ASSOCIATION TO DEVELOP DRAFT LEGISLATION ESTABLISHING, IMPLEMENTING, AND MONITORING CONTINUING EDUCATION REQUIREMENTS FOR ALL LICENSED PSYCHOLOGISTS IN HAWAII."

10. Third Reading

Stand. Com. Rep. No. 1113

Prior Versions/Status & Testimony

H.B. No. 872

"MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FROM THE NURSING FACILITY SUSTAINABILITY PROGRAM SPECIAL FUND." - (WAM)

(Emergency Appropriation; Nursing Facility Sustainability Program Special Fund)

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Stand. Com. Rep. No. 1114

Prior Versions/Status & Testimony

H.B. No. 868

"RELATING TO ELIMINATING THE ASSET LIMIT ELIGIBILITY REQUIREMENT FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM." - (WAM)

(Asset Limit; Temporary Assistance for Needy Families Program)

Stand. Com. Rep. No. 1115

Prior Versions/Status & Testimony

H.B. No. 879, H.D. 2, S.D. 1

"RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM." - (WAM)

(Hospital Sustainability Program; Special

Fund; Appropriation)

- 11. Miscellaneous Communications: None
- 12. Miscellaneous Business
- 13. Announcements
- Floor Presentation for Wednesday, April 3, 2013:

CONGRATULATING AND RECOGNIZING RECIPIENTS OF THE 2013 PRUDENTIAL SPIRIT OF COMMUNITY AWARD. (Senator Galuteria)

• Committee Hearing Schedule:

DATE & TIME	<u>ROOM</u>
4/2/2013 1:15 PM	016
4/2/2013 1:15 PM	225
4/2/2013 1:15 PM	225
4/2/2013 1:20 PM	225
4/2/2013 1:30 PM	016
4/2/2013 1:30 PM	225
4/2/2013 2:45 PM	224
4/2/2013 2:45 PM	224
	4/2/2013 1:15 PM 4/2/2013 1:15 PM 4/2/2013 1:15 PM 4/2/2013 1:20 PM 4/2/2013 1:30 PM 4/2/2013 1:30 PM 4/2/2013 2:45 PM

HRE	4/2/2013 3:00 PM	414
CPN	4/3/2013 10:00 AM	229
WAM	4/3/2013 10:00 AM	211
CPN	4/3/2013 10:15 AM	229
CPN/JDL	4/3/2013 10:15 AM	229
WAM	4/3/2013 10:35 AM	211
HMS/TIA/PSM	4/3/2013 1:15 PM	224
TIA	4/3/2013 1:16 PM	224
THA/TIA	4/3/2013 1:17 PM	224
HTH/JDL	4/3/2013 1:30 PM	229
WAM	4/4/2013 9:00 AM	211
PSM/TEC	4/4/2013 1:15 PM	414
INFO-PSM	4/4/2013 2:30 PM	224
ENE	4/4/2013 2:45 PM	225
ENE/WTL	4/4/2013 2:45 PM	225
EDU	4/8/2013 2:00 PM	414
EDU	4/10/2013 1:15 PM	414
HMS	4/11/2013 1:00 PM	016
TEC	4/25/2013 1:15 PM	414

• Senate Session will convene at 11:30 a.m. on Wednesday, April 3, 2013.

14. Adjournment