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

FIFTY-THIRD DAY

APRIL 19, 2013-FRIDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 263 and 797

<u>MEASURE</u>	<u>TITLE</u>	REFERRAL
G.M. No. 263	Dated April 18, 2013, transmitting a proposed conference draft (C.D. 1) amending H.B. No. 820, S.D. 1, to fund the settlement concerning the Hawaii State Teachers Association.	FILE
<u>G.M. No. 797</u>	Informing the Senate that on April 17, 2013, the Governor has withdrawn ISAAC HARP, Gubernatorial Nominee to the Island Burial Council, Island of Hawai'i, from consideration by the Senate (GM730).	FILE

704

2. Departmental Communication No. 99

<u>MEASURE</u>	TITLE	REFERRAL
D.C. No. 99	From the State Procurement Office dated April 11, 2013, transmitting the Monthly Report on the Status of Information Technology Procurements for the month of March through April 12, 2013, pursuant to Act 222, SLH 2012.	FILE

3. House Communication Nos. 704-711

Bill of Rights)

Informing the Senate that on April 18, 2013, the House appointed Conferees to the following bills:	REFERRAL
S.B. No. 535, S.D. 1, H.D. 2 "RELATING TO LABOR."(Domestic Workers	FILE

Nakashima/Tsuji/Rhoads, Co-Chrs.; Hashem, Johanson

S.B. No. 946, S.D. 1, H.D. 1
"RELATING TO RESOLVING THE
UNFUNDED LIABILITIES OF THE STATE
AND THE COUNTIES."(EUTF; Task Force;
Captive Insurance)

Nakashima/Luke, Co-Chrs.; Cachola, Johanson

S.B. No. 1254, S.D. 1, H.D. 1
"RELATING TO EMERGENCY MEDICAL CARE." (Emergency Medical Care; Appropriation)

Belatti/Morikawa, Co-Chrs.; Woodson, Fukumoto

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 3 of 19

Informing the Senate that on April 18, 2013, the House made changes to conferee assignments to the following bill:

705 H.B. No. 808, H.D. 1, S.D. 1

FILE

"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."(Employees' Retirement System; Civil Unions)

Informing the Senate that on April 18, 2013, the House agreed to the amendments proposed by the Senate and that said resolution has been adopted in final form in the House:

706 H.C.R. No. 3, S.D. 2

FILE

"ENCOURAGING CONGRESS AND THE PRESIDENT TO RE-STATE THAT THE CONGRESSIONAL INTENT OF THE FEDERAL UNIFORM CONTROLLED SUBSTANCES ACT IS NOT TO PROHIBIT THE PRODUCTION OF INDUSTRIAL HEMP." (Industrial Hemp; Federal Uniform Controlled Substance Act)

Informing the Senate that on April 18, 2013, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

707 <u>H.B. No. 999, H.D. 2, S.D. 1</u>

FILE

"RELATING TO INSURANCE." (Captive Insurance; Reinsurance; Credits)

"RELATING TO CONTINUING

708 H.B. No. 178, H.D. 1, S.D. 1

FILE

EDUCATION."(Social Workers; Continuing Education)

H.B. No. 929, S.D. 1

"RELATING TO EMPLOYMENT AND TRAINING ASSESSMENT." (Employment and Training Assessment)

709 H.B. No. 811, H.D. 2, S.D. 1 **FILE** "RELATING TO ENERGY INFORMATION REPORTING."(Energy Industry Information Reporting Act; Public Utilities Commission; Department of Business, Economic Development, and Tourism; Registration) 710 H.B. No. 808, H.D. 1, S.D. 1 FILE "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."(Employees' Retirement System; Civil Unions) H.B. No. 918, H.D. 1, S.D. 1 "RELATING TO THE EMPLOYMENT AND TRAINING FUND."(Workforce Investment Act; Department of Labor and Industrial Relations; **Employment and Training Fund)** H.B. No. 1202, H.D. 1, S.D. 1 "RELATING TO BUSINESS."(Licensees; Contractors; Unlicensed Contracting Offenses; Unlicensed Activity) Informing the Senate that on April 18, 2013, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House: 711 **FILE** H.B. No. 1268, H.D. 1, S.D. 1 "RELATING TO PUBLIC LANDS."(Public Land Trust Lands; 999-Year Homestead Lease; Assignment)

- 4. Senate Communications: None
- 5. Judiciary Communications: None

6. Standing Committee Report Nos. 1585-1594

<u>1585</u> (EGH) <u>G.M. No. 526</u>

(One Day Notice) "Submitting for consideration and confirmation to the Small Business

Regulatory Review Board, Gubernatorial Nominee, ANTHONY BORGE, for a term to

expire 6-30-2015."

(Recommends Senate Consent to

Nomination)

<u>1585</u> (EGH) <u>G.M. No. 527</u>

(One Day Notice) "Submitting for consideration and confirmation to the Small Business

Regulatory Review Board, Gubernatorial
Nominee, BARBARA BENNETT, for a term

to expire 6-30-2014."

(Recommends Senate Consent to

Nomination)

<u>1585</u> (EGH) <u>G.M. No. 528</u>

(One Day Notice) "Submitting for consideration and

confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, CHU LAN SHUBERT-KWOCK,

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

(Recommends Senate Consent to

Nomination)

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 6 of 19

1585 (One Day Notice)	(EGH)	G.M. No. 529 "Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, HOWARD LUM, for a term to expire 6-30-2014." (Recommends Senate Consent to Nomination)
1585 (One Day Notice)	(EGH)	G.M. No. 530 "Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, KYOKO KIMURA, for a term to expire 6-30-2016." (Recommends Senate Consent to Nomination)
1585 (One Day Notice)	(EGH)	G.M. No. 531 "Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, LESLIE MULLENS, for a term to expire 6-30-2015." (Recommends Senate Consent to Nomination)
1585 (One Day Notice)	(EGH)	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."

(Recommends Senate Consent to

Nomination)

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 7 of 19

(One Day Notice)

(One Day Notice)

(One Day Notice) (AGL) G.M. No. 768

"Submitting fo

"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."

(Recommends Senate Consent to Nomination)

1587 (AGL) G.M. No. 777 (One Day Notice) "Submitting fo

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

(Recommends Senate Consent to Nomination)

<u>1588</u> (EGH) <u>G.M. No. 620</u>

"Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, KEITH BUKOSKI, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

<u>1588</u> (EGH) <u>G.M. No. 621</u>

"Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, CHARLES TOGUCHI, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 8 of 19

(One Day Notice)

(One Day Notice)

(One Day Notice)

<u>1588</u> (EGH) <u>G.M. No. 757</u>

(One Day Notice) "Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, WILBERT CHEE,

for a term to expire 6-30-2017."

(Recommends Senate Consent to

Nomination)

1589 (EGH) G.M. No. 716

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

(Recommends Senate Consent to Nomination)

<u>1589</u> (EGH) <u>G.M. No. 717</u>

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, Gubernatorial Nominee, BETTY LOU LARSON, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

<u>1590</u> (EGH) <u>G.M. No. 718</u>

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Strategic Development Corporation, Gubernatorial Nominee, H. BRIAN MOORE, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 9 of 19

1590 (One Day Notice)	(EGH)	G.M. No. 758 "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." (Recommends Senate Consent to Nomination)
1591 (One Day Notice)	(EGH)	G.M. No. 759 "Submitting for consideration and confirmation to the Hawai'i Community Development Authority (Kalaeloa District), Gubernatorial Nominee, SHIRLEY SWINNEY, for a term to expire 6-30-2017." (Recommends Senate Consent to Nomination)
(One Day Notice)	(PSM)	H.C.R. No. 164, H.D. 1 "SUPPORTING THE AEGIS BALLISTIC MISSILE DEFENSE SYSTEM AND THE GROUND-BASED MIDCOURSE DEFENSE SYSTEM." (AMENDED TITLE) (Recommends Adoption)
(One Day Notice)	(PSM)	H.C.R. No. 218 "URGING THE UNITED STATES CONGRESS TO AWARD THE

CONGRESSIONAL MEDAL OF HONOR TO JOHN KUULEI KAUHAIHAO, OF

HONAUNAU, HAWAII." (Recommends Adoption)

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 10 of 19

<u>1594</u> (PSM)

H.C.R. No. 60, H.D. 1

"REQUESTING THE STATE
DEPARTMENT OF DEFENSE TO
ESTABLISH A VETERAN WOMEN
SERVICES COORDINATOR POSITION
WITHIN THE OFFICE OF VETERANS
SERVICES." (AMENDED TITLE)
(Recommends referral to WAM)

ORDER OF THE DAY

7. Deferred Matter - Final Reading

S.B. No. 1193, S.D. 1, H.D. 1

Prior Versions/Status & Testimony

"RELATING TO SECTION 237-24.3, HAWAII REVISED STATUTES."

(General Excise Tax; Exemptions)

8. Advise and Consent

1575 HRE

Status & Testimony

G.M. No. 711

"Submitting for consideration and confirmation to the University of Hawai'i Board of Regents, Gubernatorial Nominee, EUGENE BAL III, for a term to expire 6-30-2018."

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 11 of 19

<u>1575</u> HRE <u>G.M. No. 712</u>

"Submitting for consideration and confirmation to the University of Hawai'i Board of Regents, Gubernatorial Nominee,

BARRY MIZUNO, for a term to expire 6-30-

2018."

1575 HRE G.M. No. 713

"Submitting for consideration and confirmation to the University of Hawai'i Board of Regents, Gubernatorial Nominee,

RANDOLPH MOORE, for a term to expire

6-30-2013."

<u>1575</u> HRE <u>G.M. No. 714</u>

"Submitting for consideration and confirmation to the University of Hawai'i

Board of Regents, Gubernatorial Nominee, RANDOLPH MOORE, for a term to expire

6-30-2018."

1576 HTH G.M. No. 539

"Submitting for consideration and confirmation to the Board of Health,

Gubernatorial Nominee, DIANNE

OKUMURA, for a term to expire 6-30-2017."

<u>1577</u> HTH <u>G.M. No. 547</u>

"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area

Board, Gubernatorial Nominee, ELIZABETH

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

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 12 of 19

> 1577 HTH G.M. No. 548

"Submitting for consideration and confirmation to the Mental Health and Status & Testimony Substance Abuse, Hawai'i Service Area Board, Gubernatorial Nominee, JAMAL

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

1578 HTH G.M. No. 550

"Submitting for consideration and Status & Testimony confirmation to the Mental Health and Substance Abuse, O'ahu Service Area Board,

Gubernatorial Nominee, KENNETH

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

1578 HTH G.M. No. 551

"Submitting for consideration and Status & Testimony confirmation to the Mental Health and

Substance Abuse, O'ahu Service Area Board,

Gubernatorial Nominee, RICHARD

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

1578 HTH G.M. No. 643

"Submitting for consideration and Status & Testimony

confirmation to the Mental Health and

Substance Abuse, O'ahu Service Area Board,

Gubernatorial Nominee, SHIRLEY DAVENPORT, for a term to expire 6-30-

2015."

HTH G.M. No. 555 1579

Status & Testimony confirmation to the State Council on Mental Health, Gubernatorial Nominee, KATRINA

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

"Submitting for consideration and

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 13 of 19

1579

Status & Testimony

HTH

1579 HTH G.M. No. 556 "Submitting for consideration and confirmation to the State Council on Mental Status & Testimony Health, Gubernatorial Nominee, LOUISE CRUM, for a term to expire 6-30-2016." 1579 HTH G.M. No. 558 "Submitting for consideration and confirmation to the State Council on Mental Status & Testimony Health, Gubernatorial Nominee, PATRICK BROWN, for a term to expire 6-30-2016." 1579 HTH G.M. No. 559 "Submitting for consideration and confirmation to the State Council on Mental Status & Testimony Health, Gubernatorial Nominee, SHEILA CALCAGNO, for a term to expire 6-30-2016." HTH 1579 G.M. No. 560 "Submitting for consideration and confirmation to the State Council on Mental Status & Testimony Health, Gubernatorial Nominee, WANDA MARIE VORSINO, for a term to expire 6-30-2016." 1579 HTH G.M. No. 645 "Submitting for consideration and confirmation to the State Council on Mental Status & Testimony Health, Gubernatorial Nominee, JONATHAN HARRIS, for a term to expire 6-30-2015."

G.M. No. 646

"Submitting for consideration and

confirmation to the State Council on Mental Health, Gubernatorial Nominee, STEVEN SHIRAKI, for a term to expire 6-30-2015."

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 14 of 19

> 1579 HTH G.M. No. 647

"Submitting for consideration and confirmation to the State Council on Mental Status & Testimony Health, Gubernatorial Nominee, G.

NOELANI WILCOX, for a term to expire 6-

30-2016."

1580 HTH G.M. No. 541

"Submitting for consideration and Status & Testimony confirmation to the Emergency Medical Service Advisory Committee, Gubernatorial

Nominee, DIAN GRUBER, for a term to

expire 6-30-2014."

1580 HTH G.M. No. 542

"Submitting for consideration and Status & Testimony confirmation to the Emergency Medical

Service Advisory Committee, Gubernatorial Nominee, ELIZABETH CHAR, for a term to

expire 6-30-2017."

1580 HTH G.M. No. 543

"Submitting for consideration and Status & Testimony

confirmation to the Emergency Medical Service Advisory Committee, Gubernatorial Nominee, RALPH YAWATA, for a term to

expire 6-30-2017."

HTH 1581 G.M. No. 552

"Submitting for consideration and confirmation to the Radiologic Technology Status & Testimony

Board, Gubernatorial Nominee, DONALD

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

WOOD, for a term to expire 6-30-2014."

HTH 1581 G.M. No. 553

"Submitting for consideration and Status & Testimony confirmation to the Radiologic Technology Board, Gubernatorial Nominee, GARY

1581 HTH G.M. No. 644

"Submitting for consideration and confirmation to the Radiologic Technology

Board, Gubernatorial Nominee, LARRY CARNES, for a term to expire 6-30-2016."

1582 HTH G.M. No. 544

"Submitting for consideration and confirmation to the Hawai'i Health Authority,

Gubernatorial Nominee, LESLIE B. CHUN,

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

<u>1582</u> HTH <u>G.M. No. 545</u>

"Submitting for consideration and confirmation to the Hawai'i Health Authority,

Gubernatorial Nominee, VIRGINIA

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

1583 HTH G.M. No. 636

Status & Testimony "Submitting for consideration and confirmation to the Disability and

Communication Access Board, Gubernatorial

Nominee, KIRBY SHAW, for a term to

expire 6-30-2017."

1584 HTH G.M. No. 561

Status & Testimony "Submitting for consideration and confirmation to the Statewide Health

Coordinating Council, Gubernatorial

Nominee, NORA NOMURA, for a term to

expire 6-30-2014."

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 16 of 19

> 1584 HTH

G.M. No. 734

Status & Testimony

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, WILLIAM BAILEY, for a term to

expire 6-30-2017."

1584 HTH G.M. No. 739

Status & Testimony

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, CHRISTOPHER SIBLEY, for a

term to expire 6-30-2017."

1584 HTH G.M. No. 740

Status & Testimony

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, JAMES WALSH, for a term to expire 6-30-2017."

HTH 1584

G.M. No. 741

Status & Testimony

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, JONAGUSTINE LIM, for a term to

expire 6-30-2016."

HTH 1584

G.M. No. 744

Status & Testimony

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, REBECCA WARD, for a term to

expire 6-30-2017."

ORDER OF THE DAY FIFTY-THIRD DAY April 19, 2013 Page 17 of 19

<u>1584</u> HTH <u>G.M. No. 770</u>

Status & Testimony

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial

Nominee, WENDY MORRIARTY, for a term

to expire 6-30-2017."

<u>1584</u> 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."

9. Final Reading

S.B. No. 516, S.D. 1, H.D. 1 "RELATING TO PATERNITY."

Prior Versions/Status & Testimony (Paternity; Removal of Time Bar to Actions)

- 10. Miscellaneous Communications: None
- 11. Miscellaneous Business
- Reconsideration of Disagreement to House Amendments; Motion to Agree;
 One Day Notice for Final Reading

S.B. No. 883, S.D. 2, H.D. 2 JDL, WAM "RELATING TO COLLECTIVE BARGAINING."

12. Announcements

• Committee Hearing Schedule:

COMMITTEE	DATE & TIME	ROOM
CONF	4/19/2013 1:00 PM	312
CONF	4/19/2013 1:15 PM	224
CONF	4/19/2013 1:15 PM	325
HTH	4/19/2013 1:15 PM	229
EDU/WAM	4/19/2013 1:30 PM	211
ENE/HTH	4/19/2013 1:30 PM	229
HMS/WAM	4/19/2013 1:30 PM	211
HRE/WAM	4/19/2013 1:30 PM	211
PSM/WAM	4/19/2013 1:30 PM	211
ENE/WAM	4/19/2013 1:45 PM	211
HTH/CPN	4/19/2013 1:50 PM	229
CONF	4/19/2013 2:00 PM	229
CONF	4/19/2013 2:00 PM	224
CPN/WAM	4/19/2013 2:00 PM	211
CONF	4/19/2013 2:15 PM	229
CONF	4/19/2013 2:15 PM	224
CONF	4/19/2013 2:30 PM	224
CONF	4/19/2013 2:30 PM	423
CONF	4/19/2013 2:30 PM	229
CONF	4/19/2013 2:45 PM	224
THA/PSM/JDL	4/19/2013 2:45 PM	312
THA	4/19/2013 2:46 PM	312
CONF	4/19/2013 3:00 PM	329
EGH/TIA	4/19/2013 3:00 PM	423
PSM/TIA	4/19/2013 3:05 PM	423
ENE/PSM/WTL	4/19/2013 3:30 PM	225
HMS	4/19/2013 3:30 PM	229
CONF	4/19/2013 4:00 PM	329
CONF	4/19/2013 4:15 PM	329
CONF	4/22/2013 9:30 AM	312
CONF	4/22/2013 10:00 AM	312
CONF	4/22/2013 10:20 AM	312
CONF	4/22/2013 10:30 AM	423
CONF	4/22/2013 11:00 AM	423
CONF	4/22/2013 1:00 PM	016
CONF	4/22/2013 1:00 PM	325
CONF	4/22/2013 1:05 PM	016
CONF	4/22/2013 1:30 PM	309

CONF	4/22/2013 2:00 PM	325
CONF	4/22/2013 2:00 PM	224
CONF	4/22/2013 2:00 PM	312
CONF	4/22/2013 2:10 PM	225
CONF	4/22/2013 3:00 PM	329
CONF	4/22/2013 3:00 PM	309
CONF	4/22/2013 3:00 PM	229
CONF	4/22/2013 3:15 PM	309
CONF	4/22/2013 3:30 PM	229
CONF	4/22/2013 3:45 PM	229
CONF	4/22/2013 4:00 PM	229
CONF	4/22/2013 4:00 PM	016
CONF	4/22/2013 4:30 PM	016
CONF	4/22/2013 7:00 PM	309
CONF	4/23/2013 10:00 AM	423
CONF	4/23/2013 3:00 PM	329
CONF	4/24/2013 2:00 PM	225
TEC	4/25/2013 1:15 PM	414

• Senate Session will convene at 11:30 a.m. on Monday, April 22, 2013.

13. Adjournment