

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

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FORTY-FOURTH DAY

APRIL 4, 2013-THURSDAY-11:30 O'CLOCK A.M.

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ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

COMMENDS THE HONOLULU COMMUNITY ACTION PROGRAM EDUCATION YOUTHS SERVICES. (Senator Hee)

1. Messages from the Governor: Nos. 256-257 and 1104

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 256</a>	Dated March 28, 2013, transmitting the Relating to Concussions Report, prepared by the Department of Education pursuant to Act 197, SLH 2012.	FILE
<a href="#">G.M. No. 257</a>	Dated April 1, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Department of Human Services.	FILE
<a href="#">G.M. No. 1104</a>	Informing the Legislature that on April 03, 2013, the Governor signed the following bill into law: HB941 (Act 004). "RELATING TO THE NATURAL AREA RESERVES SYSTEM COMMISSION."	FILE

2. Departmental Communication No. 96

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">D.C. No. 96</a>	From the Office of the Auditor dated March 27, 2013, transmitting the report, "Management Audit of the Department of Agriculture's Measurement Standards Branch" (Report No. 13-01).	FILE

3. House Communication Nos. 411-416

		<u>REFERRAL</u>
	Informing the Senate that on April 3, 2013, the House disagreed to the amendments proposed by the Senate to the following House bill:	
411	<a href="#">H.B. No. 879, H.D. 2, S.D. 1</a> "RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM."(Hospital Sustainability Program; Special Fund; Appropriation)	FILE

Informing the Senate that on April 3, 2013, the following House Concurrent Resolutions were adopted in the House:

412

[H.C.R. No. 10, H.D. 1](#)

"REQUESTING THE UNITED STATES CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT TO OVERTURN THE UNITED STATES SUPREME COURT'S HOLDING RELATING TO CORPORATE INDEPENDENT EXPENDITURES IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION."(Citizens United V. Federal Election Commission; Corporate Campaign Spending)

413

[H.C.R. No. 239](#)

"URGING THE GOVERNOR TO FACILITATE THE DEPLOYMENT OF RENEWABLE-ENERGY TECHNOLOGIES, INCLUDING WASTE-TO-ENERGY, IN HAWAII AND TO ATTRACT FOREIGN DIRECT INVESTMENT AND INTERNATIONAL TRADE FROM THE REPUBLIC OF KOREA."(Republic of Korea; Renewable Energy Technologies)

Returning the following Senate Bills which passed Third Reading in the House on April 3, 2013, in an amended form:

414

[S.B. No. 6, S.D. 1, H.D. 1](#)

"RELATING TO ANIMAL CRUELTY."(Animal Cruelty; Trapping)

AGREE/DISAGREE

415

[S.B. No. 54, S.D. 1, H.D. 1](#)

"RELATING TO AGING."(Policy Advisory Board for Elder Affairs; Lifetime Membership)

AGREE/DISAGREE

416

[S.B. No. 286, S.D. 1, H.D. 1](#)

"RELATING TO REAPPORTIONMENT."(Reapportionment; Definition of "permanent resident"; Census)

AGREE/DISAGREE

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 1264-1286

[1264](#) (WAM)  
(48 Hrs. Notice)

[H.B. No. 378, H.D. 1, S.D. 2](#)  
"RELATING TO BEACH  
NOURISHMENT."  
(Recommends passage on THIRD  
READING)

[1265](#) (WAM)  
(48 Hrs. Notice)

[H.B. No. 385, H.D. 2, S.D. 1](#)  
"RELATING TO HUMAN SERVICES."  
(Recommends passage on THIRD  
READING)

[1266](#) (WAM)  
(48 Hrs. Notice)

[H.B. No. 414, H.D. 2, S.D. 1](#)  
"RELATING TO WAIPIO VALLEY."  
(Recommends passage on THIRD  
READING)

[1267](#) (WAM)  
(48 Hrs. Notice)

[H.B. No. 417, H.D. 2, S.D. 1](#)  
"RELATING TO THE HAWAII HEALTH  
SYSTEMS CORPORATION."  
(Recommends passage on THIRD  
READING)

[1268](#) (WAM)  
(48 Hrs. Notice)

[H.B. No. 473, H.D. 1, S.D. 2](#)  
"RELATING TO THE NATURAL ENERGY  
LABORATORY OF HAWAII  
AUTHORITY."  
(Recommends passage on THIRD  
READING)

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| <a href="#"><u>1269</u></a><br>(48 Hrs. Notice) | (WAM) | <a href="#"><u>H.B. No. 800, H.D. 1, S.D. 2</u></a><br>"MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM FROM THE ENERGY SECURITY SPECIAL FUND."<br>(Recommends passage on <u>THIRD READING</u> ) |
| <a href="#"><u>1270</u></a><br>(48 Hrs. Notice) | (WAM) | <a href="#"><u>H.B. No. 673, H.D. 2, S.D. 2</u></a><br>"RELATING TO PESTICIDES."<br>(Recommends passage on <u>THIRD READING</u> )   |
| <a href="#"><u>1271</u></a><br>(48 Hrs. Notice) | (WAM) | <a href="#"><u>H.B. No. 808, H.D. 1, S.D. 1</u></a><br>"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."<br>(Recommends passage on <u>THIRD READING</u> )   |
| <a href="#"><u>1272</u></a><br>(48 Hrs. Notice) | (WAM) | <a href="#"><u>H.B. No. 858, H.D. 1, S.D. 1</u></a><br>"RELATING TO THE HI GROWTH INITIATIVE."<br>(Recommends passage on <u>THIRD READING</u> )   |
| <a href="#"><u>1273</u></a><br>(48 Hrs. Notice) | (WAM) | <a href="#"><u>H.B. No. 908, H.D. 2, S.D. 1</u></a><br>"RELATING TO THE HAWAII HOME VISITING PROGRAM."<br>(Recommends passage on <u>THIRD READING</u> )   |
| <a href="#"><u>1274</u></a><br>(48 Hrs. Notice) | (WAM) | <a href="#"><u>H.B. No. 914, H.D. 1, S.D. 2</u></a><br>"RELATING TO OBESITY PREVENTION."<br>(Recommends passage on <u>THIRD READING</u> )   |

<a href="#">1275</a> (48 Hrs. Notice)	(WAM)	<a href="#">H.B. No. 1227, H.D. 1, S.D. 2</a> "RELATING TO IOLANI PALACE." (Recommends passage on <u>THIRD</u> <u>READING</u> )
<a href="#">1276</a> (48 Hrs. Notice)	(WAM)	<a href="#">H.B. No. 1330, H.D. 1, S.D. 1</a> "RELATING TO THE DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT." (Recommends passage on <u>THIRD</u> <u>READING</u> )
<a href="#">1277</a> (48 Hrs. Notice)	(WAM)	<a href="#">H.B. No. 1392, H.D. 1, S.D. 1</a> "RELATING TO THE PRESERVATION OF HAWAII'S MOVING IMAGES." (Recommends passage on <u>THIRD</u> <u>READING</u> )
<a href="#">1278</a> (48 Hrs. Notice)	(WAM)	<a href="#">H.B. No. 1430, H.D. 2, S.D. 2</a> "RELATING TO HUMAN SERVICES." (Recommends passage on <u>THIRD</u> <u>READING</u> )
<a href="#">1279</a> (48 Hrs. Notice)	(WAM)	<a href="#">H.B. No. 1133, S.D. 2</a> "RELATING TO PUBLIC LAND." (Recommends passage on <u>THIRD</u> <u>READING</u> )
<a href="#">1280</a> (48 Hrs. Notice)	(WAM)	<a href="#">H.B. No. 899, H.D. 2, S.D. 2</a> "RELATING TO RECYCLING." (Recommends passage on <u>THIRD</u> <u>READING</u> )

<a href="#"><u>1281</u></a> (One Day Notice)	(THA)	<a href="#"><u>G.M. No. 587</u></a> "Submitting for consideration and confirmation to the Island Burial Council, Island of O'ahu, Gubernatorial Nominee, DANNA HOLCK, for a term to expire 6-30-2016."  (Recommends Senate Consent to Nomination)
<a href="#"><u>1281</u></a> (One Day Notice)	(THA)	<a href="#"><u>G.M. No. 588</u></a> "Submitting for consideration and confirmation to the Island Burial Council, Island of O'ahu, Gubernatorial Nominee, KALI FERMANTEZ, for a term to expire 6-30-2016."  (Recommends Senate Consent to Nomination)
<a href="#"><u>1282</u></a> (One Day Notice)	(HTH/TEC)	<a href="#"><u>S.C.R. No. 152, S.D. 1</u></a> "DESIGNATING MARCH AS BRAIN INJURY AWARENESS MONTH." (AMENDED TITLE) (Recommends Adoption)
<a href="#"><u>1283</u></a> (One Day Notice)	(HTH/TEC)	<a href="#"><u>S.R. No. 111, S.D. 1</u></a> "DESIGNATING MARCH AS BRAIN INJURY AWARENESS MONTH." (AMENDED TITLE) (Recommends Adoption)
<a href="#"><u>1284</u></a>	(WTL/ENE/PSM)	<a href="#"><u>S.R. No. 136, S.D. 1</u></a> "REQUESTING THE PRESIDENT OF THE SENATE TO ESTABLISH A WORKING GROUP TO DISCUSS STRATEGIES FOR THE DEVELOPMENT AND EXPANSION OF GEOTHERMAL ENERGY AND TECHNOLOGY." (Recommends referral to WAM)

[1285](#)  
(48 Hrs. Notice)

(TEC/CPN)

[H.B. No. 1287, H.D. 1, S.D. 1](#)  
"RELATING TO PERSONAL  
INFORMATION."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[1286](#)  
(48 Hrs. Notice)

(EGH/PSM)

[H.B. No. 471, H.D. 1, S.D. 1](#)  
"RELATING TO STARLIGHT RESERVE."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

ORDER OF THE DAY

7. Deferred Matters – House Communications

<u>HSE. COM. NO.</u>		<u>REFERRAL</u>
394	<a href="#">S.B. No. 2, H.D. 1</a> "RELATING TO SIMULATED FIREARMS."(Simulated Firearms; Terroristic Threatening; Robbery)	AGREE/DISAGREE
395	<a href="#">S.B. No. 30, S.D. 1, H.D. 1</a> "RELATING TO CAMPAIGN SPENDING."(Campaign Spending; Voluntary Candidate Expenditure Limits; Prosecuting Attorney)	AGREE/DISAGREE
396	<a href="#">S.B. No. 31, H.D. 1</a> "RELATING TO CAMPAIGN SPENDING."(Campaign Spending; Noncandidate Committee Reports; Filing Dates)	AGREE/DISAGREE



397	<a href="#"><u>S.B. No. 192, H.D. 1</u></a> "RELATING TO PROSTITUTION."(Prostitution; Minors; Offenses; Statute of Limitations; Forfeiture; Sex Offender Registry)	AGREE/DISAGREE
398	<a href="#"><u>S.B. No. 194, S.D. 1, H.D. 1</u></a> "RELATING TO CRIMINAL PROCEDURE."(Criminal Procedure; Deferred Acceptance of Guilty Pleas)	AGREE/DISAGREE
399	<a href="#"><u>S.B. No. 442, S.D. 1, H.D. 1</u></a> "RELATING TO INTOXICATING LIQUOR."(Intoxicating Liquor; Minors)	AGREE/DISAGREE
400	<a href="#"><u>S.B. No. 502, S.D. 1, H.D. 1</u></a> "RELATING TO REAL ESTATE SELLER DISCLOSURE."(Real Estate; Seller Disclosure; Required Documents)	AGREE/DISAGREE
401	<a href="#"><u>S.B. No. 853, S.D. 1, H.D. 1</u></a> "RELATING TO THE ELECTIONS COMMISSION."(Elections Commission; Evaluation of Chief Election Officer)	AGREE/DISAGREE
402	<a href="#"><u>S.B. No. 966, H.D. 1</u></a> "RELATING TO THE UNIFORM MEDIATION ACT."(Uniform Mediation Act)	AGREE/DISAGREE
403	<a href="#"><u>S.B. No. 995, H.D. 1</u></a> "RELATING TO IRRIGATION WATER DEVELOPMENT."(Irrigation Water Development)	AGREE/DISAGREE

8. Final Reading

[S.B. No. 870, S.D. 1, H.D. 1](#)

[Prior Versions/Status & Testimony](#)

"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)

9. Third Reading

[Stand. Com. Rep. No. 1238](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 369, H.D. 3, S.D. 2](#)

"RELATING TO FIRE SAFETY." - (CPN)

(Fire Safety; Residential Kitchen Fire Task Force)

[\(See Stand. Com. Rep. No. 1241\)](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 200, H.D. 1, S.D. 1](#)

"RELATING TO THE STATE BUDGET." - (WAM)

(State Budget)

[Stand. Com. Rep. No. 1242](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 865, H.D. 1, S.D. 1](#)

"RELATING TO PUBLIC SCHOOL REDEVELOPMENT." - (WAM)

(Education; Public School Lands; Leases; Pilot Program; Appropriation)

[Stand. Com. Rep. No. 1243](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 927](#)

"RELATING TO THE EMPLOYMENT AND TRAINING FUND." - (WAM)

(Department of Labor and Industrial Relations; Employment and Training Fund; Small Businesses)

[Stand. Com. Rep. No. 1244](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 925](#)

"RELATING TO THE EMPLOYMENT SECURITY APPEALS REFEREE'S OFFICE." - (WAM)

(Employment Security Appeals Referee's Office; Electronic Filing)

[Stand. Com. Rep. No. 1245](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 921](#)

"RELATING TO PROCEEDINGS BEFORE THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD." - (WAM)

(Labor and Industrial Relations Appeals Board Proceedings)

[Stand. Com. Rep. No. 1246](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 919](#)

"RELATING TO STATE EMPLOYMENT." - (WAM)

(Civil Service; Exemptions; State Employment)

[Stand. Com. Rep. No. 1247](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 527, H.D. 1](#)

"RELATING TO UNIFORM MAINTENANCE ALLOWANCE." - (WAM)

(Enlisted Personnel; Uniform Maintenance Allowance)

[Stand. Com. Rep. No. 1248](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 1314, H.D. 1, S.D. 1](#)

"RELATING TO LIQUOR." - (CPN)

(Intoxicating Liquor; Beer Labeling; Hawaii Products)

[Stand. Com. Rep. No. 1249](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 811, H.D. 2, S.D. 1](#)

"RELATING TO ENERGY INFORMATION REPORTING." - (CPN)

(Energy Industry Information Reporting Act; Public Utilities Commission; Department of Business, Economic Development, and Tourism; Registration)

[Stand. Com. Rep. No. 1250](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 654, H.D. 2, S.D. 1](#)

"RELATING TO NURSING." - (CPN)

(Nursing-Related Data; Nursing; Licensing)

10. Miscellaneous Communications: None

11. Miscellaneous Business

- Waiver of Referral; One Day Notice for Adoption

[S.C.R. No. 166](#)

WAM

“REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND RELIGIOUS IMPACTS OF ENACTING MARRIAGE EQUALITY IN HAWAII.”

[S.R. No. 123](#)

WAM

“REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND RELIGIOUS IMPACTS OF ENACTING MARRIAGE EQUALITY IN HAWAII.”

12. Announcements

- Floor Presentation for Friday, April 5, 2013:

HONORING AND COMMENDING THE BRANCHES OF THE UNITED STATES ARMED SERVICES FOR THEIR TIME AND DEDICATION SPENT IN HAWAII'S PUBLIC SCHOOLS. (Senator Tokuda)

CELEBRATING THE 50TH ANNIVERSARY OF HILO HATTIE - THE STORE OF HAWAII. (Senator Espero)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
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
WAM	4/5/2013 10:30 AM	211
EDU	4/8/2013 2:00 PM	414
EGH	4/8/2013 2:45 PM	016
AGL	4/9/2013 2:45 PM	229
CPN	4/10/2013 9:30 AM	229
CPN	4/10/2013 9:45 AM	229
EDU	4/10/2013 1:15 PM	414
HTH	4/10/2013 1:30 PM	229
EGH/AGL/TEC	4/10/2013 2:45 PM	016
THA	4/10/2013 2:45 PM	224
HMS	4/11/2013 1:00 PM	016
PSM	4/11/2013 2:45 PM	224
EDU	4/12/2013 1:15 PM	414
TEC	4/25/2013 1:15 PM	414

- Senate Session will convene at 11:30 a.m. on Friday, April 5, 2013.

### 13. Adjournment