

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

FIFTY-SECOND DAY

APRIL 18, 2013-THURSDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 262 and 1112-1117

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 262	Dated April 16, 2013, transmitting the Office of Information Management and Technology Procurement Report as of March 31, 2013, pursuant to Act 222, SLH 2012.	FILE
G.M. No. 1112	Informing the Legislature that on April 16, 2013, the Governor signed the following bill into law: SB479 SD2 (Act 012) . RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING ORGANIZATION.	FILE
G.M. No. 1113	Informing the Legislature that on April 16, 2013, the Governor signed the following bill into law: HB872 (Act 013) . MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FROM THE NURSING FACILITY SUSTAINABILITY PROGRAM SPECIAL FUND.	FILE

- [G.M. No. 1114](#) Informing the Legislature that on April 16, 2013, the Governor signed the following bill into law: [HB921 \(Act 014\)](#).
RELATING TO PROCEEDINGS BEFORE THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD. FILE
- [G.M. No. 1115](#) Informing the Legislature that on April 16, 2013, the Governor signed the following bill into law: [HB925 \(Act 015\)](#).
RELATING TO THE EMPLOYMENT SECURITY APPEALS REFEREE'S OFFICE. FILE
- [G.M. No. 1116](#) Informing the Legislature that on April 16, 2013, the Governor signed the following bill into law: [SB511 \(Act 016\)](#).
RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 4A. FILE
- [G.M. No. 1117](#) Informing the Legislature that on April 16, 2013, the Governor signed the following bill into law: [SB341, SD2 \(Act 017\)](#).
RELATING TO DISPOSITION OF REMAINS. FILE

2. Departmental Communications: None
3. House Communication Nos. 702-703

Informing the Senate that on April 17, 2013, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bill:

REFERRAL

- 702 [H.B. No. 1268, H.D. 1, S.D. 1](#) FILE
"RELATING TO PUBLIC LANDS."(Public Land Trust Lands; 999-Year Homestead Lease; Assignment)

Informing the Senate that on April 17, 2013, the House made changes to conferee assignments to the following bills:

703

[S.B. No. 458, S.D. 1, H.D. 1](#)

FILE

"RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND."(State Educational Facilities Improvement Special Fund)

Added Representative Takumi as Co-Chair.

[S.B. No. 665, S.D. 1, H.D. 2](#)

"RELATING TO HEALTH."(Primary Health Care; Primary Care Workforce Development Plan; Appropriation)

Added Representative Nakashima as a member.

[S.B. No. 1084, S.D. 1, H.D. 1](#)

"PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO PERMIT THE APPROPRIATION OF PUBLIC FUNDS FOR PRIVATE EARLY CHILDHOOD EDUCATION PROGRAMS."(Early Childhood Education; Public Funds; Constitutional Amendment)

Added Representative Rhoads as Co-Chair.

[S.B. No. 1095, S.D. 2, H.D. 2](#)

"RELATING TO EARLY CHILDHOOD EDUCATION."(Early Childhood Education Program)

Added Representative Rhoads as Co-Chair.

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

6. Standing Committee Report Nos. 1575-1584

[1575](#)
(One Day Notice)

(HRE)

[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."

(Recommends Senate Consent to Nomination)

[1575](#)
(One Day Notice)

(HRE)

[G.M. No. 712](#)

"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."

(Recommends Senate Consent to Nomination)

[1575](#)
(One Day Notice)

(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."

(Recommends Senate Consent to Nomination)

[1575](#) (HRE)
(One Day Notice)

[G.M. No. 714](#)
"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."

(Recommends Senate Consent to Nomination)

[1576](#) (HTH)
(One Day Notice)

[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."

(Recommends Senate Consent to Nomination)

[1577](#) (HTH)
(One Day Notice)

[G.M. No. 547](#)
"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."

(Recommends Senate Consent to Nomination)

[1577](#) (HTH)
(One Day Notice)

[G.M. No. 548](#)
"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area Board, Gubernatorial Nominee, JAMAL WASAN, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1578](#)
(One Day Notice)

(HTH)

[G.M. No. 550](#)

"Submitting for consideration and 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."

(Recommends Senate Consent to Nomination)

[1578](#)
(One Day Notice)

(HTH)

[G.M. No. 551](#)

"Submitting for consideration and 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."

(Recommends Senate Consent to Nomination)

[1578](#)
(One Day Notice)

(HTH)

[G.M. No. 643](#)

"Submitting for consideration and 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."

(Recommends Senate Consent to Nomination)

[1579](#)
(One Day Notice)

(HTH)

[G.M. No. 555](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, KATRINA LORENZO, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1579](#)
(One Day Notice)

(HTH)

[G.M. No. 556](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, LOUISE CRUM, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1579](#)
(One Day Notice)

(HTH)

[G.M. No. 558](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, PATRICK BROWN, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1579](#)
(One Day Notice)

(HTH)

[G.M. No. 559](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, SHEILA CALCAGNO, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1579](#)
(One Day Notice)

(HTH)

[G.M. No. 560](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, WANDA MARIE VORSINO, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1579](#)
(One Day Notice)

(HTH)

[G.M. No. 645](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, JONATHAN HARRIS, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1579](#)
(One Day Notice)

(HTH)

[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."

(Recommends Senate Consent to Nomination)

[1579](#)
(One Day Notice)

(HTH)

[G.M. No. 647](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, G. NOELANI WILCOX, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1580](#)
(One Day Notice)

(HTH)

[G.M. No. 541](#)

"Submitting for consideration and confirmation to the Emergency Medical Service Advisory Committee, Gubernatorial Nominee, DIAN GRUBER, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[1580](#)
(One Day Notice)

(HTH)

[G.M. No. 542](#)

"Submitting for consideration and confirmation to the Emergency Medical Service Advisory Committee, Gubernatorial Nominee, ELIZABETH CHAR, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

[1580](#)
(One Day Notice)

(HTH)

[G.M. No. 543](#)

"Submitting for consideration and confirmation to the Emergency Medical Service Advisory Committee, Gubernatorial Nominee, RALPH YAWATA, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

[1581](#)
(One Day Notice)

(HTH)

[G.M. No. 552](#)

"Submitting for consideration and confirmation to the Radiologic Technology Board, Gubernatorial Nominee, DONALD WOOD, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[1581](#)
(One Day Notice)

(HTH)

[G.M. No. 553](#)

"Submitting for consideration and confirmation to the Radiologic Technology Board, Gubernatorial Nominee, GARY ROPERT, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1581](#)
(One Day Notice)

(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."

(Recommends Senate Consent to Nomination)

[1582](#)
(One Day Notice)

(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."

(Recommends Senate Consent to Nomination)

[1582](#)
(One Day Notice)

(HTH)

[G.M. No. 545](#)

"Submitting for consideration and confirmation to the Hawai'i Health Authority, Gubernatorial Nominee, VIRGINIA PRESSLER, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1583](#)
(One Day Notice)

(HTH)

[G.M. No. 636](#)

"Submitting for consideration and confirmation to the Disability and Communication Access Board, Gubernatorial Nominee, KIRBY SHAW, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

[1584](#)
(One Day Notice)

(HTH)

[G.M. No. 561](#)

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, NORA NOMURA, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[1584](#)
(One Day Notice)

(HTH)

[G.M. No. 734](#)

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

(Recommends Senate Consent to Nomination)

[1584](#)
(One Day Notice)

(HTH)

[G.M. No. 739](#)

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

(Recommends Senate Consent to Nomination)

[1584](#)
(One Day Notice)

(HTH)

[G.M. No. 740](#)

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

(Recommends Senate Consent to Nomination)

[1584](#)
(One Day Notice)

(HTH)

[G.M. No. 741](#)

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, JONAGUSTINE LIM, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1584](#)
(One Day Notice)

(HTH)

[G.M. No. 744](#)

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

(Recommends Senate Consent to Nomination)

[1584](#)
(One Day Notice)

(HTH)

[G.M. No. 770](#)

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

(Recommends Senate Consent to Nomination)

[1584](#)
(One Day Notice)

(HTH)

[G.M. No. 771](#)

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

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY

7. Deferred Matters – House Communication

HSE. COM. NO.

REFERRAL

638

[S.B. No. 516, S.D. 1, H.D. 1](#)
"RELATING TO PATERNITY."(Paternity;
Removal of Time Bar to Actions)

AGREE/DISAGREE

8. Advise and Consent

[1563](#)

EDU

[Status & Testimony](#)

[G.M. No. 746](#)

"Submitting for consideration and confirmation to the Education Commission of the States, Gubernatorial Nominee, JOAN HUSTED, for a term to expire 6-30-2017."

[1564](#)

EDU

[Status & Testimony](#)

[G.M. No. 747](#)

"Submitting for consideration and confirmation to the Early Learning Advisory Board, Gubernatorial Nominee, LYNN CABATO, for a term to expire 6-30-2015."

[1564](#)

EDU

[Status & Testimony](#)

[G.M. No. 748](#)

"Submitting for consideration and confirmation to the Early Learning Advisory Board, Gubernatorial Nominee, MAUREEN RAWLINS, for a term to expire 6-30-2014."

1564 Status & Testimony	EDU	G.M. No. 749 "Submitting for consideration and confirmation to the Early Learning Advisory Board, Gubernatorial Nominee, KERRIE UROSEVICH, for a term to expire 6-30-2014."
1564 Status & Testimony	EDU	G.M. No. 750 "Submitting for consideration and confirmation to the Early Learning Advisory Board, Gubernatorial Nominee, BENJAMIN NAKI III, for a term to expire 6-30-2015."
1565 Status & Testimony	EDU	G.M. No. 751 "Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, VOLETTA NOE NOE TOM, for a term to expire 6-30-2016."
1566 Status & Testimony	EDU	G.M. No. 779 "Submitting for consideration and confirmation to the Board of Education, Gubernatorial Nominee, BRIAN DELIMA, for a term to expire 6-30-2016."
1567 Status & Testimony	PSM	G.M. No. 732 "Submitting for consideration and confirmation to the Civil Defense Advisory Council, Gubernatorial Nominee, SHELDON LEHMAN, for a term to expire 6-30-2017."
1568 Status & Testimony	PSM	G.M. No. 772 "Submitting for consideration and confirmation to the Crime Victim Compensation Commission, Gubernatorial Nominee, ABELINA SHAW, for a term to expire 6-30-2017."

1569	PSM	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."
Status & Testimony		
1570	PSM	G.M. No. 778 "Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, REID NOGUCHI, for a term to expire 6-30-2015."
Status & Testimony		
1570	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."
Status & Testimony		
1570	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."
Status & Testimony		
1570	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."
Status & Testimony		

[1571](#)

THA

[Status & Testimony](#)

[G.M. No. 687](#)

"Submitting for consideration and confirmation to the Island Burial Council, Islands of Kaua'i and Ni'ihau, Gubernatorial Nominee, BARBARA SAY, for a term to expire 6-30-2017."

[1572](#)

THA

[Status & Testimony](#)

[G.M. No. 729](#)

"Submitting for consideration and confirmation to the Island Burial Council Island of O'ahu, Gubernatorial Nominee, HINALEIMOANA WONG-KALU, for a term to expire 6-30-2016."

9. Adopt Resolutions

[1573](#)

EDU

[Prior Versions/Status & Testimony](#)

[H.C.R. No. 57](#)

"REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO CONTINUE TO COLLABORATE WITH FAMILY AND COMMUNITY ORGANIZATIONS TO ESTABLISH, IMPLEMENT, AND MONITOR STATEWIDE POLICIES FOR FAMILY-SCHOOL PARTNERSHIPS IN HAWAII'S PUBLIC SCHOOLS."

[1574](#)

EDU

[Prior Versions/Status & Testimony](#)

[H.C.R. No. 178, H.D. 1, S.D. 1](#)

"REQUESTING THE BOARD OF EDUCATION TO REVIEW AND MODIFY BOARD POLICY NO. 6710 TO IDENTIFY WAYS TO INCORPORATE SUSTAINABILITY EDUCATION AND ENVIRONMENTAL STEWARDSHIP AT THE CLASSROOM LEVEL." (AMENDED TITLE)

H.C.R. No. 25	WTL/WAM	"SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE."
Prior Versions/Status & Testimony		(Hawaii Baptist Academy; Land)
H.C.R. No. 104	WTL/WAM	"AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO THE RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND."
Prior Versions/Status & Testimony		(Non-exclusive Agreement; Seawall)
H.C.R. No. 181, H.D. 1	WTL/EGH/WAM	"REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SUBMIT A REPORT TO THE LEGISLATURE ON CURRENT AND POTENTIAL REVENUE GENERATING ACTIVITIES ON STATE-OWNED LAND AT SAND ISLAND."
Prior Versions/Status & Testimony		(Requesting the Department of Land and Natural Resources to Submit a Report to the Legislature on Possible Revenue Generation at Sand Island Park.)

10. 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." - (WAM)

(General Excise Tax; Exemptions)

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
ENE/TIA	4/18/2013 1:15 PM	225
TIA/ENE	4/18/2013 1:16 PM	225
CONF	4/18/2013 1:30 PM	312
CONF	4/18/2013 2:00 PM	225
CONF	4/18/2013 2:00 PM	016
CONF	4/18/2013 2:00 PM	225
CONF	4/18/2013 2:05 PM	016
CONF	4/18/2013 2:30 PM	325
CONF	4/18/2013 2:45 PM	016
CONF	4/18/2013 3:00 PM	309
CONF	4/18/2013 3:00 PM	329
CONF	4/18/2013 3:00 PM	229
CONF	4/18/2013 3:15 PM	309
CONF	4/18/2013 3:20 PM	309
CONF	4/18/2013 3:30 PM	224
CONF	4/18/2013 3:30 PM	229
CONF	4/18/2013 3:45 PM	229
CONF	4/18/2013 4:00 PM	325
CONF	4/18/2013 4:00 PM	229
CPN	4/19/2013 9:00 AM	016
HMS/CPN	4/19/2013 9:00 AM	016
CONF	4/19/2013 9:30 AM	016
WTL	4/19/2013 9:45 AM	224

CONF	4/19/2013 10:00 AM	423
EGH/WAM	4/19/2013 10:00 AM	211
CONF	4/19/2013 10:30 AM	312
CONF	4/19/2013 11:00 AM	016
CONF	4/19/2013 1:00 PM	312
CONF	4/19/2013 1:15 PM	224
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
CPN/WAM	4/19/2013 2:00 PM	211
CONF	4/19/2013 2:15 PM	229
CONF	4/19/2013 2:30 PM	229
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	4/22/2013 9:30 AM	312
CONF	4/22/2013 11:00 AM	423
CONF	4/22/2013 1:00 PM	016
CONF	4/22/2013 1:05 PM	016
CONF	4/22/2013 7:00 PM	309
CONF	4/23/2013 3:00 PM	329
TEC	4/25/2013 1:15 PM	414

- Senate Session will convene at 11:30 a.m. on Friday, April 19, 2013.

14. Adjournment