

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

FIFTY-FIFTH DAY

APRIL 23, 2013-TUESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 264-268

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 264	Dated April 19, 2013, transmitting a proposed conference draft (C.D. 1) amending H.B. No. 816, S.D. 1, to fund the settlement concerning Collective Bargaining Unit 1.	FILE
G.M. No. 265	Dated April 19, 2013, transmitting a proposed conference draft (C.D. 1) amending S.B. No. 908, S.D. 1, H.D. 1, to fund the arbitration award concerning Bargaining Unit 9.	FILE
G.M. No. 266	Dated April 19, 2013, transmitting a proposed conference draft (C.D. 1) amending S.B. No. 1057, S.D. 1, H.D. 1, concerning Bargaining Units 9 and 10.	FILE
G.M. No. 267	Dated April 19, 2013, transmitting proposed changes to the FB 2013-15 Biennium Budget for the Department of Budget and Finance.	FILE

[G.M. No. 268](#)

Letter dated April 19, 2013, as provided in Section 9, Article VII, of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 908, S.D. 1, H.D. 1, to provide fund authorizations and appropriations for collective bargaining cost items in the arbitrated settlement for collective bargaining Unit 9 and its excluded counterparts for fiscal biennium 2011-2013.

FILE

2. Departmental Communications: None
3. House Communication Nos. 716-726

Informing the Senate that on April 22, 2013, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House:

REFERRAL

716

[H.B. No. 1059, H.D. 2, S.D. 2](#)

"RELATING TO COURT ADVISEMENT CONCERNING ALIEN STATUS."(Court Advisement of Aliens; Guilty Plea; Admission to United States)

FILE

[H.B. No. 1130, H.D. 1, S.D. 1](#)

"RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."(Hawaii Health Systems Corporation Board; Composition)

Informing the Senate that on April 22, 2013, the House appointed Conferees to the following bills:

717

[H.B. No. 17, H.D. 1, S.D. 2](#)

"RELATING TO COASTAL AREAS."(Coastal Areas; Public Access)

FILE

[H.B. No. 653, S.D. 1](#)

"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HAWAI'I PACIFIC HEALTH."(Special Purpose Revenue Bonds; Hawai'i Pacific Health)

Returning the following Senate Concurrent Resolutions which were adopted by the House on April 22, 2013:

- | | | |
|-----|---|------|
| 718 | <u>S.C.R. No. 11</u>
"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 643 PAPAHEHI PLACE, HONOLULU, HAWAII."(643 Papahehi Place) | FILE |
| 719 | <u>S.C.R. No. 12</u>
"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-011 KUAHELANI AVENUE, NO. 111, MILILANI, HAWAII."(Sale of Leased Fee Interest in 95-011 Kuahelani Avenue, No. 111, Mililani, Hawaii) | FILE |
| 720 | <u>S.C.R. No. 83</u>
"RECOGNIZING AND SUPPORTING THE NATIVE HAWAIIAN HOSPITALITY ASSOCIATION FOR THEIR EFFORTS IN PREPARING FOR THE DESIGNATION OF WAIKIKI - KAUAHALE O HO'OKIPA AS A HAWAII STATE AND NATIONAL SCENIC BYWAY."(Waikiki-Kauhale O Ho'okipa Scenic Byway; Designation; Native Hawaiian Hospitality Association) | FILE |
| 721 | <u>S.C.R. No. 108</u>
"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."(Freely Associated States; Medicaid Eligibility) | FILE |

Returning the following Senate Concurrent Resolutions which were adopted by the House on April 22, 2013, in an amended form:

- | | | |
|-----|---|----------------|
| 725 | <u>S.C.R. No. 21, H.D. 1</u>
"AUTHORIZING THE EXCHANGE AND SALE OF PROPERTY BETWEEN THE STATE OF HAWAII AND NAPOLEON, ET AL., APPROVED BY THE BOARD OF LAND AND NATURAL RESOURCES AT ITS MEETING ON JUNE 8, 2012, UNDER AGENDA ITEM D-11."(Action Taken BLNR on Land Exchange and Sale of Property) | AGREE/DISAGREE |
| 726 | <u>S.C.R. No. 41, S.D. 1, H.D. 1</u>
"REQUESTING THE EXTENSION OF THE GOVERNMENT CONTRACTING TASK FORCE TO DEVELOP RECOMMENDATIONS TO ADDRESS ISSUES THAT AFFECT PROCUREMENT FOR GOODS AND SERVICES PURCHASED THROUGH NONPROFIT ORGANIZATIONS, INCLUDING HUMAN SERVICE NONPROFIT ORGANIZATIONS THAT DELIVER PIVOTAL GOODS AND SERVICES TO INDIVIDUALS, FAMILIES, COMMUNITIES, AND OTHER SMALL BUSINESSES."(Prompt Payment Task Force; Government Contracting Task Force) | AGREE/DISAGREE |

4. Senate Communications: None
5. Judiciary Communications: None
6. Conference Committee Report Nos. 3-9

[3](#)
(48 Hrs. Notice)

[S.B. No. 48, H.D. 1, C.D. 1](#)
"RELATING TO THE DEPARTMENT OF EDUCATION."
(Recommends passage on FINAL READING as amended C.D. 1)

[4](#)
(48 Hrs. Notice)

[S.B. No. 1082, S.D. 1, H.D. 2, C.D. 1](#)
"RELATING TO TRANSPORTATION OF
SCHOOL CHILDREN."
(Recommends passage on FINAL READING
as amended C.D. 1)

[5](#)
(48 Hrs. Notice)

[S.B. No. 328, S.D. 1, H.D. 2, C.D. 1](#)
"RELATING TO ANIMALS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[6](#)
(48 Hrs. Notice)

[S.B. No. 502, S.D. 1, H.D. 1, C.D. 1](#)
"RELATING TO REAL ESTATE SELLER
DISCLOSURE."
(Recommends passage on FINAL READING
as amended C.D. 1)

[7](#)
(48 Hrs. Notice)

[S.B. No. 507, S.D. 1, H.D. 1, C.D. 1](#)
"RELATING TO PLANNED COMMUNITY
ASSOCIATIONS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[8](#)
(48 Hrs. Notice)

[S.B. No. 1066, H.D. 1, C.D. 1](#)
"RELATING TO SECURITIES LAW."
(Recommends passage on FINAL READING
as amended C.D. 1)

[9](#)
(48 Hrs. Notice)

[S.B. No. 84, H.D. 2, C.D. 1](#)
"RELATING TO PUBLIC HOUSING."
(Recommends passage on FINAL READING
as amended C.D. 1)

7. Standing Committee Report Nos. 1633-1640

- | | | |
|---|------------------|---|
| <p><u>1633</u>
(One Day Notice)</p> | <p>(EDU/WAM)</p> | <p><u>H.C.R. No. 30, H.D. 1</u>
"REQUESTING THE DEPARTMENT OF EDUCATION TO MEET WITH INTERESTED PARTIES TO EXAMINE THE FEASIBILITY OF ESTABLISHING A BOXING PILOT PROGRAM IN AT LEAST ONE OF HAWAII'S PUBLIC HIGH SCHOOLS."
(Recommends Adoption)</p> |
| <p><u>1634</u>
(One Day Notice)</p> | <p>(PSM/TIA)</p> | <p><u>H.C.R. No. 183</u>
"URGING THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO SUPPORT AND PASS THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2013."
(Recommends Adoption)</p> |
| <p><u>1635</u>
(One Day Notice)</p> | <p>(PSM/TIA)</p> | <p><u>H.C.R. No. 224, H.D. 1</u>
"URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO EXAMINE AND RE-EVALUATE ITS POLICIES REGARDING REFUGEE AND ASYLEE PROTECTIONS, INCLUDING THE PRINCIPLE OF NON-REFOULEMENT."
(Recommends Adoption)</p> |
| <p><u>1636</u>
(One Day Notice)</p> | <p>(EGH)</p> | <p><u>G.M. No. 754</u>
"Submitting for consideration and confirmation to the Hawai'i Community Development Authority (Kaka'ako District), Gubernatorial Nominee, BRIAN LEE, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)</p> |

[1636](#)
(One Day Notice)

(EGH)

[G.M. No. 756](#)

"Submitting for consideration and confirmation to the Hawai'i Community Development Authority (Kaka'ako District), Gubernatorial Nominee, LOIS MITSUNAGA, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[1637](#)
(One Day Notice)

(HMS/CPN)

[H.C.R. No. 199, H.D. 1](#)

"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)

[1638](#)
(One Day Notice)

(HMS/WAM)

[H.C.R. No. 184](#)

"REQUESTING THE AUDITOR TO CONDUCT A COMPREHENSIVE FINANCIAL AUDIT OF THE DEPARTMENT OF HUMAN SERVICES MED-QUEST DIVISION, WITH EMPHASIS ON THE MEDICAID PROGRAM."

(Recommends Adoption)

[1639](#) (HMS)
(One Day Notice)

[H.C.R. No. 118, H.D. 1](#)
"REQUESTING THE DEPARTMENT OF
HUMAN SERVICES TO PREPARE A
PROGRESS REPORT ON DETAILING
EFFORTS TO IMPROVE AND RE-
ENGINEER PROCESSING FOR ADULT
PROTECTIVE SERVICES."
(Recommends Adoption)

[1640](#) (HMS/WAM)
(One Day Notice)

[H.C.R. No. 76](#)
"REQUESTING THE EXECUTIVE OFFICE
ON AGING TO CONTINUE ITS
RESEARCH OF THE TIMEBANKING
CONCEPT FOR HAWAII'S RESPITE
SYSTEM."
(Recommends Adoption)

ORDER OF THE DAY

8. 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)

9. Advise and Consent

<u>1616</u>	HTH	<u>G.M. No. 743</u> "Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, MARTHA TURNER, for a term to expire 6-30-2017."
<u>Status & Testimony</u>		
<u>1617</u>	HTH	<u>G.M. No. 791</u> "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."
<u>Status & Testimony</u>		
<u>1618</u>	HTH	<u>G.M. No. 737</u> "Submitting for consideration and confirmation to the Tobacco Prevention and Control Advisory Board, Gubernatorial Nominee, ANTHEA WANG, for a term to expire 6-30-2014."
<u>Status & Testimony</u>		
<u>1619</u>	HTH	<u>G.M. No. 742</u> "Submitting for consideration and confirmation to the Mental Health and Substance Abuse, O'ahu Service Area Board, Gubernatorial Nominee, CYNTHIA DANG, for a term to expire 6-30-2016."
<u>Status & Testimony</u>		
<u>1620</u>	HTH	<u>G.M. No. 736</u> "Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, Gubernatorial Nominee, KURT NAGATA, for a term to expire 6-30-2016."
<u>Status & Testimony</u>		

1621	HTH	G.M. No. 735 "Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area Board, Gubernatorial Nominee, SULMA GANDHI, for a term to expire 6-30-2016."
Status & Testimony		
1622	HTH	G.M. No. 733 "Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, MAXINE NAGAMINE, for a term to expire 6-30-2014."
Status & Testimony		
1622	HTH	G.M. No. 738 "Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, JENNIFER PATRICIO, for a term to expire 6-30-2017."
Status & Testimony		
1622	HTH	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."
Status & Testimony		
1623	TEC	G.M. No. 773 "Submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, Gubernatorial Nominee, JULIA STEELE, for a term to expire 6-30-2015."
Status & Testimony		

1623 Status & Testimony	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."
1624 Status & Testimony	TEC	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."
1625 Status & Testimony	EGH	G.M. No. 753 "Submitting for consideration and confirmation to the Hawai'i Community Development Authority (He'eia District), Gubernatorial Nominee, MAHEALANI CYPHER, for a term to expire 6-30-2016."
1626 Status & Testimony	WTL	G.M. No. 688 "Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, ERNEST MATSUMURA, for a term to expire 6-30-2017."
1626 Status & Testimony	WTL	G.M. No. 689 "Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, SHELDON BIGA, for a term to expire 6-30-2015."

[1627](#) WTL
[Status & Testimony](#)

[G.M. No. 709](#)
"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, DENNIS ESAKI, for a term to expire 6-30-2017."

[1627](#) WTL
[Status & Testimony](#)

[G.M. No. 710](#)
"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, CAROL TORIGOE, for a term to expire 6-30-2017."

[1628](#) WTL
[Status & Testimony](#)

[G.M. No. 774](#)
"Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, KAMANAMA KALANI BEAMER, for a term to expire 6-30-2017."

[1628](#) WTL
[Status & Testimony](#)

[G.M. No. 775](#)
"Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, MILTON PAVAO, for a term to expire 6-30-2017."

[1629](#) WTL
[Status & Testimony](#)

[G.M. No. 705](#)
"Submitting for consideration and confirmation to the Board of Land and Natural Resources, Gubernatorial Nominee, REED KISHINAMI, for a term to expire 6-30-2017."

[1630](#) WTL
[Status & Testimony](#)

[G.M. No. 776](#)
"Submitting for consideration and confirmation to the Board of Land and Natural Resources, Gubernatorial Nominee, JAMES GOMES, for a term to expire 6-30-2017."

[1631](#)

WTL

[Status & Testimony](#)

[G.M. No. 731](#)

"Submitting for consideration and confirmation to the Natural Area Reserves System Commission, Gubernatorial Nominee, NATHAN YUEN, for a term to expire 6-30-2017."

[1632](#)

WTL

[Status & Testimony](#)

[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."

10. Adopt Resolutions

[H.C.R. No. 189, H.D. 1](#) ENE/CPN

[Prior Versions/Status & Testimony](#)

"REQUESTING THE GOVERNOR TO ENGAGE AND WORK WITH LANAI, MOLOKAI, AND THE OTHER NEIGHBOR ISLAND COMMUNITIES WHEN FORMULATING ENERGY POLICY AND IDENTIFYING ENERGY PROJECTS FOR THE STATE OF HAWAII."

(Alternatives To The Interisland Transmission Cable System)

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/23/2013 1:15 PM	325
CONF	4/23/2013 1:30 PM	312
CONF	4/23/2013 1:30 PM	224
CONF	4/23/2013 1:40 PM	312
CONF	4/23/2013 1:45 PM	312
CONF	4/23/2013 2:00 PM	325
CONF	4/23/2013 2:00 PM	229
CONF	4/23/2013 2:00 PM	312
CONF	4/23/2013 2:10 PM	225
CONF	4/23/2013 2:15 PM	229
CONF	4/23/2013 2:30 PM	229
CONF	4/23/2013 2:30 PM	423
CONF	4/23/2013 2:45 PM	329
CONF	4/23/2013 3:00 PM	329
CONF	4/23/2013 3:00 PM	229
CONF	4/23/2013 3:00 PM	224
CONF	4/23/2013 3:00 PM	423
CONF	4/23/2013 3:05 PM	309
CONF	4/23/2013 3:20 PM	309
CONF	4/23/2013 3:30 PM	016
CONF	4/23/2013 3:30 PM	229
CONF	4/23/2013 3:30 PM	224
CONF	4/23/2013 3:45 PM	229
CONF	4/23/2013 4:00 PM	325
CONF	4/23/2013 7:00 PM	309
CONF	4/24/2013 9:00 AM	224
CONF	4/24/2013 9:30 AM	423
CONF	4/24/2013 10:20 AM	312
CONF	4/24/2013 10:30 AM	329
CONF	4/24/2013 10:30 AM	423
CONF	4/24/2013 10:30 AM	325
CONF	4/24/2013 10:40 AM	224
CONF	4/24/2013 1:00 PM	325
CONF	4/24/2013 1:15 PM	329
CONF	4/24/2013 1:30 PM	312
CONF	4/24/2013 1:30 PM	224
CONF	4/24/2013 2:00 PM	224
CONF	4/24/2013 2:00 PM	225

CONF	4/24/2013 2:00 PM	325
CONF	4/24/2013 2:30 PM	325
CONF	4/24/2013 2:30 PM	016
CONF	4/24/2013 3:00 PM	309
CONF	4/24/2013 3:15 PM	309
CONF	4/24/2013 3:30 PM	224
CONF	4/24/2013 4:30 PM	016
CONF	4/25/2013 1:00 PM	325
TEC	4/25/2013 1:15 PM	414
CONF	4/25/2013 2:30 PM	423
EGH	4/25/2013 4:00 PM	423
HTH	4/26/2013 8:30 AM	229

- Senate Session will convene at 11:30 a.m. on Wednesday, April 24, 2013.

14. Adjournment