

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

FIFTY-SEVENTH DAY

APRIL 25, 2013-THURSDAY-6:30 O'CLOCK P.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 269-271, 798, and 1139-1149

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 269	Dated April 22, 2013, transmitting a proposed conference draft (C.D. 1) amending S.B. No. 895, S.D. 1, H.D. 1 to fund the settlement concerning Collective Bargaining Units 2, 3, and 4.	FILE
G.M. No. 270	Dated April 22, 2013, transmitting the 2011-2012 Annual Report of the Department of Taxation pursuant to Section 231-3(8), HRS.	FILE
G.M. No. 271	Dated April 24, 2013, transmitting a proposed conference draft (C.D. 1) amending S.B. No. 902, S.D. 1, H.D. 1 to fund the settlement concerning Collective Bargaining Unit 8.	FILE

G.M. No. 798	Informing the Senate that on April 24, 2013, the Governor has withdrawn KAMAKI KANAHELE III, Gubernatorial Nominee to the Hawai'i Community Development Authority, from consideration by the Senate (GM755).	FILE
G.M. No. 1139	Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB1102 (Act 039) . MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FROM THE HOSPITAL SUSTAINABILITY PROGRAM SPECIAL FUND.	FILE
G.M. No. 1140	Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB1112 (Act 040) . RELATING TO DELETING STATE PUBLIC HOUSING DELINQUENT ACCOUNTS.	FILE
G.M. No. 1141	Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB540 (Act 041) . RELATING TO VETERANS.	FILE
G.M. No. 1142	Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: HB998 (Act 042) . RELATING TO PRIVATE TRANSFER FEES.	FILE
G.M. No. 1143	Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB1184 SD1 (Act 043) . RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE.	FILE

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| G.M. No. 1144 | Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB1192 SD1 (Act 044) .
RELATING TO COLLECTION OF TAXES. | FILE |
| G.M. No. 1145 | Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB1203 SD1 (Act 045) .
RELATING TO CONFORMITY OF THE HAWAII ESTATE AND GENERATION-SKIPPING TRANSFER TAX LAW TO THE INTERNAL REVENUE CODE. | FILE |
| G.M. No. 1146 | Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB1190 SD1 (Act 046) .
RELATING TO THE IMPOSITION OF USE TAX ON IMPORTED CONTRACTING. | FILE |
| G.M. No. 1147 | Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB423 (Act 047) .
RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE. | FILE |
| G.M. No. 1148 | Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: HB944 (Act 048) .
RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. | FILE |
| G.M. No. 1149 | Informing the Legislature that on April 23, 2013, the Governor signed the following bill into law: SB913 SD1 (Act 049) .
RELATING TO TIME SHARES. | FILE |

2. Departmental Communications: Nos. 100-101

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
D.C. No. 100	From the Office of the Auditor dated April 16, 2013, transmitting the report, "Audit of the Department of Hawaiian Home Lands' Homestead Services Division" (Report No. 13-02).	FILE
D.C. No. 101	From the Office of the Auditor dated April 23, 2013, transmitting the report, "Report on the Implementation of State Auditor's 2010 Recommendations" (Report No. 13-03).	FILE

3. House Communications: Nos. 732-742

		<u>REFERRAL</u>
	Returning the following Senate Concurrent Resolutions which were adopted by the House on April 24, 2013:	
732	S.C.R. No. 119, S.D. 1 "REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE POTENTIAL REGULATION OF UNACCREDITED DEGREE GRANTING INSTITUTIONS IN THE STATE."(Unaccredited Universities and Colleges)	FILE
733	S.C.R. No. 120, S.D. 2 "REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO EVALUATE THE IMPLEMENTATION OF A PLAN TO PROMOTE GREATER AWARENESS OF DYSLEXIA AND PROVIDE COMPREHENSIVE SUPPORT FOR STUDENTS WITH DYSLEXIA AND OTHER LITERACY CHALLENGES."(Dyslexia; Board of Education; Department of Education)	FILE

Informing the Senate that on April 24, 2013, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

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| 736 | <p><u>H.B. No. 877, H.D. 1, S.D. 1</u>
"RELATING TO THE DESIGNEES FOR THE DIRECTORS OF THE DEPARTMENTS OF COMMERCE AND CONSUMER AFFAIRS, OF HEALTH, OF HUMAN SERVICES, AND OF LABOR AND INDUSTRIAL RELATIONS FOR THE BOARD OF DIRECTORS OF THE HAWAII HEALTH INSURANCE EXCHANGE."(Hawaii Health Insurance Exchange; Hawaii Health Connector; Board of Directors; Designee's Voting Authority)</p> <p><u>H.B. No. 980, H.D. 2, S.D. 2</u>
"RELATING TO HIGHWAY SAFETY."(Highway Safety; Use of Mobile Electronic Devices)</p> | FILE |
| 737 | <p><u>H.B. No. 654, H.D. 2, S.D. 1</u>
"RELATING TO NURSING."(Nursing-Related Data; Nursing; Licensing)</p> | FILE |

Informing the Senate that on April 24, 2013, the House agreed to the amendments proposed by the Senate and that said resolutions have been adopted in final form in the House:

738

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

FILE

"COMMEMORATING THE TWENTIETH ANNIVERSARY OF PUBLIC LAW 103-150, RECOGNIZING THE PROGRESS MADE TOWARDS RECONCILIATION AND NATIVE HAWAIIAN SELF-GOVERNANCE AND SELF-DETERMINATION, REAFFIRMING THE STATE'S COMMITMENT TO RECONCILIATION WITH NATIVE HAWAIIANS FOR HISTORICAL INJUSTICES, URGING THE FEDERAL GOVERNMENT TO ADVANCE RECONCILIATION EFFORTS WITH NATIVE HAWAIIANS, AND SUPPORTING EFFORTS TO FURTHER THE SELF-DETERMINATION AND SOVEREIGNTY OF NATIVE HAWAIIANS."(OHA Package; Apology Resolution; Commemoration)

[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."(Lanikai; Easement; Seawall; Department of Land and Natural Resources)

[H.C.R. No. 48, S.D. 1](#)

"REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF FORMING A UNIVERSITY OF HAWAII AT HILO MEN'S VOLLEYBALL TEAM."(University of Hawaii at Hilo Men's Volleyball Team Task Force)

[H.C.R. No. 92, H.D. 1, S.D. 1](#)

"REQUESTING THE DEPARTMENT OF EDUCATION TO EXPAND THE MANDARIN CHINESE LANGUAGE CURRICULUM IN PUBLIC HIGH SCHOOLS."(Mandarin Chinese Language Curriculum; Public High Schools)

[H.C.R. No. 119, S.D. 1](#)

"REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO CONDUCT A STUDY ON THE FEASIBILITY OF USING SOCIAL IMPACT BONDS TO FUND EARLY LEARNING PROGRAMS AND SERVICES IN THE STATE."(Social Impact Bonds; Early Learning Programs and Services)

[H.C.R. No. 120, S.D. 1](#)

"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, CONSULT WITH THE WAIANAE COAST COMMUNITY ON THE EXISTING AND FUTURE OCEAN-USE ACTIVITIES."(Department of Land and Natural Resources; Kaena Point; Kalaeloa Point; Small Boat Harbors; Commercial Permits)

[H.C.R. No. 130, S.D. 1](#)

"URGING CONGRESS TO SUPPORT THE CONSTRUCTION OF A MEMORIAL COMMEMORATING THE WAR IN THE PACIFIC AT THE PEARL HARBOR VISITOR CENTER."("War in the Pacific" Memorial; Pearl Harbor Visitor Center; World War II Valor in the Pacific National Monument)

4. Senate Communications: None
5. Judiciary Communications: None
6. Conference Committee Reports: Nos. 15-26

[15](#)
(48 Hrs. Notice)

[S.B. No. 3, S.D. 1, H.D. 2, C.D. 1](#)
"RELATING TO THE OFFICE OF
HAWAIIAN AFFAIRS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[16](#)
(48 Hrs. Notice)

[S.B. No. 407, S.D. 1, H.D. 2, C.D. 1](#)
"RELATING TO ISLAND BURIAL
COUNCILS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[17](#)
(48 Hrs. Notice)

[H.B. No. 1405, H.D. 2, S.D. 2, C.D. 1](#)
"RELATING TO THE PUBLIC UTILITIES
COMMISSION."
(Recommends passage on FINAL READING
as amended C.D. 1)

[18](#)
(48 Hrs. Notice)

[H.B. No. 1203, H.D. 1, S.D. 1, C.D. 1](#)
"RELATING TO THE NATIONAL
GUARD."
(Recommends passage on FINAL READING
as amended C.D. 1)

[19](#)
(48 Hrs. Notice)

[H.B. No. 235, H.D. 1, S.D. 1, C.D. 1](#)
"RELATING TO COLLECTION OF
RESTITUTION FOR CRIME VICTIMS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[20](#)
(48 Hrs. Notice)

[S.B. No. 1118, S.D. 1, H.D. 1, C.D. 1](#)
"RELATING TO THE HAWAII PUBLIC
HOUSING AUTHORITY."
(Recommends passage on FINAL READING
as amended C.D. 1)

[21](#)
(48 Hrs. Notice)

[S.B. No. 1070, S.D. 2, H.D. 1, C.D. 1](#)
"RELATING TO MORTGAGE
SERVICERS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[22](#)
(48 Hrs. Notice)

[S.B. No. 1071, S.D. 2, H.D. 1, C.D. 1](#)
"RELATING TO FINANCIAL
INSTITUTIONS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[23](#)
(48 Hrs. Notice)

[S.B. No. 1077, S.D. 2, H.D. 2, C.D. 1](#)
"RELATING TO THE OWNER-BUILDER
EXEMPTION."
(Recommends passage on FINAL READING
as amended C.D. 1)

[24](#)
(48 Hrs. Notice)

[S.B. No. 1265, S.D. 1, H.D. 1, C.D. 1](#)
"RELATING TO CONTRACTS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[25](#)
(48 Hrs. Notice)

[H.B. No. 848, H.D. 2, S.D. 1, C.D. 1](#)
"RELATING TO HEALTH INSURANCE."
(Recommends passage on FINAL READING
as amended C.D. 1)

[26](#)
(48 Hrs. Notice)

[H.B. No. 673, H.D. 2, S.D. 2, C.D. 1](#)
"RELATING TO PESTICIDES."
(Recommends passage on FINAL READING
as amended C.D. 1)

ORDER OF THE DAY

7. Adopt Resolutions

[S.C.R. No. 21, H.D. 1](#)

[Prior Versions/Status &
Testimony](#)

"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."

[S.C.R. No. 41 S.D. 1,
H.D. 1](#)

[Prior Versions/Status &
Testimony](#)

"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."

8. Final Reading

[Conf. Com. Rep. No. 3](#)

[Prior Versions/Status & Testimony](#)

[S.B. No. 48, H.D. 1, C.D. 1](#)

"RELATING TO THE DEPARTMENT OF EDUCATION."

(Department of Education; Aerospace Advisory Committee; Marine and Coastal Management)

[Conf. Com. Rep. No. 4](#)

[Prior Versions/Status & Testimony](#)

[S.B. No. 1082, S.D. 1, H.D. 2, C.D. 1](#)

"RELATING TO TRANSPORTATION OF SCHOOL CHILDREN."

(Transportation of School Children; Contracting Provisions)

[Conf. Com. Rep. No. 5](#)

[Prior Versions/Status & Testimony](#)

[S.B. No. 328, S.D. 1, H.D. 2, C.D. 1](#)

"RELATING TO ANIMALS."

(Residential Landlord-tenant Code; Security Deposit; Animals; Pet Animals)

[Conf. Com. Rep. No. 6](#)

[Prior Versions/Status & Testimony](#)

[S.B. No. 502, S.D. 1, H.D. 1, C.D. 1](#)

"RELATING TO REAL ESTATE SELLER DISCLOSURE."

(Real Estate; Seller Disclosure; Required Documents)

[Conf. Com. Rep. No. 7](#)

[Prior Versions/Status & Testimony](#)

[S.B. No. 507, S.D. 1, H.D. 1, C.D. 1](#)

"RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

(Planned Community Associations; Notice Requirements; Regular and Special Meetings)

[Conf. Com. Rep. No. 8](#)

[Prior Versions/Status & Testimony](#)

[S.B. No. 1066, H.D. 1, C.D. 1](#)

"RELATING TO SECURITIES LAW."

(Uniform Securities Act)

[Conf. Com. Rep. No. 9](#)

[Prior Versions/Status & Testimony](#)

[S.B. No. 84, H.D. 2, C.D. 1](#)

"RELATING TO PUBLIC HOUSING."

(Hawaii Public Housing Authority; Public Housing Project; Definition)

[S.B. No. 68, S.D. 1, H.D. 1](#)

[Prior Versions/Status & Testimony](#)

"RELATING TO SENTENCING."

(Sentencing; Drug Offenses; Mandatory Minimums)

[S.B. No. 319, H.D. 1](#)

[Prior Versions/Status & Testimony](#)

"RELATING TO THRILL CRAFT."

(Thrill Craft; Use; Exception; Ocean Cleanup)

[S.B. No. 454, S.D. 1, H.D. 1](#)

[Prior Versions/Status & Testimony](#)

"RELATING TO WATER CONSERVATION."

(Water Pollution; Gray Water; Irrigation)

9. Miscellaneous Communication Nos. 5-6

MEASURE

TITLE

REFERRAL

[M.C. No. 5](#)

From 531 residents of the State of Hawaii, submitting a "Petition to vote No to S.B. No. 237 and H.B. No. 865," which would allow the lease of public school land to private developers even if the land is currently being used for the education of our keiki.

FILE

[M.C. No. 6](#) From Non-Partisan Ohana Hawaii, dated April 23, 2013, submitting the "Non-Partisan Ohana Hawaii Petition to the Hawaii State Legislature stating strong opposition to H.B. No. 70, S.B. No 1207 and S.B. No 1171, and requesting rejection of these measures. FILE

10. Miscellaneous Business

- Waiver of Referral; One Day Notice for Adoption

[H.C.R. No. 81](#) PSM/JDL/WAM "URGING THE BOARD OF TRUSTEES OF THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO PAY THE TRICARE RESERVE SELECT PREMIUM FOR ELIGIBLE STATE AND COUNTY EMPLOYEES WHO ARE MEMBERS OF THE NATIONAL GUARD AND RESERVES WHO DECLINE HEALTH INSURANCE COVERAGE THROUGH THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND AND INSTEAD OPT FOR HEALTH INSURANCE COVERAGE THROUGH TRICARE RESERVE SELECT."

[H.C.R. No. 115, H.D. 1](#) PSM/WAM "REQUESTING THE OFFICE OF VETERANS SERVICES, WITH THE ASSISTANCE OF OTHER DEPARTMENTS, TO PLAN AND ESTABLISH A MEMORIAL HONORING THE VETERANS OF THE PERSIAN GULF WAR, OPERATION DESERT STORM, OPERATION IRAQI FREEDOM, OPERATION NEW DAWN, AND OPERATION ENDURING FREEDOM."

H.C.R. No. 226	PSM/EGH/WAM	"EXPRESSING SUPPORT FOR FEDERAL FUNDING TO FINANCE A COMPREHENSIVE FEASIBILITY STUDY TO EVALUATE THE POTENTIAL FOR ESTABLISHING A WORLD-CLASS COMMERCIAL SPACE LAUNCH AND CONTROL FACILITY IN THE STATE OF HAWAII."
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- Reconsideration of Disagreement to House Amendments; Motion to Agree; One Day Notice for Final Reading

S.B. No. 2, H.D. 1	JDL	"RELATING TO SIMULATED FIREARMS."
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S.B. No. 44, S.D. 1, H.D. 1	HTH/PSM	"RELATING TO MENTAL HEALTH."
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S.B. No. 682, S.D. 2, H.D. 1	PSM	"RELATING TO FIRE PROTECTION."
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S.B. No. 1106, S.D. 2, H.D. 2	HMS/PSM, CPN	"RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING."
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S.B. No. 1171, S.D. 1, H.D. 2	TEC	"RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS."
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11. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/25/2013 9:15 AM	312
CONF	4/25/2013 9:30 AM	312
CONF	4/25/2013 10:00 AM	329
CONF	4/25/2013 10:15 AM	329
CONF	4/25/2013 10:30 AM	325
CONF	4/25/2013 10:30 AM	224
CONF	4/25/2013 10:30 AM	325
CONF	4/25/2013 10:30 AM	312
CONF	4/25/2013 10:30 AM	224
CONF	4/25/2013 10:45 AM	224
CONF	4/25/2013 11:00 AM	423
CONF	4/25/2013 11:00 AM	224
CONF	4/25/2013 11:00 AM	225
CONF	4/25/2013 11:30 AM	225
CONF	4/25/2013 12:00 PM	229
CONF	4/25/2013 12:15 PM	229
CONF	4/25/2013 12:45 PM	229
CONF	4/25/2013 1:00 PM	325
CONF	4/25/2013 1:00 PM	224
CONF	4/25/2013 1:00 PM	325
CONF	4/25/2013 1:15 PM	312
TEC	4/25/2013 1:15 PM	414
CONF	4/25/2013 1:30 PM	325
CONF	4/25/2013 1:30 PM	312
CONF	4/25/2013 1:30 PM	325
CONF	4/25/2013 1:40 PM	312
CONF	4/25/2013 1:40 PM	325
CONF	4/25/2013 2:00 PM	016
CONF	4/25/2013 2:00 PM	225
CONF	4/25/2013 2:00 PM	229
CONF	4/25/2013 2:00 PM	312
CONF	4/25/2013 2:00 PM	224
CONF	4/25/2013 2:30 PM	325
CONF	4/25/2013 2:30 PM	423
CONF	4/25/2013 2:45 PM	329
CONF	4/25/2013 3:00 PM	309
CONF	4/25/2013 3:00 PM	329
CONF	4/25/2013 3:00 PM	016

CONF	4/25/2013 3:30 PM	229
CONF	4/25/2013 3:30 PM	224
CONF	4/25/2013 3:30 PM	016
CONF	4/25/2013 3:30 PM	229
CONF	4/25/2013 3:30 PM	423
CONF	4/25/2013 4:00 PM	325
HTH	4/26/2013 8:30 AM	229
CONF	4/26/2013 9:00 AM	312
CONF	4/26/2013 9:30 AM	312
CONF	4/26/2013 9:30 AM	329
CONF	4/26/2013 10:00 AM	229
CONF	4/26/2013 10:00 AM	329
CONF	4/26/2013 10:05 AM	329
CONF	4/26/2013 10:15 AM	312
CONF	4/26/2013 10:30 AM	312
CONF	4/26/2013 10:30 AM	224
CONF	4/26/2013 10:30 AM	312
CONF	4/26/2013 10:30 AM	224
CONF	4/26/2013 10:30 AM	325
CONF	4/26/2013 10:45 AM	224
CONF	4/26/2013 11:00 AM	423
CONF	4/26/2013 11:00 AM	225
CONF	4/26/2013 11:30 AM	225
CONF	4/26/2013 12:30 PM	016
CONF	4/26/2013 12:45 PM	016
CONF	4/26/2013 1:00 PM	312
CONF	4/26/2013 1:00 PM	224
CONF	4/26/2013 1:00 PM	325
CONF	4/26/2013 1:00 PM	312
CONF	4/26/2013 1:00 PM	224
CONF	4/26/2013 1:00 PM	229
CONF	4/26/2013 1:15 PM	312
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CONF	4/26/2013 2:00 PM	224
CONF	4/26/2013 3:00 PM	309
CONF	4/26/2013 3:30 PM	016
CONF	4/26/2013 4:15 PM	312

- Senate Session will convene at 6:00 p.m. on Friday, April 26, 2013.

12. Adjournment