

THE SENATE
OF THE
TWENTY-SEVENTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2014

FIFTY-FIFTH DAY

APRIL 22, 2014-TUESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 1121-1125

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 1121	Informing the Legislature that on April 17, 2014, the Governor signed the following bill into law: SB2803 SD1 (ACT 021). "RELATING TO THRILL CRAFT OPERATION."	FILE
G.M. No. 1122	Informing the Legislature that on April 17, 2014, the Governor signed the following bill into law: SB2229 SD2 (ACT 022). "RELATING TO THE UNIFORM POWER OF ATTORNEY ACT."	FILE
G.M. No. 1123	Informing the Legislature that on April 17, 2014, the Governor signed the following bill into law: SB2138 SD1 (ACT 023). "RELATING TO ELECTRIC VEHICLES."	FILE

[G.M. No. 1124](#) Informing the Legislature that on April 17, 2014, FILE
the Governor signed the following bill into law:
[HB1846](#) (ACT 024).

"RELATING TO DISTRICT COURT
JURISDICTION."

[G.M. No. 1125](#) Informing the Legislature that on April 17, 2014, FILE
the Governor signed the following bill into law:
[HB2579](#) (ACT 025).

"RELATING TO LABOR."

2. Departmental Communications: None

3. House Communication Nos. 697-711

Returning the following Senate Concurrent
Resolutions which were adopted by the House on
April 21, 2014, in an amended form:

REFERRAL

697 [S.C.R. No. 47, S.D. 1, H.D. 1](#) AGREE/DISAGREE

"RECOGNIZING JANUARY 17 OF EVERY
YEAR AS HO‘OKU‘IKAHI DAY, OR
RECONCILIATION DAY, IN HONOR AND
REMEMBRANCE OF THE JUSTICE,
RECONCILIATION, AND NONVIOLENCE OF
QUEEN LILI‘UOKALANI."(Hookuikahi –
Reconciliation Day)

698 [S.C.R. No. 51, S.D. 1, H.D. 1](#) AGREE/DISAGREE

"REQUESTING THE ADMINISTRATION OF
THE YOUTH RISK BEHAVIOR SURVEY TO
STUDENTS IN GRADES SIX TO TWELVE IN
SELECT SCHOOLS."(Youth Risk Behavior
Survey; Department of Education)

- | | | |
|--|---|----------------|
| 699 | <u>S.C.R. No. 57, H.D. 1</u>
"SUPPORTING A BID TO THE COUNCIL OF PACIFIC ARTS AND CULTURE FOR HAWAII TO HOST THE 2020 FESTIVAL OF PACIFIC ARTS."(Festival of Pacific Arts; Host) | AGREE/DISAGREE |
| 700 | <u>S.C.R. No. 73, H.D. 1</u>
"REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO STUDY THE EFFECTS OF THE JANUARY 2014 FUEL TANK LEAK AT THE RED HILL UNDERGROUND FUEL STORAGE FACILITY."(DOH; Task Force; Red Hill; Fuel Leak) | AGREE/DISAGREE |
| 701 | <u>S.C.R. No. 74, S.D. 1, H.D. 1</u>
"REQUESTING AN EXAMINATION AND AUDIT OF THE ADVANCE DISPOSAL FEE PROGRAM."(Requesting an examination and audit of the advance disposal fee program.) | AGREE/DISAGREE |
| 702 | <u>S.C.R. No. 97, S.D. 1, H.D. 1</u>
"REQUESTING THE CONVENING OF A COTTAGE FOOD BUSINESS WORKING GROUP COMPRISING REPRESENTATIVES FROM THE DEPARTMENT OF HEALTH AND THE COTTAGE FOOD INDUSTRY."(Cottage Food Business Working Group; Department of Health; Food Safety) | AGREE/DISAGREE |
| Returning the following Senate Concurrent Resolutions which were adopted by the House on April 21, 2014: | | |
| 703 | <u>S.C.R. No. 41</u>
"REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF HUMAN SERVICES TO ASSIST WITH INCREASING VOTER REGISTRATION AMONG YOUNG ADULTS."(Young Adult; Voter Registration; Voter Participation) | FILE |

- 704 [S.C.R. No. 62](#) FILE
"URGING CONGRESS TO ENACT REFORMS ADDRESSING SEXUAL HARASSMENT AND ASSAULT IN THE UNITED STATES ARMED FORCES."(United States Armed Forces; Sexual Harassment and Assault)
- 705 [S.C.R. No. 63](#) FILE
"ENCOURAGING FEMALE MEMBERS OF THE UNITED STATES SENATE TO REFORM MILITARY INVESTIGATORY AND PROSECUTORIAL SYSTEMS GOVERNING SEXUAL ASSAULTS."(Military; Sexual Assault; Investigation and Prosecution)
- 706 [S.C.R. No. 70](#) FILE
"URGING THE GOVERNOR TO PROCLAIM 2014 AS THE YEAR OF THE WORLDWIDE VOYAGE."(Hokule'a; Year of the Worldwide Voyage; 2014)
- 707 [S.C.R. No. 71](#) FILE
"URGING THE STATE AND STATE ENTITIES TO SUPPORT THE HOKULE'A AND HER CREW AS THEY JOURNEY AROUND THE WORLD."(Hokule'a; Worldwide Voyage)
- 708 [S.C.R. No. 82](#) FILE
"DESIGNATING JULY 20, 2014, AS "TRANQUILITY BASE DAY" IN HAWAII TO HONOR THE FORTY-FIFTH ANNIVERSARY OF THE APOLLO 11 LUNAR LANDING AT TRANQUILITY BASE AND URGING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION TO INCLUDE TRANQUILITY BASE AND ASSOCIATED ARTIFACTS ON THE WORLD HERITAGE LIST."(Apollo 11; Lunar Landing; Forty-Fifth Anniversary; "Tranquility Base Day"; July 20, 2014)

- 709 [S.C.R. No. 84](#) FILE
"URGING THE UNITED STATES CONGRESS TO RESTORE THE PRESUMPTION OF A SERVICE CONNECTION FOR AGENT ORANGE EXPOSURE TO UNITED STATES VETERANS WHO SERVED IN THE WATERS DEFINED BY THE COMBAT ZONE AND IN THE AIRSPACE OVER THE COMBAT ZONE IN VIETNAM."(Veterans; Vietnam; Agent Orange)

Informing the Senate that on April 21, 2014, the House appointed Conferees to the following bills:
- 710 [H.B. No. 2481, H.D. 1, S.D. 2](#) FILE
"RELATING TO THE HAWAII HIGH IMPACT CENTER FOR COMMERCIALIZATION."(Hawaii High Impact Center for Commercialization (HI-Impact); High Technology Development Corporation; Appropriation)
- 711 [S.B. No. 1038, S.D. 2, H.D. 2](#) FILE
"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."(Employees' Retirement System; Retirement Benefits; Felony Convictions; Forfeiture)

[S.B. No. 2397, S.D. 2, H.D. 1](#)
"RELATING TO ECONOMIC DEVELOPMENT."(Economic Development; High Technology Development Corporation; Agricultural Technology Park; Agritourism)

[S.B. No. 2436, S.D. 2, H.D. 1](#)
"RELATING TO COMMUNITY PLANNING."(Transit-Oriented Development Advisory Committee)

[S.B. No. 3023, S.D. 2, H.D. 1](#)

"MAKING AN APPROPRIATION FOR RESEARCH, DEVELOPMENT, AND MARKETING OF THE ULU BREADFRUIT."(Agriculture; 'Ulu; Appropriation)

[S.B. No. 3065, S.D. 1, H.D. 1](#)

"RELATING TO LAND EXCHANGE."(Exchange for Lands; Dole Food Company; Appropriation)

[S.B. No. 3066, S.D. 2, H.D. 1](#)

"RELATING TO THE PUBLIC-PRIVATE FINANCE INITIATIVE."(Public-private Finance Initiative; Pilot Project; Appropriation)

4. Senate Communications: None
5. Judiciary Communications: None
6. Conference Committee Report No. 1

[1-14](#)
(48 Hrs. Notice)

[S.B. No. 2901, S.D. 1, H.D. 1, C.D. 1](#)
"RELATING TO MOTOR CARRIER SAFETY."
(Recommends passage on FINAL READING as amended C.D. 1)

7. Standing Committee Report Nos. 3491-3504

[3491](#)
(One Day Notice)

(WAM)

[H.C.R. No. 176](#)

"REQUESTING THE STATE PROCUREMENT OFFICE TO CONDUCT A STUDY ON THE FEASIBILITY, NECESSARY PROCESSES, AND COSTS RELATIVE TO REQUIRING THE CONSIDERATION OF PAST PERFORMANCE AS A FACTOR IN AWARDING PUBLIC CONTRACTS, INCLUDING LOW BID CONTRACTS."
(Recommends Adoption)

[3492](#)
(One Day Notice)

(WAM)

[H.C.R. No. 121](#)

"REQUESTING A FEASIBILITY STUDY ON THE ATTACHMENT OF THE OFFICE OF INFORMATION PRACTICES ON A PERMANENT BASIS TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES."
(Recommends Adoption)

[3493](#)
(One Day Notice)

(WAM)

[H.C.R. No. 100](#)

"REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR MEDICALLY NECESSARY TREATMENT OF OROFACIAL ANOMALIES."
(Recommends Adoption)

[3494](#)
(One Day Notice)

(WAM)

[H.C.R. No. 66](#)

"REQUESTING THE STATE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF VETERINARY TECHNICIANS AND THE PRACTICE OF VETERINARY TECHNOLOGY."
(Recommends Adoption)

[3495](#)
(One Day Notice)

(HTH)

[H.C.R. No. 74](#)

"REQUESTING A SUNRISE REVIEW OF THE ESTABLISHMENT OF A SYSTEM OF REGISTERED DISPENSARIES WITHIN THE DEPARTMENT OF HEALTH TO DISPENSE MEDICAL MARIJUANA."

(Recommends Adoption)

[3496](#)
(One Day Notice)

(EDU)

[G.M. No. 706](#)

"Submitting for consideration and confirmation to the Board of Education, Gubernatorial Nominee, DONALD HORNER, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

[3496](#)
(One Day Notice)

(EDU)

[G.M. No. 707](#)

"Submitting for consideration and confirmation to the Board of Education, Gubernatorial Nominee, JAMES WILLIAMS, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

[3497](#)
(One Day Notice)

(WTL)

[G.M. No. 504](#)

"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, AARON MAHI, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3497](#)
(One Day Notice)

(WTL)

[G.M. No. 505](#)

"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, AARON MAHI, for a term to expire 6-30-2018."

(Recommends Senate Consent to Nomination)

[3498](#)
(One Day Notice)

(WTL)

[G.M. No. 702](#)

"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, EDMUND ACZON, for a term to expire 6-30-2018."

(Recommends Senate Consent to Nomination)

[3499](#)
(One Day Notice)

(WTL)

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

"Submitting for consideration and confirmation to the Kokee State Park Advisory Council, Gubernatorial Nominee, DAVID ALEXANDER, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3499](#)
(One Day Notice)

(WTL)

[G.M. No. 648](#)

"Submitting for consideration and confirmation to the Kokee State Park Advisory Council, Gubernatorial Nominee, DAVID ALEXANDER, for a term to expire 6-30-2018 (term amended to 6-30-2017 by GM688)."

(Recommends Senate Consent to Nomination)

[3500](#)
(One Day Notice)

(WTL)

[G.M. No. 705](#)

"Submitting for consideration and confirmation to the Board of Land and Natural Resources, Gubernatorial Nominee, THOMAS OI, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3501](#)
(One Day Notice)

(WTL)

[G.M. No. 703](#)

"Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, MICHAEL BUCK, for a term to expire 6-30-2018."

(Recommends Senate Consent to Nomination)

[3502](#)
(One Day Notice)

(WTL)

[G.M. No. 554](#)

"Submitting for consideration and confirmation to the Kaneohe Bay Regional Council, Gubernatorial Nominee, MAURICE RADKE, for a term to expire 6-30-2017."

(Recommends Senate Consent to Nomination)

[3503](#) (TEC)

[H.C.R. No. 200](#)

"REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND STATE FOUNDATION ON CULTURE AND THE ARTS TO PLACE A PEACE POLE SCULPTURE NEAR THE KATSU GOTO MEMORIAL AND RECOGNIZING THE EFFORTS OF THE COMMUNITY OF HONOKA‘A, THE HONOKA‘A PEACE COMMITTEE, AND THE IMPORTANCE OF COMMEMORATING PEACE DAY."
(Recommends referral to WAM)

[3504](#) (WAM)
(One Day Notice)

[H.C.R. No. 140](#)

"REQUESTING THE DIRECTOR OF HUMAN SERVICES TO REBASE THE BASIC PROSPECTIVE PAYMENT SYSTEM RATES FOR INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES THAT SERVE MEDICAID RECIPIENTS TO BE EFFECTIVE JULY 1, 2015, AND THE DIRECTOR OF HEALTH TO INCLUDE SUFFICIENT FUNDING TO COVER ANY INCREASE IN BASIC PAYMENT SYSTEM RATES RESULTING FROM REBASING IN ITS 2015-2017 BIENNIUM BUDGET."
(Recommends Adoption)

ORDER OF THE DAY

8. Advise and Consent

3478	HWN	G.M. No. 646
Status & Testimony		"Submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, Gubernatorial Nominee, KAHELEONALANI DUKELOW, for a term to expire 6-30-2015."
3479	HWN	G.M. No. 700
Status & Testimony		"Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, DAVID KAAPU, for a term to expire 6-30-2017."
3480	HRE	G.M. No. 676
Status & Testimony		"Submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, Gubernatorial Nominee, JOHN ANDERSON, for a term to expire 6-30-2017."
3480	HRE	G.M. No. 677
Status & Testimony		"Submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, Gubernatorial Nominee, JANICE BOND, for a term to expire 6-30-2017."

3480	HRE	G.M. No. 678 "Submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, Gubernatorial Nominee, DENNIS DUNN, for a term to expire 6-30-2017."
Status & Testimony		
3480	HRE	G.M. No. 679 "Submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, Gubernatorial Nominee, LISA DUNN, for a term to expire 6-30-2017."
Status & Testimony		
3480	HRE	G.M. No. 680 "Submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, Gubernatorial Nominee, PATRICIA MASTERS, for a term to expire 6-30-2017."
Status & Testimony		
3480	HRE	G.M. No. 681 "Submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, Gubernatorial Nominee, DARIN SHIGETA, for a term to expire 6-30-2017."
Status & Testimony		
3480	HRE	G.M. No. 682 "Submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, Gubernatorial Nominee, CHARLOTTE TOWNSEND, for a term to expire 6-30-2017."
Status & Testimony		

3481	HRE	G.M. No. 683 "Submitting for consideration and confirmation to the Hawaii Medical Education Council, gubernatorial nominee, VICKI MCMANUS, for a term to expire 6-30-2017."
Status & Testimony		
3481	HRE	G.M. No. 684 "Submitting for consideration and confirmation to the Hawaii Medical Education Council, gubernatorial nominee, KENNETH ROBBINS, for a term to expire 6-30-2017."
Status & Testimony		
3481	HRE	G.M. No. 685 "Submitting for consideration and confirmation to the Hawaii Medical Education Council, gubernatorial nominee, SHARON VITOUSEK, for a term to expire 6-30-2017."
Status & Testimony		
3481	HRE	G.M. No. 686 "Submitting for consideration and confirmation to the Hawaii Medical Education Council, gubernatorial nominee, ALLEN HIXON, for a term to expire 6-30-2017."
Status & Testimony		
3481	HRE	G.M. No. 687 "Submitting for consideration and confirmation to the Hawaii Medical Education Council, gubernatorial nominee, WILLIAM DUBBS, for a term to expire 6-30-2015."
Status & Testimony		

9. Final Adoption

[S.C.R. No. 83, H.D. 1](#)

[Prior Versions/Status & Testimony](#)

"COMMENDING AND SUPPORTING THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS' COLLABORATIVE WORK WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND PRIVATE INDUSTRIES IN THE AREAS OF BASALTIC CONCRETE AND ADDITIVE MANUFACTURING AND REQUESTING COLLABORATION TO EXPLORE OPPORTUNITIES FOR APPLICATIONS OF BASALTIC CONCRETE AND ADDITIVE MANUFACTURING."

(PISCES; Basaltic Concrete; Additive Manufacturing)

10. Referrals and Re-Referrals

11. Miscellaneous Communications: None

12. Miscellaneous Business

- Reconsideration of Disagreement to House Amendments; Motion to Agree; One Day Notice for Final Reading

[S.B. No. 2094, S.D. 1, H.D. 1](#)

TEC, JDL

"RELATING TO COMPUTER DAMAGE."(Honolulu Prosecutor's Package; Computer Damage)

13. Announcements

• Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/22/2014 9:00 AM	229
CONF	4/22/2014 10:00 AM	224
CONF	4/22/2014 10:00 AM	329
CONF	4/22/2014 10:00 AM	423
CONF	4/22/2014 10:00 AM	016
CONF	4/22/2014 10:01 AM	329
CONF	4/22/2014 10:10 AM	423
CONF	4/22/2014 10:10 AM	016
CONF	4/22/2014 10:15 AM	016
CONF	4/22/2014 10:30 AM	225
CONF	4/22/2014 10:30 AM	229
CONF	4/22/2014 10:45 AM	229
CONF	4/22/2014 11:00 AM	224
CONF	4/22/2014 1:00 PM	229
CONF	4/22/2014 1:00 PM	224
CONF	4/22/2014 1:15 PM	312
CONF	4/22/2014 1:20 PM	312
CONF	4/22/2014 1:30 PM	309
CONF	4/22/2014 1:30 PM	325
CONF	4/22/2014 1:45 PM	224
CONF	4/22/2014 2:00 PM	423
CONF	4/22/2014 2:00 PM	312
CONF	4/22/2014 2:00 PM	329
CONF	4/22/2014 2:15 PM	423
CONF	4/22/2014 2:30 PM	016
CONF	4/22/2014 2:45 PM	325
CONF	4/22/2014 2:45 PM	225
EGH/TEC/AGL	4/22/2014 2:45 PM	423
CONF	4/22/2014 2:50 PM	229
CONF	4/22/2014 3:00 PM	229
CONF	4/22/2014 3:30 PM	312
CONF	4/22/2014 3:30 PM	225
CONF	4/22/2014 3:45 PM	225
CONF	4/22/2014 4:00 PM	423
CONF	4/22/2014 4:00 PM	229
CONF	4/22/2014 4:15 PM	229
CONF	4/22/2014 4:30 PM	325
CONF	4/23/2014 8:45 AM	224
CONF	4/23/2014 9:15 AM	229

CONF	4/23/2014 9:30 AM	224
CONF	4/23/2014 9:30 AM	329
CONF	4/23/2014 9:35 AM	224
CONF	4/23/2014 10:00 AM	309
CONF	4/23/2014 10:00 AM	224
CONF	4/23/2014 10:05 AM	224
CONF	4/23/2014 10:15 AM	309
CONF	4/23/2014 10:30 AM	016
CONF	4/23/2014 10:30 AM	325
CONF	4/23/2014 10:30 AM	229
CONF	4/23/2014 10:30 AM	325
CONF	4/23/2014 10:40 AM	325
CONF	4/23/2014 11:00 AM	225
CONF	4/23/2014 1:30 PM	325
CONF	4/23/2014 2:00 PM	016
CONF	4/23/2014 2:00 PM	329
CONF	4/23/2014 2:30 PM	016
CONF	4/23/2014 2:30 PM	309
CONF	4/23/2014 2:45 PM	312
CONF	4/23/2014 3:00 PM	312
CONF	4/23/2014 3:15 PM	423
CONF	4/23/2014 3:30 PM	229
CONF	4/23/2014 3:45 PM	325
CONF	4/23/2014 4:00 PM	312
CONF	4/23/2014 4:30 PM	312
CONF	4/24/2014 2:00 PM	329
CONF	4/24/2014 3:25 PM	325

- Senate Session will convene at 11:30 a.m. on Wednesday, April 23, 2014.

14. Adjournment