

## THIRTY-EIGHTH DAY

Monday, March 30, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:07 o'clock p.m., with Vice Speaker Magaoy presiding.

The invocation was delivered by Dr. Stephen L. Swisher of Kenneth Copeland Ministries, after which the Roll was called showing all Members present with the exception of Representatives Berg, Mizuno and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Seventh Day was deferred.

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 276) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 276, dated March 26, 2009, transmitting the Quarterly Report to the Legislature of the State of Hawaii on Act 2, Second Special Session Laws of Hawaii 2007, Conditions, Protocols and Costs, prepared pursuant to Act 2 of the Twenty-Fourth Legislature, 2007 Second Special Session.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 429 through 432) were received and announced by the Clerk:

Sen. Com. No. 429, transmitting S.C.R. No. 66, S.D. 1, entitled: "A BILL FOR AN ACT REQUESTING THAT THE UNITED STATES POSTAL SERVICE ISSUE A COMMEMORATIVE STAMP HONORING PRINCE JONAH KUHIO KALANIANAOLE," which was adopted in the Senate on March 27, 2009.

Sen. Com. No. 430, transmitting H.B. No. 442, entitled: "A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD," which passed Third Reading in the Senate on March 27, 2009.

Sen. Com. No. 431, transmitting H.B. No. 319, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," which passed Third Reading in the Senate on March 27, 2009.

Sen. Com. No. 432, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

S.B. No. 440, SD 2, HD 1

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House bill, seconded by Representative Evans and carried: (Representatives Berg, Mizuno and Takai were excused.)

H.B. No. 319, HD 1, (SD 1)

## INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative M. Lee introduced Ms. Shahlo Mamraeva, an exchange student from Uzbekistan and volunteer in her office, who was accompanied by her legislative staff, Mr. Shawn James Leavey and Ms. Bree Davis.

Representative Brower introduced televangelists from the Kenneth Copeland Ministries in Newark, Texas, Mrs. Kellie Copeland Swisher and

Dr. Stephen Swisher. They were accompanied by Reverend Daniel de Gracia, and his Office Manager, Ms. Cynthia Nyross.

Representative Luke introduced Mr. Jake Taniguchi, 5th grade student at Aina Haina Elementary, and son of Senate Chief Clerk, Ms. Carol Taniguchi.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R.  
Nos.Re-referred to:

170 Committee on Finance

187 Jointly to the Committee on Higher Education and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

H.C.R.  
No.Re-referred to:

209 Committee on Finance

S.B.  
No.Re-referred to:

638, SD2 Committee on Water, Land, & Ocean Resources

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 295) was announced by the Clerk and the following action taken:

H.R. No. 295, entitled: "HOUSE RESOLUTION RECOGNIZES AND COMMENDS DALLAS CARTER AS AN OUTSTANDING ROLE MODEL FOR GOOD HEALTH," was jointly offered by Representatives M. Lee, Morita, Rhoads and Yamane.

Representative M. Lee moved that H.R. No. 295 be adopted, seconded by Representative Rhoads.

Representative M. Lee introduced Mr. Dallas Carter, the grand prize winner of the Beachbody.com's Million Dollar Body Game and commended him on his lifestyle-changing achievements. Accompanying him on the Floor of the House were his wife, Mrs. Monica Carter, and their children, Mariah and Dallas Carter, III.

Representative Rhoads also congratulated Mr. Carter and applauded him for being a role model and inspiring others to improve their health.

Representative Rhoads then introduced supporters of Mr. Carter who were seated in the gallery: his boss, Ms. Beverly Sandobal; his coach Ms. Fran Patoskie; and Beachboy team member, Ms. Joanne Chung.

The motion was put to vote by the Chair and carried, and H.R. No. 295 was adopted with Representatives Berg, Mizuno and Takai being excused.

The following resolution (H.R. No. 296) was announced by the Clerk and the following action taken:

H.R. No. 296, entitled: "HOUSE RESOLUTION HONORING FRANK DE LIMA FOR HIS OUTSTANDING SERVICE TO HAWAII'S YOUTH THROUGH THE "FRANK DE LIMA STUDENT ENRICHMENT PROGRAM"," was offered by Representative Ward.

Representative Ward moved that H.R. No. 296 be adopted, seconded by Representative Belatti.

Representative Ward introduced the honoree, Mr. Frank De Lima and thanked him for bringing laughter to the people of Hawaii, and commended him for his 29 years of service through his Frank De Lima Student Enrichment Program.

Representative Ward then introduced Mr. De Lima's friends, Uncle Bobby and Aunt Marian Chun of North Hollywood, California; and Mr. Albert Chee, Jr. of Chevron USA, long-time sponsors of Mr. De Lima's student program.

Representative Belatti, as a former participant of the Student Enrichment Program, thanked Mr. De Lima for his work in inspiring students.

Representative Ching further thanked and commended Mr. De Lima for his work with Hawaii's youth.

The motion was put to vote by the Chair and carried, and H.R. No. 296 was adopted with Representatives Berg, Mizuno and Takai being excused.

At 12:32 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 1310), recommending that H.R. No. 67, as amended in HD 1, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 67, HD 1, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations to H.R. 67 – Urging State and Local Law Enforcement Officers to Abide by State Laws Relating to the Medical use of Cannabis. The law enforcement community is well abreast of Hawaii's current medical marijuana laws and I feel this measure might not be necessary. The Honolulu Police Department states in their testimony, "We are well aware of the medical marijuana law of this state and do not need a resolution to remind us of our obligation to obey the law."

"I also have concerns that this bill might send the wrong message to law enforcement. The Department of Public Safety says, "The Department feels that House Resolution 67 is not necessary and derogatory in nature to Hawaii's hard working law enforcement officers. For these reasons the

department cannot support House Resolution 67 and ask that it be held." Thank you."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Bertram rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Bertram's written remarks are as follows:

"Mr. Speaker, I rise in strong support of HR 67. Since the inception of Hawaii's cannabis program there has been a hostility towards the program and the patients by law enforcement. Recent testimony from the Maui Police Chief stated bluntly that he "did not support the program in its entirety".

"There have been dozens of anecdotal and many verified instances of illegal seizures and harassment by local law enforcement. For this worthy program to work patients must have faith that local law enforcement will honor and follow state law. This resolution is one small step in that direction. Thank you."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 67, HD 1, entitled: "HOUSE RESOLUTION URGING STATE AND LOCAL LAW ENFORCEMENT OFFICERS TO ABIDE BY STATE LAWS RELATING TO THE MEDICAL USE OF CANNABIS," was referred to the Committee on Judiciary with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Hanohano and Tsuji, for the Committee on Public Safety and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1311), recommending that H.R. No. 12, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 12, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. DEPARTMENT OF AGRICULTURE TO PROVIDE FEDERAL AID TO ASSIST AGRICULTURAL OPERATIONS IN VOG-IMPACTED AREAS IN MEETING THEIR WATER NEEDS," was referred to the Committee on Finance with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Hanohano and Tsuji, for the Committee on Public Safety and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1312), recommending that H.C.R. No. 8, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 8, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. DEPARTMENT OF AGRICULTURE TO PROVIDE FEDERAL AID TO ASSIST AGRICULTURAL OPERATIONS IN VOG-IMPACTED AREAS IN MEETING THEIR WATER NEEDS," was referred to the Committee on Finance with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1313), recommending that H.R. No. 36, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO STUDY THE FEASIBILITY OF IMPLEMENTING A SMOKING CESSATION BENEFIT TO HAWAII QUEST BENEFICIARIES," was referred to the

Committee on Finance with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1314), recommending that H.C.R. No. 45, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO STUDY THE FEASIBILITY OF IMPLEMENTING A SMOKING CESSATION BENEFIT TO HAWAII QUEST BENEFICIARIES," was referred to the Committee on Finance with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1315), recommending that H.C.R. No. 35, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE A PROPOSED MEASURE TO REGULATE HOME CARE AGENCIES BY THE DEPARTMENT OF HEALTH," was referred to the Committee on Finance with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1316), recommending that H.R. No. 91, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 91, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONSULT WITH OTHER PUBLIC AND PRIVATE ENTITIES TO DEVELOP A PLAN TO OPTIMIZE THE USE OF THE KAMUELA VACUUM COOLING PLANT," was referred to the Committee on Finance with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1317), recommending that H.C.R. No. 113, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONSULT WITH OTHER PUBLIC AND PRIVATE ENTITIES TO DEVELOP A PLAN TO OPTIMIZE THE USE OF THE KAMUELA VACUUM COOLING PLANT," was referred to the Committee on Finance with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1318) recommending that H.R. No. 55, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 55, entitled: "HOUSE RESOLUTION WHEREAS, RECOGNIZING MARCH AS ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH," was adopted, with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1319) recommending that H.C.R. No. 69, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION WHEREAS, RECOGNIZING MARCH AS ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH," was adopted, with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1320) recommending that H.R. No. 8, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 8, HD 1, entitled: "HOUSE RESOLUTION DESIGNATING THE FIRST WEEK IN FEBRUARY AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK," was adopted, with Representatives Berg, Mizuno, Saiki and Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1321) recommending that H.C.R. No. 4, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 4, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE FIRST WEEK IN FEBRUARY AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK," was adopted, with Representatives Berg, Mizuno, Saiki and Takai being excused.

#### ANNOUNCEMENT

Representative Brower: "Thank you, Mr. Speaker. I just want to invite the Members to lunch with the gentleman who gave our invocation, Dr. Stephen Lowell Swisher, and it will be in Room 423, food will be served. Thank you."

#### ADJOURNMENT

At 12:45 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 31, 2009. (Representatives Berg, Mizuno, Saiki and Takai were excused.)

#### HOUSE COMMUNICATION

House Communication dated March 30, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House bill:

H.B. No. 319, HD 1, SD 1