

FIFTY-FIFTH DAY

Tuesday, April 22, 2008

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Ken Ito, after which the Roll was called showing all members present with the exception of Representatives Brower, Cabanilla, Herkes and Nakasone, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 313) was announced by the Clerk and was received for possible consideration at a later date:

Gov. Msg. No. 313, informing the House that on April 21, 2008, H.B. No. 3161, SD 3, was line item vetoed with a specific appropriation item stricken or reduced and her official statement of objections to that specific appropriation item contained in the bill, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 21, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 3161

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 3161, entitled "A Bill for an Act Making an Emergency Appropriation to the Hawaii Health Systems Corporation."

The purpose of this bill is to make an emergency appropriation in the amount of \$25,000,000, for fiscal year 2007-2008, to the Hawaii Health Systems Corporation (HHSC) to ensure that HHSC can pay for the operation and provision of current levels of service at Leahi Hospital, Maluhia, Samuel Mahelona Memorial Hospital, Lana'i Community Hospital, Hilo Medical Center, Ka'u Hospital, Kona Community Hospital, Kohala Hospital, and Maui Memorial Medical Center.

This bill originally appropriated \$14,000,000 for HHSC and did not include moneys for the Maui Memorial Medical Center. The Legislature amended it by adding section 4, which makes an additional appropriation of \$11,000,000 for the Maui Memorial Medical Center, with expenditure of the money conditioned on whether the operating loan that was being negotiated by the Maui Memorial Medical Center did not close before April 4, 2008. The operating loan did not close until April 10, 2008; therefore, the section 4 appropriation of \$11,000,000 will be effective. However, because the operating loan did close and the additional \$11,000,000 appropriation for Maui Memorial Medical Center is no longer needed, this appropriation should now be deleted.

Section 16 of Article III of the State Constitution provides that, "[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same."

Therefore, pursuant to my line item veto authority, I have stricken

out the \$11,000,000 appropriation from section 4 at line 12 on page 2 of the bill by drawing a line through the \$11,000,000 appropriation out of the general fund for fiscal year 2007-2008 for the Maui Memorial Medical Center and changing the amount to \$0.

For the foregoing reasons, I am returning House Bill No. 3161 with the appropriation in section 4 totaling \$11,000,000 in general fund appropriations for fiscal year 2007-2008, stricken out and reduced to \$0.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

ORIGINAL

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

H.B. NO. 3161
S.D. 3

A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act is recommended by the governor for
2 immediate passage in accordance with section 9 of article VII of
3 the Constitution of the State of Hawaii.

4 SECTION 2. This emergency appropriation is necessary to
5 ensure that the Hawaii health systems corporation can pay for
6 operation and provision of current levels of service at Leahi
7 hospital, Maluhia, Samuel Mahelona memorial hospital, Lana'i
8 community hospital, Hilo medical center, Ka'u hospital, Kona
9 community hospital, Kohala hospital, and Maui memorial medical
10 center.

11 The purpose of this Act is to appropriate \$25,000,000 in
12 general funds for fiscal year 2007-2008 to adjust accounts
13 payable remittances to no more than forty-five days from the
14 date of the invoice for Hawaii health systems corporation's
15 facilities in order to bring current accounts payable balances
16 that are due to essential vendors. This will allow delivery of
17 goods and services to these facilities to continue on a timely

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H.B. NO. 3161
S.D. 3

1 basis so that the facilities will be able to maintain
2 operations.
3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$14,000,000 or so
5 much thereof as may be necessary for fiscal year 2007-2008 for
6 the Hawaii health systems corporation to pay accounts payable
7 within forty-five days from the date of the invoice for Hawaii
8 health systems corporation's facilities, excluding the Maui
9 memorial medical center located in the Maui region of the Hawaii
10 health systems corporation.
11 SECTION 4. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of ~~211,000,000~~ ^{*0 22} or so
13 much thereof as may be necessary for fiscal year 2007-2008 for
14 Maui memorial medical center; provided that the sum appropriated
15 under this section shall only be expended if the operating loan
16 that is being negotiated by Maui memorial medical center does
17 not close prior to April 4, 2008.
18 SECTION 5. The sums appropriated shall be expended by
19 Hawaii health systems corporation for the purposes of this Act.
20 SECTION 6. If any provision of this Act, or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity does not affect other provisions or

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H.B. NO. 3161
S.D. 3

1 applications of the Act, which can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.
4 SECTION 7. This Act shall take effect upon approval.

APPROVED this day of , 2008

GOVERNOR OF THE STATE OF HAWAII

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**SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 693 through 698) were received and announced by the Clerk:

Sen. Com. No. 693, transmitting H.C.R No. 81, H.D. 1, entitled: "HOUSE CONCURRENT SUPPORTING THE DESIGNATION OF APRIL 6TH OF EVERY YEAR AS TARTAN DAY IN HAWAII," which was adopted by the Senate on April 21, 2008.

Sen. Com. No. 694, transmitting H.C.R No. 21, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO WORK TOGETHER TO DEVELOP A STANDARDIZED, WORKABLE POLICY TO PROTECT THE ELDERLY WITHOUT COMPROMISING RESIDENT CARE, AND THAT ENCOURAGES MORE PEOPLE TO BECOME ADULT RESIDENTIAL CARE HOME OR COMMUNITY CARE FOSTER FAMILY HOME OPERATORS," which was adopted by the Senate on April 21, 2008.

Sen. Com. No. 695, transmitting H.C.R No. 62, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR USE OF MEDICAL SURVEILLANCE SYSTEMS," which was adopted by the Senate on April 21, 2008.

Sen. Com. No. 696, transmitting H.C.R No. 93, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION IN THE STATEWIDE PURPLE RIBBON AND PURPLE ARM BAND CAMPAIGN AGAINST DOMESTIC VIOLENCE," which was adopted by the Senate on April 21, 2008.

Sen. Com. No. 697, transmitting H.C.R No. 138, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE'S TELEHEALTH RESEARCH INSTITUTE TO FORM A TASK FORCE TO REVIEW THE POTENTIAL EXPANSION OF THE CURRENT PRACTICES AND EQUIPMENT OF HAWAII'S TELEMEDICINE SYSTEM," which was adopted by the Senate on April 21, 2008.

Sen. Com. No. 698, transmitting H.C.R No. 245, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ALOHA TOWER DEVELOPMENT CORPORATION, PARTICULARLY WITH REGARD TO ITS LAWSUITS RELATING TO ITS DEVELOPMENT CONTRACTS, PROJECTS, AND PROCUREMENT PRACTICES, AND THE JUSTIFICATION FOR ITS EXISTENCE," which was adopted by the Senate on April 21, 2008.

INTRODUCTIONS

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

Representative Manahan introduced the Aloha Aina Recycling Partners:

Mr. Bryan Collins with Pacific Biodiesel;
Mr. Roberto Corona with Interstate Battery Systems;
Mr. Ricky Tsue with Grace Pacific Corp.;
Mr. Joe Francher with the Hawaii Lions District 50;
Mr. Nik Nikolaidis with T&N Computer Recycling Services;
Mr. Mike Owens with Intrade Corporation; and
Ms. Rene Manshoo with Schnitzer Steel Hawaii.

Representative McKelvey introduced his friend, Mr. Gene Zarro of Kihei Public Charter School.

Representative Finnegan introduced Charter School administrators: Ms. Ipo Torio of Kanu I Ka Pono on Kauai; Ms. Heddy Sullivan of KANAKA, Kula Aupuni Niihau A Kahelelani Aloha on Kauai; Mr.

John Thatcher of Connections on Hawaii; Mr. Steve Hirakami of the Hawaii Academy of Arts and Science on Hawaii; Ms. Barbara Warner of Innovations Public Charter School; Mr. Gene Zarro of Kihei Public Charter School; and Mr. David Rizor of Volcano School of Arts and Sciences on Hawaii.

ORDER OF THE DAY

STANDING COMMITTEE REPORT

Representatives Shimabukuro and Magaoay, for the Committee on Human Services & Housing and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1952-08) recommending that S.C.R. No. 200, SD 1, be adopted.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 200, SD 1, be adopted, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a potential conflict of interest. At my law firm we represent HCIL in matters, but I am screened off from this and I am not working on a case. Thank you, very much," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 200, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII CENTERS FOR INDEPENDENT LIVING," was adopted, with Representatives Herkes, Nakasone, and M Oshiro being excused.

CONFERENCE COMMITTEE REPORTS

Representatives Herkes and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2454, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 3-08) recommending that S.B. No. 2454, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-08 and S.B. No. 2454, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," was deferred for a period of 48 hours.

Representatives Ito and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2464, HD 1, presented a report (Conf. Com. Rep. No. 4-08) recommending that S.B. No. 2464, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-08 and S.B. No. 2464, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MAMMAL," was deferred for a period of 48 hours.

Representatives Yamane, Herkes and Tokioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3030, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 5-08) recommending that S.B. No. 3030, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-08 and S.B. No. 3030, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO MIXED MARTIAL ARTS," was deferred for a period of 48 hours.

SUSPENSION OF RULES

Representative Caldwell moved that the rules of the House be suspended for the purpose of considering certain bills on Final Reading on the basis of a modified consent calendar, seconded by Representative B. Oshiro and carried. (Representatives Herkes, Nakasone, and M Oshiro were excused.)

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative Caldwell then moved to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried. (Representatives Herkes, Nakasone, and M Oshiro were excused.)

H.B. No. 2085, H.D. 1, S.D. 2
H.B. No. 2238, H.D. 1, S.D. 1
H.B. No. 2460, S.D. 1
H.B. No. 2675, H.D. 2, S.D. 1
H.B. No. 2698, H.D. 3, S.D. 1
H.B. No. 2894, S.D. 1

Representative Thielen rose to a point of inquiry, stating:

"Mr. Speaker, just a point of inquiry. Underneath the bill, House Bill 2238, it states, 'Pass Final Reading.'"

The Chair responded, stating:

"Yes, that motion will be taken up after we move to agree, which I stated to the Minority Leader. So there are three motions that this body is addressing at this point in time: the Consent Calendar, the Motion to Agree to the Senate amendments. And the third motion will be Pass Final Reading. At that point you'll get the opportunity of speaking."

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received, and a quorum was present at the respective decision making sessions with a majority of the managers present voting in the affirmative.

H.B. No. 2085, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2085, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Tsuiji, Yamashita and Hanohano). Noes, none. Excused, 2 (Brower and Ward).

Representative Caldwell moved that H.B. No. 2085, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have voted no in the past on this bill. I think that the Senate version is a little bit better than the House. I want to register some reservations and I will ask to have them submitted in the Journal. Thank you."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm rising in support with reservations on HB2085.

"This bill was supposed to improve the effectiveness of the Agribusiness Development Corporation known as the ADC, by expanding the fields of expertise that the Board members are supposed to possess. I question the premise that somehow the present Board members are lacking the needed knowledge to be effective.

"The ADC has been very good at coordinating and administering programs to assist Agricultural enterprises to transition from plantation operations to other farming enterprises. They have also provided very credible leadership for agricultural operations in the areas of development, financing, marketing analyses and business acumen. To put it bluntly, adding an additional laundry list of areas of knowledge that overlap those already itemized in the present law is really redundant and accomplishes nothing.

"Section 3 of the bill gives the ADC the job of developing a five year strategic plan, to be presented to the Legislature prior to the 2009 Regular Session, but appropriates no funds for this additional task. If we really want to improve the effectiveness of the ADC we should give them more funds and staff to get their job done. Mahalo."

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 with reservations. I support the intent of H.B. 2085 which addresses Hawaii's agricultural needs.

"This bill would require a portion of the Agribusiness Development Corporation (ADC) Board members to have experience relating to wholesale, retail, and distribution of agricultural products, packaging, processing, transportation and shipping of such products and experience in venture capital pertaining to such products. While this measure may allow more experience and expertise on the Board, making this a statutory requirement for board members would limit the spectrum of potential Board members, who may have other important qualities and expertise to contribute. We must be mindful that this legislation imposes numerous restrictions and requirements that may be cumbersome for prospective Board members to meet, and which may adversely affect the ADC Board."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2085, H.D. 1 and H.B. No. 2085, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Final Reading by a vote of 49 ayes, with Representatives Herkes and Nakasone being excused.

H.B. No. 2238, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2238, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Shimabukuro, Rhoads and Awana). Noes, none. Excused, 1 (Ward).

Representative Caldwell moved that H.B. No. 2238, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I rise in opposition of HB 2238, HD 1, SD 1. Mr. Speaker, this bill requires public housing projects and affordable housing available for households within incomes at or below 140 percent of the median family income affordable housing funded by county or State funds, to remain affordable in perpetuity.

"Mr. Speaker, this bill as currently written may affect HPHA's future endeavors as HPHA is seeking to sell its nonpublic housing units for inventory at Wilikina Apartments in Wahiawa and Banyan Street Manor in Palama to nonprofits who will continue providing the units as affordable units. For Wilikina Apartments, HPHA owns the land and can support affordable housing and perpetuity. For Banyan Street Manor, the City owns the land. Proceeds will be used to reduce operating deficits or put into capital repairs. HPHA also intends to explore re-development of public housing to include affordable and market units as other housing authorities countrywide have done, or least maintaining the current number of public housing units.

"The State is heavily challenged to maintain the existing inventory of federal and State public housing. The Public Housing Authority was supposed to come forward with year with an emergency appropriation request is to address the shortfall of \$10 million needed for operating expenses on these projects. As public housing facilities age, it has been increasingly difficult to keep projects in good repair given limited government resources. We must look beyond government and create public, private partnerships to preserve affordable housing.

"A balanced housing policy that includes incentives for private sector investment in affordable rental housing is needed. This bill would prohibit mixed-use development for affordable housing projects, which is an attractive mechanism to finance such projects for developers. Affordability requirements that extend beyond the usefulness of the property, such as perpetuity, is not practical and may instead serve as a disincentive to the development of affordable housing. Thank you, Mr. Speaker."

Representative Shimabukuro rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I just wanted to respond to those previous comments that were made. I know those are all valid points, but I think that really we as a body need to take a strong position here and I really want to avoid future Kukui Gardens episodes. I know that the words, 'public/private partnership' are very attractive. It could end up being a euphemism for another Kukui Gardens where we're looking at tenants who really can't afford to be put elsewhere being put in a position where they have to move when the affordability requirement ends.

"There are opportunities to work and to partner with non-profits and private groups that can do perpetuity such as the community land trusts, which many of them are popping up all over our State and they do wonderful work very similar to what the environmental groups when they take land into perpetuity for environmental purposes. The community land trusts take the land into perpetuity for affordable housing.

"I just wanted to add that Partners in Care has added this bill to their list of the measures they support. Partners in Care is a coalition of homeless service providers in our State that have a very strong voice in this area. So I really urge the Members to support this measure. We really do need to look at giving HPHA the resources they do need to accomplish their R&M. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you. In opposition, Mr. Speaker. I'm voting no because I understand that this measure would put all State and county low-income and affordable housing in that category forever, even if it is sold to a party that intended to retain it as low-income or affordable. This bill would discourage private entities from owning or purchasing public housing and therefore limit the growth of much needed housing. Thank you, very much."

Representative Meyer rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this bill.

"This bill requires public housing projects and affordable housing funded by county or State funds to remain affordable in perpetuity. Mr. Speaker, I understand the need for affordable housing, but this bill limits the flexibility for future developers who want to build affordable housing because it requires every affordable housing unit to remain affordable in perpetuity. Developers of affordable housing have problems right now penciling out projects with a certain percentage of affordable units and if we add another restriction on affordable housing, it will make developers shy away from building any affordable units. We should offer developers incentives to build affordable housing, not more restrictions. We are desperately in need of more affordable housing and I am afraid the passage of this bill will take us many steps backwards to where we don't want to be. Mahalo."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2238, H.D. 1 and H.B. No. 2238, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Final Reading by a vote of 45 ayes to 4 noes, with Representatives Ching, Finnegan, Marumoto and Meyer voting no, and with Representatives Herkes and Nakasone being excused.

H.B. No. 2460, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2460, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, McKelvey and Marumoto). Noes, none. Excused, none.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2460 and H.B. No. 2460, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Final Reading by a vote of 49 ayes, with Representatives Herkes and Nakasone being excused.

H.B. No. 2675, H.D. 2, S.D. 1:

Representative Caldwell moved that H.B. No. 2675, HD 2, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak in support of House Bill 2675. This bill would set up a task force for a study on medical marijuana. Mr. Speaker, before some people may become very concerned about this bill, I would like to just read some excerpts from the Mayo Clinic. The Mayo Clinic as people know, is a nonprofit medical practice dedicated to the diagnosis and treatment of virtually every type of complex illness and it has looked at medical marijuana and noted the following:

Treatment of pain. Marijuana can improve mild to moderate nausea caused by cancer chemotherapy. Marijuana can reduce nausea and weight loss in people with AIDS. Glaucoma is the third leading cause of blindness in the U.S. marked by increased pressure in the eyeball which can lead to vision loss. Marijuana can reduce pressure in the eyes. Pain medication. Marijuana may work, as well in treating cancer as codeine. Marijuana appears to enhance the effects of opiate pain medications to provide pain relief at lower dosages. Multiple sclerosis. Marijuana may treat tremors, muscle spasms and pain of multiple sclerosis. Marijuana may protect nerves from the kind of damage that occurs during M.S. It is part of the Mayo Clinic's mission to serve as a reliable source of health information.

"Thank you."

Representative Bertram rose to speak in support of the measure, stating:

"I'm rising in support. I very much appreciate this being heard and recommended for Final Reading because it is something that we've been working on for a long time. We were the first State to legislatively allow for the medical use of cannabis, and it's interesting that we took this long to actually revive and take a look at this again.

"This actually is a report that was released from the 2004 Legislature, a report from LRB that actually said that we need to look at the issue of distribution. They made a nice report. I hope everybody gets to take a look at and it is something that we do need to address. It is for the patients.

"As they pointed out in the report, there are two different types of cannabis use, there's legal and illegal. If somebody has a license it's legal. In this State it is legal and we need to now look at those patients, these people who are legally using cannabis and help them to get this medicine in a practical, rational, reasonable and safe way. So I really appreciate that this is coming through, and I hope we come back with a great report next year."

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

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

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2675, H.D. 2 and H.B. No. 2675, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Ching, Finnegan, Meyer, Pine and Ward voting no, and with Representatives Herkes and Nakasone being excused.

H.B. No. 2698, H.D. 3, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2698, H.D. 3, on the following showing of Ayes and Noes:

Ayes, 3 (Shimabukuro, Waters and Rhoads). Noes, none. Excused, 1 (Pine).

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2698, H.D. 3 and H.B. No. 2698, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT-APPOINTED COUNSEL AND GUARDIANS AD LITEM IN FAMILY COURT," passed Final Reading by a vote of 49 ayes, with Representatives Herkes and Nakasone being excused.

H.B. No. 2894, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2894, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, McKelvey and Marumoto). Noes, none. Excused, 1 (Cabanilla).

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2894 and H.B. No. 2894, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Takai voting no, and Representatives Herkes and Nakasone being excused.

At 12:29 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2085, H.D. 1, S.D. 2
 H.B. No. 2238, H.D. 1, S.D. 1
 H.B. No. 2460, S.D. 1
 H.B. No. 2675, H.D. 2, S.D. 1
 H.B. No. 2698, H.D. 3, S.D. 1
 H.B. No. 2894, S.D. 1

SUSPENSION OF RULES

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Herkes and Nakasone were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative Caldwell moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative B. Oshiro and carried. (Representatives Herkes and Nakasone were excused.)

H.B. No. 1402, HD 2, SD 2
 H.B. No. 1978, HD 1, SD 1
 H.B. No. 2009, SD 1
 H.B. No. 3140, SD 2
 H.B. No. 3197, SD 1

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative Caldwell moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative B. Oshiro and carried. (Representatives Herkes and Nakasone were excused.)

H.C.R. No. 116, (SD 1)
 H.C.R. No. 126, HD 1, (SD 1)
 H.C.R. No. 147, HD 1, (SD 1)
 H.C.R. No. 312, (SD 1)
 H.C.R. No. 347, (SD 1)

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. No. 116, SD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 116, and H.C.R. No. 116, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AGRICULTURAL DIAGNOSTIC SERVICE CENTER, IN CONSULTATION WITH OTHER PUBLIC AND PRIVATE ENTITIES, TO CONDUCT A SURVEY OF THE INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY, AND ASSESS WHETHER THE HAWAII AGRICULTURE INFORMATION CENTER CAN MEET THOSE NEEDS," was Adopted, with Representatives Herkes and Nakasone being excused.

H.C.R. No. 126, HD 1, SD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 126, HD 1, and H.C.R. No. 126, HD 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO JOINTLY STUDY THE FEASIBILITY OF INTEGRATING REHABILITATION PROGRAMS FOR STUDENTS WITH ANGER PROBLEMS," was Adopted, with Representatives Herkes and Nakasone being excused.

H.C.R. No. 147, HD 1, SD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 147, HD 1, and H.C.R. No. 147, HD 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE INSTALLATION AND USE OF SMOKE DETECTORS IN EVERY HAWAII HOME BY 2010," was Adopted, with Representatives Herkes and Nakasone being excused.

H.C.R. No. 312, SD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 312, and H.C.R. No. 312, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO EXTEND ITS LAND LEASE WITH THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO CONTINUE TO OPERATE THE MANOA INNOVATION CENTER," was Adopted, with Representatives Herkes and Nakasone being excused.

H.C.R. No. 347, SD 1:

Representative M. Oshiro moved that H.C.R. No. 347, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Bertram rose to speak in support of the measure, stating:

"I rise in strong support on HCR No. 347. We appreciate this measure. It was Snorkel Bob's big push to try to see this happen in the Year of the Reef, and recognizing this is an important component to reefs and the fish that live on it. It's really great that we're actually recognizing now that we need to look at all aspects of the reef, as well as our marine resources. This is a very important one, so thanks very much. And I support it."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 347, and H.C.R. No. 347, S.D. 1, entitled: "HOUSE

CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROCEED EXPEDITIOUSLY WITH THE ADOPTION OF RULES TO REGULATE THE ORNAMENTAL REEF FISHERY INDUSTRY IN SOUTH MAUI AND KANEOHE BAY," was Adopted, with Representatives Herkes and Nakasone being excused.

ANNOUNCEMENTS

Representative Evans: "Thank you, Mr. Speaker. Today is Equal Pay Day. Equal Pay Day was originated by the National Committee on Pay Equity in 1996 and red is worn on Equal Pay Day to symbolize how far women are in the red with their pay. Observed on a Tuesday in April, Equal Pay Day symbolizes how far into the year a woman must work on average to earn as much as a man earned the previous year. In fact, in general, Tuesday is the day on which women's wages catch up to men's wages from the previous week.

"The gap between men's and women's wages is real and well documented. We've come a long way. It's hard to believe, but in 1932 the Federal Economic Act was passed to ban the wives of federal employees from holding government positions. The Act also declared that women with employed husbands be first on the list for firing. Two years later in 1935, the National Recovery Act officially required women who held jobs with the government to receive 25 percent less pay than men in the exact same job. The Equal Pay Act of 1963 was supposed to rectify this disparity. I'm pleased to note there has been progress.

"Women's wages have risen in all states since 1989. Women with four-year or graduate college degrees have almost achieved parity with men. Today Hawaii ranks 12th in states narrowing the gap and received an honorable mention with the Institute for Women's Policy Research in 2006-2007 for our State's progress in addressing the equal pay issue.

"In 2005, the State Legislature, our Hawaii State Legislature, passed Act 35 promoting equal pay for equal work in Hawaii. But 40 years after the Equal Pay Rights Amendment we are not there yet. Today millions of women still struggle to make ends meet while doing the exact same jobs as men under similar working conditions with equal skilled effort and responsibilities while earning less.

"Since 1995 the poverty rate among women in 15 states has increased. At our present rate of progress, it will take 50 years for women to achieve earnings parity with men. The work to solve inequity must continue and the message to the next generation of women wage earners is: don't rest on the work done by those before you. Working toward equal pay is the right thing to do. Thank you."

Representative Thielen: "Thank you, Mr. Speaker. Today is also the actual Earth Day, and as we go into Conference Committees let's concentrate on what we can do in those Conference Committees to protect the Earth. Thank you."

Representative Ward: "Mr. Speaker, I'm compelled to rise as the only male in the Republican Caucus to acknowledge the good Representative from the Big Island that said that there is equity and it's coming. I want you to know that in my Caucus, it's overwhelmingly equal, and overwhelming estrogen oriented. Thank you, Mr. Speaker."

ADJOURNMENT

At 12:38 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, April 23, 2008. (Representatives Herkes and Nakasone were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 22, 2008, 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 made the following change to the conferees on the following measure:

S.B. No. 2997, Discharged all House Conferees.
SD 1, HD 1

House Communication dated April 22, 2008, 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 agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 2085, H.D. 1, S.D. 2
H.B. No. 2238, H.D. 1, S.D. 1
H.B. No. 2460, S.D. 1
H.B. No. 2675, H.D. 2, S.D. 1
H.B. No. 2698, H.D. 3, S.D. 1
H.B. No. 2894, S.D. 1

House Communication dated April 22, 2008, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 10, 2008, and gives notice of intent to agree for the following House Bills:

H.B. No. 1402, HD 2, SD 2
H.B. No. 1978, HD 1, SD 1
H.B. No. 2009, SD 1
H.B. No. 3140, SD 2
H.B. No. 3197, SD 1

House Communication dated April 22, 2008, 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 agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. No. 116, SD 1
H.C.R. No. 126, HD 1, SD 1
H.C.R. No. 147, HD 1, SD 1
H.C.R. No. 312, SD 1
H.C.R. No. 347, SD 1