

**HAWAII STATE  
HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2015**

***ROUGH DRAFT  
JOURNAL***

**SIXTIETH DAY  
MAY 7, 2015**

**OFFICE OF THE CHIEF CLERK**

BT

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## SIXTIETH DAY

Thursday, May 7, 2015

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, convened at 10:09 o'clock a.m., with Speaker Souki presiding.

The invocation was delivered by Ms. Laura Beeman, Head Coach of the University of Hawaii Rainbow Wahine Basketball Team, after which the Roll was called showing all Members present with the exception of Representatives Ing and Ward, who were excused.

On motion by Representative Evans, seconded by Representative Tupola and carried, reading of the Journal was dispensed with and the Journals of the Forty-Fifth, Forty-Sixth, Forty-Seventh, Forty-Eighth, Forty-Ninth, Fiftieth and Fifty-First Days were approved. (Representatives Ing and Ward were excused.)

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 238 and 1129 through 1148) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 238, dated April 28, 2015, transmitting the Hawaii Gas 2014 Renewable Energy Report, pursuant to Section 269-45, HRS.

Gov. Msg. No. 1129, informing the House that on May 05, 2015, the following bill was signed into law:

S.B. No. 14, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE." (ACT 029)

Gov. Msg. No. 1130, informing the House that on May 5, 2015, the following bill was signed into law:

S.B. No. 388, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS." (ACT 030)

Gov. Msg. No. 1131, informing the House that on May 5, 2015, the following bill was signed into law:

S.B. No. 434, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATED TO AGRICULTURE." (ACT 031)

Gov. Msg. No. 1132, informing the House that on May 5, 2015, the following bill was signed into law:

S.B. No. 589, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 032)

Gov. Msg. No. 1133, informing the House that on May 5, 2015, the following bill was signed into law:

S.B. No. 736, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 033)

Gov. Msg. No. 1134, informing the House that on May 5, 2015, the following bill was signed into law:

S.B. No. 987, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION." (ACT 034)

Gov. Msg. No. 1135, informing the House that on May 5, 2015, the following bill was signed into law:

S.B. No. 1156, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES,

CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS." (ACT 035)

Gov. Msg. No. 1136, informing the House that on May 5, 2015, the following bill was signed into law:

H.B. No. 253, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VACCINATIONS." (ACT 036)

Gov. Msg. No. 1137, informing the House that on May 5, 2015, the following bill was signed into law:

H.B. No. 1099, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING." (ACT 037)

Gov. Msg. No. 1138, informing the House that on May 5, 2015, the following bill was signed into law:

H.B. No. 1286, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY." (ACT 038)

Gov. Msg. No. 1139, informing the House that on May 6, 2015, the following bill was signed into law:

H.B. No. 1272, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOVIE THEATERS." (ACT 039)

Gov. Msg. No. 1140, informing the House that on May 6, 2015, the following bill was signed into law:

S.B. No. 611, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE." (ACT 040)

Gov. Msg. No. 1141, informing the House that on May 6, 2015, the following bill was signed into law:

H.B. No. 279, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS." (ACT 041)

Gov. Msg. No. 1142, informing the House that on May 6, 2015, the following bill was signed into law:

H.B. No. 1325, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STORMWATER MANAGEMENT." (ACT 042)

Gov. Msg. No. 1143, informing the House that on May 6, 2015, the following bill was signed into law:

H.B. No. 1410, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE YOUTH CONSERVATION CORPS." (ACT 043)

Gov. Msg. No. 1144, informing the House that on May 6, 2015, the following bill was signed into law:

H.B. No. 1412, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 044)

Gov. Msg. No. 1145, informing the House that on May 6, 2015, the following bill was signed into law:

S.B. No. 1115, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES." (ACT 045)

Gov. Msg. No. 1146, informing the House that on May 6, 2015, the following bill was signed into law:

S.B. No. 283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY." (ACT 046)

Gov. Msg. No. 1147, informing the House that on May 6, 2015, the following bill was signed into law:

S.B. No. 233, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION." (ACT 047)

Gov. Msg. No. 1148, informing the House that on May 6, 2015, the following bill was signed into law:

S.B. No. 2, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE." (ACT 048)

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 697 through 699) were received and announced by the Clerk:

Sen. Com. No. 697, dated May 5, 2015, informing the House that the Senate has on May 1, 2015, reconsidered its action taken on April 16, 2015, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 218, SD 1, HD 1

Sen. Com. No. 698, dated May 5, 2015, informing the House that the following bill has this day passed Final Reading:

H.B. No. 500, HD 1, SD 1, CD 1

Sen. Com. No. 699, dated May 5, 2015, informing the House that the following bills have this day passed Final Reading:

H.B. No. 10, HD 2, SD 2, CD 1  
 H.B. No. 11, HD 2, SD 2, CD 1  
 H.B. No. 15, HD 1, SD 1, CD 1  
 H.B. No. 26, HD 1, SD 1, CD 1  
 H.B. No. 73, SD 1, CD 1  
 H.B. No. 87, SD 2, CD 1  
 H.B. No. 126, SD 1, CD 1  
 H.B. No. 134, HD 1, SD 2, CD 1  
 H.B. No. 142, HD 1, SD 2, CD 1  
 H.B. No. 158, SD 1, CD 1  
 H.B. No. 169, HD 1, SD 1, CD 1  
 H.B. No. 174, HD 2, SD 1, CD 1  
 H.B. No. 179, HD 1, SD 1, CD 1  
 H.B. No. 206, HD 2, SD 1, CD 1  
 H.B. No. 207, HD 2, SD 2, CD 1  
 H.B. No. 209, HD 2, SD 2, CD 1  
 H.B. No. 241, SD 1, CD 1  
 H.B. No. 242, SD 1, CD 1  
 H.B. No. 252, HD 1, SD 2, CD 1  
 H.B. No. 261, HD 2, SD 2, CD 1  
 H.B. No. 277, HD 1, SD 1, CD 1  
 H.B. No. 290, HD 2, SD 1, CD 1  
 H.B. No. 318, HD 1, SD 1, CD 1  
 H.B. No. 391, HD 1, SD 1, CD 1  
 H.B. No. 436, HD 1, SD 2, CD 1  
 H.B. No. 444, HD 3, SD 2, CD 1  
 H.B. No. 448, HD 1, SD 1, CD 1  
 H.B. No. 461, SD 2, CD 1  
 H.B. No. 482, HD 2, SD 1, CD 1  
 H.B. No. 538, HD 2, SD 2, CD 1  
 H.B. No. 540, HD 1, SD 2, CD 1  
 H.B. No. 541, HD 1, SD 2, CD 1  
 H.B. No. 547, HD 2, SD 2, CD 1  
 H.B. No. 553, HD 1, SD 2, CD 1  
 H.B. No. 573, SD 1, CD 1  
 H.B. No. 576, HD 1, SD 1, CD 1

H.B. No. 581, HD 1, SD 2, CD 1  
 H.B. No. 582, HD 1, SD 2, CD 1  
 H.B. No. 623, HD 2, SD 2, CD 1  
 H.B. No. 631, HD 2, SD 1, CD 1  
 H.B. No. 696, HD 1, SD 1, CD 1  
 H.B. No. 697, HD 1, SD 2, CD 1  
 H.B. No. 707, SD 1, CD 1  
 H.B. No. 775, HD 1, SD 1, CD 1  
 H.B. No. 782, HD 1, SD 2, CD 1  
 H.B. No. 820, HD 2, SD 1, CD 1  
 H.B. No. 830, HD 1, SD 1, CD 1  
 H.B. No. 831, HD 2, SD 2, CD 1  
 H.B. No. 832, HD 1, SD 2, CD 1  
 H.B. No. 850, HD 1, SD 2, CD 1  
 H.B. No. 888, HD 1, SD 1, CD 1  
 H.B. No. 894, HD 2, SD 1, CD 1  
 H.B. No. 896, HD 1, SD 2, CD 1  
 H.B. No. 943, HD 1, SD 2, CD 1  
 H.B. No. 1010, HD 1, SD 2, CD 1  
 H.B. No. 1069, HD 1, SD 2, CD 1  
 H.B. No. 1090, HD 2, SD 2, CD 1  
 H.B. No. 1140, HD 1, SD 2, CD 1  
 H.B. No. 1153, SD 2, CD 1  
 H.B. No. 1168, HD 1, SD 1, CD 1  
 H.B. No. 1180, HD 1, SD 2, CD 1  
 H.B. No. 1214, HD 1, SD 1, CD 1  
 H.B. No. 1251, HD 1, SD 2, CD 1  
 H.B. No. 1268, HD 2, SD 2, CD 1  
 H.B. No. 1273, HD 2, SD 2, CD 1  
 H.B. No. 1292, HD 2, SD 2, CD 1  
 H.B. No. 1296, HD 2, SD 2, CD 1  
 H.B. No. 1332, HD 1, SD 1, CD 1  
 H.B. No. 1343, HD 1, SD 1, CD 1  
 H.B. No. 1366, SD 2, CD 1  
 H.B. No. 1394, HD 2, SD 2, CD 1  
 H.B. No. 1432, HD 2, SD 1, CD 1  
 H.B. No. 1440, HD 1, SD 1, CD 1  
 H.B. No. 1471, HD 2, SD 2, CD 1  
 H.B. No. 1489, HD 1, SD 2, CD 1  
 H.B. No. 1491, HD 2, SD 1, CD 1  
 H.B. No. 1509, HD 3, SD 2, CD 1  
 H.B. No. 1513, HD 1, SD 2, CD 1  
 S.B. No. 17, HD 2, CD 1  
 S.B. No. 40, SD 3, HD 2, CD 1  
 S.B. No. 64, SD 3, HD 1, CD 1  
 S.B. No. 92, SD 2, HD 1, CD 1  
 S.B. No. 101, SD 1, HD 1, CD 1  
 S.B. No. 104, SD 1, HD 1, CD 1  
 S.B. No. 105, SD 1, HD 1, CD 1  
 S.B. No. 118, SD 1, HD 2, CD 1  
 S.B. No. 158, SD 1, HD 1, CD 1  
 S.B. No. 160, SD 2, HD 1, CD 1  
 S.B. No. 181, SD 1, HD 1, CD 1  
 S.B. No. 213, SD 2, HD 3, CD 1  
 S.B. No. 223, SD 1, HD 1, CD 1  
 S.B. No. 250, SD 1, HD 1, CD 1  
 S.B. No. 253, SD 1, HD 1, CD 1  
 S.B. No. 254, SD 1, HD 1, CD 1  
 S.B. No. 265, SD 1, HD 1, CD 1  
 S.B. No. 273, SD 2, HD 2, CD 1  
 S.B. No. 284, SD 2, HD 2, CD 1  
 S.B. No. 349, SD 2, HD 2, CD 1  
 S.B. No. 359, SD 1, HD 1, CD 1  
 S.B. No. 374, SD 2, HD 2, CD 1  
 S.B. No. 376, SD 2, HD 1, CD 1  
 S.B. No. 387, SD 2, HD 3, CD 1  
 S.B. No. 423, SD 1, HD 1, CD 1  
 S.B. No. 464, SD 1, HD 2, CD 1  
 S.B. No. 504, SD 2, HD 1, CD 1  
 S.B. No. 508, SD 1, HD 2, CD 1  
 S.B. No. 519, SD 2, HD 3, CD 1  
 S.B. No. 521, SD 1, HD 1, CD 1  
 S.B. No. 524, SD 2, HD 1, CD 1

S.B. No. 544, SD 1, HD 1, CD 1  
 S.B. No. 555, SD 1, HD 1, CD 1  
 S.B. No. 569, SD 1, HD 1, CD 1  
 S.B. No. 654, SD 1, HD 2, CD 1  
 S.B. No. 661, SD 2, HD 1, CD 1  
 S.B. No. 717, SD 2, HD 1, CD 1  
 S.B. No. 756, SD 1, HD 2, CD 1  
 S.B. No. 791, SD 1, HD 2, CD 1  
 S.B. No. 831, SD 2, HD 1, CD 1  
 S.B. No. 854, SD 2, HD 2, CD 1  
 S.B. No. 868, SD 1, HD 2, CD 1  
 S.B. No. 871, SD 1, HD 3, CD 1  
 S.B. No. 892, SD 2, HD 3, CD 1  
 S.B. No. 964, SD 2, HD 1, CD 1  
 S.B. No. 971, SD 1, HD 1, CD 1  
 S.B. No. 996, SD 2, HD 2, CD 1  
 S.B. No. 1001, SD 2, HD 1, CD 1  
 S.B. No. 1009, SD 1, HD 1, CD 1  
 S.B. No. 1028, SD 2, HD 1, CD 1  
 S.B. No. 1050, SD 2, HD 3, CD 1  
 S.B. No. 1060, SD 2, HD 1, CD 1  
 S.B. No. 1072, HD 1, CD 1  
 S.B. No. 1077, SD 1, HD 1, CD 1  
 S.B. No. 1078, SD 1, HD 1, CD 1  
 S.B. No. 1080, SD 1, HD 1, CD 1  
 S.B. No. 1081, SD 1, HD 1, CD 1  
 S.B. No. 1082, SD 1, HD 1, CD 1  
 S.B. No. 1083, SD 1, HD 1, CD 1  
 S.B. No. 1084, SD 1, HD 1, CD 1  
 S.B. No. 1090, SD 2, HD 1, CD 1  
 S.B. No. 1094, SD 2, HD 1, CD 1  
 S.B. No. 1113, SD 2, HD 1, CD 1  
 S.B. No. 1117, SD 2, HD 1, CD 1  
 S.B. No. 1124, HD 1, CD 1  
 S.B. No. 1131, SD 2, HD 2, CD 1  
 S.B. No. 1158, SD 1, HD 1, CD 1  
 S.B. No. 1177, SD 1, HD 1, CD 1  
 S.B. No. 1180, SD 2, HD 1, CD 1  
 S.B. No. 1211, SD 1, HD 1, CD 1  
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 S.B. No. 1291, SD 2, HD 2, CD 1  
 S.B. No. 1297, SD 1, HD 1, CD 1  
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 S.B. No. 1305, SD 1, HD 1, CD 1  
 S.B. No. 1312, SD 1, HD 1, CD 1  
 S.B. No. 1316, SD 2, HD 2, CD 1  
 S.B. No. 1324, SD 2, HD 1, CD 1  
 S.B. No. 1345, HD 1, CD 1  
 S.B. No. 1361, SD 2, HD 1, CD 1

### INTRODUCTIONS

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

Representative Pouha, on behalf of Representative Keohokalole and himself, introduced constituents Mel and Lana Afualo, who were here to support early childhood education.

Representative Tokioka introduced Kauai Councilmember Ross Kagawa and Council Chair Mel Rapozo.

Representative Lee introduced his sister, Allison.

Representative Har introduced her constituent, Ms. Teri Heede.

Representative Nakashima introduced from UH Athletics Department, Women's Basketball: Ms. Laura Beeman, Head Coach; and Ms. Wendy Anae, Director of Operations.

Representative DeCoite introduced her staff: Rebecca Bernal, Soana Tupua-Fanoga and Cameron Fitzpatrick.

Representative Keohokalole introduced his staff: Keani Rawlins-Fernandez, volunteer; Heather McVay, legal researcher; Jules Peleiholani, Office Manager; Relley Araceley, Committee Clerk; Alyssa-Marie Kau, intern; and his friends: Brian Tongg, Jeremy Patton, Wayne Wagner and Sam King.

Representative Aquino introduced his staff: Mie Omori and Kyle Ladao.

Representative Har introduced Pastor Allen Cardines of Hope Chapel Nanakuli.

Representative Belatti introduced her staff: Jan Hail, Committee Clerk; Michael Kockler and Richard Mizusawa, Legislative Aides; Jon Karamura, Office Manager; and staff from the Legislative Reference Bureau: Matt Coke, Ted Baker, Velma Kaneshige, Lisa Santos, Colleen Nakatsu, Joyce Aramaki, Lance Ching, Johnny Brannon, Charlotte Carter-Yamauchi and Shawn Nakama.

Representative Luke introduced Hawaii Councilmember Dennis "Fresh" Onishi; and Jeremy Patton from the House Majority Staff Office.

Representative Cachola introduced his staff, Carl Campagna; and his friend, Walter Yoshimitsu.

Representative Rhoads introduced his staff: Jessie Faige, Noelani Nitz, Keoni Souza and Davina Lam, Legislative Attorneys; Diane Ronquillo, April Bautista and Devon Grandy, Legislative Aides; Pamela Ono, Committee Clerk; Sonny Le, Office Manager; and Arienne Baker, Eeju Huang, Irene Chen and Clare Ann Ronquillo, interns.

Representative Morikawa introduced her staff: Mia Ako, Lori Tobar, and Mark Mararagan.

Representative Ohno introduced Ms. Tricia Nakamatsu, Deputy Prosecuting Attorney.

Representative Thielen introduced her staff: Sarah Leone and Marcelo Nobrega; and Charlotte Farmer, Office Manager; and Mr. Bart Dame.

Representative Fukumoto Chang introduced her constituent, Ms. Eva Andrade; the House Minority Research Office staff: Arwyn Jackson, Marcia Tagavilla, Tiffany Gourley, Carole Kaapu, Jarrett Ku, Robyn Pfahl, Michele Van Hessen, Candy Kelsey and Rina Chung.

Representative Matsumoto introduced her staff: Danielle Smith and Maura Carlson; and her intern, Valentyna Vizir.

Representative Jordan introduced her friend, Ms. Jari Sugano.

Representative Lee introduced his staff: Kea Liborio and Holly Broman; and Jennifer Wilbur, Office Manager.

Representative Takumi introduced his staff: Tyler Kawano and Sara Lam.

Representative Har introduced Ms. Kim Ribellia, Government Liaison, Hawaii Operating Engineers.

Speaker Souki introduced family of Representative Keohokalole here to congratulate him on his admission to the Hawaii State Bar Association and witness his Oath of Office: Kuulani Keohokalole, wife; Lenox, son; Emma, daughter; Adrian and Marilyn Keohokalole, parents; Emalia Keohokalole, aunt; and Jeanine Keohokalole, cousin.

At 10:31 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:55 o'clock a.m.

### LATE INTRODUCTIONS

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

Representative Yamashita introduced students, teachers and chaperones from Pukalani Elementary School:

Students: Grace Archer, Anjali Joaquin, Brittlay Carillo, Jencie-Lynn Valeroso, Ki'ilani Kalawe, Rayden Siarot, Waiakaloa Lopez, Caleb Oakley-Coleman, David Ho, 'E'leku Palakiko, Tylor Cho, Keanu Kupau, Dominick Boteilho, Kamalani Puu, Anuhea Doyle, Carly Haupū Waiohu, Kylie Matsumoto, Noelani Allen, Mark Gudmunson, Elias Dudoit, TJ Barrett, Tomasi Finau, Logan Randall, Lindsey Espania, Mia Davies, Kristine Hirata, Mikayla Fujita, Neilly Frankel, Kaylee Volner, Shalia Kauka, Melodee Mataele, Teisha Nishimitsu, Alysa Viluan, Marina Carosso, Karylle Cabbat, Jack Plummer, Naehu Kimokeo, Kayden Uwekoolani-Decoite, Nikolaus Engelmann, Brenden Hanada, Jacob Rodriguez, Tysyn Estrella, Colby Smith, Kevin Kahooohanohano, Kai Thomas, Earl Love, Kayden Medeiros, Jonathan Lane, Ryan Murphy, Kainoa Monkres, Christian Kaikala, Ryan Dowling, Logan Chong, Kalia Nahooikaika, Lelah Vargas, Tahlia Vargas, Bella Myung, Caelyn Lemailug-Taibemal, Jaden Nacole-Mistumura and Lyn Chen;

Teachers: Mrs. Mary Jean Bega, Mrs. Sherri Enriquez and Mrs. Kamealoha Blackburn; and

Chaperones: Jeannie Archer, Lorna Carillo, Rob Siarot, Jaime Palakiko, Deatra Puu, Scott Matsumoto, Lori Gudmunson, Carolann Barrett, Jyl Estrella, Bobby Estrella, Sarah Lane, Anthony Feiteira, Talia Purdy, Cheryl Espania, Caroline Hirata, Erin Volner, Candis Nishimitsu, Angela Plummer, John Plummer and Michelle Hanada.

Representative Oshiro introduced his staff: Sarah Winfrey, Legislative Aide.

Representative Kong introduced his friend Christine.

### ORDER OF THE DAY

#### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Tupola and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Ing, Tokioka and Ward were excused.)

#### UNFINISHED BUSINESS

**Conf. Com. Rep. No. 170 and H.B. No. 321, HD 1, SD 2, CD 1:**

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 321, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative Evans.

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

"Mr. Speaker, I stand in opposition to this measure. Well, I'd like to incorporate my remarks from Second Reading. Since we're all in a happy mood here today, I'll try to keep it brief.

"I think this is a bridge to full-blown legalization within five years. I think the number of dispensaries is disproportionate to the infinitesimally small need out there that, a legitimate need that does exist for children with seizures or autism or someone who is dying of cancer, and this provides some relief. I certainly agree with providing them a solution, and perhaps a boutique-style solution much smaller in scale would be more appropriate. But this, Mr. Speaker, seems to me to be putting the infrastructure in place for full-blown legalization within five years, and I don't think we need more booze, I don't think we need more drugs.

"What's particularly troubling to me is I see that PTSD was added as a condition, when in fact the movement among the medical professionals is to remove the marines, soldiers, sailors and airmen who have PTSD from drugs, from psychoactive substances, to get them off that, to address those issues with counseling because they are emotional and traumatic, and psychotherapy seems to be a better case. I've been briefed on PTSD several times quite extensively, and the movement definitely is to get them off drugs. So I don't think the AMA or the FDA has approved medical marijuana to treat PTSD, so I'm curious as to why it's in there. Perhaps there are one or two cases where that may be the only thing that provides relief, a departure from reality for a few moments for someone, but I don't think it should be a policy decision.

"The other thing that is troubling is the *bona fide* doctor-patient relationship. I mean, exactly what is that? We have a physician here in the room. If I go see him and say, you know I twisted my ankle, will you take a look at it? He looks at it and he tells me to ice it up. I acted as a patient, he acted as a physician, that's a *bona fide* relationship. It's very loosey-goosey, as my good friend from Hawaii Kai would like to say.

"I have compassion for those who are in need, for that infinitesimally small group of people, but I think this plus the size and scope of it, the camel's nose is under the tent and within five years we'll have full-blown legalization. And I can assure you there are people in this room right now who that's exactly what they want, five years, full-blown legalization. So I think we should be honest with the people and tell them this is the infrastructure to get in place so when we come in and on a whim say, okay, we're going to legalize it, the stores are already there, just a few tweaks and modifications. So for those reasons, Mr. Speaker, I stand in respectful opposition."

Representative DeCoite 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 DeCoite's written remarks are as follows:

"Thank you Mr. Speaker. I am writing with reservations on HB 321, HD 1, SD 2, CD 1.

"Mr. Speaker, I strongly support the use of marijuana by individuals that have a legitimate medical reason to do so. If marijuana can help a child with epilepsy, then I can definitely see the legitimate medicinal use for it, contrary to marijuana's Schedule I classification. There are patients out there that legitimately need this. For them, this is not a recreational endeavor, but a medical one which sets them on the path to better health.

"The truth of the matter is, until the federal government changes the way it handles marijuana, no state can safely pursue any actions with cannabis, medical or otherwise, without undue legal implications. The fact that these dispensaries cannot even access our banking systems that every other business entity enjoys is a huge obstacle. Cash is less traceable and secure than electronic transactions. Unfortunately, we are forced to conduct dispensary business in cash due to the banks fear of losing FDIC status from the federal government if they participate in transactions involving marijuana.

"As attractive as the profits look in places like Colorado, let's not forget that expanding our state's involvement into medical marijuana will without a doubt cost the State money. Whether it is for increased law enforcement training or more regulatory personnel and programs, our taxpayers will be footing the bill even though they are not participants in the medical marijuana system.

"This measure as written makes opening a dispensary a rich man's game. In order to open up shop, an applicant will have to provide a \$5,000 application fee that is non-refundable. While it is more reasonable than the previous versions of the bill, not many of our residents can afford to donate that amount of money to the special fund with no hopes of being selected. Beyond that, the fact that an applicant must have a minimum of \$1 million in financial resources and no less than \$100,000 for each dispensing location makes sure that those with money run these dispensaries.

ROUGH DRAFT

"Money does not always denote quality of applicants, Mr. Speaker, and unfortunately it may open this system up to more outside influence and corruption. As those living here try to set up their dispensary, they will have to seek outside funding to support the steep fees, including the \$75,000 fee for the license in addition to the non-refundable \$5,000 application fee.

"I am troubled about potential influx of illegal activity that the dispensary system could potentially foster. Criminal elements are already adept at the marijuana business, what is going to stop them from getting their hands in it when there is a legal avenue? Criminal enterprises will have the cash on hand to fund dispensaries, it worries me that criminal investors will be financing some of these operations behind the scene. It has already happened in places like Colorado, this bill has the potential to lead us down that road.

"The elimination of primary caregivers' ability to cultivate marijuana after 2018 is not a positive move for our patients. I am appreciative that the bill gives considerations to our neighbor islands that do not fully require the dispensaries like Molokai and Lanai. However, how long until we push those islands into adopting a dispensary? When that occurs, our primary caregivers' ability to cultivate will be phased out. I know many of our *kupuna* are benefiting from this patient-caregiver relationship. Some of our *kupuna* that cannot grow themselves are provided their medicine for free by their primary caregiver and, in a state where our costs for everything are so high, this helps them immensely. If we care about our patients, Mr. Speaker, we should preserve their options, not force them to accept a dispensary model and the cost that comes with it.

"The question of safety and liability is also an issue. I have constituents concerned about the increased ease of access and what this may mean for the safety of our residents. We all know people are going to drive under the influence. Increasing availability will bring more individuals access to prescription cannabis, whether it is their prescription or someone else's, and this may increase the amount of individuals driving while intoxicated.

"As in the case of prescription painkillers, the liability will fall on the user. Ultimately those whose family or friends are killed in part because of someone driving under the influence of prescription cannabis will feel as if the State should be accountable for proliferating accessibility with inadequate control measures. How do we even begin to address this when we already have a large problem with people driving under the influence of alcohol and prescription drugs? How will we give law enforcement the tools to keep our residents safe from this threat when we currently have no reliable way to test for intoxication of marijuana? These are a few things that we really have no clear answer to, Mr. Speaker, and that concerns me.

"On that note, Mr. Speaker, we should also look toward tightening restrictions on the issuing of medical marijuana cards. It is common knowledge that it is relatively easy to obtain one, regardless of legitimate medical need. If we want legalization, then we should be upfront about it, instead of propping up false justification through these medical marijuana cards. This should not be misconstrued as me being against medicinal marijuana for patients with legitimate need, I understand and support them. I believe they deserve a better system.

"The doctor-patient relationship should be more clearly defined as well. It should require a longer term of interaction between a doctor and a patient to ensure that this patient has been with a doctor for a time period longer than one visit and is not 'one-stop shopping' for a doctor to liberally dole out a prescription.

"Mr. Speaker and distinguished Members of this Body, I know no measure is perfect. I am certain that our dispensary system will need work, as we progress we must adjust accordingly to streamline a better and fairer system. I urge everyone to please take careful consideration of the implications of HB 321 as it passes out of this Body because our work does not end here. Thank you."

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

"Thank you, Mr. Speaker. In support, Mr. Speaker. I'm glad we're here at this finish line. As I had requested on Second Reading, I hoped this bill

would make it to this point in time, and I hope we all have the courage to make it past that final five yards. Thank you, Mr. Speaker."

Representative Ichiyama 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 Ichiyama's written remarks are as follows:

"Mr. Speaker, I support this bill with reservations. I agree with the Representative from Wahiawa that this measure is far from a perfect solution and many issues remain to be addressed. One of my biggest concerns is the exemption from Chapter 91 rulemaking for the Department of Health to draft interim rules to govern this new program. This complete exemption from Chapter 91 means absolutely no public input on the rules regarding security, inventory tracking, labeling, etc. of medical marijuana dispensaries and/or production centers.

"My other concern is that nothing in this bill requires dispensaries to provide medical marijuana products at a price that patients can afford. I feel deeply for the families that struggle to care for a child with seizures, who need certain chemicals from marijuana to treat his or her medical condition. I have yet to see a provision that ensures that these families will be able to afford to purchase the products they need.

"I will track this program as it develops and closely monitor the outcome. I have no doubt that we will be making adjustments to the law for many years into the future. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. With reservations and I'd like to just add one thing, that I think 15 years for 13,000 people is too long to wait."

Representative Lee rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I rise to ask for a ruling on a potential conflict. An immediate member of my family stands to benefit as a recipient of medical marijuana. Thank you," and the Chair ruled, "no conflict."

Representative Lee continued to speak in support of the measure, stating:

"I rise in support. This bill, of any we've passed this session, is probably more personal to me than anything else we've debated. I was really proud to introduce my sister this morning, who was able to join us. I think this is the first time I've introduced her in all the years I've been here at the Capitol. And she doesn't make it down here that often because she doesn't make it out of the house every day all that often, because she has good days and she has bad days.

"The truth is, it's tragic that someone as young, and she's certainly not the only one, but it's tragic that someone as young as her suffers from diabetes and multiple sclerosis, which imposes upon her conditions that lead to blindness, loss of mobility, loss of the ability to be a human being. And no matter how much money is thrown at this, no matter how much, and thank goodness insurance covers it for now, but no amount of drugs, hundreds of thousands of dollars of drugs prescribed to her, has been able to do even a dent of what the medical marijuana that she's been able to get in the past has been able to do.

"And I'm so lucky, we are so lucky, that we have come this far to recognize that this isn't a question of public safety. This is a question of helping those around us. Because everybody, every single one of us here in this Chamber, and I guarantee you thousands more standing outside, have, if not family members, friends, neighbors, people they know who have been afflicted with terrible illness, terrible conditions and terrible disease, for whom help has been fleeting and yet pain so acute. And one of the only things that has been able to help so many of these people has been this option, which we are here today to hand them and say, please, it's not

perfect, but take this because it is all that can help for so many people. And so I stand in strong support and I just ask folks to consider others around them. Thank you very much."

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

"Thank you, Mr. Speaker, I rise in support of this bill. This isn't a perfect world, this isn't a perfect bill. As we say, the perfect is the enemy of the good, and this is a good bill. It will help a lot of people, it's a compassionate bill, and it's a step in the right direction. Sure, it's going to be changed as time goes on, but this is, for right now, this is as good as we're going to get and I think it's very good. Thank you."

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

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise with reservations. I continue to have serious concerns about the potential expansion of marijuana use that may accompany policy changes in our laws. The health and public safety consequences of any of our decisions must always be of paramount consideration. The fact remains, though, that medical marijuana is legal in Hawaii and has been so for 15 years. This is not a discussion about whether or not medical marijuana should be legal, but a discussion about whether or not we should continue to countenance a system and laws that put people in a double bind. I find it hard to support laws that make obtaining medicine difficult to impossible, and in so doing, encourage illegal activity to secure medical marijuana, which is what our current system does. What this bill does is create a way for qualified patients to obtain medicine and for law enforcement to be able to better regulate medical marijuana."

"I appreciate the incorporation of the many law enforcement provisions included in this bill, including the creation of criminal penalties for inappropriate promotion and uses of medical marijuana. I also appreciate the pre-empting of potential loopholes in being able to acquire medical marijuana from multiple sources. I do continue to have concerns about the provision of this bill ceding our legislative prerogative to the Department of Health for further authorization of dispensary licenses above and beyond the limits established in the bill. I believe we must remain vigilant and diligent in ensuring this initial step we take is a step in the right direction as both a public health and safety policy."

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

"I stand in strong support. A constituent of mine dropped this off in my front yard the other week, and I want to show the House of Representatives what medical marijuana, when properly done, looks like. It comes sealed with all of the trappings of the Federal Bureau of Investigation and the State of Colorado warnings. It is in prescription bottle form. It is not the baggie that we learned back in the '60s or '70s. This allows those who really need it to be able to use a drug that they need as a drug and not as a back door, back alley kind of thing to relieve their pain. This bill is about compassion, and for that I stand in strong support. Thank you."

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

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

Representative Choy's written remarks are as follows:

"Mr. Speaker, I stand in opposition to HB 321. I do not begrudge anyone from obtaining the medicine that they need. But this bill starts a marijuana industry not only for medicinal purposes, but an industry that some will profit from on the backs of sick individuals. This bill has so many fees and infrastructure costs added to the cost of the marijuana that the individuals

needing this medicine will have to ultimately pay an extraordinary price. I wonder if we charge Longs Drugs as much to sell drugs to people?"

"Mr. Speaker, there are other problems with this measure such as the audit requirements. It has yet to be determined if a Certified Public Accountant can audit a business that sells a product that is classified as illegal by the federal government. I believe the banking and the law professions also have similar concerns."

"Mr. Speaker, sick people need medicine. They don't need to get ripped off or be a part of a scheme to a profiteer. My conservative colleague alluded to the future when marijuana would become legal, and I hope that when that day comes we do not use marijuana as a funding scheme for government and profiteers."

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

"Mr. Speaker, I rise in support but with reservations. I'd like to put my remarks or comments in the Journal. And with this, my reservation lies in the fact that a lot of us are saying this is not a perfect bill. Not only that, there are good things about this and bad things about this. In Finance I requested that we should put a drop dead clause in the bill, so that it's a warning to everyone that if this policy that we're setting up is becoming to be a big problem, they will notice that there's at least a certain period that this will end, but if it's going to be good it continues. So it's more or less a way of giving notice to the public, behave, otherwise this bill is going to drop dead. Thank you, Mr. Speaker."

Representative Cachola's written remarks are as follows:

"I rise in support with reservations. My reservations are based on the following concerns:

1. This is not a perfect bill.
2. Opposition argument is based on possibility of the policy being abused.
3. Other jurisdictions are already having problems with similar policy.
4. While in FIN Committee I raised the possibility of including a "Drop Dead Clause".
  - a. This clause would give notice to everyone that if there are more problems created by this policy than the good help intended, without revisiting, the policy will expire.
  - b. It will be harder to make amendments once implemented, even to make corrections to address problems.
  - c. With these considerations, a "Drop Dead Clause" added to this policy could have been a deterrent of potential abuses.

"These are the reasons I voted in support, with reservations."

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

"Thank you, Mr. Speaker. In strong support and request to enter written comments. Mr. Speaker, I'm going to keep this very brief. I did have a long speech prepared, but I just want to make sure that we thank all the people who were part of this effort. This truly to me is the people's bill, Mr. Speaker, that has had many hands work on it. I would be remiss if I didn't thank the HCR 148 Task Force members, the UH Public Policy Center, Susan Chandler and her team of intrepid graduate students, Michelle Ibanez, Laura Scheutze and Kathryn Ranney. The LRB 'A Team' that we introduced earlier, all of the State employees from the Department of Health, the Department of Public Safety, the Department of Taxation, DCCA, the various prosecutors' offices. And lastly, Mr. Speaker, thanking you, the Judiciary Chair, the Finance Chair, and all of the colleagues here and in the Senate who really used this bill as an opportunity to have ideas clash, and that we did in fact, I believe, present a very, very good bill at the end of the day. Thank you, Mr. Speaker."

Representative Belatti's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 321, Conference Draft 1 that establishes a regulated statewide dispensary system for the

purpose of providing safe and legal access to medical marijuana for Hawaii's medical marijuana patients.

"As has been stated throughout this session, this bill has been a long time in the making with patients waiting over 15 years since 2000, when this state made history as the first state to enact the medical use of marijuana through its legislature versus an initiative process.

"Earlier this week, I spoke about the power of the community and the importance of compromise in shaping our laws. This measure embodies both of these principles. The effort for this particular bill got jumpstarted when you, Mr. Speaker, made safe and legal access to medical marijuana a priority in your Opening Day speech in 2014 and challenged all of us to have bold ideas and exhibit bold leadership.

"We took up your challenge that year by laying the important groundwork and starting the important task of bringing the community into the lawmaking process. This House, along with the Senate, enacted House Concurrent Resolution 148 and created the HCR 148 Task Force that worked diligently over many months with 21 task force members representing patients, doctors, caregivers, agriculture, drug abuse prevention groups, law enforcement, and representatives from the departments of health, public safety, taxation, commerce and consumer affairs, and the attorney general.

"This task force drew upon the best practices of other states by reviewing: (i) the Legislative Reference Bureau's 2014 report 'Is the Grass Always Greener? An Updated Look at Other State Medical Marijuana Programs,' authored by Research Attorney Lance Ching with the assistance of Research Attorney Johnny Brannon; and (ii) the State Auditor's 'Sunrise Analysis: Regulation of Medical Marijuana Dispensaries.' The State Auditor concluded, in part, that 'the regulation of a distribution system for medical marijuana is warranted to protect Hawaii's qualifying patients and the wider community.'

"Facilitated by the Department of Health, the task force also drew upon the experience of other states through the conducting of two conference calls with officials involved in the administration of medical marijuana dispensary programs in Arizona and New Mexico.

"Lastly, pursuant to HCR 48, the task force brought the community into the deliberative process by conducting two public hearings – one on the island of Hawaii and the other on Oahu – to receive public input and testimony on issues and concerns regarding dispensaries in Hawaii and on the updated report received from the Legislative Reference Bureau. Both public hearings were well attended by members of the public, and the task force received written and verbal testimony from 79 members of the public that overwhelmingly supported the establishment of a well-regulated statewide dispensary system for medical marijuana. Through this very public process, the task force came up with 33 recommendations – 24 of which have been adopted by House Bill 321, Conference Draft 1.

"Where the Legislature did not adopt the recommendations of the task force, I believe we engaged in the important work of compromise to arrive at a bill that could begin Hawaii's implementation of medical marijuana dispensaries. While still not the perfect bill by anyone's measure, the compromises forged in this bill allow for a quicker implementation timeline so that instead of dispensaries being licensed and operating in 2017, House Bill 321, Conference Draft 1 has a shorter timeline that will allow for dispensing as early as July 15, 2016, with licenses being issued by April 15, 2016. This shorter timeline is due, in part, to the compromise of establishing fewer vertically integrated dispensary licenses with a limited number of production centers and retail locations – both of which can be subcontracted under the overarching dispensary license – in comparison to the larger number and horizontally separated production and dispensing licenses as recommended by the task force.

"Another important compromise was embedding residency and financial viability requirements into this bill that would allow the State to better determine that legitimate business interests with a history of doing business in the State are the businesses that can be trusted to grow the medical marijuana industry here in the State. While there are legitimate concerns about the constitutionality of the residency requirements, insofar

as marijuana continues to be a Schedule I drug at the federal level, there is a compelling state interest in having these residency requirements – both for the individual applicant and the applying business entity – to ensure the health and safety of the people of Hawaii by requiring that legitimate business interests with a track record here in the State are responsible for the development of medical marijuana dispensaries in Hawaii.

"Finally, one other important set of compromises revolve around security and product safety requirements, as well as crimes and penalties newly established by House Bill 321, Conference Draft 1. Throughout this process, balancing the needs of patient access to safe medicine with the concerns of law enforcement has been primary among many legislators and community advocates. Many security and safety measures have been placed into the bill, including minimal security requirements for production and dispensing facilities, requirements for labeling, and prohibitions on advertising that is attractive to children. At the strong request of the Attorney General's Office, House Bill 321 also adopts new crimes and penalties that hopefully will satisfy federal law enforcement authorities that Hawaii is very clear about and committed to maintaining a tightly regulated system.

"The goal of the task force was to achieve consensus on concrete recommendations to provide to the Legislature for passage of a bill to establish medical marijuana dispensaries in Hawaii. The goal of any legislature should be to try to take the ideas of the community and forge the necessary compromises that will produce results for the public, being mindful that improvements can be made in the future. I believe we did this with House Bill 321, Conference Draft 1, and I support passage of this measure."

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

"Mr. Speaker, I rise to speak in opposition to this bill. First of all, may I ask permission to submit written comments, and also by reference to have my prior written remarks on prior debates also referenced to this session today. Thank you, Mr. Speaker.

"Let me first of all adopt the words of the Representative from Waimanalo as my very own. Those are my exact thoughts as far as the necessity for a well-run, regulated dispensary system, I agree with them. I also agree with the comments of my colleague from the island of Hawaii, Puna District. That's exactly what we need here as far as a well-run, regulated dispensary system.

"Let me articulate maybe 10 different points on the bill itself so I can focus upon the bill itself and the problems I find within the bill that may jeopardize our ability to run well-regulated medical marijuana dispensaries to address the needs of the *bona fide* patients who heretofore have not been able to receive and obtain relief for their serious ailments because of deficiencies in the current law. I do support the current law and I do support establishing medical marijuana dispensaries, but it has to be done right. And once this decision is made, we can never go back. So please, I ask for your indulgence.

"Number one, qualifications for dispensary applicants require both an individual and entity. However, the entity criteria has already been prequalified to exclude certain persons and businesses over others. If you did not have a bank and can show proof of it through a bank statement for 12 months prior to the date of application, in other words January 12, 2016 through January 29, 2016, you are ineligible to even apply. Thus this applies only to entities that had a bank account as of January 29, 2015.

"Number two, licensees must only show that they have \$1.2 million to apply, but it is only for qualification purposes and not required to remain in the account in escrow or act as a bond in case of lawsuit, default, civil or criminal liability. It could be a loan between oneself and one's company. In one day, out the next. But imposing a \$1.2 million prequalification requirement narrows down the application pool substantially.

"Number three, there are no standards for the selection criteria set forth in the conference draft apart from the language, quote, 'Upon verification of the minimum requirements, the department shall place the verified

application into the pool of applicants for further review and selection based on merit by the department.' This is page 13. And, quote, 'Criteria and procedures for the consideration and selection, based on merit, of applications for licensure of dispensaries'. That's all you have regarding the criteria of selection.

"Number four, definition of marijuana throughout this bill that can be sold at a retail dispensary is much more than pills, capsules, oils and lozenges as in previous House drafts. It now includes tinctures, oil extracts, ointments and skin lotions. This means that even super concentrated forms of high THC products like butane hash oil derivatives like wax or shatter can be sold at these dispensaries.

"Number five, there is no limitation on the amount of THC in the oil product, oil extracts, tinctures, ointments or skin lotions. These five items are not capped as far as the amount of THC they can have and contain. Unlike language found on page 33, lines 10 through 18, there is no 10% THC by dosage or by wrapping."

Representative Say rose to yield his time, and the Chair "so ordered."

Representative Oshiro continued, stating:

"Number six, this is important, Mr. Speaker. The much heralded and talked about real-time tracking of production, inventory and transportation and sale is illusory under the conference draft. There is no appropriation for the Department of Health to purchase what may be a half to one million dollar software system, and thus the Department of Health will not be able to establish, maintain and control a computer software tracking system for all dispensary production facilities and retail dispensaries. Along with that, Mr. Speaker, there is no need for dispensary's production centers to interface with the computer system, software system, Department of Health, when none exists.

"Number seven, there is no limitation on what other products can be sold at the retail dispensary. In prior drafts there was language to prohibit the sale, but not in this draft.

"Number eight, prior drafts of this bill contain specific minimum standards of requirements for the laboratories contracted by dispensaries regarding content contamination and consistency, but the conference draft allows Department of Health to merely come up with the rules with little or no guidance or standards.

"Number nine, Mr. Speaker, the licensees do not have to own or operate or control the production centers or retail dispensaries, but can subcontract with other entities that have lower standards than the licensees. They do not have to be organized under the laws of Hawaii. They do not have to be owned by Hawaii residents or controlled by Hawaii shareholders, or even employ, retain folks with felony convictions or submit to criminal background checks.

"Number ten, the location of the production centers do not have to be disclosed to the Department of Health until 30 days before they begin to produce marijuana products. Similarly, a retail dispensary need not disclose its location to the Department of Health until 60 days before it opens. Great for the business, but what about the community? What about the neighborhood? What about local legislators, county councils, *et cetera*?

"Number eleven, the prior bill had restrictions on commercial advertising, but this conference draft has none except the Department of Health to establish rules. In prior drafts we are well aware of the need to prevent advertising to young people, youth, teens, *et cetera*, using cartoons or other things that might be attractive to them. But there's nothing like that in this draft.

"Number twelve, there is no guarantee that any licensee or production center or retail dispensary will produce or manufacture or make available for sale any of the products that would benefit young women, young girls, families like the young girl from Mililani Town. There is no requirement. Other states like Maine, New York and Massachusetts have done so, trying to impose it upon these licensees, but that's not in this bill.

"Thirteen, Mr. Speaker, there is no language in this bill to prohibit the manufacturing of and sale of edible marijuana-infused products. This is dangerous to young people. Passage of this measure will be a stepping stone for legalization of marijuana or recreational marijuana in a few short years. And again, Mr. Speaker, I support the medical marijuana dispensary idea concept, but it has to be well regulated. This is not the case here. But let me continue.

"As a Drug Policy Forum of Hawaii leading advocate, Rafael Kennedy, said moments after the conference vote was taken, 'my organization and many advocates will push for legalization in the years to come,' end quote.

"And finally, Mr. Speaker, we should not approve this conference draft, but give ourselves the ability to do some further research and independent investigation at two of our sister western states, Colorado and Washington. They both have annual meetings that we are all invited to attend. The CSG annual meeting entitled, Balance Your Attitude with a Change in Altitude. This one is on July 28 in Vail, Colorado. The National Conference of State Legislatures has a similar annual meeting of all states in Seattle, Washington.

"Mr. Speaker, let me wrap it up. We only have one shot in doing the right thing the right way. Once the bell is rung, there is no going back. Vested interests of profiteers and those with money and wealth will not allow it and will fight tooth and nail to protect their turf and keep and enlarge what they have. No state, no state that opened the door, ever closed it. Not one. By legalizing the commercial growing and selling of marijuana and marijuana products, albeit for medicinal purposes, we are bringing a new enterprise to Hawaii's shores and it will be equal to or greater than the effect upon Hawaii's people than the harvesting of sandalwood or whaling in the 1800's."

Representative DeCoite rose to yield her time, and the Chair "so ordered."

Representative Oshiro continued, stating:

"Finally, Mr. Speaker, I didn't intend to speak today, but given some of the proponents in the gallery, I wanted them to clearly understand the impressions and passions and feelings and beliefs of those who may oppose this bill. We are not mean-spirited. We are not uncompassionate. We are not without understanding of the benefits of the medical purposes and uses of marijuana. We know that much has to be done by the federal government, the Food and Drug Administration, and we support all of those endeavors. We beseech our President to change the rules and scheduling. These are all what we support, Mr. Speaker, and I'm here speaking for this group of individuals who will be voting no.

"But underscoring all of this, Mr. Speaker, is the need to have a good system that makes sense and protects the interests of those in our larger community. Mr. Speaker, I thank you for your indulgence, I thank the Members for their indulgence, and I mean no harm to anyone here today. I ask for permission to submit further written comments. Thank you."

Representative Oshiro's written remarks are as follows:

#### "NINETEEN REASONS WHY I OPPOSE HB 321, HD 2, SD 2, CD 1

1. Qualifications for dispensary applicants require both (1) an individual and (2) an entity. However, the 'entity' criteria has already pre-qualified certain persons and businesses over others in that the entity applicant must show copies of the entities' BANK statements from twelve months prior to the date of the application. The application window for each license runs from January 12, 2016 through January 29, 2016. Thus, only entities that had a BANK account as of January 29, 2015 need apply and are pre-qualified and eligible to 'win' one of the six dispensary licenses.
2. The individual applicant only needs to be 21 years old or older, a 'legal resident of the State' for five years, and has no felony convictions. He or she need not have any ownership interest, shareholder interest, board membership, or any legal or fiduciary or trust responsibility or obligation. The individual applicant could even

be a paid agent or family member or friend or employee. On the other hand, the 'entity' applicant has more than three requirements but essentially needs only to demonstrate a mere 51% ownership by Hawaii residents or Hawaii-controlled companies, who have been legal residents for more than five years prior to application submittal. This means that the eligible owners or companies must have been established in Hawaii no later than January 29, 2011. The pre-qualification may inadvertently keep out many well-respected *malahini* entrepreneurs and may even forbade Hawaii ex-patriots from applying too. Furthermore, the residency requirement of five years may exceed the constitutional limits under the Federal Constitution and be struck down as an illegal restraint on trade or commerce between the states or violate right to travel restrictions among the states.

3. Numerous questions remain regarding professional services like public accountancy, law, and banking. In January 2015, the American Institute of Certified Public Accountants found that a CPA should consider whether a state board would consider it to be a discreditable act to provide services to a business that may violate federal drug laws even though legally operating otherwise. Presently, New Mexico is considering removing its independent audit requirement for its Medical Marijuana businesses until the federal and state laws do not conflict. Likewise, the Model Rules of Professional Responsibility and Ethics prohibit an attorney from knowingly facilitating a client's criminal conduct and that may make any engagement problematic or at least a cause for concern or maybe even additional malpractice or E&O insurance coverage. Finally, Edward Pai, Executive Director, Hawaii Bankers Association, reminds us that 'under current circumstances, it is highly unlikely any bank in Hawaii will enter into any relationship with marijuana dispensaries.' This 'new' medical marijuana business is on average about 2-3 years old, and the unsettled business and legal standards and current banking questions may set the stage for unforeseeable business challenges, expectations and results.
4. Licensees must only show they have \$1.2 million to apply for a license but it is only for qualification purposes and is not required to remain in the possession, account, in escrow or act as a bond in case of lawsuit, default, or civil or criminal liability. In short, it could be a loan between oneself and one's company. In one day and out the next. But, imposing a \$1.2 million pre-qualification requirement narrows down the application pool substantially. And, how did the conference committee arrive at \$1 million? Is this a requirement that we apply to any other business? How many of you know someone with \$1.2 million lying around?
5. There are no standards for the selection criteria set forth in the CD. Apart from language that reads, 'Upon verification of the minimum requirements, the department shall place the verified application into the pool of applicants for further review and selection based on merit by the department.' (pg. 13) and 'Criteria and procedures for the consideration and selection, BASED ON MERIT, of application for licensure of dispensaries . . .'. (Page 21(-7)(3) – page 22, lines 1-2). This makes it very subjective and susceptible to misinterpretation and misapplication. Especially where there is no further language of how selection will be conducted, or by whom, but left exclusively with the DOH.
6. Definition of marijuana that can be sold at the retail dispensary is much more than pills, capsules, oils and lozenges as in previous House drafts. It now includes tinctures, oil extracts, ointments and skin lotions. This means that even concentrated forms of high THC products like Butane Hash Oil derivatives like 'WAX' or 'SHATTER' can be manufactured or sold. And, all without any quality assurance of contaminants and purity standards as demanded in previous drafts. One wonders if this is because the current industry practice is not to assure purity and food grade safety or free from contaminants and even residual petrochemicals. In recent Colorado and Washington regulatory reports, the issues of purity, contamination levels and appropriate standards reveal the uncertainty for both consumers and regulators. But, if we are sincere about our afflicted and ill patients, I cannot imagine how we can slough off these important and essential standards to currently underfunded staff at the Department of Health.
7. There is also no limitation on the amount of THC in the oil extracts, tinctures, ointments or skin lotions. These four items are not capped. Unlike language limiting content per serving or dose to 10 mg and found on page 31, lines 10-18, there is no 10 mg THC limitation on the amount of one dose, serving, or as a single wrapped item. That means these products could have an unlimited amount of THC and allow for a more potent single serving or dose. This can be very dangerous to unwary lotion users as epidermal contact can be just as powerful as gestation or inhalation. And, of course oil extracts, tinctures, ointments and skin lotions are very, very dangerous to young children and toddlers. A tiny piece the size of a pin head is enough to get an adult high for several hours, and tic-tac candy size of oil extract may be the equivalent to a dozen or more doses. Very, very dangerous and possible lethal to toddlers and babies.
8. Much heralded and talked about real-time tracking of production, inventory, transportation and sale is illusory under the Conference Draft, as there is NO appropriation for the Department of Health to purchase what may be a \$750,000 to \$1,000,000 software system. This means that the Department of Health will not be able to establish, maintain and control a computer software tracking system for all dispensaries, production centers and farms regarding 'seed-to-sale' possession from propagation, growing, harvesting, conversion, manufacturing, product inventory, conversion weight to manufactured weight, product coding, real-time purchase amount, waste produced by each plant, transportation security and distribution tracking and back-tracking. In short, the DOH would have no way of knowing what is being grown, harvested, manufactured, converted, transported, consigned, sold, destroyed, or lost, etc., without this computer software system. Likewise, without this 'seed-to-sale' tracking software the dispensary licensee or production center or retail dispensary will have nothing to interface with the Department of Health. In short, this means that the State of Hawaii may be unable to monitor and ensure compliance with these laws and related rules. This may even jeopardize the federal forbearance under the Ogden and Cole Memorandums, and cause a complete shutdown of the envisioned dispensary program and retail sales.
9. The Conference Draft of H.B. 321 uses the same definition of marijuana to define the four ounce limit that patients/caregivers can purchase from retail dispensary in a 15 day/30 days period as the definition that defines 'adequate supply'. So, it can be argued, and probably will, that instead of only being allowed to have an 'adequate supply' of marijuana, the purchasers could buy four ounces of concentrated 'wax', 'shatter', 'oil', 'lozenge', or any combination up to four ounces. To illustrate how much concentrated marijuana product we are looking at, consider that a dime is about one gram in weight and a nickel about five grams in weight. According to well-known and authoritative published sources like 'High Times' and the NORML website, and other legalization advocacy groups, the average one gram of concentrated 'wax' or 'shatter' provides 15-20 hits or doses. The upside of this concentrated product is that it would be easy to carry in your shirt pocket, billfold, backpack, purse, or even used in an e-cigarette or pocket-vaporizer. The downside is that it would be easy to take it into a prohibited area (federal property, national park, military installation) or hide from others, and even send to friends via the U.S. mail or Federal Express. This definition of 'adequate supply' and legal amount to purchase from a retail dispensary will allow for the sale of a very large quantity of a very potent and more addictive form of marijuana. Again, like No. 7, above, given its appearance and size, very, very dangerous to young children and toddlers.
10. Where prior versions of the H.B. 321 required license applicants to demonstrate upfront – as part of the application process – the capacity to analyze products for quality, content, consistency and potency, the current Conference Draft does not have these important requirements to protect and ensure patient and customer safety. One explanation is that in the marijuana industry today there are no universally accepted standards and measurement tools to measure

THC content of the marijuana flowers, extracts, edibles and lotions. Food products and edibles make it very difficult to ascertain the individual potency of 'scored' candy bars. Items like brownies and cookies are also revealing an inability to accurately determine the THC levels as the effective dose may be concentrated in one part of the item and not equally mixed throughout. The same problem can be said for standards for quality, content, purity, contamination and toxicity. And, private laboratory results have produced differing measurements of the purity, contamination and THC levels within states like Colorado, Washington and Oregon. The truth is, the Conference Draft provides no guidance to the DOH and it is uncertain if they can warrant the content, quality, purity and safety of a consumer product we are allowing to be sold to medical patients. The Department of Agriculture has usually taken a role through its measurements and standards branch, but in the present Conference Draft are not involved or directed to weigh in. Maybe this was an oversight.

11. There is no limitation on what other products can be sold at the retail dispensary. In prior drafts there was language to prohibit the sale of other products but here there are none. This means that the retail dispensary can sell not only marijuana products and paraphernalia, but other products and services that can be used to entice new users or patients and even mass market, co-brand, and believe it or not, appeal to a younger market and future consumers. Think about clothing lines like Quicksilver or Billabong. Fashionable surf wear that was made for the non-surfer but sold as a 'lifestyle' clothing line. Think e-cigarettes and vaping and vaporizing. How e-cigarettes are the 'new' tobacco and the contemporary means to consume addictive nicotine. Cigarettes to the Millennials is so old fashioned and not trendy or acceptable. Also, consider how the sale of non-marijuana related items as the means around the law to allow other kinds of consumers to be exposed to a retail dispensary or even have a non-marijuana business closely adjacent to the retail dispensary. How about a massage business, nail salon, athletic club, juice bar or coffee shop? Maybe even a Starbucks store. The intelligence and inventiveness of profiteers knows no bounds and certainly they will take miles of profit from every legal inch that we give them.
12. The licensees do NOT have to OWN or OPERATE the Production Centers or Retail Dispensaries, but can subcontract with other entities that have lower standards than licensees, and they do not even have to be organized under Hawaii laws, owned by Hawaii residents, or submit to background checks. The actual 'face' of the growers and sellers will probably be contracted out to some mainland outfit with experience to grow, manufacture, market and sell. This 'subcontract' option was never in previous drafts, but will allow external business operations and their personnel and agents to gain a foothold in Hawaii. This is very disturbing to me as I really wonder why we should expose our communities, and especially our young people, to this new social experiment of allowing for-profit commercialization of growing and selling marijuana for medicinal purposes. Recall that, apart from California which began its formal legalization at the county level in 2004, most states like New Mexico, Arizona, Maine and Colorado only have six or less years of experience in marijuana dispensaries. A mere blink of an eye in the timeline of examining and reflecting upon heretofore new and uncertain social public policy. The chart below sets out the facts of how new this policy of commercialization and retail sales is in the U.S.A. and among the states.
13. The location of the Production Centers does not have to be disclosed to the Department of Health until 30 days before they begin to produce marijuana products or manufacture marijuana products. Similarly, a Retail Dispensary need not disclose its location to the DOH until 60 days or two months before it opens. This means that a community, nearby business, adjacent farmer, or resident may not get any notice until the Department of Health does. Certainly, this is good for the marijuana business growing medical marijuana or opening up its retail shop, but not so good for community input, neighborhood vetting, local legislator involvement, public health interest, community police, or local council approval. This provision was not seen in previous drafts of H.B. 321, but is in accord with the

overall pre-emption of local home rule, which many have expressed concern since we require a care home or transitional housing or half-way house to obtain public comment before they are entitled to operate. What is curious is that nearly all, or 16, of the medical marijuana states allow for local jurisdictions to either forbade or approve the growing or operations of retail facilities, or allow the imposition of reasonable time, place, and noise or fume restrictions. This is not only good for community buy-in but may eliminate the 'nuclear' option of a county challenging the State Department of Health's imposition of its law upon a local government in contravention of federal law. And, that legal issue would probably place a cloud on all stakeholders and may even jeopardize the current program of patients and caregivers that we have had for about 15 years.

14. Prior drafts of H.B. 321 had certain restrictions on commercial advertising, but the Conference Draft has none except to have the DOH establish rules. In prior drafts there were provisions to forbid advertising using cartoon characters or images that would be attractive to children, but here the restriction applies only to external building signage. My fear is the advertising that will occur in free print media (street bins, i.e. Honolulu Weekly, Kaulana Na Pua, etc.), vertical banners, stickers, flyers, pamphlets, t-shirts, popup tents, and advertising at trade and outdoor festivals and events. The experience of Colorado demonstrates how extensive and prolific marijuana advertisement can be as a free tabloid. 'The Rooster' advertises medical marijuana 'deals' and 'specials' and 'two for one' or 'BOGO' events and opportunities. All geared to drive sales and increase customers. There are even reduced rates for medical marijuana medical evaluations by a licensed physician and 'two for one' offers and 'discounts' during seasonal 'sales' of the 'best green medicine' in Colorado. Intriguing and interesting at the same time. The Hawaii equivalent would be branding the medicinal and healthful qualities of marijuana with surfing, or canoe paddling, or maybe even the hula or the Honolulu Marathon or the Kona Ironman. The opportunities are endless and I am sure that when world-renowned and part-time Hawaii resident Willie Nelson launches his special blend, he could do a few concerts on Maui to pitch the medicinal qualities of his 'Willie's Reserve' to discriminating retail dispensaries. And, given a measure approved by the 2015 Legislature, the opportunity may arise for even naming rights on a building or bus or sports venue! Unlike tobacco or alcohol, who would oppose a healthful and useful medicinal product and the monetary donations it may bestow on unsuspecting but financially strapped governments.
15. The Conference Draft allows for five (5) persons to be hired outside normal civil service laws for the period from July 1, 2015 through June 30, 2017, but then, one day later, July 1, 2017, allows those same five exempt persons to be deemed civil service employees without any examination, job description, or pricing yet known as we approve this version of H.B. 321. Again, this provision was not in prior drafts or discussed in prior public forums. How these position descriptions, qualifications, benefits and compensations, and the applications and selection decisions are made, should and will be watched very carefully. Given the work that must be done to meet the legislative deadlines imposed upon the Department of Health, the selection of these five individuals and their skills and expertise will to a large extent determine the success or failure of the entire program. Given what we know of other states' experience, and the financial interest of dispensary applicants, the selection of these five individuals must be based upon impeccable histories of integrity, honesty in fact, and intellectual fervor, and ethics to the highest degree. I bet that these eight (8) licenses will be of a very high commercial value far exceeding the initial license fee of \$75,000 and \$50,000 renewal fee, but easily five to ten times that commercial value and worth. Like valuable and lucrative casino licenses in Las Vegas, so too will these medical marijuana dispensary licenses grow in value in Hawaii.
16. The Conference Draft provides an exceptionally long and irregular delegation of authority to the Department of Health to promulgate interim rules that is exempt from public input, comment, review and consideration, as set forth in HRS Chapter 91. It also allows the rules

to bypass review by the Small Business Regulatory Review Board, HRS 201M. These rules, however, will be in effect until July 1, 2018, or over two years, and have the effect of law in many relevant parts. This is an extraordinary delegation of authority and cannot be compared to interim rules to merely collect and dispose of plastic containers, glass bottles, and beer and soda cans. I would have preferred that the traditional rulemaking process be undertaken to allow for the input and review of the larger community. This is especially important since we are embarking upon a grand new social policy or set to engage in a social science experiment involving the entire community. Again, the data that we can glean from other states are relatively young and it behooves us to engage as many of our communities as we are able. The medical marijuana dispensary task force did an excellent job stewarding through the interest of the patients and medical marijuana medical professionals, but little participation was seen from the larger community of Hawaii that includes educators, health providers, family advocates, labor organizations, coaches, soccer moms, farmers, small business owners, and many, many others. The Chapter 91 rulemaking process allows us this engagement opportunity, and we should embrace it as a means to develop and foster a better understanding of our patients and their needs, along with the interest and concerns of communities, neighborhoods and other stakeholders.

17. No guarantee that any licensee and/or production center or retail dispensary will produce or manufacture or make available for sale at a quality and quantity and price those families like the young girl from Mililani Town can afford. My sister Susan also knows of other families who could benefit from these unique and specialized marijuana products. There is nothing, however, in the Conference Draft that requires it to be made or sold at an affordable price, and my greatest fear is that, in spite of all the notoriety centered on these truly needy families and their children, that free marketplace decisions will overshadow compassion and even trump self-serving corporate good will. This point of view of all others, I would welcome being in error and my fears found to be baseless and ridiculous. But, maybe this critical and harsh point and the suspicion that supports it may just be what the doctor ordered and embarrass or shame the dispensary licensees to provide for the needs of the young and afflicted regardless of their ability to pay. And, I can see this occurring even if it means the licensing of ones' likeness and 'story' or endorsement and naming rights for a manufacturer or retailer. I can see a medical marijuana product sold with the name, 'Mary's Medicine' or 'Maia's Medicinal Miracle' with the proceeds to offset the 'free' or subsidized sale of this specialized product. For then, it may make economic sense and align with the profit-making goals of developing and making valuable goodwill and being seen as a good corporate citizen and generous sponsor of children events. I get that and appreciate the corporate structure and fiduciary responsibility to the investor and shareholder. I do. And, I do know there are good-willed and well-intentioned and compassionate people in the marijuana business, but I much rather preferred that we had established the policy like the State of New York or Washington, D.C., whereby the regulating authority would have the clear power to set the price of a product. This would be a legitimate 'price of admission' to do business in Hawaii and certainly well within our police power authority, and it would not have dissuaded any potential suitor to seek one of the most valuable and prized licenses in the land. Earlier this year, we approved a bill that would mandate a movie projection company with more than two venues to offer several shows with subtitles for the hearing impaired. This is an imposition upon a business, but most people and even the local Hawaii businesses agreed that it did provide an important service and benefit albeit to a fraction of their paying audience. Now, if we could do this for the hearing impaired so they could enjoy a movie, don't you think we could have imposed a similar sales requirement upon a medical marijuana business to address the medical needs of a small number of young customers? Obviously, yes. Too bad we did not. Maybe shame and calculated business interest will move the invisible hand of commerce to offer a generous hand to the young children of Hawaii.

18. Passage of this measure will be a stepping stone to legalization of marijuana or 'recreational' marijuana in a few short years. The ability of the professional proponents like NORML and DPA to form and deliver a consistent and catchy message is exceptional and noteworthy. They were able to convince even the most adroit and careful reporters to believe that 'patients have been waiting for 15 years for dispensaries' when the phenomenon only legally began in 2004 in California and then under a hodge-podge of loosely regulated municipal and county licensing and permitting systems. This is one reason you often read about federal law enforcement action to shutdown growing and retail dispensing of medicinal marijuana. It is not the model for any state to adopt. Furthermore, it wasn't until the 2008 national elections and after President Obama was elected that states began to approve and regulate medical marijuana dispensaries. The obvious reason was the appointment of Attorney General Eric Holder and his department's now famous Ogden and Cole Memorandums, October 2009 and February 2013, respectively, setting forth the new enforcement policy of President Obama, essentially allowing the states to be the 'laboratories of democracies' and permitting states to enact various laws to decriminalize or legalize both medicinal and recreational use of marijuana even with the federal drug laws being intact. The chart below shows how the rollout of the medical marijuana dispensaries came about and apart from California in 2004, all other states allowed dispensaries opened after 2009 even where they may have legalized medical marijuana in years past.

| Average Years of Dispensary Experience  |         |        |                   |
|-----------------------------------------|---------|--------|-------------------|
| State                                   | Enacted | Opened | Years of Disp Exp |
| California                              | 1996    | 2004   | 11                |
| New Mexico                              | 2007    | 2009   | 6                 |
| Maine                                   | 1999    | 2011   | 4                 |
| Colorado                                | 2000    | 2011   | 4                 |
| Arizona                                 | 2010    | 2012   | 3                 |
| New Jersey                              | 2010    | 2012   | 3                 |
| Vermont                                 | 2004    | 2013   | 2                 |
| Rhode Island                            | 2006    | 2013   | 2                 |
| Oregon                                  | 1998    | 2014   | 1                 |
| Delaware                                | 2011    | 2014   | 1                 |
| Connecticut                             | 2012    | 2014   | 1                 |
| Hawaii                                  | 2000    | 2016   | 0                 |
| Nevada                                  | 2000    | 2015   | 0                 |
| Massachusetts                           | 2012    | 2015   | 0                 |
| Illinois                                | 2013    | 2015   | 0                 |
| New Hampshire                           | 2013    | 2015   | 0                 |
| Maryland                                | 2014    | 2016   | 0                 |
| Minnesota                               | 2014    | 2015   | 0                 |
| New York                                | 2014    | 2015   | 0                 |
| Alaska                                  | 1998    | 0      | NA                |
| Washington                              | 1998    | 0      | NA                |
| Montana                                 | 2004    | 0      | NA                |
| Michigan                                | 2008    | 0      | NA                |
| Ave Yrs of Dispensary Exp for 19 States |         |        | 2.00              |

Add to this a general bias and disinterest in the facts of the matter and lack of any diligence, especially by the commercial broadcast media conglomerates and even public radio, television and online 'progressive' media, Hawaii's citizens are most vulnerable to or merely awaiting future legalization efforts. As Drug Policy Alliance, Mr. Raphael Kennedy, said moments after the Conference vote was taken, 'I'm certain that my organization and many advocates will push for legalization in the years to come.'

19. Finally, we should not approve this Conference Draft 1 but give ourselves the ability to do some further independent research and investigation at two of our sister Western states – Colorado and Washington – that have had both recreational and medical marijuana programs in place. I think it would be a wise investment to spend some time before and after both conferences to personally take a tour of a growing facility, manufacturing center, and retail dispensary. Spend time and talk with owners, growers, suppliers, regulators, law

enforcement, counselors, health care professionals, and other colleagues from the Colorado and Washington Legislatures. Allow us to go and see for ourselves that there is nothing to fear or allow us to see that we can do better and we can make the best laws for Hawaii and our unique island community. I understand that the lobbyist and fiercest proponents do not want us to see, hear and taste with our own eyes, ears and senses, because it will change some minds. Change some hearts, too. But, who do we serve? Who do we owe our loyalty to? The CSG-WEST meeting entitled 'Balance Your Attitude with a Change in Altitude' is from July 28 -31, 2015 in Vail, Colorado. The NCSL Annual Meeting is from August 3 - 6, 2015 in Seattle, Washington.

"In close, we only have one shot at doing this right. One shot. We cannot miss. We will not get another shot. Once the bell is rung, there is no going back. Vested interests of those with money and wealth and political power and influence will not allow it and will fight tooth and nail to protect and keep and enlarge what they have. No state that opened the door ever closed it. Not one. The profiteers of human addiction and vice are swarming around like flies to carrion. There is blood in the water and our Hawaii Nei has attracted greedy foreign interest and their idols made of gold and silver. Their worship of mammon will desecrate Hawaii's soul and wound her *aloha* spirit. The hungry and greedy sharks from America are all around us. *Auwe. Auwe. Auwe* does she wail. I wail along with her. *Auwe. Auwe. Auwe.*

"By legalizing the commercial growing and selling of marijuana and marijuana products for albeit medicinal purposes, we are bringing a new enterprise to Hawaii's shores that will be equal to or greater than the effect upon Hawaii's people than the harvesting of sandalwood or whaling in the 1800s. My spirit shakes inside with trepidation and fear. I cannot fathom such a weighty decision at this moment in time. What would my father say? What would our *kupuna* say? What would the old leaders say?

"Thank you, Mr. Speaker."

Representative Belatti rose to respond, stating:

"Mr. Speaker, really briefly, in rebuttal and I continue to be in strong support. Three main points. I respect that there's opposition to this, but I want to correct the record because I think there was some mischaracterizations on the bill.

"If you read the bill at page 22, there is specific criteria that is put out and put forward for the merit-based application process. This includes capacity to meet the needs of qualifying patients, ability to comply with criminal background checks, ability to comply with inventory controls, ability to comply with security requirements, financial stability, and ability to operate a business. So that was the first inaccuracy I want to correct.

"Second, Mr. Speaker, on page 27, there are regulations about advertising, and it does include that this system shall not include the image of a cartoon character or other design intended to appeal to children.

"Finally, Mr. Speaker, I would just add that we have indeed reached out to sister states. We have talked with regulators from Washington, we have talked with regulators from Arizona and New Mexico. So I believe this continues to be a bill that will withstand and support the Cole Memorandum that demands and calls for a tightly regulated statewide system. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support. Mr. Speaker, I suspect that our debate this morning will not change the minds of anyone who is opposed to the delivery of medical marijuana in any way, shape or form. But for the majority of lawmakers whom I believe support the concept of delivering medical marijuana to qualified patients in a safe and reliable manner, I believe this proposal deserves their support. It draws on the experiences and lessons learned from the 18 other states that do operate medical marijuana dispensaries. And the value of the task force over the interim

prior to this session was to draw on the experiences, lessons learned and the mistakes made by those 18 other states.

"This bill is not perfect. Mr. Speaker, more than 25 years ago our state first began regulating the sale and distribution of tobacco, and to this day we're still amending that measure, and so we will do so with this measure as well.

"Finally, Mr. Speaker, the Chair of the Health Committee previously mentioned a number of supporters who made this measure possible. I'd like to add one more person, and that's the Chair of the Health Committee, whose dogged determination has made the advancement of this measure possible. Thank you very much."

Representative McKelvey rose in support of the measure and asked that the remarks of Representatives Takayama, Belatti, San Buenaventura and Jordan be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Morikawa rose in support of the measure and asked that the remarks of Representatives Takayama, Belatti, San Buenaventura and Jordan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Fukumoto Chang 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 Fukumoto Chang's written remarks are as follows:

"Mr. Speaker, I rise with reservations on HB 321, HD 1, SD 1, CD 1. While I am supportive of the bill, my reservations stem from the process of bringing this bill back from the dead. I was disappointed that an agreement could not be reached during conference, especially given all of the hard work the Health Committee Chair had put into the bill. However, it is a fact of the session that not every bill will get out of conference committee. When we make a special exception to allow a bill to continue on in the process after the regulated process has expired, we are setting a dangerous precedent.

"That being said, Mr. Speaker, HB 321, HD 1, SD 1, CD 1 will provide our residents with a much-needed legal avenue of acquiring medical marijuana. My community also recognizes the importance and need for medical marijuana dispensaries. During session, I sent out a legislative survey to my community, and one of the questions I asked was whether they were supportive of medical marijuana dispensaries. Mr. Speaker, the results showed that an overwhelming 81% of respondents were in support of dispensaries.

"HB 321, HD 1, SD 1, CD 1 will be especially helpful for one of my constituents and her young daughter, who has Dravet Syndrome, which gives her seizures and puts her at a high risk of sudden unexplained death in epilepsy (SUDEP). An oil made with a specific dose of cannabis is providing her with some of the best seizure control in years.

"The types of seizures she experiences range from a short loss in muscle strength, which can cause her to fall to convulsions and a loss of consciousness that typically lasts for one to three minutes, but sometimes lasts longer than 10 minutes. Those are known as tonic-clonic seizures (a.k.a. grand mal). Now just six years old, she has suffered through thousands of seizures.

"Since 2000, the State has allowed patients who meet certain criteria to use medical cannabis. But patients or their families must grow it themselves; the State doesn't offer any other way to safely obtain it. Patients are limited to seven plants, and issues like crop failure and unknown potency are constant worries, even for someone like my constituent, who has a background in science and agriculture. If the plants don't produce enough, her young daughter has to go without the medicine.

"After she started taking medical cannabis, she had an average of 3.6 tonic-clonic seizures in each month of 2014, except for two. She spiked to

almost 90 seizures in the other two months, when she didn't have access to her regular supply of the medicine.

"A Stanford University study on pediatric treatment-resistant epilepsy found that 84% of patients reported some reduction in seizures after taking medical cannabis. The Epilepsy Foundation of America is among the organizations that recognize medical cannabis' effectiveness.

"After 18 months, she is making significant cognitive, physical and personal gains. But without appropriate testing facilities and access to her medication, her seizure control each month is unstable.

"Over 20 other prescribed medications, including experimental drugs, failed to provide more than short-lived effectiveness by the time she was four years old. Then they saw a CNN story about another girl with Dravet Syndrome who had success with medical cannabis. Though reluctant, in 2013 my constituent and her husband applied for and received approval to start treating their daughter with medical cannabis. But with no dispensaries and no guidance, they then had to figure out how to grow and process it themselves, which involves using semi-frozen alcohol to dislodge resin glands from flower buds.

"The House Bill to establish dispensaries, HB 321, HD 1, SD 1, CD 1, would not legalize marijuana for recreational use. Dispensaries would be highly regulated facilities that serve patients with certain conditions, similar to pharmacies. Legalizing recreational marijuana is an entirely different policy that would allow anyone to use it for any reason. I do, however, think that our community needs to remain vigilant in ensuring that the medical marijuana program remains well-regulated and restricted to legitimate medical use.

"Mr. Speaker, I am supportive of dispensaries for medical cannabis because they would go a long way towards helping families, like my constituents, who are suffering and just need a safe, reliable way to get medicine. However, I do not agree with the process by which this bill was brought back to life. As such, I vote with reservations today. Thank you Mr. Speaker."

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

"Thank you, Mr. Speaker. In support with some reservations. Mr. Speaker, I support this measure based on the compassion and the healing that it will provide as outlined by the words by the Representative from Waimanalo. However, my continued strong reservations are based on the lack of any county oversight through zoning. I've got to say, coming from the County Council, county zoning, Mr. Speaker, is a very important tool that seeks to maintain our community's unique sense of place and character. And, Mr. Speaker, county zoning takes into account if an area has necessary infrastructure, the impacts on traffic, and most importantly, the appropriateness of an establishment's impact on a community's sense of place and character. Mr. Speaker, for those reasons, I stand in support with those reservations."

Representative McDermott rose to respond, stating:

"Mr. Speaker, second time, I'll be brief. And I certainly appreciate the compassion of those folks, like my good friend from Waimanalo, who have to deal with these medical issues. My heart breaks for them, it really does. And I think there's a better path forward to address that. But, Mr. Speaker, I made a remarkable assertion earlier, and that remarkable assertion was, this is a bridge to full-blown legalization. That these dispensaries, at the flip of a switch, can be turned into commercial operations if this Body deems so.

"I have not heard one person dispute that. Not one person say, no, we won't have legal marijuana. No, this infrastructure will not be used for recreational marijuana in the very near future. Not one person. I say these things, and they're just utterly ignored. So that is my concern, and I want to just reemphasize that. Thank you."

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

"Thank you, Mr. Speaker. In support. Thank you. I do have a lot of concerns about this issue, and no one here or anywhere in the State of Hawaii wants to deny prescriptive medicine to anyone who needs it. And the issue really is the potential elevated crime levels, addiction or unforeseen or unintended consequences. But that being said, one of the reasons I'm supporting this is because I think by tackling this issue, it forces us to grow as a society. It will force us to deal more maturely with issues like this. And when we don't ignore these issues, this is how a healthy democracy grows, through debate like this.

"Mr. Speaker, I do want to share I guess a little anecdotal story that I came across. I recently was taking out the trash in my office and throwing it in a receptacle outside in the hallway. And I wasn't rummaging through the trash, Mr. Speaker, but I found a community survey from our Hawaii Kai Democrat, and in the survey, which he mailed the results to his constituents earlier this year, he asked his community, are you in favor of legalizing recreational marijuana? And 45% of those respondents said yes, while 55% said no. And by voting yes on this measure we could see that we're in line with how the rest of the island thinks, because if in a conservative community like Hawaii Kai, 45% of those who responded said that they were open to recreational marijuana, I think an overwhelming majority of residents around the State would support legalizing cannabis for medicinal purposes. And, Mr. Speaker, for those reasons, I'm supporting this issue, with concerns, but I'm open to the progress that it will make in the future. Thank you."

Representative Say rose in support of the measure with reservations and asked that the remarks of Representative Oshiro be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In opposition. I, like many others here, feel the same way, for the people who need it the most, we need to have a system that will deliver it to them in the safest way. I heard the Representative from Pearl City talk about wanting to work and make a better bill and wanting to compare it to tobacco. And that's a great step forward to make this right. But as it is right now, the issue with the counties and the county councils and their not being able to have any oversight to that I think is a big, big concern and a big problem being a former councilmember.

"So for those reasons, Mr. Speaker, I'm not going to take much time but I do want to incorporate the words from the speaker from Pearl City except the part about the yes vote, and the words from the speaker from Wahiawa as if they were my own. Thank you very much," and the Chair "so ordered." (By reference only.)

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

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure specifically to address any concerns regarding how H.B. 321 advanced in conference committee.

"On Friday afternoon, negotiations broke down between the lead conference chairs. However, the members of both bodies expressed a strong interest in continuing deliberations so that a final bill could be advanced. This is the exact type of circumstance that was contemplated in Rule 13 of our conference rules, which permits the President and Speaker to waive the deadline to conclude conference negotiations.

"Following the waiver on Friday evening, the conference committee meeting was re-set for Monday at 12 noon. This time was chosen to afford maximum advance notice to the public. On Monday, deliberations and negotiations continued in public, and the conferees were able to reach an agreement.

"The decision to continue negotiations was not lightly made. It was reached after much deliberation by the Speaker and Senate President. In the end, Rule 13 was invoked due to the extraordinary circumstances

surrounding the procedural posture and content of H.B. 321, and I anticipate that in the future, the same level of scrutiny will be applied to similar requests."

Representative Har rose in opposition to the measure and asked that the remarks of Representatives Oshiro, Kawakami and Tokioka be entered into the Journal as her own, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill No. 321, HD 1, SD 2, CD 1. The purpose of this bill is to establish a licensing system for medical marijuana dispensaries and production centers. My objections to this bill are very clear to the Members of this Body, but I rise in opposition to this bill today because of the way it was resurrected.

"On April 7th, the *28th Legislature, Regular Session of 2015, Joint House and Senate Committees on Conference Procedures* memo, dated April 6, 2015, was distributed to all Members, permanent and session staff. It clearly states that '*On the deadline nights for Final Decking of both non-fiscal and fiscal bills...Conference Committees shall conclude their negotiations by 6:00 p.m. to allow adequate time for final preparation of the bills and Conference Committee Reports.*' (emphasis added).

"Furthermore, on April 28, 2015, the *Conference Deadlines – No Exceptions* memo was distributed to all Members, permanent and session staff, and reiterated the importance of Conference Committee decision-making deadlines. It clearly states that 'Decision-making Deadlines for Conference Committees have been established by the *Joint House and Senate Committees on Conference Procedures* (Conference Rules) which were agreed to by the Senate President and House Speaker on April 6, 2015. There will be no exceptions.'

"Conference committee negotiations on House Bill No. 321 concluded prior to the 6:00 p.m. Final Decking deadline for fiscal bills on Friday, May 1, 2015, without any agreement between House and Senate conferees. In fact, every news media outlet showed the Chair of House Committee on Health stating, 'we cannot agree and therefore HB 321 is deferred.' Accordingly, House Bill No. 321 was dead at 6:00 p.m.

"At 11:46 p.m., MIRACULOUSLY, HB 321 was somehow resurrected, despite several memos by House and Senate leadership which unequivocally stated that NO EXTENSIONS would be granted. This type of 'back-door dealing' is EXACTLY the reason why the public does not trust the Legislature and elected officials, Mr. Speaker. While a subsequent memo was sent out noting that it is within the Conference Rules to extend deadlines, was it the right thing to do in the face of the two memos by House leadership unequivocally stating that NO EXCEPTIONS would be made? We continue to 'make the rules' and break them when it is convenient for this Body, and this undermines the very transparency to the public we purport to uphold.

"Moreover, if House and Senate leadership felt it was absolutely necessary to make an exception for HB 321, what about the other good bills that were not given the same consideration? For example, House Bill No. 600, that would have allowed a couple to live together in the same care home. What about House Bill No. 365, which would have purchased body cameras to protect police officers and the citizens of Honolulu? How is it that House leadership's priorities are with condoning illegal activities under federal law instead of helping our *kūpuna*? For these procedural reasons, and for the reasons stated on the Floor as to the merits of the bill, I remain in opposition to HB 321, HD 1, SD 2, CD 1."

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

"Mr. Speaker, in support. Just to respond to the argument that this is a slippery slope into full legalization, there's no guarantee that that won't happen. This Body in future years could decide that that's what they want to do. And if that's, whether I and other Members that are currently here are here then, that's up to that Body to decide whether they're going to move forward.

"For the proponents who would like to see that happen, the fact that it took 15 years to get from legalizing medical marijuana to actually being able to get it legally, shouldn't make a proponent too excited that this is going to happen tomorrow. Thank you."

At 11:33 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:34 o'clock a.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 321, HD 1, SD 2, CD 1 entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," passed Final Reading by a vote of 36 ayes to 13 noes, with Representatives Cachola, DeCoite, Fukumoto Chang, Ichiyama, Johanson, Kawakami, LoPresti, Ohno and Say voting aye with reservations, with Representatives Aquino, Choy, Cullen, Har, Kong, Matsumoto, McDermott, Oshiro, Pouha, Tokioka, Tsuji, Tupola and Yamane voting no, and with Representatives Ing and Ward being excused.

At 11:35 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 321, HD 1, SD 2, CD 1

#### FINAL READING

Representative Saiki moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Ing and Ward were excused.)

H.B. No. 346, HD 1, (SD 2)

H.B. No. 971, HD 1, (SD 2)

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

#### H.B. No. 346, HD 1, SD 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. 346, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (Rhoads, Nishimoto and Cullen). Noes, none. Excused, 1 (Thielen).

On motion by Representative Saiki, seconded by Representative Evans and carried, H.B. No. 346, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL PROCESS," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives McDermott and Tupola voting no, and with Representatives Ing and Ward being excused.

#### H.B. No. 971, HD 1, SD 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. 971p, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (Aquino, Cullen and Tupola). Noes, none. Excused, 1 (Nakashima).

Representative Saiki moved that H.B. No. 971, HD 1, SD 2 pass Final Reading, seconded by Representative Evans.

Representative LoPresti rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, ruling on a potential conflict of interest. I'm an employee of HPU which is one of the members of the ATDC. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 971, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION," passed Final Reading by a vote of 49 ayes, with Representatives Ing and Ward being excused.

At 11:37 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 346, HD 1, SD 2  
H.B. No. 971, HD 1, SD 2

### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 184 and 185) were announced by the Clerk and the following action taken:

H.R. No. 184, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO PERFORM AND CARRY OUT ANY OFFICIAL LEGISLATIVE BUSINESS DURING THE INTERIM BETWEEN THE 2015 AND 2016 REGULAR SESSIONS," was jointly offered by Representatives Saiki and Fukumoto Chang.

On motion by Representative Saiki, seconded by Representative Fukumoto Chang and carried, H.R. No. 184 was adopted, with Representatives Ing and Ward being excused.

H.R. No. 185, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was jointly offered by Representatives Souki and Mizuno.

On motion by Representative Saiki, seconded by Representative Fukumoto Chang and carried, H.R. No. 185 was adopted, with Representatives Ing and Ward being excused.

### ANNOUNCEMENTS

Representative Keohokalole: "Thank you Mr. Speaker, and thank you Members. I know I've taken a lot of time this morning so I'd like to take a little bit more to express my sincere gratitude and appreciation to you all and to the Body for your indulgence allowing me to take the oath to enter the Hawaii Bar earlier this morning in the presence of my family and friends. Thanks to you all now I get to enter company shared by very few. I've now attained status among the lowest of the low, the bottom of the barrel of society, that of a lawyer-politician. Thank you."

"I'd also just like to say very briefly, on behalf of myself and the rest of the freshman class of legislators, thank you all for your patience, indulgence, graciousness, and your help throughout this session. We've had many ups and downs, but I think we can all, with all things considered, we can consider this a success. I understand that every year will not be like this one, so for that I'm grateful to all of you for the progress that we've made and the lessons that we've learned. Thank you."

Representative Mizuno: "Thank you, Mr. Speaker. I would be remiss if I didn't thank my staff, fiercely loyal staff that made all of us look good. My speaker in my office is May, you're the Speaker of the House, she's the speaker of my office. She's done a great job in guiding me through this session. I wanted to thank my office manager, Christine Fehn, who's been so strong and supportive on a number of bills that helped our needy. I want to thank my legislative aide, Charlie St. Sure who helped us with media releases and press. I also wanted to thank my Committee Clerks Charlie Jenks, who again is fiercely loyal and helped me throughout this session

especially with constituent concerns, and Alyssa Reyes who's done a great job with certificates.

"Mr. Speaker, I'd like to thank you for job well done. You've guided us through an excellent session. I've been here four years as a staff member and nine years as a lawmaker. And as my good friend from Hawaii Kai would say, it's probably been the most mellow session we've had. I'd like to thank our leadership team, Majority Leader Saiki, Majority Floor Leader Evans, Finance Chair Luke. I'd like to thank the Minority, the GOP and Minority Leader Fukumoto Chang for a job well done. I'd like to thank all the agencies that helped us throughout the entire session. They get the credit for making us look good. Legislative Reference Bureau, the House Majority Staff Office, the House Minority Staff Office, Sergeant-at-Arms, and the Clerk's Office. And I want to thank all the Members of this Body, it's been an honor. Thank you, Mr. Speaker."

Speaker Souki then gave his closing remarks as follows:

"Alright, Members, we adjourn today *sine die*, and yet we all understand that our work is not yet done. That it continues on quietly beyond the limelight. From our transportation infrastructure to healthcare, you took on the challenges even when there seemed to be little hope for success.

"Building Honolulu's rail system has been frustrating. The little distance travelled for the price seems high indeed. But the cost for not taking this first step is even higher, and future generations will thank you for your farsightedness and courage.

"They will also thank you for thinking outside the box to resolve Maui's Hospital financial crisis. Good solutions are always collaborative, and identified not by one person's signature but by many fingerprints. Together with the Governor, we have come up with a fair resolution for all concerned, including the people of Maui.

"You also took steps to complete the job of preserving the lands around Kawela Bay for future generations, a task that seemed daunting a year ago. You not only completed the job but we fashioned a better deal that looked out for the best interest of the people of Hawaii.

"During this session, as the Hawaii Health Connector ramped up from its slow start, you moved to ensure liability. The seamless integration of the Affordable Care Act into our landmark Prepaid Health Care is key to ensuring the future health of all our citizens. You took the measures to protect Hawaii's Prepaid Health Care Act, the bedrock of our people's healthcare infrastructure. You also heard the pleas of those who depend on medical marijuana and provided them with legal access to dispensaries throughout the State.

"Education is the key to lifelong success. Knowing this, you invested heavily in our schools, from early learning to higher education. You gave our children who are at risk a chance to go to preschool, and gave them a leg up in succeeding in their schooling and in their lives. At the same time, you provided the University of Hawaii with the fiscal flexibility to better support its students and campuses throughout the State, and I believe we can thank our Chairman of Higher Education for that.

"For those who need a helping hand, you provided more than \$28 million in grants-in-aid for nonprofit organizations who reach out to the community with invaluable services. In addition, you provided over \$2.45 billion for a wide range of capital improvement projects for infrastructure which will continue to support state services and economic growth on all the islands.

"As we move further from the last economic recession, it becomes easier to slip into past practices of borrowing from the State's Rainy Day Fund and the Hurricane Relief Fund, and spend more freely during good times. You not only refrained from that temptation, but continue to address the State's unfunded liabilities in a responsible and prudent manner, and we can thank our Finance Chairman and the Committee for doing that, and also Representative Cachola who continually reminded us of the unfunded liabilities.

"Together with the Senate and the Ige Administration, we did all this and more. We did it not to make headlines, but to make Hawaii the kind of place we are all proud to call home. We did it for our families and our communities. We did it for the poor and the frail. We did it for today's *kupuna* and tomorrow's *keiki*. We did it for Hawaii.

"To the leadership team, the Chairs, the Vice Chairs, and every Member of the House, thank you for your unwavering commitment to do your best for the people of Hawaii. Because of you, this was not only a productive session, but a good start on the biennium by significant accomplishments. I would like to especially thank our hardworking Majority Leader Scott Saiki, our Vice Speaker Mizuno, Majority Floor Leader Cindy Evans, and last and certainly not least, our Finance Chair who did a wonderful job. I thank them all for their vision and insight and for their tremendous contributions and tireless efforts in moving us forward this day. To our Minority Leader, Beth Fukumoto Chang, and the Minority Caucus, thank you for bringing your constructive ideas and perspectives to the table.

"To the permanent and session staff of the House, thank you for your professionalism and supporting the work of the House.

"I would also like to thank the former State Senate President Donna Kim for her leadership and her leadership team, the Senate Chairs and Members who worked with us and collaborated as we worked to craft legislation for the people of Hawaii. Again, I'm deeply grateful to all of you for your trust, your hard work, and your commitment to the people of Hawaii.

"One final thought. The Speaker's closing remarks are rightfully about what we accomplished during the session. Rarely is it about bills that did not make it through the rigorous process of lawmaking. We all know the amount of work that goes into shepherding a bill through the legislative process. We all know how much sweat and equity we pour into it. When a bill dies, especially in the 11th hour, we sometimes feel like a part of ourselves died with it. When it fails, we feel like we failed. But the real truth is that you haven't. If we only took the issues that we knew would succeed, Hawaii would be a poorer society because of it. We are richer when there is no fear of failing, but only the fear of not doing our best. That means sticking your neck out when you know that is the right thing to do. I saw a lot of that this session, very hard and determined work regardless of the outcome.

"And so I say with pride based not only our collective accomplishments but our collective efforts, Members, I'm honored to have served you as your Speaker, and look forward to working with you again next session. Thank you, *Mahalo* and *Aloha*. Thank you."

Representative Saiki gave his closing remarks on behalf of the Majority as follows:

"Thank you, Mr. Speaker. I was going to move to reconsider our vote on the rail tax surcharge, but I think I'll hold off on that. Instead, I want to thank four groups of people as I usually do every year.

"First, thank you to all of the residents of our respective communities who have given us the privilege to represent them here.

"Second, as the Vice Speaker mentioned, thank you to all the staff members who have worked so hard behind the scenes to make the Legislature functional and also to make us look good.

"Third, thank you to the Republican Caucus. At the start of the session, we said that we would work with them, and I hope that we kept our word on that. I want them to know that their contributions did impact our final product, and particularly the working relationship with the Republican leader from Mililani.

"Fourth, thank you to the Majority Caucus. This caucus was resilient and took on major challenges that have festered here at the Legislature for many years. These challenges affect the structure of our government, the infrastructure of our islands, and the well-being of our residents. They have done an excellent job this session, and I just want to say best wishes and thank you to everyone during this interim. Thank you."

Representative Fukumoto Chang gave her closing remarks on behalf of the Minority as follows:

"Thank you, Mr. Speaker. I just wanted to say a few words on behalf of the Minority Caucus. We wanted to start off by thanking you for your leadership and the rest of your leadership team. It's been a real privilege to work with all of you this session.

"To all of our Chairs, we wanted to thank you for the hard work that you've done, in particular I wanted to thank the Health Chair for all of her diligent work on the many difficult issues that the Health Committee faced this session. You showed true leadership and an honest effort to work with all stakeholders on every issue, and it was an honor to be a part of your committee.

"To all of our House staff, Minority and Majority, thank you for your hard work and dedication to the people of our state. The work we accomplished this session would not have been remotely possible without all of you.

"Finally, to my Minority Caucus, thank you for the faith you placed in me as your leader and for your patience with me in my first year. At the beginning of this session I made only two promises. That I would work to build mutual respect in our caucus, and that I would defend your right and your responsibility as a Representative to represent your constituency over your party. I was very happy to see that you all took me up on those promises. We had a more diverse voting pattern and less caucus no votes than I've ever seen, but we've also learned to appreciate each other's differences and to respect the differences that exist within and between our communities.

"As we adjourn today I think my caucus and this Chamber can be proud that we worked together, that we overcame differences, and that we created good legislation for the people of Hawaii. We've got a lot of issues left to tackle, but I look forward to working with all of you on those and more in the months to come. Thank you, Mr. Speaker."

Representative Jordan: "Thank you, Mr. Speaker. I'm proud to make this announcement. Just a few days ago I heard of a young man who attends my *alma mater*, he's a senior this year, he's a member of his ROTC, a dedicated member volunteering for community things. It's just been announced that he will be attending West Point. This is the first student in 50 years of my school to get this nomination. He has worked long and hard to achieve this. And it is my understanding that he is one of three individuals in Hawaii that will be attending West Point.

"He is going to graduate in the next few weeks and I'll be proud to call him a fellow alumni. He is the proud son of Mr. Calvin and Mrs. Susan Endo. His name is Nathanael Endo. And, Mr. Speaker, I congratulate him and I look forward to him coming back and honoring our state and my community with his service. Thank you very much, Mr. Speaker."

Representative Tokioka: "Thank you, Mr. Speaker. I have never done this before but it's not about me right now. On behalf of the Representative from Kapaa, the Representative from Ewa Beach, the Representative from Palolo, and the Representative from Kapolei, I'd like to thank their assistant staff members for all of the work that they did this year, and they're up in the gallery there. So Rich, Baron and Robert, can you please stand? Welcome, and thank you very much on behalf of everyone that I mentioned."

## ADJOURNMENT

Representative Saiki moved that the House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, adjourn Sine Die, seconded by Representative Fukumoto Chang.

The motion was put to vote by the Chair and carried, and at 11:57 o'clock a.m., the Speaker rapped his gavel and declared the House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, adjourned Sine Die. (Representatives Har, Ing, Oshiro and Ward were excused.)

ROUGH DRAFT

## HOUSE COMMUNICATIONS

House Communication dated May 7, 2015, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 346, HD 1, SD 2  
H.B. No. 971, HD 1, SD 2

House Communication dated May 7, 2015, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 321, HD 1, SD 2, CD 1

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 700 through 702) were received by the Clerk:

Sen. Com. No. 700, dated May 7, 2015, informing the House that the Senate has on this day, reconsidered its action taken on April 16, 2015, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 159, SD 1, HD 1  
S.B. No. 1092, SD 1, HD 1

Sen. Com. No. 701, dated May 7, 2015, informing the House that the following bill has this day passed Final Reading:

H.B. No. 321, HD 1, SD 2, CD 1

Sen. Com. No. 702, transmitting S.R. No. 138, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate on May 7, 2015.

## EMPLOYEES OF THE HOUSE

The following is a list of all House employees for the 2015 Session:

Representative Aquino: Maureen Andrade, Conception Herolaga, Kyle-Lee Ladao, Mie Omori

Representative Belatti: Jon Kawamura, Janjeera Hail, Philip Kockler, Richard Mizusawa

Representative Brower: Cynthia Nyross, Luke Sarvis, Randall Yamamoto

Representative Cachola: Leo Gozar, Carl Campagna, Barbara Gash, Charles Izumoto, Joseph Prather

Representative Choy: Carole Hagihara, Jenny Quezon, Pamela Seeney

Representative Creagan: Napualani Young, Dannah Amewouame Daketse, Karina Yudharto

Representative Cullen: Shanell Cullen, Dawn-Marie Goya, Kent Jiang, Rachele Lamosao, SheilaMarie Pacariem

Representative DeCoite: Soana Tupua-Fanoga, Rebecca Bernal, Cameron Fitzpatrick

Representative Evans: Terii Perez, Matthew Won, Allan Christopher Acosta, Amber Collins, Ryan Mandado

Representative Fukumoto Chang: Stephanie Burgess, Marlo Ting, Kanani Castro, Genel Oganeku, Justin Omori

Representative Har: Jame Schaedel, Susan Goya, Nani-Hoku Lanai, Nga Nguyen, Charlene Petersen

Representative Hashem: Kathy Kato, Kenneth Best, Michael Leong

Representative Ichiyama: Melanie Kuroiwa-Steiner, Cu Ri Lee, Brandon Sekiya

Representative Ing: Margaret "Poni" Daines, Kaliko Chun, Mary Pham

Representative Ito: Roxanne Kamalu, Richard Haru, George Okuda, Janina Tully

Representative Johanson: Cody Hensarling, Ryan Kobayashi, Marc Takei

Representative Jordan: Nicole "Lehua" Kinilau, Cuyler Otsuka, Frances Rollins, Kevin Wilson

Representative Kawakami: Virginia "Gini" Kapali, Paulette Phillips, Benigno Viernes

Representative Keohokalole: Julia Peleiholani, Relley Araceley, Heather Mcvay

Representative Kobayashi: Edward Thompson, Lynda Asato, Joni Ekimura, Liane Miwa

Representative Kong: Jacqueline Miyashiro, Brenden Burk, Beverly Wong

Representative Lee: Jennifer Wilbur, Holly Broman, Melita Lani, Princeton Liborio

Representative LoPresti: Bryan "Jaco" Gallarde, Boyce Brown, Sue Haglund, George Massengale

Representative Lowen: Anna Kelly, Thomas Blair, Jade McMillen

Representative Luke: Julie Yang, Julian Downey, Kimberly Duong, Courtney Gill, Sonya Kuki, Donovan Lim, Morgan Mellinger, Jonathan Morris, Erin Nakashima, Shawn Richey, Jennifer Trujillo, Melanie Uchima, Aldric James Ulep, Matthew Yasuda

Representative Matsumoto: Cynthia Vaillancourt, Maura Carlson, Brandon Chapin, Laine Okimoto, Danielle Smith

Representative McDermott: Keith Rollman, Cesar A. Caoili, Paul K. Kanoho

Representative McKelvey: Wendee Wilson, Mark Rosa, Christopher Demoville, Michael Kato, Radji Tolentino, Matthew Yoshida

Representative Mizuno: Joje May Mizuno, Christine Fehn, Charles St. Sure, Erwin Gabrillo, Charles Jenks, Alyssa Reyes

Representative Morikawa: Mark Mararagan, Merrilee Ako, Megan Mararagan, Lori Tobar

Representative Nakashima: Lori Hasegawa, Christopher Murata, Bryan Yamashita

Representative Nishimoto: Chelsea Okamoto, Michelle Herr, Kevan Wong

Representative Ohno: Jenna Takenouchi, Heather Davis, Colleen Takenouchi

Representative Onishi: Tracie Weidie, Timothy Coughlin, Isaac Goya

Representative Oshiro: Michele Lee, Erik Abe, Sarah Winfrey

Representative Pouha: Secily "Malia" Gray, Lupe Piena, Kainoa Willing, David Yuen

Representative Rhoads: Sonny Le, Jessica Faige, April Kamilah Bautista, Devon Grandy, Davina Lam, Noelani Nitz, Pamela Ono, Diana Ronquillo, Keoni Souza

Representative Saiki: Jonathan Tungpalan, CJ Leong, Shayna Lonoae Alexander, James Stone III

Representative San Buenaventura: Blyth Iwasaki, James Logue, Christopher Stump

Representative Say: Evelyn Hee, John Kong Kee, Karen Taroc, Brissa Yamamura

Representative Souki: Flo Hamasaki, El Kuniyoshi, Denise Liu, Brian Yamane, Vernon Souki

Representative Takayama: Karen Kawamoto, Jeremy Lakin, Ren MacDonald, Stanley Yamada

Representative Takumi: Nancy Nishimura, Tyler Kawano, Sara Lam

Representative Thielen: Charlotte Farmer, Sarah Leone, Marcelo Nobrega

Representative Tokioka: Richard Silva, Baron Kaholokula, Robert Moran

Representative Tsuji: Lora Lapenia, Sheri Fitzgerald, Anne Catherine Quidez, Richard Weiser III

Representative Tupola: Hau'olilani Hiers, Larie Manutai, Jaci Agustin, Candace Puailihau

Representative Ward: Tyler Humphries, Kayleigh Axtell, Elevila Giles

Representative Woodson: Daniel Kalili, Judy Sokei, Miho Teipel, Rachel Wilkinson

Representative Yamane: Danielle Bass, Tracy Lau, Kristen Takushi

Representative Yamashita: Lois Tambalo, Edwin Hayashi, Kristine Reitan, Marianne Say

Finance: Nandana Kalupahana, Jody "Jo" Hamasaki, Randall Hiyoto, Hermina Morita, Derek Shigano, Alberto Vargas

House Majority Staff Office: Joan Yamaguchi, Rebecca Anderson, Jeremy Aoyagi, Doreen Belen, Richard Dvovich, James Funaki, Jamie Go, Donna Ikegami, Susan Iwata, Alison Kim, Shin Woo Kim, Steven Lum, Adam Mackie, Brandon Masuoka, Mark Morita, Roy Nihei, Jeremy Patton, Ryan Sakuda, Elsielyn Singson, Jason Young, Patrick Justin Comiso, Stacie Gandauli, Sarah Hinman, Michelle Walker, Margaret Yamashita, Kay Yasufuku Tam, Sheenru Yong

House Communications: William Nhieu, Carolyn Wilson Tanaka, Thomas Yoneyama

House Minority Research Office: Rina Chung, Candace Crouch-Kelsey, Marcia Ann Tagavilla, Michele Van Hessen, Jarret Ku, Tiffany Gourley, Arwyn Jackson, Carole Kaapu

Chief Clerk's Office: Brian Takeshita, Ruperto "Rupert" Juarez, Janis Higaki, Ryan Kagimoto, Ashley Miho, Ross Miyasato Jr., Emma Perry, Neal Shigemura, Roger Tyau Jr., Rachel Williamson, Farrah Lei Bagaoisan, Aileen Beeman, Angel Fujihara, Jimmy Lee, Annabel Matas, Paulette "Polly" Muragin, Richalle Patague, Chelsey Perry, Jill Takamatsu, Matt Tsubota, Angela Wilson, Sheryll Yotsuda, Diane Yamamoto

Chief Clerk's Office – Tech Support: Josette Friedl, Royce Fukumoto, Matthew Hanabusa, Gail Iseri, Arman "Kai" Lau, Eric Lee, Craig Nakahara, Thai Nguyen, Chi Hwa "Elvis" Ho, Matthew Kanda

Chief Clerk's Office – Printshop: Tammy Tengan, Summer Kaleo, Howard Aki, Fritz Belmore, Carol Cabebe, Valerie Daog, Karen Ebisuya, Lindsey Gamiao, Roy Higa, Lorrin Kaalekahi Jr., Keliakapoliolohua Kapu, Nicholas Kurosawa, Mildred Phillips, Linda Shishido, Mark Villamor, Bryson Villanueva, Dustin Villanueva, Curtis Yoshida, Wesley Yoshitake

Sergeant-at-Arms: Kevin Kuroda, Lon Paresa, Paulette Abe, Jesse Alvarado, John Baker, Andrew Barroga, Grant Okamoto, Glenn Okamura, Rupert Park III, Stephen Adams, Glenn Ganigan, Jonathan Keen, Ted Kiesel, Bronson Low, Henry Muronaga, Brenden Nagaji, Neal Nagata, Geoffrey Oshiro, Melanie Pugay, Jeffrey Spencer, Nelson Toda

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1149 through 1175) were received by the Clerk and were placed on file:

Gov. Msg. No. 1149, informing the House that on May 15, 2015, the following bill was signed into law:

H.B. No. 896, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES." (ACT 049)

Gov. Msg. No. 1150, informing the House that on May 15, 2015, the following bill was signed into law:

S.B. No. 1072, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF THE ATTORNEY GENERAL." (ACT 050)

Gov. Msg. No. 1151, informing the House that on May 15, 2015, the following bill was signed into law:

S.B. No. 1117, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION." (ACT 051)

Gov. Msg. No. 1152, informing the House that on May 20, 2015, the following bill was signed into law:

S.B. No. 1133, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE." (ACT 052)

Gov. Msg. No. 1153, informing the House that on May 20, 2015, the following bill was signed into law:

S.B. No. 1136, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 235-55.91, HAWAII REVISED STATUTES." (ACT 053)

Gov. Msg. No. 1154, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1077, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS." (ACT 054)

Gov. Msg. No. 1155, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1078, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS." (ACT 055)

Gov. Msg. No. 1156, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1080, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS." (ACT 056)

Gov. Msg. No. 1157, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1081, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS." (ACT 057)

Gov. Msg. No. 1158, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1082, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS." (ACT 058)

Gov. Msg. No. 1159, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1083, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS." (ACT 059)

Gov. Msg. No. 1160, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1084, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS." (ACT 060)

Gov. Msg. No. 1161, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 743, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS." (ACT 061)

Gov. Msg. No. 1162, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1093, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS." (ACT 062)

Gov. Msg. No. 1163, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1094, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 063)

Gov. Msg. No. 1164, informing the House that on May 28, 2015, the following bill was signed into law:

S.B. No. 1262, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT." (ACT 064)

Gov. Msg. No. 1165, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 158, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE COUNTY OF MAUI." (ACT 065)

Gov. Msg. No. 1166, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 126, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS." (ACT 066)

Gov. Msg. No. 1167, informing the House that on May 29, 2015, the following bill was signed into law:

S.B. No. 104, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUDGETING." (ACT 067)

Gov. Msg. No. 1168, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 242, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING." (ACT 068)

Gov. Msg. No. 1169, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 582, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM." (ACT 069)

Gov. Msg. No. 1170, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 581, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM." (ACT 070)

Gov. Msg. No. 1171, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 943, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL MONETARY PENALTY SPECIAL FUND." (ACT 071)

Gov. Msg. No. 1172, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 139, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ANAERGIA INC." (ACT 072)

Gov. Msg. No. 1173, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 140, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CHAMINADE UNIVERSITY OF HONOLULU." (ACT 073)

Gov. Msg. No. 1174, informing the House that on May 29, 2015, the following bill was signed into law:

H.B. No. 241, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON OAHU." (ACT 074)

Gov. Msg. No. 1175, informing the House that on May 29, 2015, the following bill was signed into law:

S.B. No. 1214, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAIIAN ELECTRIC COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED, AND HAWAII ELECTRIC LIGHT COMPANY, INC." (ACT 075)

**DEPARTMENTAL COMMUNICATIONS**

The following departmental communication (Dept. Com. No. 93) was received by the Clerk and was placed on file:

Dept. Com. No. 93, from the Office of the Auditor, dated April 22, 2015, transmitting Report No. 15-03, Program in Place: Follow-Up on Recommendation Made in Report No. 12-04, Study of the Transfer of Non-General Funds to the General Fund, pursuant to Section 23-9, HRS.