

## NINETEENTH DAY

Thursday, February 13, 2014

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2014, convened at 12:11 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Mr. John Kakuihewa Kapu III, after which the Roll was called showing all Members present with the exception of Representatives Cachola, Carroll and Takumi, who were excused.

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

## SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 16) was received and announced by the Clerk:

Sen. Com. No. 16, transmitting S.B. No. 2138, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," which passed Third Reading in the Senate on February 12, 2014.

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representatives Cachola, Carroll and Takumi were excused.)

S.B. No. 2138, SD 1

KA HUA 'OLELO O KA LĀ  
HAWAIIAN WORD FOR THE DAY

Representative Hanohano presented *Ka Hua 'Ōlelo O Ka Lā*, the Hawaiian Word for the Day, as follows:

"*Mahalo ho'omalu 'ōlelo.  
Ka hua 'ōlelo o ka lā – Māluhiluhi.  
Māluhiluhi – Tired, weary, worn out, tiresome, wearisome, fatiguing.  
'Ua māluhiluhi Kekahi Luna Maka'āinana, oi aku 'o Nishimoto kane, Ka Luna Maka'āinana mai Kapahulu mai.  
Some Representatives are tired, especially Representative Nishimoto from Kapahulu (the blanket area).  
Māluhiluhi, 'ōia ka hua 'ōlelo o ka lā. Mahalo.*"

## INTRODUCTIONS

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

Representative Mizuno introduced visitors from Chaminade University: Dr. Curtis Washburn, Hieu Ngyuen, Ann Lujan-Kishi, Querida Dydasco and Shauna Pimentel-Motooka.

Representative Awana introduced the Gomes *'ohana*: Ms. Emily Gomes, her son Wesley, and daughter-in-law Darleen.

Representative Ing introduced this year's class of the Ka Ipu Kukui Fellows Program on Maui, A Decisions Maui and Focus Maui Nui Initiative: Alison Cohan, Candace Thackerson, Akili Jones, Charles Yeaman, Jennifer Chirico, Jordan Molina, Susan Clements, Ali Martin, Sonya Niess, Adam Radford and Nicole Nanea Spalding.

Representative Fale introduced his constituent and a pillar of the community, Mr. John Kakuihewa Kapu III.

Representative Awana introduced visitors from the UH Manoa Department of Education who were filming a documentary on girls growing up in Hawaii featuring today's awardees.

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 24) was announced by the Clerk and the following action taken:

H.R. No. 24, entitled: "HOUSE RESOLUTION CONGRATULATING NANAKULI HIGH AND INTERMEDIATE SCHOOL'S LADY HAWKS VARSITY SOFTBALL TEAM FOR WINNING THE 2013 DATA HOUSE/HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION STATE SOFTBALL DIVISION II CHAMPIONSHIP," was jointly offered by Representatives Awana and Hanohano.

Representative Awana moved that H.R. No. 24 be adopted, seconded by Representative Hanohano.

Representative Awana recognized the achievements of the Nanakuli High and Intermediate School's Lady Hawks Varsity Softball Team, and introduced team members who were seated on the Floor of the House:

Mr. Anthony Dela Cruz, Assistant Coach;  
Alexis Paulo-Meyers, Short Stop;  
Chyanne Koko, Pitcher and Outfielder;  
Anela Woods, Third Baseman;  
Katherine Lundgren-Aiwahi, First Baseman;  
Amy Vitale, Catcher;  
Raynette Kahalehoe-Meyers, Outfielder;  
Shaina Souza, Right Fielder; and  
Lauren Ku-Young, Center Fielder, represented by her sister, Kapua Ku-Young.

Representative Hanohano acknowledged and introduced supporters who helped contribute to the success of the champions, who were seated in the Gallery:

Assistant Coaches: Mr. Kalani Beck, Mr. Chris Clark and Mr. Lambert Koko;  
Principal: Mr. Darin Pilialoha;  
Athletic Director: Mr. Andrew Moody;  
Student Activities Coordinator: Ms. Jean Nishi;  
Family members: Mrs. Jackie Ku, Mrs. Tammy DeFreitas, Mrs. Cora Koko, Chaylynn Koko, Chasen Koko and Charyne Koko;  
Former Lady Hawk, Ms. Raydean Opamin; and  
Other supporters and students: Vaeluga Seupule, Shayla-Ann Arindain-Peneku, Kaila Burnett, Alexis Calimpong, Kihana Cates, Taylor Dalere, Dallas Garringer Ka'apuni, Jamaica Heater, Franco-Austin Ifo-Paaluhi, Shayla Kaeo, Fasha Kahalelehua, Celeste Kahue, Ku'uipo Kekahuna, Nathaniel Keohuhu-Goldson, Shancen Laa, Kanani Leong, Cheyla Maio, Shayden Manoha, Autum McCoy, Mason Oliveira, Seanaray Pacheco, Precious Paulo-Meyers, Louis Rapez, Alyssa Tandal, Lynold Tuiloma and Saini Vaina.

Representative Matsumoto expressed congratulations to the Lady Hawks on behalf of her father, Mr. Michael Cheape, a teacher at Nanakuli High School.

Representative Fale shared his appreciation of sports and athletics programs in schools, congratulated the champions on their win over the Kauai Red Raiders and his cousin's team at Kaiser High School, and thanked their supporters.

The motion was put to vote by the Chair and carried, and H.R. No. 24 was adopted, with Representatives Cachola, Carroll, Kobayashi and Takumi being excused.

At 12:38 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:23 o'clock p.m.

**SUSPENSION OF RULES**

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Awana, Cachola, Carroll, Say, Takumi and Tokioka were excused.)

**UNFINISHED BUSINESS**

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 351-14) recommending that H.B. No. 676, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 676, HD 2 pass Third Reading, seconded by Representative Cabanilla.

At this time, Representative McDermott moved to recall H.B. 1624 from Committee.

At 1:24 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:25 o'clock p.m.

At 1:26 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:27 o'clock p.m.

At this time, the Chair ruled the previous motion out of order.

(Main Motion)

Representative Har 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 Har's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on HB 676, HD 2. Section 8 Housing is a program that is well-intended and necessary for those who need the subsidy and who might otherwise be homeless. It has served as an important safety net for many in our community, and as such, those receiving Section 8 should be free to apply for housing opportunities without being discriminated against. That being said, my reservations stem from the practical realities of Section 8 Housing vouchers.

"Essentially, there are issues such as delayed periods of time in receiving funding from the federal government for payment. Other issues include: inconsistent paperwork and inspection requirements from a case by case basis, liability exposure to property managers as a result, and added cost and time associated with Section 8's application and inspection process. Furthermore, it is difficult to prove that discriminatory practices are not based on income when determining an applicant's approval status. This can lead to fair housing complaints as a result.

"Due to the unfortunate practical realities associated with Section 8 Housing vouchers, I stand in support of HB 676, HD 2, but with reservations. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. In support with reservations and brief comments. I just wanted to make it clear for the record that I fully support

the intention and the purpose of this bill. I think it's a worthy one. It shouldn't be something that is able to be discriminated against. My concerns that I hope will be remedied through the process focus solely on this particular measure and its overlap with the Fair Housing Law. Also, using or including the word 'solely' as a criterion for assessment and enforcement. Thank you."

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

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

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

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

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

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

"Thank you, Mr. Speaker. With reservations and brief comments please. I understand where this is coming from, and I know people with Section 8 often have a lot of trouble getting rentals. But I do think that we also need to consider that a lot of the problem here is that it takes a long time for landlords to get their money from Section 8. So, we also need to be looking and talking to perhaps our congressional delegation and others about figuring out how to get that money to landlords faster, because I think we'd have less of a problem if we did that. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 676, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION," passed Third Reading by a vote of 47 ayes, with Representatives Awana, Cachola, Carroll and Takumi being excused.

At 1:30 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 676, HD 2

Representative McDermott rose, stating:

"Mr. Speaker, I'd like to make a motion to recall House Bill 1624 from committee, otherwise known as the Religious Freedom Restoration Act. And at the appropriate time, when all discussion is ceased, I would like to ask for a roll call vote on that matter. Thank you."

At this time, Representative McDermott moved to recall H.B. No. 1624 from Committee, seconded by Representative Fale.

At 1:30 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:22 o'clock p.m.

At this time, the Chair stated:

"There was a motion and a second, a recall motion on House Bill 1624. The Chair would like to move this to the end of the calendar. So, 1624 to the end of the calendar."

By unanimous consent, action was deferred to the end of the calendar.

#### REPORTS OF STANDING COMMITTEES

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 381-14) recommending that H.B. No. 1535, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1535, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL EDUCATION," was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 382-14) recommending that H.B. No. 2109, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFTERSCHOOL PROGRAMS FOR ELEMENTARY SCHOOL STUDENTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 383-14) recommending that H.B. No. 2287, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2287, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

Representative Takayama 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 Takayama's written remarks are as follows:

"Mr. Speaker, I am voting with reservations because of my concern that this measure, if approved, would be a step backwards in government transparency by allowing an entire state department special exemptions from our Hawaii State Open Records law.

"Furthermore, many of the requested exemptions for personal privacy reasons are already protected from disclosure under the existing law. I believe that information on the identities of state lessees should remain public rather than be allowed to be kept confidential, as proposed by this measure.

"I hope that the House Judiciary Committee will give serious attention to these concerns when it considers this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL PRIVACY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 384-14) recommending that H.B. No. 709, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 709, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 385-14) recommending that H.B. No. 2245 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2245, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF CHARITABLE ASSETS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 386-14) recommending that H.B. No. 2275 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2275, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE RESCUE FRAUD," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 387-14) recommending that H.B. No. 2485 pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2485 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict of interest? I had already requested a conflict for representing associations, we also do association foreclosure work. So, may I have a ruling on a potential conflict for doing foreclosure work? Thank you very much, Mr. Speaker," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2485, entitled: "A BILL FOR AN ACT RELATING TO ASSOCIATION ALTERNATIVE POWER OF SALE FORECLOSURE PROCESS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 388-14) recommending that H.B. No. 2426 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2426, entitled: "A BILL FOR AN ACT RELATING TO BIOSECURITY," was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 389-14) recommending that H.B. No. 2002 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B.

No. 2002, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 390-14) recommending that H.B. No. 2170, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2170, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Mr. Speaker, in strong support. Thank you."

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

"Thank you, Mr. Speaker. Strong support, and I would like permission to enter written comments into the Journal as well. Thank you very much."

Representative McKelvey's written remarks are as follows:

"The promotion of construction in and of itself is very important to any economy. It is a significant part of the overall economic activity especially in a small island state such as Hawaii. Investment in physical assets in the visitor industry, however, secure even more benefits than straight construction alone. It provides the means by which future economic activity will take place. The visitor industry cannot be competitive without an attractive, up-to-date physical plan in the form of hotels and recreational facilities.

"Construction of hotels brings more revenues back into the economy, and taxes because the hotel industry continues to bring in revenues beyond construction. These projects result in higher hotel room rates, visitor days and revenue. It is estimated that 30 percent of room rates goes back to employee salaries. This proposed measure will help a hotel project in getting financing to either rebuild or to build a new hotel.

"Additionally, people are in need of work. Some say that the economy is improving. Perhaps. But it certainly has not dwindled down to all sectors. Helping to spur hotels to spend and remodel will help out hundreds of small contractors and their employees. This will benefit both our resident workers and visitors alike, as well as the economy."

Representative Hanohano rose, stating:

"I would like to change my vote to *kāko'o 'ole*. In opposition."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2170, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading

and was referred to the Committee on Finance, with Representatives Choy, Hanohano and Oshiro voting no, and with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 391-14) recommending that H.B. No. 1594, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1594, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

Representative Hanohano rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1594, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Choy, Hanohano and Oshiro voting no, and with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 392-14) recommending that H.B. No. 2434, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2434, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 393-14) recommending that H.B. No. 2235 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2235, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 394-14) recommending that H.B. No. 255, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 255, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 395-14) recommending that S.B. No. 1249,

SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and S.B. No. 1249, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF TRUSTEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 396-14) recommending that H.B. No. 1942, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1942, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

"Thank you, Mr. Speaker. Just reservations, because the group has not met with a very key group on Molokai, I Aloha Molokai. And until that takes place, I have reservations about this bill moving forward. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WITH THE PLANNING, DESIGN, CONSTRUCTION, EQUIPPING, LAND LEASES, AND OTHER TANGIBLE ASSETS FOR A RENEWABLE ENERGY PROJECT WITH ENERGY STORAGE TECHNOLOGY ON THE ISLAND OF MOLOKAI," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 397-14) recommending that H.B. No. 2165, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2165, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 398-14) recommending that H.B. No. 2543 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2543, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOTORK HAWAII LLC," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 399-14) recommending that H.B. No. 2168, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2168, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT BONDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 400-14) recommending that H.B. No. 2501, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2501, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

"Thank you, Mr. Speaker. I will be voting on this with reservations. I have concerns that this would create four exempt positions, certified public accountant positions, within the Hawaii Public Housing Authority, exempt from Chapter 76, Civil Service laws. The effective date in this is July 1st, 2050. So, a while off. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2501, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 401-14) recommending that H.B. No. 2085, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2085, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

"Thank you, Mr. Speaker, I have reservations about this measure. The measure is providing a General Excise Tax exemption for proposed projects which are located in location-efficient areas. I believe this is rapid transit or rail. And if projects are located next to or nearby rail stations, I would think that they would be able to get along and be developed without a GET tax exemption. So I don't like to see us losing some income that could be used for other really needed purposes. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2085, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC SUSTAINABILITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 402-14) recommending that H.B. No. 1638, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B.

No. 1638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 403-14) recommending that H.B. No. 2489, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2489, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE JUSTICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 404-14) recommending that H.B. No. 1745, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1745, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 405-14) recommending that H.B. No. 588, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 588, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Cabanilla.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 588, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 406-14) recommending that H.B. No. 1705, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1705, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREFIGHTERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 407-14) recommending that H.B. No. 1737, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 1737, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF COMMUNITY SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 408-14)

recommending that H.B. No. 1973, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1973, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1973, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 409-14) recommending that H.B. No. 2217, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2217, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 410-14) recommending that H.B. No. 2250, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 411-14) recommending that H.B. No. 2257, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2257, HD 1 be referred to the Committee on Finance, seconded by Representative Cabanilla.

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

"Thank you. Mr. Speaker, I was going to vote with reservations on this, but instead I would like to cast a no vote. Mr. Speaker, what this would do is raise the salary cap of the Department of Education's Superintendent from \$150,000 a year to \$250,000 a year. I don't think that that's appropriate and I don't know if it really would translate into a better education system. Frankly, I would rather see that extra \$100,000 reach the classrooms. Thank you."

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

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

"Mr. Speaker, with reservations and a brief comment. I'd be willing to pay \$1 million per year if we were number one in education in America. My point is, the cap is not an issue, it's the performance measures after you reach a cap and then you work progressively forward. For those reasons, I have reservations. Thank you."

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

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

"Thank you, Mr. Speaker. Reservations. And in the spirit of bipartisanship, could I have the words from the speaker of Hawaii Kai entered into the records as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION SUPERINTENDENT'S SALARY," was referred to the Committee on Finance, with Representative Thielen voting no, and with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 412-14) recommending that H.B. No. 2597, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, the report of the Committee was adopted and H.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was referred to the Committee on Finance, with Representatives Awana, Cachola, Carroll and Takumi being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 413-14) recommending that H.B. No. 2071, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 2071, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Cabanilla.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2071, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOLD STAR FAMILY DAY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Awana, Cachola, Carroll and Takumi being excused.

### THIRD READING

#### H.B. No. 2441, HD 1:

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, H.B. No. 2441, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KANEHOE BAY REGIONAL COUNCIL," passed Third Reading by a vote of 47 ayes, with Representatives Awana, Cachola, Carroll and Takumi being excused.

#### H.B. No. 1288, HD 1:

Representative Saiki moved that H.B. No. 1288, HD 1 pass Third Reading, seconded by Representative Cabanilla.

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

"Mr. Speaker, I rise with reservations. I've often said on this Floor and in committee hearings that we're Americans first, we're Democrats, Republicans second or third or whatever the number is. But this bill elevates our party over the positions that we occupy.

"This says, Mr. Speaker, if you were Republican, you couldn't become Governor if the Senate President didn't choose to follow the succession as the Lieutenant Governor. You couldn't go up the ladder. I think that's undemocratic, unfair, but I want to thank the Majority for having the fear factor that someday there may be a Speaker who's a Republican here or the Senate President. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition with short, brief comments, please. Mr. Speaker, as I mentioned, this is a major change in policy. In a lifetime, what seems a lifetime ago, I worked in the Lieutenant Governor's office for then Lieutenant Governor Mazie Hirono, who is now our U.S. Senator. And at that time, we were very clear on what the succession of order was.

"This is a major change in policy, to be deleting the Attorney General, as well as the Director of Finance, Comptroller, Director of Taxation, as well as the DHRD Director. The fact of the matter is, these people are appointed by the Governor.

"So, I'm just still not clear, the contention was made this was an administration bill. And I would point the Members to the testimony. There was only one piece of testimony, and it was in opposition. And yet this bill is passing out unanimously for a major policy change. For those reasons, I rise with opposition, Mr. Speaker. Thank you."

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

"*Mahalo ho'omalu 'olelo. Makemake au koho ka kako'o ole loa. Makemake au ka ha'i 'olelo mai ka luna maka'ainana mai Kapolei mai e komo i loko ka puke hale luna maka'ainana.* I'm casting a vote in opposition. I would like to have the words of my colleague from Kapolei as if they were my own entered into the House Journal. *Mahalo,*" and the Chair "so ordered." (By reference only.)

Representative Fale rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and H.B. No. 1288, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ORDER OF SUCCESSION," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Fale, Hanohano, Har and Oshiro voting no, and with Representatives Awana, Cachola, Carroll and Takumi being excused.

At 2:43 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2441, HD 1  
H.B. No. 1288, HD 1

At 2:43 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:06 o'clock p.m.

### END OF CALENDAR

At this time, the Chair stated:

"There has been a motion and a second, for the recall. Mr. Clerk, have the 20 days passed since the referral of House Bill Number 1624?"

The Clerk then announced that 27 days have passed since the referral of House Bill Number 1624.

The Chair then stated:

"Then it has been moved and seconded, again, that House Bill Number 1624 be recalled from the Committee. This is a procedural motion. Debate is limited to the proprietary action of recalling the bill. Debate on the substance of the bill is not in order at this time. Is there any discussion on the recall motion?"

Representative McDermott rose to speak in support of the motion, stating:

"Mr. Speaker, I stand in strong support. Thank you, Mr. Speaker. Thank you for the delay, I had a couple cups of coffee. I was running out of gas. I think I'm suffering from Low T. But that said, some levity here. Mr. Speaker, I'd like to remind the Members that the motion was a two-part motion. It was to recall the Hawaii Religious Freedom Restoration Act, and at the appropriate time, Mr. Speaker, not now but at the appropriate time, we would like a roll call vote. And we will be monitoring that and sharing that information with the faith-based community.

"Mr. Speaker, this motion is designed to heal our community. This motion is designed to answer the 2,000 emails that we got. This motion, Mr. Speaker, is designed to allow the free exercise. This motion will not stop compelling state interests. This motion balances religious liberty versus newly created rights. This motion will clarify, today, what we do today on this motion will clarify our support of faith. As you'll see when people raise their hands, raise them high, so my office manager can see you. This motion today will protect the new minority.

"Mr. Speaker, this motion, I'm not doing it to be a troublemaker. As you are aware, I've talked to various members of leadership to avoid this very procedure that I'm doing today. So I tried to be a gentleman about it, Mr. Speaker. I didn't want to embarrass anyone. In fact, this motion targets a vehicle that's not even my own, because I felt that if I made a motion to target my own vehicle it probably wouldn't be received too well.

"This motion will protect people's free exercise of faith, Mr. Speaker. This motion gives voice to the 2,000 emails that we got. Now, Mr. Speaker, this motion is not designed to pull a scab off a wound. No, quite the contrary, this motion is designed to heal a wound. Now some may roll their eyes at that and say this motion is you're picking at a scab. But, Mr. Speaker, I'm not. Mr. Speaker, this motion is designed to heal the wounds that have been aggravated this session by other measures that have pulled at that scab, but not in this vein.

"Mr. Speaker, this motion will give a voice to the voiceless. This motion addresses the new minority in our community. This motion will tell people of faith that they matter. This motion will enfranchise the disenfranchised. This motion says, 'we hear you.' This motion, Mr. Speaker, this motion answers the 2,000 emails."

The Chair addressed Representative McDermott, stating:

"Representative McDermott, you are beginning to stray from the proprietary into the substance of the motion."

Representative McDermott: "Mr. Speaker, I mentioned 'the motion' in every sentence."

Speaker Souki: "Yes, and very nicely. Very nicely."

Representative McDermott continued, stating:

"Yes, I do. It's not my first rodeo. But I'm almost done, Mr. Speaker. This motion says, 'you're important,' Mr. Speaker. This motion tells the courts how we feel. Mr. Speaker, you know I have a lot of *aloha* for you and a lot of affection. And I come to this point to make this motion not because I have any ill will towards you. I love you. You know that. In a manly way though, I must point out.

"But, Mr. Speaker, this is designed so we can address that lingering, it is a scab. And so this motion will help us address that. Mr. Speaker, I'm going to close with the fact that we had 2,000 emails begging for the underlying vehicle that this motion addresses to be heard. Or one of a slew. Mr. Speaker, I would suggest that we address this because, as the Terminator says, 'I'll be back.' Thank you."

Representative Rhoads rose to speak in opposition to the motion, stating:

"Mr. Speaker, in opposition to the recall. I just want to point out to you and the Body that during the special session last fall, there were three floor amendments, numbers 7, 8 and 9, that were identical to HB 1624, except for the preamble. All three of them were rejected by this Body, except for the newly appointed Representative from West Hawaii. And then there were five other floor amendments, 18, 19, 20, 21 and 22, that had significant parts that were..."

Representative McDermott rose to a point of order, stating:

"Mr. Speaker, I can't believe he's not out of order. He's not speaking to the motion at hand. He's rambling on about something else."

The Chair then stated:

"Alright, thank you very much, Representative. Please stick to the proprietary motion."

Representative Rhoads continued, stating:

"I'm speaking to why the motion should not be heard. House Floor Amendments 18, 19, 20, 21 and 22 also contained exactly the same language. So, this Body has had many opportunities to discuss this language, and, in fact, it has discussed this language over and over and over again. And therefore, I oppose the recall. Thank you."

Representative Oshiro rose to speak in support of the motion, stating:

"Mr. Speaker, I rise in support of this motion to recall. The reason why I'm standing in support of the motion to recall on the procedural topic is that Members need to understand that this is a constitutional provision that was enacted through the Constitutional Convention back in 1978, ratified by the voters of Hawaii.

"The purpose of the recall provision, in the constitution, is for the ability of the minority within the Legislative Branch to make sure that it has the means and the authority to recall a bill from committee that may be bottled up by one individual or individuals of the Body, either in the House or in the Senate. In the House, where you have 51 Members, you need to have, I think the requisite number is 17. One-third of the Body needs to vote in approval of the recall motion for the bill to be recalled from committee and brought before the Body for its disposition.

"It's a constitutional provision, and the reason why I believe the delegates and I believe the people of Hawaii have ratified that is to avoid the oppression of the majority – when the Legislative Body itself might benefit from a public hearing and a public discussion of issues important to the day. This particular bill before us, which is House Bill 1624, is something that I authored and I penned. And it's modeled upon federal legislation that was approved some years ago back in 1993. In response to a United States Supreme Court's decision that basically overturned 40 years of law. Whereby, you had First Amendment rights...."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. We need to stick to the procedural discussion on this motion. Thank you."



The Chair addressed Representative Oshiro, stating:

"Please stick to the procedure of the recall, please."

Representative Oshiro continued, stating:

"I was just trying to give some background, Mr. Speaker, on the need for this recall. Let me try and get back to the importance of this recall motion and why as a Democrat member of the Democrat caucus I will be standing here supporting a Republican motion for a recall from a committee chaired by a Democrat member of my Democrat caucus.

"I go back to the constitution again, Mr. Speaker. This measure has never had a public hearing. There was reference made to it being introduced as a floor amendment during the special session this fall, but there was never any public hearing on it. The purpose of this motion is to engage the public and being transparent on decision making, and afford the public to weigh in, and the Members of this Body to weigh in for and against any and all measures. And that's why you have this kind of debate and discussion.

"And that's why you have this authority, Mr. Speaker, because the people of Hawaii were concerned that a minority or a faction could bottle up an idea, a proposal, against the wishes of the majority of the people of Hawaii, the majority of the Members. So they created this vehicle to bring it to the public's attention and the light to bear upon this issue.

"We're not talking about the merits of the bill today, and that's inappropriate. We're talking about bringing the bill back for discussion, and that's appropriate, Mr. Speaker. And upon that basis and on that principal of the Constitution and what it means, I stand here in strong support of this recall motion. Thank you."

Representative Fale rose to speak in support of the motion, stating:

"Mr. Speaker, I rise in support of the motion. Thank you, Mr. Speaker. First, I would like to have the words of the Representative from Wahiawa adopted as if they were my own. In addition to that, Mr. Speaker, this is a motion that allows. It's very rare, Mr. Speaker, to have thousands of people send in testimony in regards to an issue, Mr. Speaker. And this motion, and as was stated by the previous speaker, opens the door and gives the opportunity for democracy to be what it was supposed to be, which is supposed to represent the people.

"Again, Mr. Speaker, this motion allows to help us to do our job. Very rare, very rare. Thousands, thousands, Mr. Speaker. Very rare is it that thousands of people are turned away and when they approach this building they find closed doors because there's no interest in hearing what they have to say. This motion, Mr. Speaker, is a simple request to allow a bill to be heard, which is important to tens of thousands of people in the State of Hawaii.

"So for those very reasons, Mr. Speaker, and given what was referenced to as a wound that has scabs on it, Mr. Speaker. I don't even know if it's gone that far, I think the wounds are still very raw and very open. And if this Body is interested in putting forward some measure to allow those wounds to start to heal, an olive branch needs to be extended, Mr. Speaker, and this motion puts us on that path. For those reasons, I support the motion, Mr. Speaker."

Representative Ward rose to speak in support of the motion, stating:

"Mr. Speaker, may I have some brief remarks in support of the procedural, proprietary motion. I don't believe there's any harm that will be caused by this motion to hear this bill. I mean, what's controversial about a bill that already passed the Congress in 1993 signed by Chuck Schumer, signed by Edward Kennedy. Even our Governor voted for it in the House. There's nothing that's really going to harm us by doing this, which is a procedurally appropriate thing in Democracy. Anthropologists have established the fact that reciprocity is the basis of all relationship.

"We are the transmission, if you will, of reciprocity. Each side of the community deserves to be heard equally so, Mr. Speaker. So any damage

that would be caused by hearing this bill, I believe, is not appropriate. And the passage of this procedurally is simply a part of our job, by hearing a part of our community which now from 1993 now contemporarily to 2014 is more relevant now than ever. But it's an innocuous bill that people have approved from both sides of the island. This is a Democrat and a Republican issue. But mostly, it's an American issue, as I had spoken of earlier. Thank you, Mr. Speaker."

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

"Mr. Speaker, I'm speaking in support of the recall. It was my understanding this is the people's House. In less than six days, I received almost 2,500 emails requesting this measure get a hearing. And I believe we owe that transparency to our constituents out there, Mr. Speaker. And this provides an opportunity for this measure to be heard. As my understanding, I haven't heard a hearing for this measure at all this session or in the last three years that I've been here. I think this provides a venue where we can at least discuss it. And I'll be supporting the recall vote. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in opposition to the motion, stating:

"In opposition, Mr. Speaker, and I just want to have brief comments. I think it is said that this House hasn't heard the people that came in opposed or in support of the measure. Let me just remind the Body that the two committees had four days hearing up to 12:00 midnight. And I think that we had been open, and we have allowed a lot of people to come and testify. So, I believe that this measure is out of order at this time. That's why I'm in opposition. And with that, Mr. Speaker, I call for the question."

At this time, Representative Cabanilla called for the previous question.

The Chair then stated:

"Thank you very much. It has been called for a vote. A roll call vote has been requested. All those in favor of a roll call vote, please raise your right hand. Clerk, will you count."

The request for roll call was put to vote by the Chair and upon a show of hands, the request was granted.

Roll call having been approved, the motion that H.B. No. 1624, entitled: "A BILL FOR AN ACT RELATING TO EQUAL RIGHTS," be recalled from Committee, was put to vote by the Chair, and on the following show of ayes and noes, carried:

Ayes, 18: Aquino, Choy, Cullen, Fale, Fukumoto, Har, Ito, Johanson, Jordan, Kawakami, Matsumoto, McDermott, Oshiro, Say, Tokioka, Tsuji, Ward and Yamane.

Noes, 28: Belatti, Brower, Cabanilla, Creagan, Evans, Hashem, Ichiyama, Ing, Kobayashi, Lee, Lowen, Luke, McKelvey, Mizuno, Morikawa, Nakashima, Nishimoto, Ohno, Onishi, Rhoads, Saiki, Souki, Takai, Takayama, Thielen, Woodson, Wooley and Yamashita.

Excused, 5: Awana, Cachola, Carroll, Hanohano and Takumi.

At this time, Representative Saiki moved to recommit H.B. No. 1624 to the Committee on Judiciary, seconded by Representative Cabanilla.

At 3:27 o'clock p.m., Representative Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:31 o'clock p.m.

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

"Mr. Speaker, I rise against the motion. I have to tip my hat to the Majority Leader, he caught me napping, I wasn't prepared for this level of

success. It's an uncommon feeling. But, Mr. Speaker, I rise against the motion to recommit. We followed the rules, we pulled the bill to the Floor and we wanted to have a vigorous debate on the measure itself, and it's my fault that I wasn't quick on my feet to rise in support of it. So I take the blame for that, certainly, Mr. Speaker.

"But, Mr. Speaker, this measure should be addressed, because it heals a wound that we've talked about. I don't think we should throw it back into the Judiciary Committee to let it die a death of benign neglect. Mr. Speaker, there have been other measures that have been addressed this session that are more controversial in my view that ended up dying in committee. But at least they were given a hearing. Here we have 2,500 emails from people who say, 'please, please at least hear it.' And we can't even give them the time of day.

"Yes, this stuff was brought up in amendment forms during the special session, but we just bulldozed right through them. And there were quite a few of them. But now we have the chance to look at it slowly, deliberately, in a dispassionate view and say, okay, if we're going to talk about some of these other controversial things, which we did, to get these folks all riled up. But then we say, 'you're not even worthy of the scraps from Longshank's table. We're not even going to give you a hearing on these things.' It doesn't make any sense to me, Mr. Speaker. So, for that I rise in opposition to it, and please ask that we at least have a full, open debate on the measure. Thank you."

Representative Jordan rose to speak in opposition to the motion, stating:

"Mr. Speaker, in opposition to the recommitment to Judiciary. In essence, by recommitting this measure to Judiciary today, you're killing the bill. This bill happens to have two referrals, 'JUD, FIN'. Today is final decking on two-referral bills. So in essence, we're telling our constituents out there, we're going to kill the bill right now. Possibly it can be reintroduced next year and discussed. Well, again, as I stated to pull this measure to the Floor, I received over 2,500 emails. No, I'm not the chair. I don't even sit on the committee.

"I felt the compassion. I represent 1.4 million people. And we're not even going to have some discussion on this bill, on this Floor. And we're going to tuck it away as if it didn't exist. Oh, I've been told it can be re-referred. But we all know, if the subject-matter doesn't hear it, it's not going to get re-referred to a money committee. So who's kidding who?"

"Really, I'm ashamed right now. Because I didn't think that's how legislators did our job. And this isn't a job for me, Mr. Speaker. This is a passion. I'm giving back to people who put their commitment in me. Not only for being an appointee in 2011, for being elected by my constituents. And I'm telling those individuals, 'it ain't worthy.'"

Representative Tokioka rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Say rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Fale rose to speak in opposition to the motion, stating:

"Mr. Speaker, no vote with a brief comment. Mr. Speaker, this bill I think is the essence of what we would believe would be a completely unbiased, a completely bipartisan effort to heal wounds in our community. We had, my colleague over here, member of the Minority, asking to pull to the Floor a bill of a member of the Majority party, Mr. Speaker. And then we saw a broad support for that measure. And the reason being, Mr. Speaker, the reason being, is that there's kind of this lingering smell. You know, Mr. Speaker, when there's like a dead body, when you try and bury it, but then the smell kind of percolates to the top, Mr. Speaker.

"Now, what we're trying to do is, we're trying to hide the smell as well. Well, maybe a better analogy, Mr. Speaker, is that you're a boxer, I'm a boxer. When someone gets knocked down, we don't kick their teeth in. The

referee intervenes, the individual is allowed to stand up, and if appropriate, they are given an eight count, given a little time to recover before the match continues. 2,500 people, 2,500 people, given what had just happened, still found the energy, still found the courage, still found the strength to contact the Body that they believe has turned their back on them. Just to be heard. Just to be heard. Just, please, give it a hearing. They didn't say pass it. They said, just hear it. Just hear it. Just one ear. Just one ear. HB 1624, one ear.

"The effort to recommit, Mr. Speaker, is saying, 'you don't even have one ear in the people's House of Representatives. Your voice will not be heard.' 2,500, that's about half of the people that came out to testify during special session, Mr. Speaker. And the reason why there's only half is because those half have given up and gone home already. They don't believe that they're going to find a friendly voice in this building, and that their chances of having their voices heard are gone. 2,500 still reached deep down and said, 'you know what, let's give it one more try.' Here they are down, and we're going to say, 'not only are we not going to help you up, we're going to kick your teeth in while you're lying there in the mud.'"

"Why can't we give it a hearing? Why recommit? Because we want that smell, that lingering smell to just disappear. Why won't they just go away? Why do we have to continue to deal with that? Because that's our job. That's our job, Mr. Speaker. And I think, in fact, maybe we should write legislation that if we get over 2,500 requests from the people of this great state to hear any measure, that should be standard procedure. We know how difficult it is to get people to testify on a measure. We know how difficult it is to get 2,500 people to send in testimony. And 2,500 have. And we're saying we want to shut the door on them. Say, post a message on the door that says, 'we're closed to you guys. You guys aren't welcome here. You guys won't get heard.'"

"For those reasons, Mr. Speaker, I am very, very much opposed to recommitting this bill, and not allowing to at least lend an ear to the concerns that were said. And I believe it was said on this Floor, Mr. Speaker, as was said earlier, that this measure reflects some of the amendments that were brought before here. And it was said that they would be considered to be heard during this legislative session, Mr. Speaker. Could be wrong. Maybe I heard that in my head. Maybe that was my hopes getting a little too loud. Sometimes, maybe we get a little too hopeful for 2,500 people's voices to be heard, Mr. Speaker. But, for those very, very reasons, Mr. Speaker, I have to be opposed to recommitment."

Representative Fukumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Tsuji rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ito rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Matsumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose to speak in opposition to the motion, stating:

"Mr. Speaker, no vote with a brief comment if I may? Mr. Speaker, we're fixated on this one particular bill which is being recommitted. But I look at this a little bit in a bigger perspective. If we look at the number of bills that the faith community had put forward, there's actually eight of them. This is only one of those.

"Now, if there had been other bills that would've been heard, this would not have been or be an issue as it is now. But there are bills that not only talked about religious freedom as 1624, but those that had established protection for religious freedom concerning public accommodations, marriage, *et cetera*. Those other bills that had, regarding sexuality, health education, bill 1794 regarding additional elements of existing health education, *et cetera, et cetera*.

"Mr. Speaker, there are eight of these, of which all have struck out. I think what you're hearing is a plea that, hey, why don't you hear at least one of these and get on with the due process. Mr. Speaker, as representatives of the people, we are called to have justice and mercy. I don't think this is being just, and I don't think it's being merciful, by the way we are so one-sided in the way we hear bills and we don't hear bills.

"I don't think it would tear the Judiciary Committee apart if it did get a recommittal and actually had a hearing. That would be a great accomplishment. But Mr. Speaker, are we fearful of the people? Nobody was fearful of the people when we called in the special session. And we handled it. Kevin and the Sergeants, they did a great job. So what are we afraid of, Mr. Speaker? This is the harmless effort. Just letting the people be heard. That is a simple part of it.

"There's no harm that's going to be done. As I said earlier, this bill has been passed by Democrats, Republicans at the federal level. Seventeen states have already done what we're trying to do here in Hawaii, but we're stuck on it. Seventeen states have already done it. It's motherhood and apple pie. It's God and Country. What's the controversial issue?

"It is the procedural proprietary issues which some of us in this Chamber aren't willing to face. Mr. Speaker, I think we need some leadership, I think we need to hear both sides of our community, not just one side, and we need to get on with healing, uniting and going forward as a Hawaii, not as a divided community. Mr. Speaker, that's what I fear in the long run. That our absence of giving attention to both sides of our community that we are creating. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support of the motion to recommit. Just to repeat again that this is not a topic that has gone undiscussed, I'll say it in a positive. We have discussed this topic on one, two, three, four, five, six, seven, eight occasions within the last few months. These were not sort of passing glances at the subject. There were three floor amendments that we discussed at length that have identical language to HB 1624 except for the preamble, and they were rejected by solid majorities. There were five other floor amendments during the debate on SB 1 that had parts of HB 1624. Also discussed at length, all five of them were rejected. As a committee chair, is there any point in hearing a bill where you know your colleagues do not want to approve the subject matter that's before you? It happens sometimes in Judiciary, it happens in other committees, where you realize that the political lay of the land is such that there's no reason to hear the bill at all. And I think the vote today simply reinforces that fact. Thank you."

Representative McDermott rose to respond, stating:

"Mr. Speaker, just a brief rebuttal. Those amendments were, God bless the author, were dead on arrival. We all knew that, we were just exercising our prerogatives. What we're asking for here is a full, fair hearing on the measure. Most amendments are done to make a point. The point being made at that time was that religious freedom was being infringed upon. Now we're coming back today and saying, 'let's have a full, fair hearing.'

"There's other measures that were addressed this session that were just as controversial, if not more, and they got hearings. This one, where a substantial number of the Body believes it should get a full, fair hearing. And if it doesn't pass out of the committee, well then so be it. But we want a committee, not to do it here on the Floor. Because when we do it here on the Floor, the odds are stacked against us. You're going against leadership, *et cetera, et cetera*. So, it's a very steep hill to climb without a Sherpa.

"So, we want a hearing in the committee. The special session votes, I think they're irrelevant, because we knew none of those were going to pass, we knew it. Just like if I bring up an amendment to a bill next week for something, we know it's not going to pass. It's being done to make a point. And I think as the good Representative from Laie said, there were assurances, at least sideways assurances, that this may be addressed in the next session, where we can come back and look at it. So, for those reasons Mr. Speaker, I am a firm 'no' against the recommittal. Thank you."

Representative Fale rose to respond, stating:

"Mr. Speaker, in brief rebuttal. I can think of 2,500 reasons why we should hear the bill, Mr. Speaker. And if, for the sake of those 2,500 people, if the bill is not going to pass, then let's let them know why. But there are very clearly 2,500 people who want the bill heard, and I believe it's a simple gesture of the people's House of Representatives to hear that bill. To let them know that if, yes, if 2,500 of you come before this Body and request that, if you petition this Body and ask that your voices be heard, we're not going to supersede and say, 'you guys don't know what you're talking about, and we're going to roll right over you and do what we want.'

"Even if the gesture is, okay, we'll have the hearing, come on in, we'll explain to you why the bill isn't viable. But to turn away 2,500 people who have asked just for a hearing, a hearing. I think those are 2,500 very good reasons to hold that hearing, Mr. Speaker."

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

"Mr. Speaker, first of all, I'd like to have permission to submit written comments. This is in opposition to the motion. Mr. Speaker, thank you very much for this debate and discussion. I think it's important for the Body to understand the context in which these matters are brought before us and the policy reasons for this debate and discussion. I think this is an important bill. I mean, everyone knows, has some idea about it.

"It's all about protecting minority rights in our society, and that's the genesis of this bill and that's the import of it. Well, that's one's right of conscience as a minority, ethnically or culturally or even in a religious practice. I think it's important for me as a Democrat to stand up and defend those rights. So that's the genesis and that's the intention behind this measure.

"The fact that it does not get a public hearing, it concerns me. Because I would think that we would see fit to allow a vigorous discussion and debate on something as fundamental as First Amendment rights. Both the prohibition about the establishment of any religion as well as the freedom to practice one's religion freely, as well as to enjoy the privileges of the First Amendment of the right to free speech, right of press and right of assembly. Because, Mr. Speaker, I just fear that if you accede policies and procedures to the popular or majority rule at that point in time, you may run afoul of losing these basic constitutional rights.

"What this measure would do is basically empower and put some kind of process in place. When one feels that their sincerely held religious beliefs are being infringed upon by government, it doesn't mean that they will win the day. But it gives pause for us to examine whether or not those policies serve a compelling government state interest, which is public health and safety. Then it goes back to them to show that there is a substantial imposition upon their freedom. But it also has to be weighed against the interest of them. Has government enacted policies and procedures to effectuate and advance the public interest in health and welfare, in the least restrictive manner? The least restrictive manner.

"Under the current law of the land, I think from the reading of the testimony submitted by the Hawaii Civil Rights Commission, they are taking the position that was announced in the employment case, the peyote case, or the Smith case back in 1990 – that basically overruled about 40 years of constitutional law regarding conflict between the First Amendment rights and government regulation.

"So what our Congress did under President Clinton, under Senators Akaka and Inouye and Congresspersons Mink and Abercrombie, and signed into law by President Clinton. I think opposed by two members, one Democrat, one Republican. Introduced by and supported by Senator Ted Kennedy and Senator Charles Schumer of New York. Had strong support. When the ACLU, Evangelical groups, the Jewish Federations, all sorts of strange bedfellows, of all stripes and colors across the entire political spectrum, all supported it. Because they were afraid of government telling them how to think and how to act and how to believe and what to believe. Upon something as fundamental as one's freedom of conscience. So that's why I think this is important.

"When I look through the record of the special session and I see the commentary coming in from the Hawaii Civil Rights Commission and the commissioners themselves, I have no doubt in my mind, Mr. Speaker, that they have discarded the Sherbert test, the Yoder test, and they have embraced fully the Smith test, which was a 5-4 decision. Led by then Chief Justice Rehnquist. And again, it was our Congress, our President Clinton, our own Senate leaders that have overthrown that decision by enacting the Religious Freedom Restoration Act.

"Mr. Speaker, I just wanted to thank you for this opportunity to speak here today and to voice my opinion and speak publicly in opposition. And I know you appreciate my sentiment, you appreciate my thoughts, and you appreciate the work that I've done on this measure. I just want to thank you publicly, with my colleagues here to the right and to the left. But again, reluctantly I have to go and oppose this motion to recommit. Thank you, Mr. Speaker."

Representative Oshiro's written remarks are as follows:

"Mr. Speaker, I am opposed to the motion to recommit House Bill No. 1624 to the Committee on Judiciary.

"As evidenced by the successful roll call vote to recall this bill from the Judiciary Committee just moments ago, it is clear that more than one-third of the membership desires action on House Bill No. 1624. As my colleagues from Ewa Beach and Laie have noted, more than 2,500 of our constituents have emailed, phoned, or wrote to us begging for an opportunity to be heard. But to immediately move to recommit this bill back to the Committee that originally bottled up this legislation and effectively killing this bill this session begs the question -- why was the recall provision put into our State Constitution?

"The language found in Article III, Section 12 of the Hawaii State Constitution was initially crafted by the Constitutional Convention of 1950. The words of Delegate Heen are instructive:

*"Now the purpose of this amendment is this. If a resolution or a motion is made in a house to have a bill recalled, then that will give the members of the committee the opportunity to state why they haven't been able to act upon that particular bill. They may be considering it, have some difficulty in having hearings, calling witnesses, and so on, and with that explanation I am sure that no one-third of the membership of each house will insist upon such a recall of the bill."* [Proceedings of the Constitutional Convention of Hawaii, 1950, p. 224.

"The words of Delegate Kellerman are also instructive:

*"This is known as the anti-iceboxing proposal. May I state first that this was introduced not with one third but at a much lower percentage in the Legislative Committee of which I was a member. In that committee there was a vote taken eight to five to recommend to the Rules Committee of the Legislative that it give serious consideration of this measure. I was told immediately after the meeting of the committee by three members of the committee who had voted to refer it to the legislature that they would favor this proposal on the floor with the increase from one-fifth as it had been introduced in the Legislative Committee to one-third. I therefore feel I am justified in saying that I'm of a majority of the Legislative Committee. However, it is not so listed in the committee report. I give that history of the proceedings to justify my statement.*

*"I think the Committee on Initiative, Referendum and Recall will bear me out in my statement that one of the grounds on which that committee or the majority of that committee voted against recommending to this Convention provision for initiative, referendum and recall was the ground of improving legislative process, of making it more, I shall say more representative, make it perform in a more representative nature to those who elected them and put them in office. It seems to me that it is a violation of the whole theory of democratic representative government that a committee, by virtue of its chairman, or even with a full consent of the majority of the committee, which I presume would be a minority of the house from*

*which it was appointed, shall be able to keep from consideration of the majority of that body any controversial measure which it sees fit to keep from consideration. I think it only just and right that the members of the public who are by our own act of turning down initiative, referendum and recall and on that I am in full agreement with this Convention, denying them the right to bring up a bill of their own accord and force its consideration by the public or the legislature, we should at least provide that by a vote of one-third of the members of the house of referral, any bill can be withdrawn from committee, therefore from any iceboxing by that committee, and at least present it to the floor for full consideration and debate.*

*"Under our present rules, it takes a majority vote to bring any bill from committee. It's highly improbable that a majority vote could be so obtained unless there was a majority in favor of the bill which needs passage. I fully recognize that a one-third does not mean that you bring up a bill that would necessarily be passed. That is not the point. **The point is to get it considered, ample discussion and debate, so that the public who have elected those representatives will know how they stand on controversial issues on which the public certainly has a right to be advised.***

***"Any man now can go to any member of the public who has elected him and say, 'I would have voted,' as he knows that individual would have wanted him to vote, 'but the bill never got out of committee.' He can go to the next one on the next block and say the opposite. We have no knowledge of how our representatives vote in committee and if it is kept in committee we have no knowledge on how they would stand on any issue which can be of a great deal of importance to the community."** [Proceedings of the Constitutional Convention of Hawaii, 1950, p. 221] [Emphasis added.]*

"Mr. Speaker, let the record reflect that we are indeed discussing the issue of religious freedom today, despite the fact that with the adoption of this motion, House Bill No. 1624, will likely be dead this year. Yes, indeed, the Chair of the Judiciary Committee will be able to throw House Bill No. 1624 back into the icebox and let it rot. But as Delegate Kellerman stated – that the recall of a measure provides Members the opportunity to state their positions on controversial issues – I want to state my position on this bill. I support House Bill No. 1624.

"Regarding the substance of House Bill No. 1624, in rebuttal to my colleague from Chinatown, who noted that the provisions of this bill were debated at length during Second and Third Readings for Senate Bill No. 1, House Draft 1, during the Second Special Session of 2013, he is correct that the provisions contained in this bill mirror numerous floor amendments that were offered on the measure – specifically, Floor Amendments No. 7 (House Journal, p. 30-37), No. 8 (House Journal, p. 37-49), and No. 9 (House Journal, p. 49-58) offered on Wednesday, November 6, 2013, and Floor Amendments No. 18 (House Journal, p. 106-110), No. 19 (House Journal, p. 110-114), No. 20 (House Journal, p. 114-119), No. 21 (House Journal, p. 120-123), and No. 22 (House Journal, p. 123-129) offered on Friday, November 8, 2013.

"But he fails to state the fact that the provisions of this bill were never put before our citizenry during a public hearing, and as such, we were never able to determine whether there is sufficient public sentiment warranting these provisions, nor more importantly, why they feel these provisions are so important. Similarly, the Members of this Body were denied an opportunity to learn or become educated about how this measure interacts with our constitutional rights and government regulation and public policy. Given that most Members are not legally schooled and most attorneys are not familiar with the intricacies and nuances of federal and state constitutional law, I would not expect most of my colleagues to easily comprehend or appreciate the merits or policies of a 'little' Religious Freedom Restoration Act. Understanding of these kinds of dense, constitutional and legal principles does not come easy to most and only through serious and deliberate thought may one comprehend and realize its value to personal liberty and civil rights.

"For the Chair to argue that the issues have been 'litigated' or vetted in a public hearing is simply not true. Most of us -- even freshmen --

understand the difference between a public hearing and public debate. My colleague from Chinatown is comparing apples to oranges.

"As the primary sponsor of this bill, I believe this is important legislation that must be enacted to protect our most basic and fundamental rights guaranteed by Article I, Section 4 and 5 of the Hawaii State Constitution, and the First Amendment of the Federal Constitution.

"Should we as Democrats not champion the rights of the minority? Have we so easily forgotten our Democratic Party of Hawaii's roots?"

"Mr. Speaker, our constituents deserve to be heard. Deserve to be respected. Mr. Speaker, a sufficient number of the membership have successfully recalled this bill from the Judiciary Committee. Do not silence these constituents now by killing this bill. To do so is a disservice to our people and it makes a mockery of our legislative process.

"For these reasons, I urge my colleagues to oppose this motion."

Representative Har rose in opposition to the motion and asked that the remarks of Representatives Oshiro, Jordan, Fale and Ward 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 the motion to recommit HB 1624 back to the House Judiciary Committee.

"In light of the unprecedented 2,500 emails requesting a hearing, it is quite clear that HB 1624 is a measure that is worthy of a hearing. With such strong public support of this measure, it is confusing that the Judiciary Committee Chair has chosen to sit on the bill, and why this Chamber would consider killing the bill by sending it back to the same committee.

"As elected officials, we were sent to the Legislature to pass good legislation. Instead, this Chamber appears to be obstructing the passage of good legislation that the people of Hawaii have asked for. Many of my colleagues on this Floor like to use the tired mantra 'rising tides float all boats'. When one minority group benefits, we are all collectively enriched by the results. But in the case of HB 1624, this Chamber has chosen to erect a sea wall hoping to hold back the tide of the direct petition of 2,500 people, asking for HB 1624 to have a hearing.

"Mr. Speaker, I would like to reiterate – I thought it was our job to advance good legislation. If so, then HB 1624 should not be suffocated and left to die in the Judiciary Committee. I choose not to stand in the way of good legislation. I choose not to stand in the way of the people's will, and accordingly I oppose the motion to recommit HB 1624.

"For these reasons, Mr. Speaker, I stand in opposition to the motion to recommit HB 1624. Thank you."

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

Representative Fale's written remarks are as follows:

"Mr. Speaker, I rise in opposition to the motion to recommit HB 1624 to the Committee on Judiciary. The measure is intended to, '(1) Protect religious freedom and liberty by ensuring that no clergy or other officer of any religious organization will be required to solemnize any marriage, in accordance with the Hawaii State Constitution and the United States Constitution; and (2) Harmonize the right of equal protection under the law for same-sex couples with the equally important right to the free exercise of religion.'

"Mr. Speaker, by sending this measure back to committee, it is clear that discussion on this measure is being cut off on the Floor of the House. I do not feel that this is the right thing to do; to silence the conversation on this measure, in this way. The public is not being served well by recommitting

this measure back to the Committee on Judiciary, without first allowing the topic to be discussed on the Floor of this House.

"For these reasons, Mr. Speaker, I rise in opposition to the motion to recommit HB 1624 to the Committee on Judiciary."

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

Representative Fukumoto's written remarks are as follows:

"Mr. Speaker, I rise in opposition to recommit HB 1624 to the House Judiciary Committee. With many Representatives, including myself, having received nearly 2,500 emails from constituents expressing their desire for this bill to be heard, I believe it should be given the opportunity. The people are simply asking for a hearing and for their opinions to be heard.

"Many bills are easily dismissed and tossed aside, but when the measure is of such importance to the people we speak for that they are petitioning just to have it heard, we should listen. They trust us to be their voices in this Body, and to maintain that trust it is our obligation to show them we are listening.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1624, entitled: "A BILL FOR AN ACT RELATING TO EQUAL RIGHTS," was recommitted to the Committee on Judiciary, with Representatives Choy, Fale, Fukumoto, Har, Ito, Johanson, Jordan, Matsumoto, McDermott, Oshiro, Say, Tokioka, Tsuji and Ward with Representatives Awana, Cachola, Carroll, Hanohano and Takumi being excused.

## INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 22 and 23) and concurrent resolutions (H.C.R. Nos. 41 and 42) were referred to Printing and further action was deferred:

H.R. No. 22, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO GRANT VETERANS BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THE BENEFITS TO WHICH THEY WERE ENTITLED," was jointly offered by Representatives Takai, Aquino, Belatti, Cabanilla, Cachola, Cullen, Evans, Fale, Fukumoto, Hashem, Ichiyama, Ing, Ito, Johanson, Lee, Luke, Matsumoto, McDermott, McKelvey, Mizuno, Morikawa, Nakashima, Onishi, Oshiro, Saiki, Say, Souki, Takayama, Takumi, Wooley, Yamane and Yamashita.

H.R. No. 23, entitled: "HOUSE RESOLUTION URGING CONGRESS AND HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE VETERANS HEALTH AND BENEFITS IMPROVEMENT ACT OF 2013 AND SUPPORT THE RECOGNITION AS VETERANS OF THOSE WHO SERVE IN THE NATIONAL GUARD," was jointly offered by Representatives Takai, Aquino, Belatti, Cabanilla, Evans, Fale, Fukumoto, Hashem, Ichiyama, Ing, Ito, Johanson, Lee, Luke, Matsumoto, McDermott, McKelvey, Mizuno, Morikawa, Nakashima, Onishi, Oshiro, Saiki, Say, Takayama, Takumi, Wooley, Yamane and Yamashita.

H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO GRANT VETERANS BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THE BENEFITS TO WHICH THEY WERE ENTITLED," was jointly offered by Representatives Takai, Aquino, Belatti, Cabanilla, Cachola, Cullen, Evans, Fale, Fukumoto, Hashem, Ichiyama, Ito, Johanson, Lee, Luke, Matsumoto, McDermott, McKelvey, Mizuno, Morikawa, Nakashima, Onishi, Oshiro, Saiki, Say, Souki, Takayama, Takumi, Wooley, Yamane and Yamashita.

H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE VETERANS HEALTH AND BENEFITS IMPROVEMENT ACT OF 2013 AND SUPPORT THE RECOGNITION AS VETERANS OF THOSE WHO SERVE IN THE NATIONAL GUARD," was jointly offered by Representatives Takai, Aquino, Belatti, Cabanilla, Evans, Fale, Fukumoto, Hashem, Ichiyama, Ing, Ito, Johanson, Lee, Luke, Matsumoto, McDermott, McKelvey, Mizuno, Morikawa, Nakashima, Onishi, Oshiro, Saiki, Say, Takayama, Takumi, Wooley, Yamane and Yamashita.

#### ANNOUNCEMENTS

Speaker Souki: "This is just a reminder. The Chair would like to remind committee chairs that today is the first lateral filing deadline for bills that need to move to their final committees. Please file your committee reports and drafts with the Chief Clerk's office by 9 p.m. this evening.

"May we have a moment of silence for an old friend, Kenneth Brown, former Senator and confidant of many, many people. Please rise for a moment of silence for Kenny Brown. He did serve in the House, just for a little while, so some time was served in the House, and I remember serving with him."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late former Representative Kenneth Brown.

#### COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
1994	Committee on Agriculture, then to the Committee on Finance
2074	Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
2554	Committee on Finance

#### ADJOURNMENT

At 3:57 o'clock p.m., on motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 14, 2014. (Representatives Awana, Cachola, Carroll, Hanohano and Takumi were excused.)