

**THE
TWENTY-SEVENTH LEGISLATURE
STATE OF HAWAII
SECOND SPECIAL SESSION OF 2013
JOURNAL OF THE HOUSE**

FIRST DAY

Monday, October 28, 2013

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, and the Proclamation issued by Governor Neil Abercrombie on September 11, 2013, the House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii convened in Special Session on Monday, October 28, 2013.

The Honorable Joseph M. Souki, member of the Eighth District, having been elected Speaker of the House of Representatives on the Opening Day of the Twenty-Seventh Legislature and retaining that position under the provision of Rule 1.5 of the Rules of the House of Representatives, called the House to order at 10:06 o'clock a.m.

The Chair then called upon the Clerk who read the Governor's Proclamation as contained in Gov. Msg. No. 1.

GOVERNOR'S MESSAGES

Gov. Msg. No. 1, Second Special Session, transmitting a Proclamation convening the Twenty-Seventh Legislature of the State of Hawaii in a special session on Monday, October 28, 2013, at 10:00 a.m., as follows:

"September 11, 2013

The Honorable Donna Mercado Kim, President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki, Speaker
and Members of the House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Mercado Kim, Speaker Souki, and Members of the Legislature:

Transmitted herewith is the proclamation convening the Twenty-Seventh Legislature of the State of Hawaii in special session on Monday, October 28, 2013, at 10:00 a.m.

Sincerely,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor, State of Hawaii

Enclosure"

PROCLAMATION

WHEREAS, under Section 10 of Article III of the Constitution of the State of Hawaii, the Governor may convene both houses of the Legislature or the Senate alone in special session; and

WHEREAS, the Governor believes that, in keeping with the United States Supreme Court's recent decision in United States v. Windsor, 133 S.

Ct. 2675 (2013), the State of Hawaii should extend to same-sex couples the right to marry and receive all the same rights, benefits, protections, and responsibilities of marriage as opposite-sex couples receive under the laws of this State;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby convene both houses of the Twenty-seventh Legislature of the State of Hawaii in special session on the 28th day of October, 2013, at 10 o'clock a.m., primarily for the consideration of legislation to provide for marriage equality in the State of Hawaii.

DONE at the State Capitol, Honolulu, State of Hawaii,
this 9th day of September, 2013.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii

APPROVED AS TO FORM:

/s/ David Louie
David M. Louie
Attorney General"

The invocation was then delivered by Reverend Blayne Higa of Pacific Buddhist Academy, after which the Roll was called showing all members present with the exception of Representatives Choy, Lowen, Nakashima and Yamane, who were excused.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 38 through 40) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 38, Second Special Session, dated October 11, 2013, transmitting a proposed draft bill to fund the settlement of Collective Bargaining Unit 10.

Gov. Msg. No. 39, Second Special Session, dated October 22, 2013, transmitting a proposed draft of the marriage equity bill.

Gov. Msg. No. 40, Second Special Session, dated October 22, 2013, transmitting a letter asking the Legislature to consider several items in addition to legislation providing for marriage equity, and proposed drafts for the items:

- Funding for the Hawaii Health Systems Corporation Kauai regional health care system;
- Collective bargaining costs associated with Bargaining Unit 10; and
- Collective bargaining costs associated with Bargaining Unit 13.

At 10:15 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:16 o'clock a.m.

INTRODUCTIONS

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

Representative Takai introduced guests from Fukushima Prefecture: Mr. Yuhei Sato, Governor of Fukushima Prefecture; Mr. Norio Hashimoto, Senior Director of the International Affairs Division; Mr. Daisuke Suzuki, Senior Staff, International Affairs Division; Mr. Shigeyuki Homma, Secretary to Governor Sato; Mr. Toyokazu Sugama and Mr. Toshikazu Shirasaka, press; Ms. Maya Perry, interpreter; and Mr. Toshihiko Takeda, travel agent. They were accompanied by Mr. Toyoei Shigeeda, Consul General of Japan in Honolulu.

Representative Ward introduced his intern, Ms. Nadiya Pashkova.

Representative Aquino introduced Pastor Joe Hunkin, Jr., and members of the Lighthouse Outreach Center in Waipahu.

Representative Oshiro introduced his sister and brother-in-law, Mrs. Susan and Mr. Eryle Okamura.

Representative Ing introduced his constituent and girlfriend, Ms. Sara Ohashi.

Representative Thielen introduced Chaplain John Heidel.

At 10:21 o'clock a.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 10:35 o'clock a.m.

ORDER OF THE DAY

INTRODUCTION OF BILLS

Representative Saiki moved that the following bills (H.B. Nos. 1 through 5) pass First Reading by title and be referred to Printing, seconded by Representative Johanson.

H. B. Nos.

1 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Representative Souki, by request.

2 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Representative Souki, by request.

3 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Representative Souki, by request.

4 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Representative McDermott.

5 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO RESERVE MARRIAGE TO OPPOSITE-SEX COUPLES."

Introduced by: Representative McDermott.

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

"Mr. Speaker, I stand in strong support. I have some brief comments. This is an extraordinary move, to speak on First Reading, but these are extraordinary times. I would just like to commend the Body and you, Mr. Speaker, for allowing our proposed constitutional amendment, House Bill 5, proposing an amendment that the Hawaii Constitution reserve marriage to opposite-sex couples, be referred to Judiciary and Finance.

"I know the Judiciary Chairman is a man of keen intellect and will give it all the deliberation that he thinks it deserves. I'd like to encourage the Body to hear this measure since we're already here and spending the taxpayers' money. Here's another opportunity for us to listen to our bosses. An opportunity to have them, since they're already coming down here, let's throw another bill on the agenda so they can hear it. I implore you, sir, please let the people's voices be heard. If it turns out there is no support for it, I can live with that. Thank you very much."

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

"Mr. Speaker, I rise in support. Mr. Speaker, I know it's very unusual on First Reading, having a speech. In fact, we of the minority were the unusual progenitors of speaking on Second Reading and it was unusual. But these are unusual times. We are in a special session, and this bill deserves special acknowledgement and results.

"I'm speaking to, the good gentleman from Ewa Beach just referred to the bill number, I believe it's 5. The constitutional amendment, letting the people decide.

"A couple of facts, Mr. Speaker. Number one, a very extensive, scientific, very costly survey was just done by the people of Hawaii through an organization that has local and national ties that said 70 percent of the people of Hawaii, Mr. Speaker, including your constituents and mine, and everybody else in this Chamber, said that this special session, that this issue, should be decided by the people. This bill, that the good gentleman from Ewa Beach said, is giving that opportunity. Mr. Speaker, if the Governor knew he had the votes, why would he not let the people decide? Why do we have to go into special session? You know that this House..."

The Chair addressed Representative Ward, stating:

"Representative Ward, there will be ample time later on to debate on the bill."

Representative Ward continued, stating:

"Thank you, Mr. Speaker, I appreciate that opportunity, but right now I have the Floor, may I finish? Mr. Speaker, I want to make two more points. Your point was to the Governor very clear, there are not enough people, two-thirds majority in this House, to have a special session. President Kim of the Senate said we do not have the need for a special session. Except for someone who went behind your back and told the Governor to have a special session, somebody in this Body, we would not be here, Mr. Speaker.

"So the point is, the numbers are there that the people should decide, the resolution and amendment is here that we should let the people decide. So I implore those powers that be, let the people decide. Get a hearing on the resolution, as the Representative from Ewa Beach said, if nobody shows up, if they don't want it, do it. There's simple evidence and empirical statistics that 70 percent of the people of Hawaii, and you can ask all of your constituents, they say let them decide on this issue.

"This is a turning point in the history of Hawaii. This is greater than the Hokulea, this is greater than the Great Mahele. This is something, Mr. Speaker, that all of us are going to be responsible for. If we don't include the people in the huddle, we're going to be regretful. The same way we passed PLDC and went back and changed it. The same way we did the quick job on the Super Ferry and it didn't work. Mr. Speaker, please be deliberative, please be the leader on this, and I thank you for the opportunity to, first time ever on this Floor, to speak on First Reading."

The Chair then stated:

"To the audience, I'm going to ask you not to react. We have a very serious bill that we're looking at, and I'll instruct the Sergeant-at-Arms to monitor this as we go along. So please don't react. Thank you very much."

Representative Fale rose, stating:

"Mr. Speaker, I rise with some comments. What a time to be a freshman in the State Legislature here in Hawaii, to be present for some of the greatest items that are going to affect generations now and generations into the future, Mr. Speaker. I'm not certain what the history of speaking on First Reading is or anything, Mr. Speaker, I am a freshman, but I am rising with these comments.

"I'm looking at the agenda here, and it's good to see that we have items addressing some of the needs of the working people of Hawaii. We have a bill that's going to address very important issues relating to an institution that is generations old here in the state. What I am concerned with is, I know that we do have, in the State of Hawaii, 80,000 children who are in poverty, Mr. Speaker. We're called in here in this special session, and I believe if there's anything more that is most sacred and most special to the people in the State of Hawaii, are our children. We have 80,000 of them who are struggling this day, Mr. Speaker, and I don't see a single measure here that directly addresses the issues relating to the 80,000 children who live in poverty today, Mr. Speaker.

"I'm just disappointed that our children would be pushed to the back of the line, and that 80,000 of them will be forgotten at this time, Mr. Speaker. I know that we do have a few more days to introduce some measures, Mr. Speaker, so I hope to have your support when I introduce a measure that would more adequately address the 80,000 children in poverty, Mr. Speaker, during this time. Thank you."

The motion was put to vote by the Chair and carried, and the noted bills passed First Reading by title and were referred to Printing. (Representatives Choy, Lowen, Nakashima and Ing were excused.)

At 10:43 o'clock a.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 10:44 o'clock a.m.

At 10:44 o'clock a.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 11:05 o'clock a.m.

At this time, the Chair stated:

"Members, please note that House Bill Numbers 1 through 5 have been referred to committee, as noted in the House Committee Referral Sheet No. 1."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Referred to:</u>
1	Jointly to the Committee on Labor & Public Employment and the Committee on Finance
2	Jointly to the Committee on Labor & Public Employment and the Committee on Finance
3	Jointly to the Committee on Health and the Committee on Finance
4	Jointly to the Committee on Labor & Public Employment and the Committee on Finance

5 Jointly to the Committee on Judiciary and the Committee on Finance

At this time, Representative Oshiro rose to appeal the ruling of the Chair, stating:

"Thank you, Mr. Speaker. I respectfully stand to appeal the ruling of the Chair on the aforementioned referral of the five House bills. In general, the argument that I would make for my referral request is that, the current referral of House Bill 1, House Bill 2, House Bill 3, House Bill 4, and House Bill 5, shows that it's a single joint referral, which means there will only be one public hearing of those respective committees. For the Bargaining Unit 10 cost item, House Bill 1, it will be a Labor 'slash' Finance. For the next one, Bargaining Unit 13, House Bill 2, Labor 'slash' Finance. The third one is House Bill 3 which is a Health 'slash' Finance referral. House Bill 4, collective bargaining cost items for Bargaining Unit 13, Labor 'slash' Finance. And last, House Bill 5, proposing a constitutional amendment, Judiciary 'slash' Finance.

"Mr. Speaker, the point of contention at this stage is that we seem to be in an extreme rush to get in and out of special session as soon as possible, but by doing so we might fail the opportunity or lose the opportunity to really gain some insight in the subject matter areas. For the first one with the Labor Committee, if it was a Labor 'comma' Finance, you would have the opportunity to have one hearing on one day and then maybe have another day for a separate hearing for the Finance Committee.

"The importance of that, Mr. Speaker, is that the members could understand and appreciate the intricacies of our Chapter 89 collective bargaining process, whereby the employer and employee, upon reaching an agreement and having ratified by the membership, then come to the Legislature in a proper manner and a proper timing for approval offered by this Body. I think that might be lost in the discussion. I hope that it is not. But having two days also allows the participation by the general community to understand the significance of these decisions that we will make.

"I must confess, Mr. Speaker, I do have a slight bias to making sure that we adopt and approve, in total, all of the bargaining unit cost items in Unit 10 and Unit 13 members in those three bills, House Bill 1, 2 and 4, so I need to disclose that. But again, the point I'm trying to make is that in order to allow greater public participation on this matter and greater participation by the committee membership, we should have two separate hearings on those labor bills. The same could be said to the Hawaii Health Systems Corporation bill that would provide an emergency appropriation to, I believe, one of the Kauai hospitals. I think that's important for us to know, especially the members of the Health Committee, why we are here for a special emergency appropriation when we just closed a session about three months ago.

"I think those are important questions to get an idea of what's really going on with the Health Systems Corporation that might require additional work during the interim until we go into our regular session in January. Also to understand the fiscal component of it. Again, it's more about public participation on these policy decisions.

"Again, last but not least, House Bill 5, proposing an amendment, this is part and parcel of the whole reason why we're in here in a special session convened, not by ourselves but really on compulsion by the Governor's proclamation of a special session.

"This extraordinary special session is only one of several over the last twenty years, the prior one was back in 2007 when we had to address a Hawaii Supreme Court ruling dealing with the Hawaii Super Ferry. And the one prior to that in 2001 was to address the economic fallout of the terrorist attacks, 9/11.

"So for these reasons, Mr. Speaker, I just ask that you reconsider these referrals, give the community more time to deliberate, to study, and to participate in the process. So my referral request would be, instead of Labor 'slash' Finance, Labor 'slash' Finance, Health 'slash' Finance, Labor 'slash' Finance, Judiciary 'slash' Finance, you would have a comma there,

Labor 'comma' Finance, Labor 'comma' Finance, Health 'comma' Finance, Labor 'comma' Finance, and Judiciary 'comma' Finance, and afford two whole days, or two separate days of public hearing on these important measures.

"Finally, Mr. Speaker, I thank you very much for this opportunity. Thank you."

Representative Jordan rose to speak in opposition to the Chair's ruling, stating:

"Thank you, Mr. Speaker. Yes, Mr. Speaker, I too am not here on my own recourse. We were asked to be here at the calling of our Governor. I too would like to hear more public participation. Now I've only been here, this is my third year, and I've always seen two hearings for such matters like these. I think we owe it to our community to allow them to attend one or two hearings of their choice. Currently, we are not allowing that for our community, especially our brothers and sisters from our HGEA bargaining units. They have waited a long time to settle that agreement, and they should have that opportunity at one or two of those hearings.

"I think it would be more beneficial for our members on those committees to hear these discussions. I too feel we should be showing as much consideration to our general public for their participation in these proceedings as much as we are going to be doing. So, Mr. Speaker, I please ask for your kindness and possibly re-referring these to single hearings. We are not going to be done by next week, we can be here for up to thirty days, and I don't feel the need or the rush to get these done by next week. I think we owe it to our constituents and should show them our good faith in public process and in the governmental process."

Representative McDermott rose to speak in opposition to the Chair's ruling, stating:

"Thank you, Mr. Speaker. As the author of House Bill 5, I have no objection to the delineated hearing process. In fact, I would like to echo the comments of the previous speakers. I think a more thoughtful, deliberative, transparent process would serve us all well with regard to that. In fact, it's my understanding that we're waiting on the Senate for them to take action, so Judiciary will have some time between now and then, and if they need help, my office stands ready to assist.

"With regard to HGEA Unit 13, I've introduced similar legislation, although it didn't get a referral, but it's almost a mirror image of this and I called for it last week. The data was so sketchy on it, we couldn't even get the figures until we had a copy from your bill. So there wasn't a lot of information out there on that measure, and certainly an issue as complex and financially impactful upon our state, we should have the opportunity to thoroughly and deliberatively discuss it and look at every detail. We're here, we might as well roll up our sleeves and get to work and really go to town and really peel back the layers of the onion on each of these measures. So I have no objections, in fact, I would support the request that was made. Thank you, sir."

Representative Saiki rose to speak in support of the Chair's ruling, stating:

"Mr. Speaker, I stand in favor of the Chair's ruling with some brief comments. First, I'd like to note that the referrals for these five measures were made with the concurrence of the subject matter chairs. No subject matter chairs were left out of the public hearing process. So both committees will have ample opportunity to vet these measures.

"Second, I'd like to note that with respect to the collective bargaining bills, and there are three collective bargaining bills that are on this referral sheet, that the law basically states that if we do not approve these agreements in this special session, then they will be deemed to be rejected. If these measures are rejected, then that means that the respective unions will have to go back to the bargaining table with the administration to come up with new proposals for next year. I'm not sure if we want to impede any of the agreements that have already been agreed to preliminarily by the unions and the administration.

"I'd also like to note that we have followed, in some respects, the custom and practice of prior special sessions where measures have been jointly referred to committees for public hearing purposes. This is no different, and in fact this referral is better because as I just noted, all of the appropriate subject matter chairs have been included in these referrals. So for these reasons, I support the Chair's ruling. Thank you."

Representative Fale rose, stating:

"Mr. Speaker, just a few comments. I just went online to try and find the measures that are being discussed today, and I wasn't able to find them online, which means that we have a serious issue with the public for the opportunity that they have to look at this. One of our great assistants from the IT department just showed me where you actually go to, to get it online. But for us here, the general public doesn't have somebody to ask, which corner do I need to look in for this measure. That just speaks to the public's opportunity to participate in this process.

"After discussion is done, and at the appropriate time, I'd like to ask for a roll call vote."

At this time, Representative Fale requested a roll call vote.

Representative Har rose to speak in opposition to the Chair's ruling, stating:

"Thank you Mr. Speaker, in support of the appeal of the Chair's ruling. Mr. Speaker, first of all, a brief rebuttal. The Majority Leader talked about rejection of these bills. That's not the issue here, the issue is about process. This is about the democratic process that we all swore to uphold. The fact of the matter is this, the Governor has called us back into a special session. We should give the public ample process that they are entitled to. That's all that we're talking about. Nobody is talking about rejecting or approving these bills, this is simply a matter of the process.

"When we talk about custom and practice, again, I think we can really clearly distinguish the situation in 2007 versus this situation. We are going to be dealing with the most contentious social issue of our time, and to include as much of the public is our duty. So we should, in fact, try to have as many hearings as possible, and not just try to rush out of special session because it's uncomfortable. Thank you, Mr. Speaker."

Representative Ing rose to speak in support of the Chair's ruling, stating:

"Mr. Speaker, I rise in favor of the Chair's ruling. Our Representative from Wahiawa mentioned the importance of public input and transparency. I completely agree, I think in any bill the utmost opportunity for public input is imperative, but especially for issues as divisive and important to the future of fairness and equality in Hawaii as is House Bill 5. So for that reason I really want to try to solicit as much public input as possible.

"I find it difficult, I'm a freshman and I don't really know the processes, as some of you might, as thoroughly, or the history of bills, but I do recognize that in my bills that I tried to get passed last session, and in most bills, people that don't usually give public testimony, these are the people we want to reach out to and make sure they have a voice. They have a hard time, as the Representative from Laie mentioned, knowing exactly where the committee hearings are and when to give testimony and how to submit them. So the more hearings that are necessary for a bill, the more chances the bill has to die, and second, the more opportunity is lost.

"It's very difficult to get someone to give testimony in two committees, or three committees, let alone one. I do recognize that when we had the PLDC hearings, there was a joint hearing and we had hundreds and hundreds of testifiers. People often speak on financial matters in a subject matter hearing, which is, I guess, not how the process is supposed to go. Again, I'm a freshman, I don't know the exact procedures. People speak of subject matter in finance hearings.

"In a joint committee, people in the public who aren't lobbyists can come in and speak on any matter of the bill, and it'll be relevant. For me, that's maximizing public input. We've seen it in PLDC. I think with a joint committee hearing, actually ironically we'll be seeing more public input.

That's a pattern I've picked up on so far and I think it'll probably hold for HB 5. Thank you."

Representative Ward rose to speak in opposition to the Chair's ruling, stating:

"Mr. Speaker, I rise in opposition to the Speaker's ruling. Mr. Speaker, earlier I had the opportunity to introduce a U.S. State Department diplomat from Ukraine, I think she's still here, Nadiya Pashkova. One of the comments she made when she first came here within the first week of her observation is the meeting she had with various lobbyists and people. She said, 'this thing is so open, there's such accessibility, there is so much open air democracy and transparency.' Basically we just had our door open and people would walk in and they would talk to me. In Ukraine you can't even get close to the Representatives.

"In this instance, Mr. Speaker, we're saying, don't get close, we want to lock you into two hearings, and I think for the sake of transparency and openness, let's let the people be heard. We have 45 days, contrary to what was earlier said, there's 45 days that we have to get in and get out of here according to our constitution. Mr. Speaker, there shouldn't be a rush, there should be a deliberative process. We should be able to stand and give the people an opportunity to weigh in on any and all these issues. So please, I would say, let the people decide, let the people be heard. Thank you."

Representative Belatti rose to speak in support of the Chair's ruling, stating:

"Thank you, Mr. Speaker. I'm standing in support of the Chair's ruling and the current referrals as they are presented on the committee referral sheet. Mr. Speaker, I just want to add my concurrence with the Majority Leader's comments that these referrals were made with the subject matter committee chairs. I would also like to note that as soon as the Governor's message was presented to us, and even before that, members of the Health Committee were engaged in discussions with HHSC to understand what the financial situation is, and that the Governor's message crystalized something that we have known has been a problem.

"So there has been ample time, I believe, for members of the Health Committee to take a look at what the request is from the Governor's office, and that the Governor's emergency appropriation request was posted the day that it was sent down to the House. So I think in that sense, there is and was enough time, and I have the confidence, the full faith and confidence in the committee members of both Health and Finance to be able to handle this matter expeditiously and with efficiency, and an eye towards preserving our public resources as we engage in this special session.

"On the larger matter of need for ample process with respect to House Bill 5 and the subject matter that we are taking up there, just generally throughout this special session. The Governor's call for special session came over a month ago. We have been debating the content of those bills. So I think that this is ample time, we have had ample time, and I'm looking forward to the rest of this special session. Thank you, Mr. Speaker."

Representative Tokioka rose, stating:

"Thank you, Mr. Speaker. I rise on a point of clarification. Mr. Speaker, I'd like to ask you as the Chair, if you would consider a friendly request, and that would be to the Representative from Wahiawa's motion to vote for the bills 1 through 5 separately."

The Chair then stated:

"Thank you very much, that's one way of having a discussion. The Chair has made his referral, so you shall vote on it or not."

Representative Tokioka: "So you would not entertain a motion to vote separately?"

Speaker Souki: "There is a motion to appeal presently."

Representative Tokioka: "I understand that."

Representative Evans rose to speak in support of the Chair's ruling, stating:

"Thank you, Mr. Speaker. I rise in opposition to the appeal, and in support of the current referrals which are joint hearings. Mr. Speaker, we're talking about process here, and I think this last session really showed all of us all these decisions on how we make referrals. The PLDC, Public Land Development Corporation, as the head of that joint hearing, it was very thoughtful. We talked with the other chairs, we talked about what would be best for the public, we talked about how we had to involve people from all of our neighbor islands, flying in, how very expensive it was. It's unfortunate, but we are an island state. It's extremely inconvenient for people to fly in, to drive in, to the State Capitol.

"We felt that having a joint hearing was very respectful to them so that each committee member, and I want to emphasize that, we hope every committee member will be at the hearing, and they collectively will hear from that individual how they feel strongly about the merits of the bill. One way or another, they can talk about the language. I think this gives them a great opportunity to express themselves.

"If you break this up into two hearings, you are actually, I think, causing some problems for a lot of people who cannot get to the State Capitol. The other thing about this session which is different from our last session is that we're getting publicity on just the bills. Fortunately there's just a few, so everybody, all the newspapers, everybody that hears the day, it will be covered in the newspaper. We do not get that kind of coverage on all those, what, 1,700 bills in the House, 1,400 bills in the Senate. We don't get that kind of coverage on bills. We are getting coverage on this bill.

"There will be plenty of time for people to see this discussion and to weigh in. I'm hoping that everybody writes emails and makes phone calls, and I'm hoping that the newspapers today make sure that the coverage is total. This is very special, this special session, and we should get coverage for this, and we should get public input. But I like the way we've done the referrals. I think the chairs have met with leadership, I think there's been a decision collectively that this is the right way to go. I support the current referral. Thank you."

Representative Oshiro rose to respond, stating:

"Mr. Speaker, second and last time. Mr. Speaker, thank you very much. Just a couple of things. I'm speaking in favor of the bills itself, I want to see the collective bargaining contracts ratified by this Body and approved and funded. Again, that's very important. I think it is fair and part of the process. Let's make sure that's clear on the record. Perhaps this might be the best time to make a request for a ruling on a possible conflict."

Representative Oshiro then declared a potential conflict of interest, stating:

"The question I have right now with the possibility of a conflict is that I'm a card-carrying member of AFSCME," and the Chair ruled, "no conflict."

Representative Oshiro continued, stating:

"Thank you. Finally, Mr. Speaker, I just want members to realize that this is all about the process of making sure the community has the right to participate in their democracy, and to participate meaningfully. You've pointed out several times in our discussion, we're not restricted to a five day session or a seven day session or a 10 day session, that we do in fact have up to 30 days or even 45 days, should there be a need to do it. So there is no rush to move these bills through as we seem to be doing. Thank you, Mr. Speaker."

Representative McDermott rose to respond, stating:

"Mr. Speaker, thank you. With regard to the referral process, I've heard many things said. If it's so wonderful then why isn't this the standard operating procedure moving forward through next session, number one. Number two, we're told that people had plenty of time to look at these, the committee chairs. Well as of this morning, until five minutes before

session, my bill, HB 5, didn't even have a referral. So now it does, so I'm hoping the committee chairs have had an opportunity to look at it.

"Second thing is, the HGEA cost contract, I support that, I called publicly for that to be passed last week. But the information on what the figures were, were still not available in detail from the Governor's office. It wasn't until this Wednesday that I actually got a copy of your bill from LRB that we could put in the appropriate numbers. So my bill's not on here, but nevertheless, it'll get done. So, there hasn't been enough thought, there hasn't been enough deliberative process, there hasn't been enough transparency. And because it's so compressed, let's not make a mistake. Thank you very much, Mr. Speaker."

At 11:29 o'clock a.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 11:31 o'clock a.m.

At this time, the Chair stated:

"There has been a call for roll call. So we are going to ask you to raise your hands. All those that are in favor of a roll call, please raise your hand."

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

The Chair then stated:

"Members, there has been an appeal of the ruling of the Chair. A vote in favor, 'aye' will be to support the current referral. A vote of 'no' will be against the current referral."

Roll call having been approved, the request to appeal the ruling of the Chair was put to vote by the Chair, and on the following show of ayes and noes, the ruling of the Chair was sustained:

Ayes, 34: Aquino, Belatti, Brower, Cabanilla, Cachola, Coffman, Cullen, Evans, Hanohano, Hashem, Ichiyama, Ing, Ito, Kawakami, Kobayashi, Lee, Luke, McKelvey, Mizuno, Morikawa, Nishimoto, Ohno, Onishi, Rhoads, Saiki, Say, Souki, Takai, Takayama, Takumi, Thielen, Woodson, Wooley and Yamashita.

Noes, 13: Awana, Carroll, Fale, Fukumoto, Har, Johanson, Jordan, Matsumoto, McDermott, Oshiro, Tokioka, Tsuji and Ward.

Excused, 4: Choy, Lowen, Nakashima and Yamane.

Representative Ward rose, stating:

"Mr. Speaker, point of parliamentary inquiry. There's one resolution that's conspicuously absent. May I ask where is the resolution that the appointed due Representative from Waipahu as Floor Leader, who is now occupying that seat."

The Chair then stated:

"That resolution will be on the deck tomorrow morning."

Representative Ward: "Tomorrow morning. Thank you, Mr. Speaker."

ANNOUNCEMENTS

Representative Belatti: "Mr. Speaker, the House Committees on Health and Finance will be holding a public hearing on House Bill Number 3 today at 1:30 p.m. in Room 309 with decision-making to follow. Public notification in anticipation of this joint hearing was posted and distributed on Wednesday, October 23rd. In addition, the bill was made available for inspection and review on that same date. Thank you."

Representative Hashem: "Mr. Speaker, the House Committees on Labor and Public Employment and Finance will be holding a public hearing on House Bill Numbers 1 and 2 today at 1:00 p.m. in Room 309, decision-making to follow. Public notification in anticipation of this joint hearing was posted and distributed on Wednesday, October 23rd."

Representative Ward: "Mr. Speaker, earlier in a speech I referred to a survey done by Hawaii Family Advocates that indicated that 70 percent of the people wanted them, not us, to decide the issue. If you doubt any of the statistics or the relevance of that, I invite everybody to come at 4:00 to the rally to see if the people really want to decide. Thank you."

ADJOURNMENT

At 11:38 o'clock a.m., on motion by Representative Saiki, seconded by Representative Johanson and carried, the House of Representatives adjourned until 10:00 o'clock a.m. tomorrow, Tuesday, October 29, 2013. (Representatives Choy, Lowen, Nakashima and Yamane were excused.)

OTHER COMMUNICATIONS

"MEMORANDUM

TO: Speaker Joseph M. Souki
FROM: Rep. Lauren Kealohilani Matsumoto
DATE: 08/09/2013
RE: Notification of Name Change

Aloha Speaker Souki,

This is to advise you that my legal name has changed from *Lauren Kealohilani Cheape* to *Lauren Kealohilani Matsumoto* because of my recent marriage. I will be using *Lauren Kealohilani Matsumoto* for Legislative purposes from this point forward.

Should you have questions, please contact me at your convenience. Thank you for your time.

Cc: Chief Clerk
House Sergeant At Arms"