

THIRD DAY**Wednesday, October 30, 2013**

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Second Special Session of 2013, convened at 10:07 o'clock a.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Representative Lauren Kealohilani Matsumoto, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Choy, Nakashima and Yamane, who were excused.

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

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Matsumoto introduced her husband, Mr. Scott Matsumoto.

At 10:13 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:05 o'clock a.m.

ORDER OF THE DAY**UNFINISHED BUSINESS****H.R. No. 2:**

On motion by Representative McDermott, seconded by Representative Ward and carried, H.R. No. 2, entitled: "HOUSE RESOLUTION RELATING TO THE COMMITTEE ASSIGNMENTS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SEVENTH LEGISLATURE," was laid on the table, with Representatives Choy, Nakashima, Say and Yamane being excused.

H.R. No. 3:

On motion by Representative McDermott, seconded by Representative Ward and carried, H.R. No. 3, entitled: "HOUSE RESOLUTION RELATING TO THE COMMITTEE ASSIGNMENTS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SEVENTH LEGISLATURE," was laid on the table, with Representatives Choy, Nakashima, Say and Yamane being excused.

H.R. No. 4:

On motion by Representative McDermott, seconded by Representative Ward and carried, H.R. No. 4, entitled: "HOUSE RESOLUTION RELATING TO THE BIPARTISAN COALITION OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SEVENTH LEGISLATURE," was laid on the table, with Representatives Choy, Nakashima, Say and Yamane being excused.

SUSPENSION OF RULES

Representative McDermott moved to suspend the rules of the House to pull from committee H.B. No. 5, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO RESERVE MARRIAGE TO OPPOSITE-SEX COUPLES," seconded by Representative Ward.

Representative McDermott then stated:

"On this motion, at the appropriate time after all debate has been exhausted, I would like to request a roll call vote, at that time, on this motion which I assume is going to occur later in the day, for this matter, sir."

At this time, the Chair stated:

"Members, the Chair is going to respectfully defer the motion to suspend the rules to pull House Bill 5 on the Floor, to the end of the calendar. Thank you."

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

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 Choy, Nakashima, Say and Yamane were excused.)

THIRD READING**H.B. No. 1:**

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, H.B. No. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 47 ayes, with Representatives Choy, Nakashima, Say and Yamane being excused.

H.B. No. 2:

On motion by Representative Saiki, seconded by Representative Cabanilla and carried, H.B. No. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 47 ayes, with Representatives Choy, Nakashima, Say and Yamane being excused.

At 11:08 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1
H.B. No. 2

At this time, the Chair stated:

"Members, we will be in recess until 2:00 p.m."

At 11:08 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:15 o'clock p.m., with Speaker Souki presiding.

At 2:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:32 o'clock p.m.

LATE INTRODUCTIONS

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

Representative McDermott introduced Mr. Jim Hockberg, Mr. Garrett Hashimoto, Pastor Elwin Ahu of New Hope Metro, Pastor Greg and Mrs. Joan Hood of Life Church, Mr. Walter Yoshimitsu, Ms. Ewa Andrade from the LDS Church, and Mr. Todd Hargrove.

Representative Awana introduced Pastor Allen Cardines of Nanakuli Hope Chapel.

Representative Ohno introduced Pastor Elwin Ahu of New Hope Metro.

Representative Oshiro introduced Bishop Carl Harris and Mrs. Marsha Harris of Emmanuel Temple in Wahiawa.

Representative Fale introduced his constituents, Mr. Arthur Hanneman and Mr. Aaron Shumway.

Representative McDermott moved to recall H.B. No. 1004 from the Committee on Judiciary, seconded by Representative Ward.

Representative McDermott then stated:

"This is a bill that appropriately defines a marriage between a man and a woman, introduced by the Vice Speaker. At the appropriate time after debate is finished, because the constitution allows us to have debate on this motion, I would like a roll call vote at that time. Thank you, sir."

At 3:36 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:45 o'clock p.m.

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

Representative McDermott moved to appeal the ruling of the Chair, seconded by Representative Ward.

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

"Mr. Speaker, with all due respect, I'd like to appeal the ruling of the chair and explain why.

"Mr. Speaker, I rise in support of the appeal. By the way, just so everyone knows, I'm very fond of you on a personal level. Sometimes they don't know that. I know I'm giving you some more gray hair, but that's okay.

"Mr. Speaker, we have convened this special session and I will admit my ignorance to some of the rules and procedures, but what occurred to me while I was sitting here is that we are not operating under any set standard House Rules, unless they were the House Rules that we came into session with.

"So I assumed that the same would be true for the pulling of bills and those things. The Majority Leader is right, he showed me in the constitution that, apparently it doesn't apply to this special session, the ability to pull a bill from committee. I exercised that tactic because I've been trying six ways from Sunday to get a vote on the constitutional amendment, and it seems to be bottled up in the committee and we can't get it out. And I would beg my democratic colleagues to take a vote on it and let the people decide. Thank you."

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

"Mr. Speaker, I rise in support of the Chair's ruling. I just have a couple of brief comments because the issue that is raised in this motion is addressed both in Mason's Parliamentary Practice as well as in our State Constitution.

"What Mason's tells us, which is the model for legislative procedure, is that there are various sources of legislative procedure, and they list them in order of precedence. The first category is procedure that is dictated through constitutional provisions. And that is exactly what we have here in Hawaii.

"In Article III, Section 15 of the Hawaii Constitution, there is a provision that states that bills, such as the one that is attempted to be recalled, cannot be recalled in a special session. And the reason for that, and I'll just read the language from the provision, which states, quote, 'Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session.' Carryover of bills do not apply to a special session. Thank you."

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

"Mr. Speaker, I support the appeal of the Chair's decision. Mr. Speaker, our constitution also says that all power rests with the people of Hawaii. Mr. Speaker, this is the ideal opportunity to let this process go back to the people, of which I've cited a poll by Hawaii Family Advocates, 70% of the people think this is their issue and their vote. KITV, who may be here today, has a poll that has 67% of the people..."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order..."

The Chair addressed Representative Ward, stating:

"Representative, you're out of order, please stick to the appeal."

Representative Ward: "I thought you were the Speaker, sir, not him."

Speaker Souki: "No, he's calling you out of order and I concur."

Representative Ward: "Well you can call me out of order. This is déjà vu."

Speaker Souki: "You're out of order. I don't want to yell at you again, so I want to be very nice, I'll have somebody else yell at you."

Representative Ward continued, stating

"Like my good colleague from Ewa Beach, I'm very fond of you. So, stick to the motion. Because the motion is, let's mobilize the constitution that says, let's have all the power that's vested in the people actualized in a vote. That's all that the gentleman from Ewa Beach is asking for. And I was citing the good KITV station that verifies that now, with their survey, 67% of the people say they, the people, should be doing this, not we the people here. That's a fact, I'm not spinning anything, that's just fact."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order..."

Speaker Souki: "Representative, again you are out of order. I don't want to be calling the Sergeant-at-Arms again, this is such a déjà vu, would you please..."

Representative Ward: "Déjà vu all over again. That's basically all I wanted to say, this gives us an opportunity to really let the people decide. Thank you."

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

"Mr. Speaker, I rise in support of the appeal of the Chair's decision. Mr. Speaker, I'm a farmer, I'm a soldier. I'm not sophisticated. They brought up a really big, thick book that showed, there's a bunch of fancy writing in there, Mr. Speaker.

"I'm just like the regular people here in the State of Hawaii, and the regular people here in the State of Hawaii have simply asked that they be allowed, for their voices to be heard. And I'm just trying to represent those people, Mr. Speaker, and I believe that the people of Hawaii would support this decision to allow, simply allowing us to do our jobs. They've gathered here in the Capitol in the thousands, simply to allow us to do our jobs.

"I believe that the opportunity that the good Representative from Ewa is asking for is just simply for us to do our jobs so that the regular people who don't understand big, thick books, who don't understand fancy rules, who don't understand the sophistication and intricacies of what it takes. The people here are gathered here and they say, 'is this what we gathered for here, so that people can wander around the Floor and hug each other and slap each other on back?'"

"They wanted to see us take action, Mr. Speaker, and the good Representative from Ewa's motion allows us to do the jobs that we were sent here to do. So for those reasons, I support the appeal."

At this time, the Chair stated:

"Alright, we'll take a vote. It should be known that an 'aye' is in support of the Chair's ruling, that the motion that was made by the Representative from Ewa is presently illegal, due to the fact that this is a special session and not a regular session, as stated in the constitution."

At 3:52 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 4:01 o'clock p.m.

Representative Saiki rose, stating:

"Mr. Speaker, I rise on a point of clarification. Because I'm actually very confused, I wanted to see if I could explain it to myself.

"We are deciding an appeal by the Representative from Ewa Beach. The appeal is on the Chair's ruling that his motion to recall is out of order. So therefore, the question posed to the members will be whether or not they support the Chair's ruling that the motion was out of order. A 'yes' vote is in support of the Chair's ruling. Thank you."

The motion to appeal the ruling of the Chair was put to vote by the Chair, and on a show of hands, the ruling of the Chair was sustained, with Representatives Fale, McDermott and Ward voting no, and with Representatives Choy and Say being excused.

SUPPLEMENTAL CALENDAR #1

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 1) was received and announced by the Clerk:

Sen. Com. No. 1, transmitting S.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO EQUAL RIGHTS," which passed Third Reading in the Senate on October 30, 2013.

Representative Cabanilla moved that S.B. No. 1 pass First Reading by title, seconded by Representative Thielen.

Representative Ward rose, stating:

"Mr. Speaker, point of order. Parliamentary order. Rule Number 733.3, paragraph 3 says that you can speak on First Reading unless there's a law that says you cannot speak on First Reading. There's nothing in our rules that say you cannot speak on First Reading. Why are you muzzling us?"

The Chair then stated:

"You can appeal the ruling of the Chair if you wish."

Representative Ward: "Oh come on. It's in the rules. The rules say, Mason's rules, I got it right from him, 733.3."

Speaker Souki: "You can appeal the Chair's ruling if you wish. If not, you're out of order."

Representative Ward: "Mr. Speaker, we cannot appeal Mason's rulings, it's in the book."

At 4:04 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 4:18 o'clock p.m.

Representative Ward rose, stating:

"Thank you, Mr. Speaker. I know on Monday I spoke on First Reading and I was told that it was a mistake. So I will withdraw that, I guess you would call it opposition to speaking on First Reading, and then I would then move, Mr. Speaker, to Rule 46, for SB 1 to be indefinitely postponed."

At this time, Representative Ward moved that S.B. No. 1 be postponed indefinitely, seconded by Representative McDermott.

At 4:19 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 4:46 o'clock p.m.

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

Representative Ward moved to appeal the ruling of the Chair, seconded by Representative McDermott.

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

"Mr. Speaker, all I wanted to take was two minutes to say that the thing that the Senate passed over to us, which they made sound like it was the best thing since sliced bread, has some real holes in it. Two hours ago we could have been out of this, except we kept blocking the freedom of speech.

"So why I'm asking you to not stop the debate, is that on First Reading, the people of Hawaii need to know where some of us stand on this particular issue. The flaws in that bill are three, and there's three groups that are very much in jeopardy because of this bill.

"Number one, it hasn't been vetted according to what otherwise people would say in a five, six or seven day session is not sufficient. Number two, the survey is, as indicated earlier, 70% of the people wanted them to decide, and not us. And three, pastors, churches, teachers, professionals, are not protected by that bill.

"The point is, that bill puts in jeopardy one community, and another community, and another community. For example, the bill will say that pastors are able to be absolved from doing any solemnization. Well, what about celebration? What about having your church for a reception?"

The Chair addressed Representative Ward, stating:

"You are speaking on the content of the bill, and not on the motion to indefinitely postpone. This is limited debate, to why you are having this motion."

Representative Ward continued, stating:

"Because I wanted to know whether the bill covered baptisms and burials, if they refused those would they be covered? With teacher's refusal, would they be covered? With parents who want to object out of that. This is not imaginary and spooky, this is what's going to happen. But we have empirical evidence from Massachusetts, empirical evidence from Canada, that says when this happens, those things, because it is the law, Mr. Speaker, all this stuff follows."

The Chair addressed Representative Ward, stating:

"Representative, it's clear that you cannot debate on the First Reading, and you are, in fact, debating on the First Reading, and using a motion, that's basically not accepted, to get your point across. So therefore, I would ask you to..."

Representative Ward continued, stating:

"Okay, Mr. Speaker, let me wrap this up in 15 seconds. Having said that and not having the ability to speak on the Floor of a democracy, the greatest democracy in the history of the world, let me say this. That anybody who thinks this is a good bill, and if you vote for it you're helping the people of Hawaii, you're mistaken. If you want something to protect the people of Hawaii, this bill has got to be amended. Thank you, Mr. Speaker."

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

"Mr. Speaker, I also rise in support of my colleague in appealing the ruling of the Chair. Earlier today, when it was pointed out to me in black and white, the particular rule that we discussed earlier said, no Bob, you've got to read it literally. And I said, okay, and basically I admitted that on the Floor.

"Now it comes to us that, no, you don't read it literally, you infer things to the particular rule. You can't have it both ways, Mr. Speaker. Either you read it literally, or you can infer things.

"My good friend from Hawaii Kai made the motion to defer indefinitely this item in front of us, which is dripping with hubris and arrogance, in not letting the people decide. He made a motion to defer and we're told, well that's a motion to object. No it's not, it's a motion to defer. It's two different things. So his motion is to defer indefinitely, it's not objecting. He didn't say 'I object,' he didn't say anything else, he said 'a motion to defer'.

"So when it suits the purposes to read the rule literally, we do that, if we don't want to have any debate. When it suits the purposes to read the rule with a great deal of latitude, we read it that way. I can't operate under floating rules that are in flux. I need clear, clarion clear standards. If we're going to read it literally, that's fine, okay I know the rules. And I admitted to that earlier, hey ok he said it, there it is in black and white. I'm okay, I made a mistake, Mr. Speaker.

"But now we come in and the rules aren't black and white, it's an inference. And so for those of us who are trying to move this along and get some action on these measures, it's very frustrating because the rules of the debate keep changing, in my opinion. I see you're losing patience with me, so as my fondness for you, I will stop speaking, sir."

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

"Mr. Speaker, I rise in support of the appeal. There's a number of issues that the good Representative from Hawaii Kai raised with the measure that came over to us from the Senate. Amongst those are the changing rules. The testimony that they went through, first it was two minutes, then they cut it down to one minute, then they said, okay all you other three or four thousand people who signed up to testify, you guys won't be able to testify, we're cutting off testimony."

The Chair addressed Representative Fale, stating:

"That was the Senate, please don't bring the Senate problems to us. Please proceed."

Representative Fale continued, stating:

"That's exactly why we should defer this bill indefinitely, because we shouldn't bring the problems of the Senate onto the people's House's Floor. And that's exactly what I'm saying. I agree with you 100 percent, let's not

bring the Senate's problem here to the House. And that's why, Mr. Speaker, I believe that this measure should be deferred indefinitely.

"I've played, just as the good Representative from Ewa talked about, I've played in rugby games, Mr. Speaker, where essentially our team was a sacrificial lamb that got obliterated by the eventual national champions. Even though we know that we are few, but somebody has to stand up and say what the people of Hawaii want, and that's what we few must do. And that's why it's great to have one of the few, the proud, and the one marine that we got over here, the good Representative from Ewa. But somebody's got to stand up and fight against what's going on here, Mr. Speaker. That's why I support the appeal."

Representative Ward rose, stating:

"Mr. Speaker, more of a question. A point of parliamentary inquiry. How does one, whether they're for or against the bill, express their view of this bill? For example, somebody wants to vote no. From what I heard during all of these recesses, there's no way to vote no on the bill. Is that correct or is that incorrect?"

The Chair then stated:

"You can vote no, it would be a voice vote between 'ayes' and 'nays' and you can say your 'nay' if you wish, and as loud as you want."

Representative Ward: "But I thought it was automatic, First Reading, and there was no..."

The Chair then stated:

"No, there is a vote, a voice vote. And I would advise the members, from both of the sides, to please read the rules in Mason's so that we can proceed orderly in this business.

"Alright members, I'm going to call for the vote, and the vote is to support the Speaker on his decision to rule that the motion is out of order to postpone Senate Bill 1 indefinitely. All those in favor of the Speaker's recommendation, please vote aye."

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

"Can I make brief comments in support of the Chair's ruling? I just want to explain why the Chair's ruling is correct.

"We need to look at Mason's, Section 733, Section 4 which reads as follows..."

Representative McDermott rose, stating:

"Mr. Speaker, objection, you've called for the vote, Mr. Speaker."

At 4:55 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 4:56 o'clock p.m.

Representative Saiki continued, stating:

"Mr. Speaker, I just wanted to explain why the Chair's ruling is correct. Mason's, Section 733, Section 4 reads as follows. 'When the rules require that all bills be referred to committee or make other like provisions, the introduction of a bill may not be objected to without first suspending the rules.'

"The bill that is at issue here is subject to this provision because our House Rules do require that bills be referred by the Speaker within four session days. So that rule, in our House Rules, is Rule 2.1, and that is what triggers Section 733.

"The gist of the motion, which is to postpone indefinitely, is considered to be an objection because the motion seeks to dispose of the measure permanently.

"I'd also like to address a point raised on the point of inquiry by the Representative from Hawaii Kai, whether members have an opportunity to vote no on this measure on First Reading. As you mentioned, Mr. Speaker, members may voice their no vote. I would also note in the past, members who have wished to not vote on a measure, may be excused from the Floor. That would apply in this situation as well on this vote.

"I'd also like to note that by virtue of these comments, that the record would reflect what the purpose was in being excused."

Representative Ward rose, stating:

"Mr. Speaker, point of query. If we have an audible no vote, how does that go in the Journal as a no vote? How do you record a no vote if it's just a shout from a group of people?"

The Chair then stated:

"It is a decision that the Speaker will make, and the Chairman will make a call on whether the motion passes or doesn't pass. And that's the way it has been done historically."

Representative Ward: "Mr. Speaker, as to one going on record as having voted, is my question. Not as to whether a yay wins or a no is not so allowed. But how does one know who's done which and when, that's the point."

Speaker Souki: "In the state and in this nation, the majority vote usually prevails, and always prevails. If the minority wished to prevail, they should take your advice and yell louder. So can we proceed with the vote."

Representative Oshiro rose to speak in opposition to the ruling of the Chair, stating:

"Thank you, Mr. Speaker. I'd like to thank the Majority Leader for clarifying the effect of this particular appeal and denial of the appeal. I think it's important, the motion to table a measure like this indefinitely, I believe does have the effect of killing the bill for this session. So I appreciate the Majority Leader for pointing that out.

"In light of that effect and consequence of this, I would have to support appealing the ruling of the Chair, Mr. Speaker, so that the proper record that we are making today, the public record of my vote on this particular bill, is reflected based upon the Majority Leader's comments. That to allow this particular appeal not to be denied would be to have the consequences of tabling indefinitely, or permanently tabling Senate Bill 1 from further discussion in this special session. So accordingly, Mr. Speaker, I need to agree with my colleagues to the right and support them on appealing the ruling of the Chair."

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

"Thank you, Mr. Speaker. With all due respect to the Speaker's recommendation, I too will have to support the appeal, and I would like the comments of the speaker from Wahiaawa entered into the Journal as if they were my own. Thank you, Mr. Speaker," and the Chair "so ordered." (By reference only.)

Representative Ward rose, stating:

"Can we have a roll call vote when it comes to the First Reading, please?"

The Chair then stated:

"Normally, on this measure here, it's down to raising the hands. They will raise the hand which has the same effect as the roll call vote."

The motion to appeal the ruling of the Chair was put to vote by the Chair, and on a show of hands, the ruling of the Chair was sustained, with Representatives Fale, Har, McDermott, Oshiro and Ward voting no, and with Representative Choy being excused.

Representative Fale rose, stating:

"Mr. Speaker, just real quick. Will that vote be reflected in the record? Individually, each individual vote?"

The Chair then stated:

"No, it won't be reflected in the record. It was just a count made, they didn't take the names down."

Representative Ward rose, stating:

"Point of inquiry, Mr. Speaker, point of parliamentary inquiry. How do we go on record voting against SB 1? That's the question."

The Chair then stated:

"You will have an opportunity on Second and Third Reading, when the bill comes up here."

Representative Ward: "So there's no way to vote no against this bill?"

Speaker Souki: "No, you don't vote no on First Reading. Thank you, Representative, thank you very much."

(Main Motion)

At 5:04 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 5:23 o'clock p.m.

At this time, the Chair stated:

"There has been a request for a roll call. Clerk, can you see if they have sufficient numbers for roll call? All those in favor of having a roll call, please raise your right hand."

The request for roll call was put to vote by the Chair and upon a show of hands, the request was denied. (Representatives Aquino, Awana, Belatti, Choy, Cullen, Fukumoto, Ito, Johanson, Jordan, Matsumoto, Oshiro, Tsuji, Ward, Woodson and Yamane were excused.)

Representative Har rose, stating:

"Mr. Speaker, respectfully, can you please have the clerk register a no vote for me, thank you."

Speaker Souki: "In this case, we cannot register the up or down vote. We cannot register votes."

The motion was put to vote by the Chair and carried, and S.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO EQUAL RIGHTS," passed First Reading by title and further action was deferred. (Representatives Aquino, Awana, Belatti, Cachola, Choy, Cullen, Fale, Fukumoto, Har, Ito, Johanson, Jordan, Matsumoto, McDermott, Oshiro, Tokioka, Tsuji, Ward, Woodson and Yamane were excused.)

At 5:24 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:25 o'clock p.m.

Representative Tokioka rose, stating:

"Mr. Speaker, point of clarification. On the previous vote, because there was some distraction, my question to you, Mr. Speaker, Mr. Chair is, how can we find out what members who were walking off the Floor at the time, how our vote was recorded."

The Chair then stated:

"I believe the vote that was counted was an aye. We had sufficient votes to pass Senate Bill 1 on First Reading, and I ruled that the bill passed, Senate Bill 1."

Representative Saiki rose, stating:

"Mr. Speaker, just a point of clarification. I'd just like to note that the Journal will reflect the members who were excused from the vote, and we're construing those excused members as voting no. Thank you."

Representative Ward rose, stating:

"Mr. Speaker, point of inquiry. Did you count the people who were off the Floor as part of the count, that would count towards the roll call."

Speaker Souki: "We counted the people that were present."

Representative Ward: "Counted the people that were present. So the amount that we needed was..."

Speaker Souki: "Was insufficient."

Representative Ward: "But Mr. Speaker, you told me, I don't know, 45 minutes earlier, that there's no way to vote no on this bill. So I walk off the Floor. You said that was the only way that you could be not there. Now you say have a roll call vote, and as confused as that other issue that we did, that's very confusing for us. Can we have a revote, Mr. Speaker?"

Speaker Souki: "No revote."

Representative Ward: "Now that everybody's here?"

Speaker Souki: "You're out of order."

Representative Har rose, stating:

"Mr. Speaker, point of clarification. For those of us who were walking off the Floor when the vote was being counted, could we please be excused?"

Speaker Souki: "Representative, there was a voice vote that was taken. The ayes won, the noes didn't, and that is sufficient."

Representative Saiki rose, stating:

"Mr. Speaker, point of clarification. Members who were not seated at the time of the vote will be mark as excused in the Journal. Thank you."

Representative Oshiro rose, stating:

"Mr. Speaker, so given the preceding remarks of the Majority Leader, you must be present in your seats to cast a vote, yes or no. So those members who are not physically in their seat, their votes will not be counted, they will be marked as excused. Is that correct, Mr. Speaker?"

Speaker Souki: "That is correct."

Representative Oshiro: "Thank you very much."

COMMITTEE ASSIGNMENTS

At this time, the Chair stated:

"Members, please note that Senate Bill Number 1 has been referred to the Committees on Judiciary and Finance, as noted on House Committee Referral Sheet Number 3. Referral sheet has been placed on your desk."

The following measure was referred to committee by the Speaker:

S.B. No.

Referred to:

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

END OF CALENDAR

SUSPENSION OF RULES

Representative McDermott rose, stating:

"I believe where we left off is that I had made a motion to suspend the House Rules and recall House Bill 5, which was introduced in this special session. And it's a constitutional amendment relating to marriage, defining it as marriage between a man and a woman only. I would like to discuss that matter, but in order to do that, we need to suspend the House Rules. So at the appropriate time, I would like a roll call vote on that, so we can peg people down on their vote, whether the people should decide. Thank you, sir."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. There is no debate allowed on the motion to suspend the rules."

At 5:31 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 5:36 o'clock p.m.

At this time, Representative McDermott withdrew his motion, and Representative Ward withdrew his second.

At this time, the Chair stated:

"Thank you very much, the motion is withdrawn. That's the motion to suspend the rules in order to bring that House bill to the Floor. That has been withdrawn. Thank you."

ANNOUNCEMENTS

Representative Rhoads: "Thank you, Mr. Speaker. The House Committees on Judiciary and Finance will be holding a public hearing on Senate Bill Number 1 tomorrow at 10:00 a.m. in the auditorium with decision-making to follow. Public notification in anticipation of this joint hearing was posted and distributed on Monday, October 28th. In addition, the bill was made available for inspection and review on that same date. *Mahalo.*"

Representative Fale: "Tomorrow is Halloween, and more likely than not, we will be here at the Capitol for a long time, and there will be a lot of families from across the state here. Very likely they'll have little children with them. So we have distributed this. We have asked the people to come participate in trick-or-treat here at the Capitol. That will begin at sunset, which will begin right about six o'clock. So it's probably better to have candy ready for that, it'd be definitely unfortunate if a five or six year-old knocks on a Representative's door and they get a trick instead of a treat, Mr. Speaker, so it would be very good if our Representatives were able to accommodate the little children of the State of Hawaii, Mr. Speaker."

Representative Takai: "Thank you, Mr. Speaker. We've had about four hours of debate, but on the other side of the Legislature in the Senate, one member was not present today and I just wanted to mention to our

colleagues that a former member of this House, currently a Senator, Senator Glenn Wakai, lost his mom today. So at the appropriate time I'd like to request a moment of silence for Mrs. Wakai and their family."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Mrs. Ruth Wakai.

ADJOURNMENT

At 5:40 o'clock p.m., on motion by Representative Cabanilla, seconded by Representative Thielen and carried, the House of Representatives adjourned until 8:30 o'clock a.m. tomorrow, Thursday, October 31, 2013. (Representative Choy was excused.)