

FOURTH DAY

Thursday, October 31, 2013

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Second Special Session of 2013, convened at 8:41 o'clock a.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Representative Cindy Evans, after which the Roll was called showing all Members present with the exception of Representatives Awana, Carroll, Choy, Ito and Yamane, who were excused.

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

At 8:47 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:58 o'clock a.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representatives Awana, Choy, Ito and Yamane were excused.)

THIRD READING

H.B. No. 3, HD 1:

Representative Saiki moved that H.B. No. 3, HD 1 pass Third Reading, seconded by Representative Cabanilla.

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

"Thank you, Mr. Speaker. First of all, I'd like to thank the Chairs of Health and Finance for the increased request from 2.5 to 7.3 million. This increased appropriation will assure that our Kauai rural hospitals can stay open until HHSC's emergency funding appropriation can be worked on next session.

"The appointment of a new Kauai CEO, who I personally know, is committed to work to a more efficient and accountable hospital system. So for that, thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. On behalf of the Kauai delegation, I'd like to thank the House and Senate leadership, the Chairs of Finance and Health, and all of you for your support for Kauai and her people.

"I'd also like to thank and point out, a big *Mahalo* to Vice President Kouchi for helping to get this on the agenda this special session. Mr. Speaker, I'd also like to ask for additional written comments into the Journal. Thank you, Mr. Speaker."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I stand in strong support of HB 3. Mr. Speaker, I would like to thank the administration and House Committees on Finance and Health for responding quickly to what could have been a dire situation for residents and communities that would have been affected by the possible closure or break in service of KVMH. Besides the loss of critical services, over 400 employees are employed by KVMH and Samuel Mahelona Memorial Hospital. The potential loss of jobs and income would have a

chilling effect on our local economy as well as the ability for these employees to provide for their families."

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

"Thank you, Mr. Speaker. In strong support, and I'd like to ask to insert written comments into the Journal. Thank you."

Representative Tokioka's written remarks are as follows:

"I would like to thank the Governor, Senator Kouchi, the Senate and my colleagues in the House of Representatives, for their support of HB 3, HD 1. Not only will this bill keep the two most rural hospitals on Kaua'i open thereby helping to ensure the safety of Kaua'i residents and visitors, but it will also secure the jobs of Hospital Employees."

Representative Fale rose in support of the measure 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 to support HB 3, HD 1. According to the bill, 'The purpose of this Act is to make an appropriation to provide stopgap funding to sustain the operations of the Kauai regional health care system of the Hawaii Health Systems Corporation.'

"As a Representative from North Shore of 'Oahu, which has Kahuku Medical Center, I am sensitive to the needs for this type of funding to support hospitals that provide essential medical services to our constituents in rural communities. For many of our citizens in rural communities, funding such hospitals can make the difference between life and death, because of the necessity for rapid response in the case of medical emergencies.

"For these reasons, Mr. Speaker, I rise to support HB 3, HD 1."

The motion was put to vote by the Chair and carried, and H.B. No. 3, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading by a vote of 47 ayes, with Representatives Awana, Choy, Ito and Yamane being excused.

At 9:01 o'clock a.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 3, HD 1

ANNOUNCEMENTS

Representative McDermott: "Mr. Speaker, I rise on a point of personal privilege. Mr. Speaker, I'd like to explain myself on a matter that happened yesterday. I have been criticized by some of the members relating to my actions filing a lawsuit naming some of the fellow members of this Body.

"My intent is never to hurt any member of this Body, I have much *aloha*. But the purpose of the lawsuit is to seek declaratory ruling on the 1998 constitutional amendment. And the issue here, Mr. Speaker, is that the Office of Elections aggressively and publicly advertised to the public, communicated to the public, that the amendment meant marriage would be reserved to opposite-sex couples only.

"That is the word that the Office of Elections used, the word 'only'. I was here at the time. And so I'm partially responsible for that. So we need to go in and get clarity. There is a Supreme Court case that says, 'the intent of the people, on a constitutional amendment, supersedes the amendment itself and underlying statutory language and committee reports.'

"It's Supreme Court law, it's good law, we had to look long and hard to find it, but we found it. The timing of the issue was, the issue wasn't right until the Senate acted. Now it's right. That is why we filed the lawsuit. And

no offense to my good friend, the Judiciary Chair, I know he's an esteemed colleague. But that's why we filed it yesterday, and that's what is done. And so I just want to explain that to you. Thank you, sir."

Representative Ward: "Mr. Speaker, good news about tomorrow's lunch. There's a free lunch, there's a lunch to celebrate the U.S. State Department interns from Ukraine and Armenia, who are going to give what they've learned. And let me say this if they don't say it tomorrow very clearly, that they were so impressed with how open and accessible we are democratically. How we let people into our office without even appointments or screening or permissions. And then they actually go in the room and meet with us without any formal permissions therefore.

"So tomorrow at noon, there's going to be a luncheon of which, if you could call my office, Paige Altonn is taking RSVP, because she's got a great menu planned, to hear them speak. The room number is 423. 423 at noon tomorrow, a lunch to hear Armenia and the Ukraine speak about democracy, and what they've learned in Hawaii. Thank you, Mr. Speaker."

Representative Fale: "Mr. Speaker, just a reminder about the Halloween trick-or-treat here at the Capitol. If all Representatives could send whether they are participating or not. Remember, we're going to have a bunch of little children here, make sure that they don't miss out on trick-or-treat this Halloween. But, just so that we can assist the sheriff's office and the Sergeant-at-Arms maintain orderliness with the activity today."

LATE INTRODUCTIONS

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

Representative Har introduced her constituent, Pastor John Honold of One Love.

Representative Ing introduced Maui High Class President, Brian Tolentino Zamora.

Representative Oshiro introduced Pastor Mark and Pastor Randy.

Representative Ing introduced his constituent, Ms. Eileen McKee.

Representative Har introduced Ms. Colette Machado, Office of Hawaiian Affairs.

At 9:07 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:08 o'clock a.m.

ADJOURNMENT

At 9:08 o'clock a.m., on motion by Representative Cabanilla, seconded by Representative Fukumoto and carried, the House of Representatives adjourned until 10:00 o'clock a.m. tomorrow, Friday, November 1, 2013. (Representatives Awana, Choy, Ito and Yamane were excused.)