

NINTH DAY

Wednesday, February 1, 2017

The House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017, convened at 12:04 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Mr. Rodney Kilborn, after which the Roll was called showing all Members present.

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

INTRODUCTIONS

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

Representative Har, on behalf of Representative Cullen and herself, introduced Makakilo resident, Mr. George Hurd.

Representative Fukumoto introduced House Minority Research Office staff: Grace Baehren, Chanel Schultz, Heather MacDonald, Daniel Kikawa, Raquel Garcia-Teran, Julie Sparks and Nathan Wersal.

Representative Thielen introduced her staff: Jorene Barutand and Daniel Hugo.

Representative Ward acknowledged several first responders.

Representative Tokioka introduced Kauai firefighters and lifeguards: Deputy Chief Paki Vaughn, Battalion Chief Shawn Hosaka, Justin Shinn, Ron Bush and Kalani Veirra.

Representative DeCoite introduced Mr. Rodney Kilborn; and her staff: Soana Tupua-Fanoga, Rebecca Bernal and Stacelynn Eli.

Representative Tupola introduced her classmate, Mr. Makani Christensen, Founder, Hunting, Farming & Fishing Association.

Representative Takayama introduced his constituent, Mr. Dennis Yamaguchi.

Representative Ohno introduced Mr. Tyler Dos Santos-Tam, Board Member, Neighborhood Board No. 14.

At 12:17 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 13 and 14) were announced by the Clerk and the following action taken:

H.R. No. 13, entitled: "HOUSE RESOLUTION ADOPTING THE HOUSE ADMINISTRATIVE AND FINANCIAL MANUAL OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-NINTH LEGISLATURE," was jointly offered by Representatives Saiki and Fukumoto.

On motion by Representative Saiki, seconded by Representative Fukumoto and carried, H.R. No. 13 was adopted, with Representatives Matsumoto and Oshiro being excused.

H.R. No. 14, entitled: "HOUSE RESOLUTION RELATING TO MINORITY CAUCUS LEADERS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-NINTH LEGISLATURE," was offered by Representative Tupola.

Representative Saiki moved that H.R. No. 14 be adopted, seconded by Representative Tupola.

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

"Thank you, Mr. Speaker. I'm rising in opposition. Mr. Speaker, first I would like to speak on the procedural defects, and then I would like to, in the event the body feels that it is procedurally correct, then I would like to speak against the merits."

At 12:32 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:35 o'clock p.m.

Representative Thielen continued, stating:

"Thank you, Mr. Speaker. I'm speaking against House Resolution 14 first on procedural matters because I don't believe the matter is validly before this body.

"Mr. Speaker, the resolution claims that the Representative from District 43 'were duly elected by the Minority Caucus.' Well that's incorrect, because duly means regularly, upon a proper foundation, as distinguished from mere form. The Representative from District 43, Waianae, did not secure a majority in the leadership election.

"We have six members in the Minority Caucus, and frankly, as an aside, after today's experience of what's going on, I'm amazed we even have that many. Three voted to replace the current Minority Leader with the Representative from District 43. Two voted for our existing Minority Leader. One abstained, and that's a choice not permitted by the House rules.

"So you go ahead and look at this, that, if you are following the House rules, and that governs this body, the memo that I have goes on more about the safeguards within the rules. I will share that and ask that this short memo be allowed to be put into the Journal, Mr. Speaker, because I think this procedure is important. Thank you.

"And Mr. Speaker, I have a short memo that you had on your desk earlier as did others, and I'd ask that that also be put into the Journal, so this is recorded. Thank you.

"Mr. Speaker, I'm going to move ahead into the merits of this. The Minority Leader is being punished for participating in the Women's March. I think that is absolutely disgraceful and appalling.

"Mr. Speaker, before most of you were born in this body, except for Speaker Souki, before most of you were born in this body, I joined the Republican Party as a freshman at Stanford University. I was 17. I've been in the Republican Party the rest of my life. That's a long time, Mr. Speaker.

"My party was the party of Teddy Roosevelt, who established the national parks. My party was the party of Goldwater, a social liberal who felt, way back then, that gays should be allowed to serve in the military, and Republican.

"My party was also the party of Dwight Eisenhower, and I'll read a statement of his. 'In all those things which deal with people, be liberal, be human.' Be liberal, be human, when you're dealing with people. But, 'in all those things which deal with people's money or their economy, or their form of government, be conservative.' That's my belief of the Republican Party.

"I would like to declare a class of marchers. Our Minority Leader and I both participated in the Women's March. I proudly spoke at the Women's

March. I proudly marched in the Women's March for women's rights, for equality, for human rights, for tolerance. We did that together.

"Now she is being punished by three and a half of our members for participating in a democratic process."

Representative LoPresti rose to yield his time.

At this time, the Chair stated:

"Thank you. Your time is yielded, thank you, Representative LoPresti. Representative, if I can ask for your kind indulgence. Pursuant to Rule 60.1, members should conduct themselves in the House in a respectful manner. Members should not treat fellow members, staff, and the general public, they must always treat them with respect and courtesy."

At 12:40 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 12:41 o'clock p.m.

At this time, the Chair stated:

"The Chair recognizes Representative Thielen. Just a slight 10 seconds. Focus on the merits of the resolution and not on a person and we're going to be fine. Thank you. Representative Thielen."

Representative Thielen continued, stating:

"Thank you, Mr. Speaker, I appreciate that. Let me just tell you a couple of reasons we were marching and speaking at the Women's March. I believe the majority leader does this once a year."

Representative McDermott rose to a point of order, stating:

"Mr. Speaker, point of order, this has nothing to do with the Women's March. This is a motion on leadership, it has nothing, I don't see Women's March anywhere in here, and I don't want to waste my time listening to this."

The Chair then stated:

"Okay, I'm going to allow that, because Representative Thielen relates her speech to the merits of the resolution, so I'll allow it. Representative Thielen, please continue."

Representative Thielen continued, stating:

"Thank you. And I appreciate his comments. It's all about the Women's March. It's all about the Representative from Mililani standing up for women and human rights.

"In 2015, women were working full time in the United States, and they were typically paid 80% of what men were paid, a 20% pay gap. Do you know when we're going to get equality? 2059. That's one of the reasons we were out there in support of women's rights. We still have a long way to go, Mr. Speaker. And you know that, and you're with us on so many of these issues. I appreciate that.

"And then here's another frightening headline. Little girls doubt that women can be brilliant. A study shows in the mainstream journal called Science, and says little girls doubt that women can be brilliant. We have a long way to go, and our Minority Leader knew that. She is what I hoped the face of the Republican Party would be, an intelligent young woman, 33 years old, the age of one of my granddaughters. I've been so proud of watching her and seeing her be a leader, not just in Hawaii, but nationally. She's intelligent, she's inclusive, she's tolerant, all of the things that I had hoped my Republican Party could go back to, because it has been captured by a very right-wing, fundamentalist, narrow-minded group that doesn't see us reaching out to other people who don't share those same narrow, tiny views.

"Mr. Speaker, I said that I joined the Republican Party in 1951. People sometimes say to me, are you going to switch? I'm not switching, Mr.

Speaker. I'm going to stand and fight for the tolerance and the beliefs that I believe the true Republican Party holds and values. There's others out there, some were at the march, and I saw them there, proudly marching in support of women's and human rights. I'm going to stay and work on their behalf, and I'm going to fight the intolerance and the narrow-mindedness of the faction that is replacing our dynamic Minority Leader.

"Mr. Speaker, I wish that the entire body would be allowed to cast a resounding no vote on this resolution. But then the flip side is, we pass this, we remove our wonderful Minority Leader, and the Republican Party just dwindles down, down and down.

"But I'm of the old guard. We may be down, down and down, I'm still going to be there, speaking out on support of the human issues that we've fought for together, Senate Bill 1 that I fought for and supported, this year we have a major bill of the death with dignity that I support, as a Republican, and I'm going to be there and continue that fight. But God, I am sorry to lose our Minority Leader, someone I so deeply, deeply respect. The face of Republicanism as it should be. But it won't be anymore. Thank you."

Representative Thielen submitted the following:

DULY

This Resolution claims the Representative from District 43 "were duly elected by the minority caucus."

Black's Law defines "duly" as "in a due or proper form or manner."

"Duly" also means "Regularly; upon a proper foundation, as distinguished from mere form."

The Representative from District 43 did not secure a majority in the leadership election.

We have six members in the minority caucus.

Three voted to replace the current Minority Leader with the Representative from District 43.

Two voted for the Leader. One abstained, a choice not permitted by the House Rules.

Mason's, the parliamentary authority of this House, identifies several "indispensable requirements for making valid group decision."

Among these is the following:

"To make a decision or carry a proposition, there must be a vote in the affirmative of at least a majority of the votes cast."

The choice of a Minority Leader is not a purely internal party matter.

It implicates the governance of the whole House.

It is reasonable therefore that a vote for Minority Leader proceed according the Rules on voting set forth by this House.

Rule 52.4 does not allow for an abstention, as happened here, except for financial conflicts of interest.

Rule 52.7 requires that one who refuses to vote must expressly decline three times before a vote is recorded. That did not happen here.

Of all people, legislators should understand the importance of abiding by fair and regular procedures.

We are entrusted by the people of Hawai'i with making fair and regular laws.

And of all legislators, the members of a minority caucus should understand the importance of fair and regular procedures.

These safeguard discussion and dissent as vital to valid decisionmaking.

That the ordinary rules for voting were suspended as part of an effort punish the Minority Leader for her participation in the Women's Caucus is all the more egregious."

Memo

To: Speaker Souki, Majority Leader Saiki

From: Representative Cynthia Thielen /s/

Date: 1/31/2017

Re: *Effect of abstention on a leadership vote*

Attached for your review and consideration is a legal memo my Staff Legislative Attorney researched today regarding the Minority Caucus Leadership vote. Thank you.

Cc: Representative Beth Fukumoto, Minority Leader

To: Representative Cynthia Thielen

From: Daniel Hugo, UH Law School Graduate & Legislative Analyst

Date: 31 January 2017

Re: Effect of abstention on a leadership vote

Issue: The six-member minority caucus recently convened a leadership vote. Three voted to remove the current Leader, two voted for retention, and one abstained. Does the leader retain her position?

Brief answer: The House Rules do not generally permit abstention from a vote, except where a financial conflict of interest exists. The parliamentary authority divides equally on the effect of abstention, depending on whether the vote requires participation of all members or not. Here the nearest analogue requires participation of all members; an abstention therefore preserves the status quo.

Discussion

I. Voting procedures to remove a Minority Leader should be governed by the House Rules, which only recognize abstentions in limited cases not applicable here.

The House Rules require members of majority and minority parties to select a leader and other such officers "as they may choose to have." House Rule 1.4. Designated leaders "shall hold office during the term for which they were elected to the House, unless sooner removed by their respective parties." House Rule 1.6.

Although internally selected by the members of the minority caucus, the House Minority Leader occupies an official position implicated in the governance of the whole House. The House Rules on voting therefore provide the proper framework for deciding the removal of the Minority Leader.

House Rules do not ordinarily permit abstention from voting, except where a financial conflict excuses participation. House Rule 52.4 ("No member shall refrain from voting unless excused pursuant to Rule 60.6."); House Rule 60.6 (permitting members to decline discussion, debate, or voting on any measure presenting a direct financial conflict of interest). A member must first expressly decline three times when ordered to vote. See House Rule 52.7. Only then will the member's vote register as an "aye." Id.

Here the correct procedure would have been first to request three times that the abstaining member vote. This conforms to a general interest in ensuring a vote is clear, knowing, and intelligible. Uncertain or ambiguous expressions should not suffice for the removal of the Minority Leader from her post.

II. Parliamentary authority requires a majority of all members in order to remove a presiding officer.

The House has also adopted Mason's Manual as a parliamentary authority. House Rule 59. The Manual recognizes two distinct effects of abstention. "When only a majority of the legal votes cast is required, failure to vote or the casting of a blank ballot reduces the number of affirmative votes necessary to take an action." Manual §515(a). Members in this scenario are "presumed to agree to abide by the decision of those voting." Id. This construction would result in the Minority Leader's removal.

No such reduction takes place, however, "[w]hen a set number of votes or a majority or other proportion of the entire membership or of the members present is required[.]" Manual §515(b). Instead,

bystanders are presumed to favor the status quo: action requires deliberate, express, and affirmative endorsement. This construction would support retaining the Minority Leader in her post.

The Manual offers no direct guidance as to which of these cases applies to removal of a minority party leader. The nearest analogy is the rule governing removal of a presiding officer. Manual §581. Removing a presiding officer requires "a majority vote of all the members elected[.]" Id. (emphasis added). Because of a majority of the entire membership is necessary to remove the officer, the second, rather than the first, interpretation would control and the Minority should retain her post.

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

"I rise in support of the resolution, Mr. Speaker. Mr. Speaker, all of us are here because, on November 8th, there was a free and fair election. Yesterday we had a free and fair election, and that's the reason why this resolution exists. As in the tradition of many organizations and the military, this is a hail-and-farewell moment. Hail to the new leader, Representative Tupola, who comes with experience, humility, not only in this country but overseas, and with a desire to do all the things which our learned colleague from Kailua just mentioned was missing.

"This, too, shall pass. Everything is going to be okay. In the farewell to my good colleague, the Representative from Mililani, I raised, I discovered her. She was in the Governor's Office for a small stint and then she came to be my office manager, so I'm going to miss her. And I want to wish her the best of all, thank her for her contribution, and to know that all things work for the good. And what we're doing today is for the betterment not only of the party, for both parties, for the State of Hawaii, but for the future of this nation. So, Mr. Speaker, I wish our new leader well, and I wish our former leader very well. Thank you."

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

"I stand in support of the resolution. The current Minority Leader is extraordinarily talented, extraordinarily bright. I'd like to think that she is a friend of mine. On a personal level, I have much *aloha* for her, and I believe she knows that.

"Sometimes though, Mr. Speaker, no matter how much talent we have, or skill, we're not a fit for a particular role. Despite what was said earlier, she's not being punished for speaking out for women's rights. It's a pattern of self-loathing comments directed at Republicans. If you come to my office, I can give you 10 quotes saying Republicans are racist and sexist. Over and over and over again. And that's what was at the Women's March as well. There wasn't talk about pro-choice or anything like that. Look at the video. It's there for the whole world to see. It was attacking the President, and Republicans in general.

"Mr. Speaker, I have tried my best to explain the concept of servant leadership. When you are a leader, like the Speaker, he is the leader, but he is serving all of your members. In the Marine Corps, the last person to eat is the commanding officer. He is the top dog, he's saluted, he's the one in charge, but when they go to chow, he's the last one to eat. Servant leadership.

"When you are the leader of a caucus, your job is to get the Representative from Kailua and myself on the same sheet of music, very difficult to do, and then drive us forward as a unified group. You are speaking not for yourself anymore, but for all the minority members or all the Republicans, if you will, in the State. It is a high-level responsibility. But if all you ever do is attack your own party and never--"

The Chair addressed Representative McDermott, stating:

"Representative McDermott, please, you cannot arraign a negative motive to another Member of the House."

Representative McDermott continued, stating:

"I'm stating a fact. It's a fact that the utterance--"

The Chair addressed Representative McDermott, stating:

"It's in the rules that you can speak about the merits of the resolution, but you cannot arraign a negative motive on any of the Members in this House."

Representative McDermott continued, stating:

"I'm not arraigning a motive on anyone. What I'm saying is the past public utterances, this is a fact, have been all self-loathing attacks at Republicans.

"I challenge you, Mr. Speaker, the last two years have you ever heard a critique or a challenge to the majority from the Minority Leader? Our role is the loyal opposition. Believe it or not, our job is to make you better. Kind of like the plumber you call on New Year's Eve. You really need him there, you're having a party, you really need him to fix the toilet, but you don't want him to hang around after the party.

"It's kind of the way it is with the loyal opposition. Our job is to make you better, and that requires a give-and-take in the marketplace of ideas, a pull and a tug, and a yin and a yang. You haven't heard that. You haven't heard that. And I challenge you to check the record, Mr. Speaker, to go back and look for it. It rests on the shoulders of guys like myself and my colleague from Hawaii Kai to do all the heavy lifting. And we're the bad guys.

"Mr. Speaker, the State deserves a loyal opposition. We have none in the Senate. Can't go along to get along, and then the only time, Mr. Speaker, we deserve a loyal opposition. It's a very important role to play in the State. And if you don't have that, and all you have is self-loathing, it's very demoralizing for the members of that group. So sometimes things aren't a fit, no matter how talented you are, no matter how bright you are, no matter what a bright future you have, some things are not a fit. Thank you very much."

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

"Thank you, Mr. Speaker. In opposition. First I'd like to speak on a point of personal privilege, as I think my character and actions have been raised into question."

The Chair addressed Representative Fukumoto, stating:

"You are correct. It is covered under 222 of Mason's Legislative Manual, pursuant to Rule 59, questions of privilege of members will be allowed to talk about them if it affects them in this body and relates to charges against them and their character that would, if true, incapacitate them for membership. Please proceed."

Representative Fukumoto continued, stating:

"Thank you, Mr. Speaker. I don't want it to escape anyone that this decision by my caucus comes only a week after my remarks at the Women's March. My message at the march was simple. I spoke about my niece. I explained that she and other little girls like her deserve better. I explained that our President should be held accountable for the way he speaks about women and minorities, even from his own party.

"Mr. Speaker, when my caucus decided to try to remove me as minority leader, they told me they would keep me in this position if I would commit to not disagreeing with our President for the remainder of his term. Mr. Speaker, I'm being removed because I refuse to make that commitment, because I believe it's our job as Americans and as leaders in this body to criticize power when power is wrong.

"The second concern I want to raise is procedural. I do think that this sets a precedent for every caucus moving forward. If leadership can change based on the numbers of votes that show up instead of the number of the votes in the body, it will destabilize both caucuses. If the rules are silent on this issue, which I believe that they are, then the caucus should be allowed to vote on what should be considered a majority. We haven't taken that vote, Mr. Speaker, so I do believe this is premature. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, we should not be maligning anybody's character. It should be straightforward factual. But there is a façade that this thing started a week ago. This started two years ago. I'm not going to point to the Representative, but this started a long time ago—"

At 12:54 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 12:58 o'clock p.m.

Representative Ward continued, stating:

"Mr. Speaker, my apologies for breaking decorum, and anything else that I would have to say would go in the Journal, if there is anything. Thank you."

Representative Ward's written remarks are as follows:

"What's missing in the present narrative about the removal of our current Minority Leader are some conveniently overlooked facts and background data on her removal. Seven of these are listed:

"1. SHE WAS NOT REMOVED FOR ATTENDING THE WOMEN'S MARCH OR SPEAKING AGAINST PRESIDENT TRUMP. We are Republicans and value free speech to the extreme. What we don't like is someone who purports that her views are the views of her caucus, as she did at the Women's March in Honolulu. She can say whatever she wants about President Trump, but don't attribute it to the entire caucus, especially when being the highest ranking Republican.

"2. SHE WAS REMOVED BECAUSE SHE DOES NOT EMBRACE CORE REPUBLICAN VALUES AND ITS LOCAL MEMBERSHIP. She has recently stated that she believes her party is racist and bigoted, and at the May 2016 State Convention she picked a fight with her party by not delivering the Minority Leader's Report but instead just took questions from the floor, and answered every inquiry with disdain for the party and its candidates, particularly Donald Trump. She also stated that she would possibly be voting for Hillary Clinton, and as a result was booed off the stage by her party members.

"3. SHE WAS REMOVED FOR CONTINUAL THREATS TO SWITCH PARTIES. Since the May 2016 convention booing incident, she thereafter continually threatened to become a Democrat. Some of us in the caucus saw this as her first step in a contrived exit of the party, so what happened the day of her ouster was simply an inevitable next step. This threat gained her continual publicity as long as the threat was credible and mentioned often enough in the media. She now has national coverage by saying it is about Trump and the Women's March, which is patently false.

"4. SHE WAS REMOVED BECAUSE HER LEADERSHIP STOOD FOR AND FOUGHT FOR NOTHING REPUBLICAN. Being called the 'Loyal Opposition' was a foreign concept to her way of thinking, and in her January 2016 Opening Day Speech, pledged to the Democrats she would never criticize their legislation unless she already had a better solution in mind. Consequently this basically shut her down for the entire 2016 Session because she stood for nothing, fought for nothing, and accomplished nothing for the caucus, but she got bills passed for her district because of her concessions to the Democrats.

"5. SHE WAS REMOVED BECAUSE SHE SOLD OUT TO MAJORITY DEMOCRATS. She followed the same socio-political patterns of her predecessor who had exited the party. This was a style of self-serving leadership that got her bills passed by almost exclusively associating with Democrats rather than her own colleagues. By doing this she engendered the support of Speaker Souki who said at the end of 2016 after Rep. Feki Pouha had lost his race, that he would appoint her as minority leader if we couldn't decide among ourselves. Democrat leaders were her caucus of choice, not her own Republican Caucus.

"6. SHE WAS REMOVED BECAUSE SHE PUT THE CAUCUS IN A VACUUM AND ON HOLD. Under her leadership we rarely issued a press release or a position on a major issue. We had NO press conferences and no strategy, beliefs or vision for where we wanted to take the State of Hawaii as leaders of the loyal opposition—a term she vehemently rejected as a role for House Republicans.

"7. SHE WAS REMOVED BECAUSE OF A PATTERN OF BEHAVIOR THAT BEGAN OVER FOUR YEARS AGO. She was a weak leader due to her age and lack of experience. She was my office manager for two years before she entered politics, so I knew that thrusting her into leadership after the defection of the existing minority leader would be risky business. This proved to be the case after turning on her party two years ago, and turning on her President a year ago.

"SUMMARY: The above issues were brought to her attention in two lengthy caucus meetings prior to her ouster. Though in these meetings she was disagreeable and unrepentant, we still believe that this time out in her leadership will be seen in the future as an opportunity for her individual growth as we collectively grow together as Republicans in the HI State Legislature.

"CONCLUSION: Our current Minority Leader picked a fight with her party, her President, and her caucus, and she lost, and for these reasons she is no longer the minority leader."

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

Representative McDermott's written remarks are as follows:

"Mr. Speaker, I have much *aloha* for our Mililani Representative. We have had many good conversations, I know her heart and intentions are of the highest order, particularly regarding her beloved district. She is one of the smartest, most driven, strategic thinkers we have in this body. I want only the best for her Mr. Speaker, and I do believe she knows that I am genuine in my comments in this regard.

"My objection to her leadership style is well known. You see, on the issues, her votes are a mirror of mine for the most part. Therefore, this is not an ideological dispute, but rather a dispute over doing ones' duty as the loyal opposition.

"Our roles as the minority is to be the loyal opposition. In short, our job is to make the majority better. How do we do that? Through the robust and vigorous debate of thoughts and ideas on the House Floor, the *de facto* marketplace of ideas. I think Nancy Pelosi is a good example of this in the current congress; does she sit idly by like a mushroom, or push forward her party's agenda.

"Most of us in the minority believe we should challenge the powerful voice of the Speaker and the direction of the majority when we feel that they are taking Hawaii in the wrong direction. In fact, most folks agree, government works best when we have two parties discussing the pros and cons of the issues. Yet she is clearly uncomfortable with this concept and the vital role that the loyal opposition plays in our democracy.

"The Representative never challenged the Speaker or the majority leadership. In fact, I can honestly say that she cares more about how the Speaker and Majority Leader feel than her own caucus members; she has demonstrated this through action and deed. She found it easier to attack her own party and her Republican colleagues that she had been elected to lead than to hold the majority accountable for intentional neglect (Campbell HS).

"For example, she has personally undermined me on the House Floor when I was fighting for the children in my district attending Campbell High School. First, by telling my Republican colleagues NOT to yield me time to speak on behalf of my area children; then by taking the extraordinary step of speaking against me and my efforts! I cannot tell you how angry this total lack of loyalty and support from my leader caused me to become. This was a total betrayal. I was fighting for my district students, to ensure they had the resources (like seats) they merited. She was worried I was making the Speaker mad so she undermined my efforts.

"In the last few days she has claimed that her Republican colleagues have tried to silence or censure her for speaking out. This is self-serving nonsense. The only time she gets any media coverage is when she is in the self-loathing mode and attacks her Republican colleagues...she talks about taking on powerful voices in the Republican party, this is disingenuous...she was the top elected Republican...*she was the powerful voice!* All we asked is that she refrain from attacking the President or fellow Republicans while identifying herself as the minority leader. She refused.

"She has been very crafty in playing the victim. She stated 'It is my belief that I can no longer remain a member of a party that punishes dissent.' This is laughable. She was the top elected Republican in the State, who was she dissenting against? Certainly not the Democrat majority, check the Journal you will not find a peep.

"The reality is that she was voted out of her post because she was ineffective. She failed to lead. She failed to as an advocate of Republican principles (*kind of important when you are the Republican leader!*). She rejected the concept of servant leadership, she believes the title was there to serve her, not her to serve her members. Even when it became clear she only had one affirmative vote, refused to resign; it was always about her and her resume and NOT the good of the group.

"Lastly, she failed the most basic responsibility of any leader, she did NOT serve her members, she served herself, and that is why she was replaced."

Representative Fukumoto rose in opposition to the measure 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 House Resolution 14.

"As the Representative from Kailua stated, the House rules generally don't allow members to abstain on a vote, except when there is a conflict of interest. This resolution includes a member abstaining. And there are only three of six votes in favor of changing leadership. This may be a plurality, but it's not the majority, which is what both our caucuses have a right to expect when selecting new leaders. This precedent-setting decision to move forward with a reorganization without a majority of eligible voting members casting votes will have serious consequences for further reorganization efforts and may destabilize both caucuses moving forward.

"That said, I am also opposed to this resolution because it removes me from leadership for unjustified and, frankly, immoral reasons. My colleagues have insisted that they are removing me for reasons other than my participation in the Women's March. They've said that I never criticize policies in the Legislature, but I've provided well-documented opposition to the gas tax only a week ago. I've also taken a number of stances in the past against legislation that I believe would be harmful to my district and the State. I, however, have also offered that opposition with respect to those who introduced the legislation and understanding that, while I don't agree, they are just trying to do what they think is best. This is how we should conduct ourselves as legislators.

"My colleagues disagree. At the beginning of this session, the Minority Leader Emeritus admonished me to focus more on issues that would energize the Republican base. He explained that after you win re-election the second time, he believes that it is our choice when we want to leave because he believes our constituents will always vote us back in. He encouraged me to focus less on passing bills and seeking funds for my district and focus more on advancing my party's agenda. I refused.

"I believe that it is our jobs to always put our communities first. We are representatives of our districts before we are members of a political party. It does a disservice to our districts when we focus on partisan politics. Furthermore, as members of the minority party, we should be seeking common ground with our majority colleagues. We should have a seat at the table so we can have real dialogue and provide different perspectives on the issues facing our state. But, you can't ask for a seat at the table and keep shouting outside the room.

"My caucus knew this was my position. They knew that I didn't think that being a vocal, critical and obnoxious loyal opposition was beneficial for our state or for our caucus. Yes, we can disagree. Yes, disagreement can make policy better. But only if it's done in the right way. My colleagues have been unsuccessful as legislators because they don't do things the right way. They don't show respect to those that they disagree with. Nothing exemplified that better than when my colleague from Ewa Beach towered over my chair shouting profanities at me with the entire body watching on this chamber's floor.

"When they voted me into this position as minority leader, they knew that I would always work across the aisle and strive to find areas of agreement where I could. They knew that I would always encourage each of our members to put their districts before their party. And, they still said I was the best person for the job of leader. Either they were being disingenuous then or disingenuous now.

"My colleagues have also stated that I've shown contempt for my party, and therefore, deserve to be removed from leadership. I don't have contempt for my party. My party is the party of Abraham Lincoln and Theodore Roosevelt. Those men embodied the ideals of justice and equality for all. Those ideals don't seem to have a place in my party today, but it is not contemptuous to believe that my party can be better than it is. I have stated that my party houses racist and sexist tendencies. I've argued that my caucus also houses those tendencies. But, again, my colleagues knew this when they voted me in as minority leader.

"Prior to our vote for minority leader, my colleague from Hawaii Kai asked me to commit to not speaking out against President Trump. I told him that I wouldn't. When someone says that Japanese American internment might not have been a bad idea, you can't commit to never speaking out against him. My colleagues assured me that, while they hoped I would temper my speech, they wouldn't ask me to commit to not speaking out. I'd like to reiterate that after this conversation, my colleagues still voted unanimously to appoint me the minority leader.

"So, it comes down to this: my colleagues knowingly voted for someone who believes that we should be working across the aisle, that we should be respectful in dealing with our Democratic colleagues and that the president should be criticized if he does something that violates our core values. Today, they've changed their minds, and the only different factor is my participation in the Women's March. I think it's a very logical conclusion that my removal is solely because of the Women's March since my colleagues were content with my leadership despite my previous statements, but within 24 hours of my Women's March speech, they were calling for my resignation and censure.

"Over 20,000 people have watched my Women's March speech online. But, my message was very simply that anger and hate fueled the rhetoric of this election. I said racist and sexist remarks were made, and that our children deserved better from their leaders. I said a bully won the White House. Whether you like him or not, that is an accurate portrayal of his behavior. The deeper problem, that I explained privately to my colleagues later, is that our party doesn't take the time to call out racist and sexist remarks. Instead, we sweep them under the rug, or in some cases, applaud them.

"My colleagues have denied that there is any racism or sexism in our party. They've called me a liar on this floor for even suggesting it. However, the problem I've raised is well documented. In December of 2015, Public Policy Polling found that 49% of Trump supporters in Iowa were in favor of the World War II Japanese internment camps. Last June, Pew Research found that Trump supporters were more likely to agree with the statement that it's 'Bad for country that blacks, Latinos, Asians will be majority of the population' [sic]. That same month, a study by political scientists at the University of Michigan found a strong and significant correlation between sexism and support for Trump.

"The problem was even exemplified today on the floor. The Representative from Hawaii Kai insists that he discovered me, which is textbook objectification. Similarly, he has made previous statements in our leadership discussions about blaming himself for my lack of leadership skills or his desire to see a more 'repentant' attitude from me. He has insisted

time and time again that I am too weak-minded to form correct opinions and that my manner needs to be more docile. I have worked with him for many years, and I have never seen him treat a man that way. The same Representative made calls to my ex-husband and attempted to contact my father to explain that I was being too emotional of a leader and asked them to talk me into reconsidering my actions when I moved his seat on the floor. Again, he would not have done this to a man.

"Similarly, women in this caucus have encouraged me to be less threatening to my male colleagues. They've said I should learn to feed their egos and make them feel that my ideas are actually their ideas so that we can have greater peace in the caucus. They have told me that if I make them feel like they're the ones in charge then I will have less problems. Again, this is offensive. The men of our caucus should respect me as a colleague. I shouldn't have to gain their favor by making them feel like they are in charge of me.

"Finally, this problem in our caucus was best exemplified when our caucus voted to make changes to the organization. The Representative from Hawaii Kai made it clear that his first choice for leadership was to be the minority leader with me as his floor leader so he could 'course correct' me and allow me to return to leadership once I've shown appropriate remorse and penitence for my actions. When I refused, the next suggestion was himself as minority leader and the Representative from Nanakuli for floor leader. Both men voted for the Representative from Hawaii Kai as their first choice. Only after that motion failed did they decide they were willing to put the Representative from Nanakuli into the top position. Her lack of experience may have been a factor, but neither raised that as an issue.

"These are just a few examples to show that I'm not simply imagining misogyny as my colleagues have claimed. In fact, there has been a pattern of this behavior with many incidents that would be inappropriate for me to repeat in a public record. But, since my honesty is being called into question, I did need to share some.

"In conclusion, this event was the direct result of my participation in the Women's March, an event that upset and disturbed my colleagues. My remarks were simple and the same as all the remarks I made prior to my colleagues unanimously voting me in as minority leader. I am only being removed now because of the venue where I delivered these remarks. Of course, they said I could keep my position if I would learn to remain silent on these issues. Again, I refused."

The motion was put to vote by the Chair and carried, and H.R. No. 14 was adopted, with Representatives Fukumoto and Thielen voting no, and with Representatives Matsumoto and Oshiro being excused.

By unanimous consent, the following resolution (H.R. No. 12) and concurrent resolution (H.C.R. No. 30) were referred to Printing and further action was deferred:

H.R. No. 12, entitled: "HOUSE RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, BOAT RAMP, AND PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was offered by Representative Thielen, by request.

H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, BOAT RAMP, AND PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was offered by Representative Thielen, by request.

LATE INTRODUCTIONS

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

Representative Fukumoto introduced House Minority Research Office staff: Candace Kelsey.

Representative Ward introduced "Big Mike" Palcic.

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>
643	Committee on Water & Land, then to the Committee on Finance
848	Committee on Energy & Environmental Protection, then to the Committee on Higher Education, then to the Committee on Finance
865	Jointly to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
1210	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

ADJOURNMENT

At 1:00 o'clock p.m., on motion by Representative Evans, seconded by Representative Ward and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 2, 2017. (Representatives Matsumoto, Oshiro and Say were excused.)