

TWENTY-THIRD DAY

Thursday, March 1, 2018

The House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018, convened at 12:07 o'clock p.m., with Speaker Saiki presiding.

The invocation was delivered by Ms. Jo Kamae Byrne, current practitioner of spiritual traditions as taught by beloved Kumu Ka 'Uhane Nana Veary, after which the Roll was called showing all Members present with the exception of Representatives McKelvey and Yamane, who were excused.

On motion by Representative Morikawa, seconded by Representative Ward and carried, reading of the Journal was dispensed with and the Journals of the Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Days were approved. (Representatives Hashem, McKelvey, Quinlan and Yamane were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 9 and 10) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 9, dated February 27, 2018, requesting immediate passage of H.B. No. 2392/S.B. No. 2819, Making an Emergency Appropriation to the Department of Public Safety, pursuant to Article VII, Section 9 of the Constitution of the State of Hawaii.

Gov. Msg. No. 10, dated February 27, 2018, requesting immediate passage of H.B. No. 2393/S.B. No. 2820, Making an Emergency Appropriation to the Department of Public Safety, pursuant to Article VII, Section 9 of the Constitution of the State of Hawaii.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 340 through 348) were received by the Clerk and were placed on file:

Dept. Com. No. 340, from the Honolulu Police Department, dated January 30, 2018, transmitting the Legislative Disciplinary Report, Report Year: 2017, pursuant to Section 52D-3.5, HRS.

Dept. Com. No. 341, from the Kauai Police Department, dated January 30, 2018, transmitting the Legislative Disciplinary Report, pursuant to Section 52D-3.5, HRS.

Dept. Com. No. 342, from the Kauai Police Department, dated January 30, 2018, transmitting the Report Relating to Possession and Use of Electric Guns, pursuant to Section 134-16, HRS.

Dept. Com. No. 343, from the Maui Police Department, dated February 1, 2018, transmitting the report, 2017 Suspensions, pursuant to Act 242, SLH 1995.

Dept. Com. No. 344, from the Maui Police Department, dated February 2, 2018, transmitting the Report Relating to Possession and Use of Electric Guns, pursuant to Section 134-16(d), HRS.

Dept. Com. No. 345, from the Department of Business, Economic Development & Tourism, dated February 5, 2018, transmitting the report, Requesting the Department of Business, Economic Development to Develop a Recommendation for the Initiation of a Sister-State Relationship Between the State of Hawaii and the State of Goa, India and Forward its Recommendation to the Legislature, pursuant to S.C.R. No. 20, SD 1, HD 1 (2016).

Dept. Com. No. 346, from the Office of the Auditor, dated February 5, 2018, transmitting the Financial Audit of the Hawaii Employer-Union Health Benefits Trust Fund for the fiscal year ending June 30, 2017,

pursuant to Article VII, Section 10 of the State Constitution, and as authorized by Chapter 23, HRS.

Dept. Com. No. 347, from the University of Hawaii System, dated February 14, 2018, transmitting a position report, pursuant to Act 49, Section 96, SLH 2017.

Dept. Com. No. 348, from the Office of the Auditor, dated February 22, 2018, transmitting Report No. 18-04, Audit of the Hawaii Tourism Authority, pursuant to Article VII, Section 10 of the State Constitution, and Section 23-13, HRS.

INTRODUCTIONS

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

Representative Learnmont introduced her staff: Leticia "Tish" Acido-Mercado, Jo Kamae Byrne, Marcia Sumile, Malia Brittain, James "JR" Dowd and Larry Meacham.

Representatives Keohokalole and Brower introduced from the Healthcare Association of Hawaii: Mr. Hilton Raethel, President and CEO; Ms. Paige Heckathorn, Senior Manager, Legislative Affairs; Ms. Stacy Wong, Communications Manager; and Ms. Kathleen Libao-Laygo, Director, Quality & Regulatory Affairs.

ORDER OF THE DAY

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 36) was announced by the Clerk and the following action taken:

H.R. No. 36, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE 2017 HAWAII HEALTHCARE HEROES FOR THEIR OUTSTANDING WORK AND CONTRIBUTIONS TO PATIENTS AND THEIR FAMILIES ACROSS THE STATE," was jointly offered by Representatives Mizuno, Belatti, Kobayashi and Morikawa.

Representative Mizuno moved that H.R. No. 36 be adopted, seconded by Representative Kobayashi.

Representative Mizuno thanked Hawaii's Healthcare Heroes for working every day to care for those in need, make a positive difference and save lives, and recognized and congratulated the honorees for superb and outstanding service and contributions to the care of their patients and families.

Representative Morikawa recognized healthcare professionals who exemplify compassionate care and make a positive impact on their patients, and introduced honorees who were seated on the Floor of the House:

Ms. Jessica Ackerman, Nurse Practitioner, The Queen's Medical Center – Geriatric Services; and

Dr. Anne Dempsey, MD, Internal Medicine Physician, Kauai Medical Clinic/Hawaii Pacific Health.

Representative Kobayashi recognized the many achievements of, thanked, and introduced additional honorees who were seated on the Floor of the House:

Mr. Gary Oshita, Activity Coordinator, Recreation Therapy Department, Maluhia;

Ms. Cheri Teranishi-Hashimoto, Assistant Manager, KJ & Beatrice Luke Specialty Clinic at Nuuanu; and Women's Health & Cancer Rehabilitation Program Director, Rehabilitation Hospital of the Pacific; and

Dr. Baron Wong, MD, Internal Medicine Physician, Geriatrics and Hospitalist, Wahiawa General Hospital.

The motion was put to vote by the Chair and carried, and H.R. No. 36 was adopted, with Representatives Hashem, McKelvey and Yamane being excused.

At 12:28 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

ANNOUNCEMENTS

Representative Luke, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures on Thursday, March 1, 2018, at 2:30 p.m. in Conference Room 308, and the Chair "so ordered."

H.B. No. 2593, HD 1, Relating to Feral Cats;
 H.B. No. 2471, HD 1, Relating to Consumer Protection;
 H.B. No. 2727, HD 1, Relating to Consumer Protection;
 H.B. No. 2207, HD 2, Relating to Dental Assistants;
 H.B. No. 1916, HD 1, Relating to Health;
 H.B. No. 2498, HD 1, Relating to Health;
 H.B. No. 2694, HD 1, Relating to Fees;
 H.B. No. 2466, HD 1, Relating to the Hawaii Employer-Union Health Benefits Trust Fund;
 H.B. No. 2238, HD 1, Relating to Emergency Preparedness;
 H.B. No. 1655, Relating to Tax on Sales of Tangible Personal Property;
 and
 H.B. No. 1669, Relating to Concessions on Public Property.

Representative Luke, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of conducting decision-making on the following measure on Thursday, March 1, 2018, at 2:35 p.m. in Conference Room 308, and the Chair "so ordered."

H.B. No. 2709, HD 1, Relating to Technologies, previously heard on Thursday, February 22, 2018, Agenda #1.

SUSPENSION OF RULES

On motion by Representative Morikawa, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Cachola, McKelvey and Yamane were excused.)

REPORTS OF STANDING COMMITTEES

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 799-18) recommending that H.B. No. 1625, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1625, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 800-18) recommending that H.B. No. 1626, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 801-18) recommending that H.B. No. 2342, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 802-18) recommending that H.B. No. 583, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 583, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 803-18) recommending that H.B. No. 2224, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 804-18) recommending that H.B. No. 2659, HD 1 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 2659, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I stand in support of this measure, which helps increase the number of businesses to create jobs in the Kapolei area. Hawaii's unemployment rates in correlation with the high cost of living are pushing more people into poverty, and this bill will help to employ more people that live in the geographical area, also alleviating eastbound traffic during peak hours in the morning and westbound traffic in the evening, allowing people to live and work within their community. Therefore, this is not only a job creating measure, but a measure that will help with traffic and quality of life."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2659, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 805-18) recommending that H.B. No. 1886, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1886, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENIOR CITIZENS," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 806-18) recommending that H.B. No. 2165, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2165, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 807-18) recommending that H.B. No. 2501, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2501, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COMMUNITY COLLEGE PROMISE PROGRAM," passed Third Reading by a vote of 48 ayes, with Representatives McKelvey, Quinlan and Yamane being excused.

At 12:42 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1625, HD 1
 H.B. No. 1626, HD 1
 H.B. No. 2342, HD 1
 H.B. No. 583, HD 1
 H.B. No. 2224, HD 1
 H.B. No. 2659, HD 1
 H.B. No. 1886, HD 1
 H.B. No. 2165, HD 1
 H.B. No. 2501, HD 1

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 808-18) recommending that H.B. No. 1968, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1968, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES COOPERATIVE EXTENSION SERVICE," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 809-18) recommending that H.B. No. 1802, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1802, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 810-18) recommending that H.B. No. 2145, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2145, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICATION SYNCHRONIZATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 811-18) recommending that H.B. No. 2204, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 812-18) recommending that H.B. No. 2280, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2280, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Kong voting no, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 813-18) recommending that H.B. No. 2362, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2362, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE HEARING OFFICERS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 814-18) recommending that H.B. No. 2738, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2738, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S HEALTH CARE," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 815-18) recommending that H.B. No. 2742, HD 1 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 2742, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2742, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS," passed Third Reading by a vote of 49 ayes, with Representative Har voting aye with reservations, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 816-18) recommending that H.B. No. 2144, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2144, HD 1, entitled: "A BILL FOR AN ACT RELATED TO MEDICAID," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 817-18) recommending that H.B. No. 2277, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

At 12:43 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1968, HD 1

H.B. No. 1802, HD 1
 H.B. No. 2145, HD 1
 H.B. No. 2204, HD 1
 H.B. No. 2280, HD 2
 H.B. No. 2362, HD 1
 H.B. No. 2738, HD 1
 H.B. No. 2742, HD 1
 H.B. No. 2144, HD 1
 H.B. No. 2277, HD 1

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 818-18) recommending that H.B. No. 2257, HD 2 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 2257, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2257, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VIRTUAL CURRENCY," passed Third Reading by a vote of 49 ayes, with Representative Ward voting aye with reservations, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 819-18) recommending that H.B. No. 1805, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1805, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY TRAINING," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 820-18) recommending that H.B. No. 2025, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2025, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESOURCE RECOVERY," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 821-18) recommending that H.B. No. 2043, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2043, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 822-18) recommending that H.B. No. 2110, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2110, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RESILIENCY," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 823-18) recommending that H.B. No. 2460, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2460, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MICROGRIDS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 824-18) recommending that H.B. No. 2545, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GREEN INFRASTRUCTURE," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 825-18) recommending that H.B. No. 2626, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 826-18) recommending that H.B. No. 1647, HD 2 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 1647, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. Please note my reservations on this matter. And just for the record, my reservations stem from the Attorney General's comments that were provided. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1647, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 49 ayes, with Representative Har voting aye with reservations, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 827-18) recommending that H.B. No. 1654 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1654, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

At 12:44 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2257, HD 2
 H.B. No. 1805, HD 1
 H.B. No. 2025, HD 1
 H.B. No. 2043, HD 1
 H.B. No. 2110, HD 2
 H.B. No. 2460, HD 2
 H.B. No. 2545, HD 1
 H.B. No. 2626, HD 1
 H.B. No. 1647, HD 2
 H.B. No. 1654

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 828-18) recommending that H.B. No. 1778, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1778, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION MEDICAL BENEFITS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 829-18) recommending that H.B. No. 2202, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2202, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 830-18) recommending that H.B. No. 2582, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2582, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Choy voting no, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 831-18) recommending that H.B. No. 2693, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2693, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Choy voting no, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 832-18) recommending that H.B. No. 2393, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2393, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 833-18) recommending that H.B. No. 1767, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1767, HD 2, entitled: "A BILL FOR AN ACT RELATED TO MOTOR VEHICLES," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 834-18) recommending that H.B. No. 2161 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2161, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE INSPECTION STATIONS," passed Third Reading by a vote of

45 ayes to 4 noes, with Representatives DeCoite, Har, Say and Tokioka voting no, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 835-18) recommending that H.B. No. 2283, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2283, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 836-18) recommending that H.B. No. 2403, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2403, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MASS TRANSIT SPECIAL FUND," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 837-18) recommending that H.B. No. 2433, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2433, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

At 12:46 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1778, HD 1
H.B. No. 2202, HD 2
H.B. No. 2582, HD 1
H.B. No. 2693, HD 2
H.B. No. 2393, HD 1
H.B. No. 1767, HD 2
H.B. No. 2161
H.B. No. 2283, HD 1
H.B. No. 2403, HD 1
H.B. No. 2433, HD 1

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 838-18) recommending that H.B. No. 2596, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2596, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CERTIFICATE OF TITLE FOR VESSELS ACT," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 839-18) recommending that H.B. No. 1883, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1883, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 840-18) recommending that H.B. No. 2081, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2081, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ROSE-RINGED PARAKEET," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 841-18) recommending that H.B. No. 2099, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2099, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 842-18) recommending that H.B. No. 2304, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2304, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 843-18) recommending that H.B. No. 2305, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2305, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE BERRY BORER," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 844-18) recommending that H.B. No. 2426, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2426, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 845-18) recommending that H.B. No. 1882, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1882, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 846-18) recommending that H.B. No. 1941, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1941, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 847-18) recommending that H.B. No. 2162, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and

H.B. No. 2162, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER INCENTIVES," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

At 12:47 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2596, HD 2
H.B. No. 1883, HD 2
H.B. No. 2081, HD 1
H.B. No. 2099, HD 1
H.B. No. 2304, HD 1
H.B. No. 2305, HD 1
H.B. No. 2426, HD 1
H.B. No. 1882, HD 1
H.B. No. 1941, HD 1
H.B. No. 2162, HD 1

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 848-18) recommending that H.B. No. 2163, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2163, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 849-18) recommending that H.B. No. 2164, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2164, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 850-18) recommending that H.B. No. 2170, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2170, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 851-18) recommending that H.B. No. 2353, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2353, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LIBRARIES," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 852-18) recommending that H.B. No. 2507, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2507, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCHOOLS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 853-18) recommending that H.B. No. 2607, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2607, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 854-18) recommending that H.B. No. 2679, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2679, HD 1, entitled: "A BILL FOR AN ACT RELATING THE TRANSFER OF LANDS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 855-18) recommending that H.B. No. 2139, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN EDUCATION," passed Third Reading by a vote of 48 ayes to 1 no, with Representative McDermott voting no, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 856-18) recommending that H.B. No. 2697, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2697, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 857-18) recommending that H.B. No. 2091, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2091, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELAND SECURITY," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

At 12:48 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2163, HD 1
 H.B. No. 2164, HD 1
 H.B. No. 2170, HD 1
 H.B. No. 2353, HD 1
 H.B. No. 2507, HD 2
 H.B. No. 2607, HD 1
 H.B. No. 2679, HD 1
 H.B. No. 2139, HD 1
 H.B. No. 2697, HD 2
 H.B. No. 2091, HD 1

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 858-18) recommending that H.B. No. 2696, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2696, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MILITARY," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 859-18) recommending that H.B. No. 2196, HD 1 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 2196, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"Mr. Speaker, with reservations, brief comment. Mr. Speaker, about an hour and fifteen, well maybe just an hour ago, we were to test the siren, of which there was no wailing sound, for the possible missile attack. This bill kind of does the same thing, it eliminates what in the original was not only to be a shelter for a hurricane, but it was to be a fallout shelter. So, I'm not sure what we're doing with this, and we're kind of backing off of what otherwise maybe scared too many people on January 13. I think we have to face up and fess up to it and do the right thing. For those reasons, with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2196, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Ward voting aye with reservations, with Representative Choy voting no, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 860-18) recommending that H.B. No. 2592, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2592, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 861-18) recommending that H.B. No. 1976, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1976, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 862-18) recommending that H.B. No. 2097, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2097, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFEGUARDS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 863-18) recommending that H.B. No. 2380, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2380, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION WITHIN STATE BOATING FACILITIES," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 864-18) recommending that H.B. No. 2595, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2595, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATERSHEDS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 865-18) recommending that H.B. No. 2073, HD 1 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 2073, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. With reservations, and if I could reference my prior remarks on this measure. I just am watching it to make sure it just stays for that one area on the Big Island. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2073, HD 1, entitled: "A BILL FOR AN ACT RELATING TO URBAN REDEVELOPMENT," passed Third Reading by a vote of 49 ayes, with Representative Thielen voting aye with reservations, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 866-18) recommending that H.B. No. 1974, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1974, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 867-18) recommending that H.B. No. 2275, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2275, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 868-18) recommending that H.B. No. 2560, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2560, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A SUSTAINABLE ECONOMIC DEVELOPMENT STRATEGY," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

At 12:50 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2696, HD 2
H.B. No. 2196, HD 1
H.B. No. 2592, HD 1
H.B. No. 1976, HD 1
H.B. No. 2097, HD 1
H.B. No. 2380, HD 1
H.B. No. 2595, HD 1
H.B. No. 2073, HD 1
H.B. No. 1974, HD 1

H.B. No. 2275, HD 2
H.B. No. 2560, HD 2

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 869-18) recommending that H.B. No. 2411, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2411, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 870-18) recommending that H.B. No. 2354, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2354, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME CHECK-OFF," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 871-18) recommending that H.B. No. 2508, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2508, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 872-18) recommending that H.B. No. 2752 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 2752 pass Third Reading, seconded by Representative Morikawa.

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

"In support, just real quick, brief comment. I was able to attend the community court that was held in Wahiawa. So two weeks ago, we did our very third community court, and we're looking to expand into the west side. And it's definitely a good thing for us to have, some of them with multiple cases, one lady had 16 cases and \$16,000 of fine, clear that out, get community service, and get them the resources and the service providers there to get them transitioned out of homelessness back into society, with a driver's license, operating legally. So, it's a very good bill, hope we can expand it more. Thank you."

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

"Thank you, in support, and would just like to thank the Majority Leader for her work on this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2752, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY COURT OUTREACH PROJECT," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 873-18) recommending that H.B. No. 2455, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2455, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF BUSINESS,

ECONOMIC DEVELOPMENT, AND TOURISM FOR THE 2018 GANNENMONO CELEBRATION," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 874-18) recommending that H.B. No. 2009, HD 1 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 2009, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. I'm rising, first of all, I'd like to make a disclosure and see whether there's a conflict. A couple of years ago, I built an ADU, which I only rent for a minimum of a year or longer," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I'm rising to speak against the measure, and this is the bill that's House Bill 2009. It stated in the committee report, Mr. Speaker, 'the purpose of the measure is to expressly include single family homes, multi-family homes, and accessory dwellings as property types which may be used as transient accommodations.' So, it's enlarging or putting into statute that all of these can be used as transient vacation units, or TVUs, as they're known. This means, again, single family homes, multi-family homes, and accessory dwellings, or ADUs, then by state law they'll be able to be used as TVUs.

"So the problem is, here we go again on the island of Oahu, and it's a real difficult situation. Expedia is thrilled, the short-term rental platform, Expedia, their vice president for government and corporate affairs says that, 'these amendments validate the Legislature's efforts to recognize the value of the vacation rental business to Hawaii's lodging capacity.' That's just great, but what does that do to our local people?

"Well, you go to what OHA is saying, and they're stating that, 'unfortunately, the unaddressed proliferation of illegal vacation rentals may exacerbate the rise in Hawaii's rental housing costs,' and then directly remove much-needed housing units from the residential rental market. That's absolutely correct, that they will. And then, the growing use of our limited housing supply for illegal TVUs will only continue to worsen our housing crisis, and I'm paraphrasing what they wrote in their testimony there.

"The interesting thing, Mr. Speaker, does this affect our local homeowners? No. The data shows that 70% of properties listed as vacation rentals in Hawaii are owned by out-of-state property owners who do not reside in the islands. So we have another crisis, that our housing stock is being bought up, 70% of it is owned by out-of-state owners, and they're operating these TVUs, the illegal short-term rentals, particularly over on Oahu, I think we have the majority of them.

"There's not really an economic benefit. San Francisco has found a negative economic impact of \$300,000 for each housing unit used as a vacation rental. So, we're not really making money for the State.

"I really would ask members to, I know it's on third reading, I know it's going to pass and it's going to go over to the Senate, but you have an opportunity to take a harder look at that, and to say, do we want to do that? What we're doing is legalizing short-term rentals in our housing market, for the tax money, but think of what we're doing to the people that live here, that really, someday, want to have a home, but 70% of those illegal operators are from out-of-state, because they're making so much money, and we're letting it go on. So, I'm a no vote on this. Thank you."

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

"In opposition, Mr. Speaker. I don't think there is any ill intent in this bill, and indeed, some may see it as a more of a housekeeping measure, but my fear is that it sends a message to the counties that the State of Hawaii condones transient accommodations in residential areas, and that's why I'm a no vote. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition. As you know, I'm working with many homeless projects and I have a very comprehensive plan, and part of this is working with the homeless being within, hopefully, 80 units and being housed within properties throughout the community, and this may actually put a little bit of crick in my comprehensive plan. So, with that, I rise in opposition. Thank you, sir."

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

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

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

Representative Gates's written remarks are as follows:

"I share the concerns of the Representative of District 47 and would like to adopt his words as if they were my own. Thank you."

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

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

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

Representative DeCoite rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"With reservations. I don't believe that this new tax on accessory dwelling units, single family homes, and multi-family homes is necessary. We may end up taxing people that we don't really want to burden with any more taxes. The Department of Taxation has stated that the current definition of transient accommodations is already broad enough to cover accessory dwelling units. The Tax Foundation stated that letting out a spare room or vacation home may trigger a tax liability when the taxpayer is not even running a business. *Mahalo.*"

Representative Say rose, stating:

"Mr. Speaker, I believe the Majority Floor Leader has my green slip, so members, you don't have to stand up to say no when you have submit your green slip."

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

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

"Mr. Speaker, with strong reservations."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2009, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 38 ayes to 11 noes, with Representatives DeCoite, Evans, Gates, Holt, Ito and Souki voting aye with reservations, with Representatives Har, Ing, Kong, Lee, Matsumoto, Quinlan, Say, Thielen, Tokioka, Tupola and Ward voting no, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 875-18) recommending that H.B. No. 2008, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Say voting no, and with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 876-18) recommending that H.B. No. 2011, HD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2011, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 877-18) recommending that H.B. No. 2012, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2012, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 49 ayes, with Representatives McKelvey and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 878-18) recommending that H.B. No. 2432 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 40 ayes to 9 noes, with Representatives Choy, DeCoite, Har, Kong, McDermott, Say, Tokioka, Tupola and Ward voting no, and with Representatives McKelvey and Yamane being excused.

At 1:01 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2411, HD 2
 H.B. No. 2354, HD 1
 H.B. No. 2508, HD 1
 H.B. No. 2752
 H.B. No. 2455, HD 1
 H.B. No. 2009, HD 1
 H.B. No. 2008, HD 1
 H.B. No. 2011, HD 1
 H.B. No. 2012, HD 2

H.B. No. 2432

At 1:01 o'clock p.m., Representative Belatti requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:14 o'clock p.m.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 879-18) recommending that H.B. No. 2219, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2219, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 880-18) recommending that H.B. No. 1869, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 881-18) recommending that H.B. No. 1879, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1879, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Takumi, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 882-18) recommending that H.B. No. 1621, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1621, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 883-18) recommending that H.B. No. 1850, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 884-18) recommending that H.B. No. 1852, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1852, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 885-18) recommending that H.B. No. 2247, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2247, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 886-18) recommending that H.B. No. 2588, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2588, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXTENDED TERMS OF IMPRISONMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 887-18) recommending that H.B. No. 1659, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1659, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZATIONAL REPORTS OF NONCANDIDATE COMMITTEES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 888-18) recommending that H.B. No. 1661, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1661, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN REPORTING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 889-18) recommending that H.B. No. 1687, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF ELECTION NOTICES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 890-18) recommending that H.B. No. 1847, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS FOR SEXUAL ASSAULT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 891-18) recommending that H.B. No. 2070, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2070, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIONS BY THE ATTORNEY GENERAL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 892-18) recommending that H.B. No. 2133, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 893-18) recommending that H.B. No. 2134, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2134, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 894-18) recommending that H.B. No. 2318, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2318, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFIDENTIAL PERSONAL INFORMATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 895-18) recommending that H.B. No. 2481, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2481, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REFUSE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Nishimoto, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 896-18) recommending that H.B. No. 2074, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2074, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 897-18) recommending that H.B. No. 1604 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 898-18) recommending that H.B. No. 1652 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1652, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 899-18) recommending that H.B. No. 1799 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 1799, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 900-18) recommending that H.B. No. 2285 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2285, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 901-18) recommending that H.B. No. 2395 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.B. No. 2395, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC FILING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Tokioka and Yamane being excused.

At 1:16 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

Representatives Mizuno and Nishimoto, for the Committee on Health & Human Services and the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 902-18) recommending that H.B. No. 2739, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Belatti moved that the report of the Committees be adopted, and that H.B. No. 2739, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morikawa.

At this time, Representative Tupola offered Floor Amendment No. 1, amending H.B. No. 2739, HD 1, as follows:

SECTION 1. House Bill No. 2739, H.D. 1 is amended to add additional safeguards and clarity as follows:

1. In section 3 of the bill, by:

- A. Amending the definition of "adult" to raise the age requirement from eighteen to twenty-one years of age or older;
- B. Amending the definition of "health care provider" to clarify that the person must be licensed or certified by the law of this State;
- C. Amending the definition of "prescription" to clarify that the qualified patient must either self-administer, if the patient chooses to do so, or otherwise dispose of the medication properly;
- D. Amending the definition of "terminal disease" to clarify that the disease must be one that will, within reasonable medical judgment, produce death within six months despite reasonable and ordinary medical treatment;
- E. On page 13, restoring the requirement that self-administration of the medication prescribed pursuant to this chapter shall be listed on the death certificate as an immediate cause of death;
- F. On page 17, deleting "evidence that the patient owns or leases property in Hawaii" as a factor that may demonstrate state residency;
- G. On pages 18 and 19, deleting language that would limit the disclosure of information in criminal and civil malpractice proceedings;
- H. On page 20, requiring the Department of Health to make rules to govern lawful means of disposal of unused medication, and inserting an unspecified felony criminal penalty for failure to lawfully dispose of unused medication;
- I. On pages 22 through 24, following the recommendations of the Department of the Attorney General by deleting each instance of the term "good faith";
- J. On page 23, following the recommendations of the Department of the Attorney General by clarifying that health care providers are not required to inform a patient about the option to obtain life-ending medication or refer a qualified patient to another provider if they are unable or unwilling to participate; and

2. By making conforming technical amendments and renumbering sections of the bill accordingly.

Representative Tupola moved that Floor Amendment No. 1 be adopted, seconded by Representative McDermott.

Representative Tupola rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. Thank you for allowing us this time to just discuss real quick. So, everyone has a copy of the amendments. And yesterday and the prior days when we had the hearing, there's a lot of good, good discourse, lots of good conversations, lots of respect in the room, and we want to keep it that way. So the amendments that were laid down are outlining some concerns that I raised in my questions, but also some concerns that were raised in the testimony of the Attorney General.

"So, briefly, the first part of the amendment raises the age, and as you know, we've been a state that's been very proud about making sure that our tobacco and our alcohol sales are at the age of 21. So that's the first part of the amendment. The second part, letter 'B' as well as 'F,' it talks about making sure that the healthcare provider is licensed in our state. On letter

'F,' it talks about deleting evidence that the patient owns or leases property in Hawaii. I had brought that up in my questioning, just with the concern that many people who aren't residents of Hawaii own and lease property, and currently in the bill, it allows for the identification of a resident to be if they own or lease property in Hawaii. And as you heard, on HB 2009, my colleague from Kailua eloquently described how many out-of-state owners we have. So we want to make sure to close that *puka*, because we don't want to allow and open ourselves up for anything that's not having to do with residents of our own state.

"As well, letter 'C,' in the definition of prescription, I had brought up that it said 'may,' and we just wanted to tighten that up to 'shall' self-administer, as brought up by the testifier from Oregon, who did describe that in order for us to kind of walk that line of medical aid in dying, that we need to make sure that it's always self-administer and always that the patient makes all the decisions. We are definitely a state that prides ourself on making sure that we curb elder abuse, so we wanted to make sure that was in there. As well, on letter 'D,' one of the conversations had, in other states as well as ours, was in regards to the length of time, which at this point would be that it's determinate that the person will be ending their life, or dying, or having a disease that will have them die within six months, but didn't take into consideration medication. So in there it actually says, produce death within six months without reasonable or ordinary medical treatment. So all that means is that there are diseases like diabetes, where if you don't take, if you don't do dialysis, that you could possibly pass away that week, that day. So with treatment, people's lives are prolonged.

"On the last page, on page 18 and 19, it deletes language that would limit disclosure of information in criminal and civil malpractice proceedings, and this is really important, because we want to make sure that there is no malpractice here, and of course we talked about it throughout the hearing, and it's been one of the things that will prohibit us from being able to ensure that, if they're actually not able to look into those.

"On letter 'H,' it talks about the gathering of medicine. Now, we've talked about opioid abuse here, we've talked about the fact that overdose is one of the things we're trying to stop in our state and in our nation. So, in our that section it talks about the unused medication. Brought up by the Attorney General was the fact that there is no penalty. So there is no consequence if someone does not return it, and in a lot of the testimonies, they actually describe that some people will start off the procedure, but actually never ingest the medication, because maybe they got hope, they got a cure for it. So we are trying to write into our law to make sure that the medication is collected back up again, but currently we do not have a procedure for that in this state. There is no pharmacy that will collect back up your medication if you don't use it. We just need the Department of Health to actually make those rules, make those guidelines, to make sure that the recollection of cyclobarbitol, which we don't want anyone to have access to this if they're not actually going to apply this act, and I know that in my community, even in one of the testifier's testimonies on the day of the hearing, we're concerned that we don't want anyone to have this in their bag where young children can grab it and ingest it. So, simply suggesting that the Department of Health look into making rules of how we would recollect it, and that there be a consequence or a penalty.

"Second to the last is good faith. In the Attorney General's testimony, it says for us to strike out on page 21 and 22, lines 8 and 12, line 8, in order to establish a clearer, objective standard for liability. Good faith compliance is difficult to disprove as one could simply claim that he or she was 'acting in good faith compliance' without additional evidence. It's a word, it just needs to be stricken out so that there can be some clear penalties in there. Clearly, we don't use good faith in criminal proceedings because it is guessing somebody's state of mind when it happens, and of course, the Attorney General is just suggesting that we tighten that down."

Representative McDermott rose to yield his time, and the Chair "so ordered."

Representative Tupola continued, stating:

"Lastly, page 23, there was in recommendation by the Attorney General that read as such, 'including informing a patient about the option to obtain medication for the purpose of ending the patient's life.' Now, the reason why

the Attorney General had put it in here was because there needed to be a provision in there allowing for the choice for our providers, and that was the discussion we had in the hearing. Basically, what they're saying is, if they don't feel comfortable suggesting it to people, they don't want to be forced to, and we all agreed on that. So all it is, is clarifying the language, making sure that it's in there. We talked about it in the hearing, making sure that this was giving the right to life to the right people, making sure nobody else is making the decision, and making sure we don't have medication that's lethal out there where other people can ingest it, and that stems from where these amendments come from. So with that, I end, and I thank you for allowing us to share that."

Representative LoPresti rose, stating:

"Point of personal privilege. Will the introducer yield to a question?"

Representative Tupola: "Yes."

Representative LoPresti continued, stating:

"Thank you, Mr. Speaker. My question is simple yes or no, and it is that, if we adopt these amendments, will you then vote for euthanasia?"

At 1:34 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:35 o'clock p.m.

Representative Tupola rose to respond, stating:

"Just real quick. In the hearing, we were very clear that we were not saying that word. We are trying to stray away from it. In the Oregon testifier's testimony, she said medical aid in dying is not euthanasia if one, it is self-administered, and two, the person makes all their own decisions. So all we're doing is we're trying to walk that fine line and we're trying to make sure that what we implement is actually what we intend. Thank you."

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I have a request to submit comments to the Journal, and with my no vote, basically summarizing. Sorry, we're not at the final bill yet. In support, support of the amendment, that is. And for the record, the summary of the findings of the Oregon 1997-2017, I would like to submit to the Journal for the record on, basically, they've been around the block on this, we're the new kids on the block, and I think we need to learn from them, therefore, I request it be put in the Journal. Thank you."

Representative Ward submitted the following:

[Note: This space intentionally left blank.]

Oregon's Assisted Suicide Experience 1997-2017

In 1994, Oregon voters passed a ballot measure that allowed physicians to write a prescription so terminally ill patients could kill themselves. The ballot measure made Oregon the first jurisdiction in the world to legalize physician-assisted suicide.

Before Oregon legalized physician-assisted suicide, euthanasia proponents had previously proposed ballot measures in California and Washington which would have legalized euthanasia—lethal injections by doctors. Both measures, deemed too dangerous, failed. Thus, the euthanasia proponents changed tactics in Oregon and proposed a “safer” death: physician-assisted suicide.

After court challenges as well as a ballot measure to repeal the law failed, PAS (physician-assisted suicide) began operating in 1998. Euthanasia is not legal anywhere in the United States.

The Campaign

The pro-physician-assisted suicide campaign centered around two themes:

- People would not have to die in unbearable, uncontrollable pain
- “Do not let one church [Catholic] decide how you can die” [Oregon is one of the states with the least church attendance]

The law

Intolerable suffering is not a requirement to use the law.

An individual must be diagnosed with a terminal illness with six months or less to live. A second physician's opinion needed.

One written request to the physician; two verbal requests to physician separated by 15 days

If depression is indicated, the patient must be given a psychiatric exam

The drugs must be self-ingested.

Physicians are protected from criminal liability; the standard of care required is lowered from “negligence” to “good faith”

What we don't know

While Oregon is touted as an excellent model for PAS, the reality is there is a shroud of secrecy covering how assisted suicide actually works. In spite of an annual report generated by the Oregon

Department of Health, very little is known about how the law works.

- Physicians are to self-report some statistical information such as age of patient, disease, race, etc. No independent analysis of statistics is allowed; no follow-up questions asked; reports are guarded and discarded after a year.¹ Any falsified reports will go undetected.
- “The Oregon Department of Human Services has no authority to investigate Individual Death with Dignity cases. The state law authorizing physician-assisted suicide neither requires nor authorizes investigations by DHS [Department of Human Services].”²
- DHS officials admit they have no way of knowing how many PAS cases are not reported.³
- A death certificate may not indicate PAS as cause of death; the underlying illness is recorded as cause of death.
- Under threat of immediate termination, state officials are ordered not to speak of any PAS deaths they know of.⁴

¹ Oregon Revised Statutes
² Oregon Department of Health Press Release “No Authority to Investigate Death with Dignity Cases” 4 March 2006, www.oregon.gov/DHS/news/2005-0304a.shtml
³ Prager, “Details emerge on Oregon's first assisted suicide,” *American Medical News*, 7 Sept 1998
⁴ Confidentiality of Death Certificates, *14 Issues of Law and Medicine* 333,333 (1998)

Oregon's Assisted Suicide Experience 1997-2017

their clients. Between 2001-2007, three physicians wrote one-fourth of all prescriptions.¹³

The most reliable source of information on PAS deaths has been newspaper stories. In the first few years, reporters located families who were proud of the PAS deaths of their loved ones. These stories often unwittingly reveal gross negligence and abuse of the law. Sample stories reveal:

Dementia patient under family pressure receives PAS. Kate Cheney, 85 years old and diagnosed with a deadly tumor, was refused PAS by her family physician. Her daughter sought another physician who ordered a psychiatric exam. The psychiatrist found that Kate did “not seem to be explicitly pushing for [PAS], had difficulty with short-term memory and lacked the “very high level of capacity required to weigh options about assisted suicide.” He refused the suicide request, saying Kate's apparent dementia, combined with pressure from her daughter, made him wonder whose agenda the PAS request really was.” The daughter sought another opinion. This physician, while noting Kate's memory problems and that her “choices may be influenced by her family's wishes, and her daughter may be somewhat coercive”, approved the PAS request. Kate was dead three weeks later.¹⁴

Depressed patient receives PAS. An 84 year-old woman diagnosed with breast cancer requested PAS. Her family physician refused so she sought a second physician. This physician also refused saying she was depressed and recommended treatment. Her family then called the Compassion & Choices network for a doctor, who saw the patient once and agreed to the PAS. In a recorded conversation before her death just 15 days later, she stated, “I'm looking forward to this because I was always active...every year I had a yard full of flowers...it was my hobby. I will be relieved of all of the stress I have.”¹⁵

Suspicious deaths. Oregon's PAS law requires no care for a patient by the physician after the lethal

prescription is written. Only 11% of PAS deaths are attended by a physician. No witness is required to ensure the patient ingests the lethal dose without duress or confusion of mind. The lethal drug is commonly Secobarbital capsules, which are emptied into pudding and eaten. They have been known to be administered through a feeding tube.

Thomas Middleton was diagnosed with Lou Gehrig's disease and moved into the home of Tami Sawyer. He died by PAS later the same month. Middleton had named Sawyer his estate trustee and put his home in her trust. Two days after Middleton died Sawyer listed the property for sale and deposited \$90,000 into her own account. A federal investigation into real estate fraud exposed the abuse. Sawyer was indicted for first-degree criminal mistreatment and first-degree aggravated theft.¹⁶ ODH's annual PAS report did not mention the case. In other instances where family members inquire about suspicious circumstances of their loved one's¹⁹ death, they are rebuffed by state officials.

Patient with history of suicidal ideation receives PAS prescription. Michael Freeland, a 63-year old man with lung cancer and a 40-year history of chronic depression and attempted suicide, called Compassion & Choices and received a prescription for PAS. He then met a physician opposed to PAS who befriended him, offering to help with his depression and any future pain. Months later he was admitted to a hospital depressed and suicidal. Police removed his guns from his house, however they knowingly kept his PAS drugs “safely at home.” The hospital psychiatrist pronounced Freeland incompetent to make his own decisions, knowing that Freeland had the PAS drugs. Soon afterwards, the helpful doctor found him at home alone and in pain, for which he prescribed pain medicine. The good doctor helped him reconcile with his daughter. Two years after his “six-month terminal illness”, Freeland died at home of natural causes, painlessly and reconciled with his daughter.²⁰

Oregon Health Department will pay for PAS but not cancer treatment. The Oregon Health Plan, established to help low-income Oregonians with

¹³ Hedberg, Hopkins, Lemon, Kohn, “The 10-Year Experience of Oregon's Death with Dignity Act: 1998-2007”, *The Journal of Clinical Ethics*, no 2, Summer 2009: 124-32
¹⁴ Ms Moon capable of choosing to die? *The Oregonian* 17 Oct. 1999
¹⁵ “Two die using suicide law” *The Oregonian* 3 March 1998
 SPECIAL REPORT BY OREGON RIGHT TO LIFE 4335 RIVER ROAD NORTH, SALEM, OREGON 97303 www.ortl.org EMAIL ortl@ortl.org 3

¹⁶ “Assisted Suicide ‘Safeguards’ begin Crumbling in Oregon” *Catholic.org/policies* 30 April, 2015; KTZZ.com 7 Sept. 2011
¹⁷ *Montana Standard* mailbag 20 Jan. 2013
¹⁸ Hendin, Foley, “Physician-Assisted Suicide in Oregon: A Medical Perspective,” *Michigan Law Review*, Vol 106:1613

Oregon's Assisted Suicide Experience 1997-2017

- “The Oregon Health Department does not collect the information it would need to effectively monitor the law and in its actions and publications acts as the defender of the law rather than as the protector of the welfare of terminally ill patients.”²¹
- Compassion & Choices (C&C), the authors and proponents of Oregon's assisted suicide law are self-proclaimed “stewards of the law”, Oregon's largest newspaper, *The Oregonian*, said, referring to Compassion & Choices, “essentially, a coterie of insiders run the [assisted suicide] program with a handful of doctors and others deciding what the public may know.”²²
 - o In 2008, 88% of known PAS deaths were assisted by C&C's network of doctors.⁷

What we do know

Because physicians are required to report some basic statistics, some information can be gleaned as to how the law is working.⁸

The overwhelming reason for using PAS differs from the main reason purporting that the law was needed. Ninety-one percent of PAS is done because the patient is “losing autonomy” and eighty-nine percent because the patient is “less able to enjoy activities”. “Patients make the choice to request assisted suicide because they want to control the timing and manner of their death,” said Dr. Linda Ganzini, professor of psychiatry at Oregon Health and Science University School of Medicine.⁹

The 2nd least used reason for using PAS stated by 26% of patients is “inadequate pain control or concern about it” (last reason is financial). “Our data suggests that patients who request physician-assisted death do so not because of

physical symptoms or their current quality of life,” reported Dr. Ganzini in a 2009 study. “They often make their requests based on an anticipation of future suffering.”¹⁰

Despite the fact that depression is the only factor that significantly predicts the wish for death,¹¹ only five percent of PAS victims received a psychiatric exam prior to obtaining a prescription. However, 25% who request PAS may be clinically depressed, but generally are not given psychiatric evaluations, according to a 2008 study. The study concluded that “the current practice of the Death with Dignity Act may fail to protect some patients whose choices are influenced by depression.” Dr. Ganzini, who led the study, says “I think the problem is physicians who are seeing these patients are not doing rigorous screening for depression.”¹² In a 1996 survey of Oregon physicians, only six percent felt very confident that, absent a long-term relationship, they could determine in a single visit whether a patient was competent to commit suicide.¹³ Even in cases where a psychiatric exam is given, the patient's best interest is not necessarily being looked after. Joan Lucas, a patient with amyotrophic lateral sclerosis was filled a psychiatric questionnaire which was mailed out by her family as they “cracked up laughing.”¹⁴ Ms. Lucas received the prescription and committed suicide.

Median time of relationship between a patient receiving a PAS prescription and the prescribing physician of 13 weeks reveals doctor shopping. Few Oregon physicians want to help their patients kill themselves, preferring instead to treat their underlying needs and give palliative care. Compassion & Choices, Oregon's pro-assisted-suicide organization, controls the majority of assisted suicides. In 2007, they reported that three-fourths of all PAS deaths in Oregon were

Oregon's Assisted Suicide Experience 1997-2017

health care, rations care it will pay for. In two separate publicized cases, cancer patients who were on the Oregon Health Plan applied for payment for cancer drugs prescribed by their oncologists. In both cases the State denied payment for the drugs and suggested they use PAS, which the plan would pay for.²¹

SUMMARY

“A concern with physician protection, rather than patient protection, pervades the Oregon experience. The statute's liability shield, its incomplete reporting system, and the excessive secrecy with which the law is implemented protects doctors who assist patients with suicide, but leaves patients vulnerable.....The OHD annual reports are marked by overreaching the conclusions they draw from the limited information they have....most striking and least justified has been OHD's contention, without substantiating data, that patients who have requested assisted suicide were receiving adequate end-of-life care.”²² Herbert Hendin, Chief Executive Officer & Medical Director, Suicide Prevention International; Professor of Psychiatry, New York Medical College, and Kathleen Foley, Attending Neurologist, Memorial Sloan-Kettering Cancer Center; Professor of Neurology, Neuroscience, & Clinical Pharmacology, Weill Medical College of Cornell University; Medical Director, International Palliative Care Initiative of the Open Society Institute, *Michigan Law Review*, Vol 106:1613

CONCLUSION

So-called “safeguards” do not work
 Vulnerable patients are not protected
 PAS has become death-on-demand

Oregon Physician-Assisted Suicide Numbers from 1998 through June 2017:

Prescriptions written:	1857
Prescriptions taken (suicides)	1179

From 1998 through 2013 PAS deaths increased 14% annually. From 2013 through 2015, PAS deaths increased by 36% annually, but leveled in 2016.

Is end-of-life care better because of PAS?

Prior to legalization of PAS, Oregon was a leader in palliative care; after legalization, Oregon's improvement in hospice utilization fell below the national average.²³

Palliative care has improved markedly when states passed laws that prohibit PAS but explicitly allow use of powerful drugs such as morphine to control pain.²⁴ Oregon's morphine use has not increased.²⁵

In a 2002 nationwide study, states where PAS is outlawed outpaced Oregon in key end-of-life areas. Thirty states had statewide coalitions to improve care of the dying.²⁶ Oregon did not.

According to the U.S. Center for Disease Control and Prevention, Oregon's suicide rate increased 49% between 1999 and 2010 (compared to 28% nationally). Oregon's health department reports the state's suicide rate (not counting PAS) has been rising since 2000 and as of 2012, was 42% higher than the national average.²⁶



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⁸ Hendin, Foley, “Physician-assisted Suicide in Oregon: A Medical Perspective,” *Michigan Law Review*, 2008, Vol.106:1613
⁹ B. Caldwell, “Washington state's assisted suicide measure: Don't go there” (editorial) *The Oregonian*, 20 September 2008
¹⁰ D. Colburn, “60 People died under Oregon law '08”, *The Oregonian*, 10 March 2009
¹¹ Annual report 2016 Oregon Death with Dignity Act www.health.oregon.gov/dwd
¹² Study by Ganzini et al, reported in *The Oregonian* 22 Aug. 2002
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²¹ OHSU study says future symptoms guide Death With Dignity Act decisions” *Portland Tribune* 16 March 2009
²² Chochinov et al, Depression, Hopelessness, and Suicidal Ideation in the Terminally Ill, 39 *Psychosomatics* 366 (1998)
²³ Korn, “Study: Physician-assisted suicide patients not checked for depression,” *Portland Tribune* 10 Oct 2008, *The Oregonian*, 9 Oct 2008
²⁴ “Attitudes of Oregon Psychiatrists Toward Physician Assisted Suicide” 153 *American Journal of Psychiatry* 46, 1996
²⁵ Kettler, “We knew she would do it: Stricken by ALS, Joan Lucas decides to die”, *Medford Mail Tribune* 25 June 2000
²⁶ “Death drugs cause uproar in Oregon” abcnews.go.com/Health/story 6 August 2008
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²³ “Geographic variation of hospice use patterns at the end of life” *Journal of Palliative Medicine* 18 (2015)
²⁴ Giotti III, M.D., F.A.C.P., “Handbook of Pain Relief in Older Adults” *Humana Press* 2004
²⁵ S. Tolle, et al., “Trends in Opioid Use Over Time: 1997-1999” *Journal of Palliative Med.* 39 (2004)
²⁶ Last Acts: Means to a Better End, A Report on Dying in America Today, November 2002
 Shen, Millett, “Suicides in Oregon: Trends & Associated Factors.” 2003-2012 *Oregon Health Authority* 2015
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The motion that Floor Amendment No. 1, amending H.B. No. 2739, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry, with Representatives McKelvey, Tokioka and Yamane being excused.

(Main Motion)

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

"Mr. Speaker, I rise in opposition to the underlying bill. Mr. Speaker, I rise as a friend of all the folks who put the hard work into this, they spent many hours, we all know that. This is the most important bill of the session, clearly. It deals with human life. In fact, they worked all night, worked up till 15 minutes before the committee hearing. That was what they told me. We were working 15 minutes until before the committee hearing. Sixteen amendments were made to a 40-page bill. Yet the members of the committee were not given anything to read. There was no House bill before us.

"Here, I have it today. Why have you given it to me, Mr. Speaker? So I could read it, so I could review it, so I can make an informed decision. In fact, Mr. Speaker, if they finished 15 minutes before the hearing, no House draft 1 actually existed, it was just thought, ether in the air. Now, we were read the amendments, 16 of them to a 40-page bill, and I dare say it would take the intellect of Albert Einstein or Stephen Hawking to collate those amendments and put them in the underlying measure in context and make sense out of it in the three minutes before we had to vote. The point is, Mr. Speaker, we had no House draft in front of us. The most important legislation of this session, that's sloppy work. If I did that in my real estate practice, I would be fired. Fired.

"Mr. Speaker, you've mentioned before, process and tradition. We are handed House drafts in committee before we vote on it. Now, there's an occasional minor one where it's, okay, I'm going to make some technical amendments, members, but the underlying message stays the same. But these were 16 substantive amendments. And so I think a disservice was done to the members of the committee. They were put in jeopardy because they had to vote on something that didn't exist. I stood there, all I had was my pen in my hand. I'm on the committee, I had nothing to review. How can I make an informed decision if I have nothing to review? Even the amendments weren't handed out to us. How long does it take to print 20 copies of a single sheet of paper and hand them out to the members? They weren't available.

"Mr. Speaker, you pride yourself, sir, on transparency. This was not a transparent operation. I would still vote no, and I think everybody who voted yes would still vote yes, but that's not the point. The point is, the process. Mr. Speaker, how many times over the years have you scolded me about process? How many times over the years has our good friend from Wahiawa, who's no longer here, scolded me about process? That's not the process. Representative, you've got to follow the process. Today, customs and traditions, you don't do this on second reading. Customs and traditions. Custom and traditions are, you're given a document to review. We weren't given the opportunity to review this, let alone make a cogent decision on the measure. Now, as I said, I don't think it would change any votes, certainly wouldn't change mine, but it's the process.

"Mr. Speaker, I think because members didn't vote on a bill, an actual bill, there was nothing there, and it didn't exist, and I'd be happy to be corrected, because the copy machine keeps records of who makes copies when. So you could pull up House draft 1, 2739, and see when it was actually copied, but at the time of the hearing, House draft 1 didn't exist. There were amendments that were come to an agreement and articulated to the members, but there was no document in front of us to vote on. We voted on nothing. We voted on thoughts in the air, ether and trust. That's no way to run a railroad, sir, and if I was in the majority and some of my colleagues over there, they would be on me all day long and twice on Sunday for doing something like that. As I said, I think it opens us up to legal jeopardy because we didn't do it right. The most important bill of the session, you don't bring to committee, literally, you don't bring it to committee, there's nothing there. You're voting on space, you're voting on air, ether, and we're told, okay this is House draft 1, please pass it.

"So there was nothing for us to vote on, Mr. Speaker. That was sloppily done. It wasn't transparent, and for those reasons, sir, I make a motion to recommit this to committee and do it right, have a revote."

Representative McDermott moved to recommit Stand. Com. Rep. No. 902-18 and H.B. No. 2739, HD 1 to committee, seconded by Representative Ward.

At 1:42 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:44 o'clock p.m.

At this time, the Chair stated:

"There has been a motion to recommit this measure. Is there any discussion?"

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

"Mr. Speaker, thank you. My colleague to the left from Kailua said, Representative McDermott, I think your measure's going to fail. I said, of course it is, I'm captain of the lost cause. But Mr. Speaker, the point here today is, I wanted to document and get it in the record that there was no physical amendment before us, there was nothing before us to vote on. There were no physical amendments before us. We were read some amendments, but as I said, it would take the intellect of Albert Einstein or Stephen Hawking to take those amendments and put them in the underlying bill and formulate the context, and how they affected the context, before or after the amendments, sir. Again, if I did this in my private sector job, I would be fired, there's no question.

"So, this is not transparent. The people who came to hear it, some of them wanted to see the bill, they couldn't because there was nothing to give them. And I suggest to you, sir, that House draft 1 didn't exist at that time, only in the minds of the committee chairman. The amendments were written, but they weren't put into paper in context, or else we would have been given copies. I would suggest in the future that an important measure like this, hey, we're going to postpone decision-making for two hours so members can be given copies of the amendment, House draft 1, to read and digest and go over.

"This is very important, Mr. Speaker. This is, this is not the transparency that we have been sold, sir, and I just don't see this as the way to run a railroad. The most important bill of the session goes to committee, and you have a House draft, and it's not available for members to read because it doesn't exist. As I said, I don't think it would change one vote, clearly. That's not the point. The point is the process. Now, I expect after this exercise today, when we have House drafts on important measures like this, certainly, that we will have a House draft in front of us before we vote on it. But I wanted to state for the record that there was nothing in front of us to vote on yesterday but air. Air, Mr. Speaker, and I'm surprised that more people aren't upset about that than I am. Thank you, sir."

Representative San Buenaventura rose to speak in opposition to the motion to recommit, stating:

"In opposition. So we all have, in our ability, to print out the actual bill before the amendments, and it is custom and practice, and I admit, I've only been in this House for three years, but it is, I've never seen, it's very uncommon for us to have a House draft that was drafted prior to a vote in committee. What I do, personally, and I suspect a lot of other legislators do, is we have the draft that's about to be amended, and when the oral amendments come along and is being said, we go through it. And that's what I did, that's what has been done, that has been common, and that has been the practice for the three years I've been in the House. And as such, I'm in opposition."

Representative McDermott rose to respond, stating:

"Second time, Mr. Speaker. Mr. Speaker, for routine housekeeping, yes, that's the case. But we recessed the day before, and we were told, these are important amendments, we want to get them right, we want to get them in, this is a very important bill, we want to make no mistakes, *et cetera*, *et cetera*. They worked all night, I appreciate their hard work, came in the next morning, continued to work. This is the most important bill of the session. It's not a housekeeping measure, it's not moving a stop sign 10 feet or the width of a bicycle lane. We're talking about human life here, Mr. Speaker.

"And the document should have been in front of members, and the amendments were read so fast that my colleague here to the right couldn't even write them all down. So to say that you had the opportunity to write them down, put them in, and go over them, all in three minutes, I salute you, because you're a better speed writer than I am, and you're much smarter than I am, and your ability to cognitively embed these and then figure out the context of how they create, affect one another and affect the whole totality of the bill is amazing. As I said, Stephen Hawking or Albert Einstein are the only two people I know who could have done this. So with that, sir, I just, I will rest."

The motion was put to a vote by the Chair and upon a voice vote, failed to carry, with Representatives McKelvey, Tokioka and Yamane being excused.

(Main Motion)

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

"Mr. Speaker, I rise in opposition. Mr. Speaker, according to the polls, this bill gives the people of Hawaii what they want, but it should not be given without our precautionary measures, and I have four precautionary measures that I'd like to note as the reasons why I'm voting no.

"The first precaution is, follow the money, or follow the insurance company, or follow the insurance company money. One thing this bill doesn't cover or attempt to manage are the insurance companies who pay for our healthcare system and play a pivotal role. There are live examples in testimonies of cancer patients in Oregon and in California who are being denied lifesaving treatments and are instead being offered suicide pills as an alternative. Mr. Speaker, the point is, whatever is cheaper appears to be a *de facto* motto of many of the insurance companies, where assisted suicide becomes another marketing tool, rather than saving lives.

"But this greed is not limited just to the private sector. Let me provide a personal example. My sister-in-law, who lives in London with her South African husband, had to go to the dentist for a toothache. The National Health Service dentist said the tooth was really bad and it should be pulled. Wanting to get it over with, she agreed, they pulled the tooth, but then when she got home her husband railed against her saying, why did you get your tooth pulled? Nobody pulls teeth anymore, they just do crowns. He then researched what had happened. The British National Health Service insurance reimburses a dentist for pulling a tooth, \$75. For grinding and fitting a crown, \$125. So, pulling a tooth takes about 10 minutes, and doing the grinding and fitting the crown may take a root canal, hours and many possible appointments.

"So, Mr. Speaker, follow the money. The dentist goes to choose the quicker and the cheaper. Likewise, a physician or an insurance company who says, look, your cancer is really something that's going to be too costly, why don't you consider this? This is live videos from patients in California and Oregon who are speaking, it's not me speaking, Mr. Speaker. So, it makes it look like destroying life is cheap and repairing our lives is expensive, and this bill has a downside and a cheap side to it.

"The second precaution, Mr. Speaker, the Oregon study says, the primary reasons patients choose suicide is not pain and suffering, but lifestyle and other considerations, lifestyle considerations, inconveniences, *et cetera*. This is important because everybody who goes to hospice, and we assume if someone is in hospice they're going to die, hospice has, for all terminally

ill, their own morphine tube and morphine flow control button. Pain is up, the button gets open, and more morphine to the patient. But if they really open the patient too wide and for too long, morphine can slow the breathing to the point of death. My point is, Mr. Speaker, this is already happening, and it's already legal, and it also says, well, why do we want to go beyond that, because it's already there, in terms of what people are doing to their lives?

"The third precaution, Mr. Speaker, this sends the wrong message to family members, and especially to our youth. Hey, aunty ended her life when she was feeling miserable, I'm a depressed teenager, why can't I do that? The message is, it's going to be an accepted habit, or let's say, an acceptable exit, to which, Mr. Speaker, already we have a suicide crisis among our youth in Hawaii. We're one of the, probably in the nation, the largest per capita suicide rate here. The bill will give a quick way out for the hopeless and the depressed, and maybe not with pills, but using the multitude of other options that teenagers are using now. This bill is a blinking red light for teenagers when they hate their life, they just want to end it. It seems to take away the hopes and the dreams, and as they see family members and friends, they say, look, I'm out of here, and they choose suicide.

"My fourth and final point, Mr. Speaker, is about Michael Tada. Michael has cerebral palsy and has difficulty breathing and talking, and he's testified in these committees for this floor many, many times, and he's disabled, and he speaks out for the disabled. This bill says to him that life is cheap and expendable, and if you're disabled and can't talk, he murmurs mostly, even though he's got the guts to testify, as he did last week in the Health Committee, in the Finance Committee, it's likely those who are disabled like Michael, could have those who are unfavorable in their family or associations--"

Representative McDermott rose to yield his time, and the Chair "so ordered."

Representative Ward continued, stating:

"Thank you. So, Mr. Speaker, for those disabled out there, they're not excited about this bill. Lastly, Mr. Speaker, how many on this floor chose to be born a man, or chose to be born a woman, or Japanese, or Caucasian, or Filipino, or Hawaiian? The bottom line, the point is, Mr. Speaker, we have no control over such decisions, nor should the State of Hawaii or insurance companies decide who should be allowed to live or who should be allowed to die. Assisted suicide is government giving a death license to doctors and patients and insurance companies. It sends the wrong message to our people, particularly our youth, and I would hope that as this goes on to other committees, they will consider these precautions, and particularly some of the amendments that we have discussed earlier. For those reasons, Mr. Speaker, I thank you for listening."

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

"Briefly, in support. I just wanted to point out that Hawaii actually has a relatively low suicide rate and it's significantly below the national average. Thank you."

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

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

Representative Quinlan's written remarks are as follows:

"I am in opposition because I believe that the safeguards contained in the bill are still inadequate. If a person chooses not to end their life after being prescribed the medication, there is no system to track what becomes of those lethal pills. Simply adding a line that says you shall dispose of it by lawful means is insufficient. If we are going to pass a law with such potential consequences, we must eliminate as much risk as possible, and this bill fails to do that."

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

Representative Woodson's written remarks are as follows:

"My concerns are multifaceted. To me, I believe we are interconnected, and although the decision to end one's life is personal, it's a decision that could negatively impact those who are left behind. Within the community that I have the privilege of representing, a significant number of people do support this proposal. However, the majority of individuals in my community do not support this proposal and concept. Where would we be as a society if people like Dr. Martin Luther King Jr. decided to end their life for whatever reason? Would we even have a Dr. Martin Luther King Jr. as we now know him and the impact he made on lives in this country and around the world? I do not begrudge anyone who believes in death with dignity, nor do I begrudge their communities. Fundamentally, this decision is one that needs to be made by the individual. My understanding is this proposal has sufficient support to survive the legislative process, and ultimately, whatever is the larger will of the people will come into fruition."

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

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise respectfully in opposition to this measure. This is a difficult vote for me as I witnessed firsthand how difficult it can be for our loved ones to struggle with a terminal illness. I moved back to Hawaii to be my grandmother's full-time caregiver when she was diagnosed with terminal pancreatic cancer and given four months to live. I grew up living with my grandmother and she was more like a second mother. Although it was an honor and a privilege to care for her, it was difficult to see her suffer in the last two months of her life. It was equally difficult to see the cancer take away the dignity that so characterized her entire life. It still remains the most painful and difficult time of my life. Because of this experience, I do empathize with those who are suffering and wish to have control over their own end. I also empathize with the people who do not wish to see their loved ones suffer. I have the utmost respect for the many who have advocated for HB 2739 and those who may ultimately avail themselves of the option to end their life should this measure become law. Although I empathize with those who support this measure and those who wish to have the choice to determine their ultimate health decision, I still have some unresolved bioethical concerns over the precedent set by this bill and the long-term implications of this policy if it were to be altered. I do not necessarily wish to negate this measure with a no vote, but at this time, I cannot fully affirm the measure and support it with a yes vote either."

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

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

"Mr. Speaker, no vote for me, and the simple reason is this, I still believe in miracles. Thank you."

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

Representative DeCoite rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"With reservations. I personally believe that we should give people choices in how they want to live and how they want to die. I am not sure if this bill has covered all the bases to ensure that we do this right the first time. I would like to see what information would be given to physicians, patients, and other healthcare providers that have roles covered by this law; and by whom. The entire process needs to be explained in simple to understand and follow instructions, so everyone can comply with the requirements spelled

out in the law. If those affected by this law are unclear on what is required, then we will see confusion and other possible negative consequences.

"As this bill moves forward, I hope that we gain more consensus rather than split our constituents on one side versus the other. *Mahalo.*"

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2739, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading, with Representatives DeCoite, Har, Matsumoto and Woodson voting aye with reservations, with Representatives Aquino, Cachola, Choy, Cullen, Johanson, Kong, McDermott, Quinlan, Tupola and Ward voting no, and with Representatives McKelvey, Tokioka and Yamane being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 30 through 35) and concurrent resolutions (H.C.R. Nos. 39 through 48) were referred to Printing and further action was deferred:

H.R. No. 30, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON THE VOLUNTARY USE OF FLUORIDE SUPPLEMENTS BY CHILDREN AND PREGNANT WOMEN IN THE STATE OF HAWAII AND WHETHER THE VOLUNTARY TAKING OF FLUORIDE SUPPLEMENTS SHOULD BE ENCOURAGED BY THE STATE," was offered by Representative LoPresti.

H.R. No. 31, entitled: "HOUSE RESOLUTION REQUESTING AN INCREASED HONOLULU POLICE DEPARTMENT PRESENCE ON OAHU'S NORTH SHORE," was jointly offered by Representatives Quinlan, Gates, Matsumoto, Takayama and Saiki.

H.R. No. 32, entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO INCLUDE IN ITS LIST OF FIRST RESPONDERS A NETWORK OF ORGANIZATIONS CONTRACTED TO IMMEDIATELY PROVIDE FOOD, BEVERAGES, AND ICE TO CITIZENS DURING A NATURAL DISASTER," was jointly offered by Representatives Quinlan, Belatti, Brower, Cachola, Evans, Fukumoto, Gates, Holt, Ichiyama, Johanson, Kobayashi, Lee, Lowen, Matsumoto, Morikawa, Nakamura, Nishimoto, Ohno, Saiki, San Buenaventura, Say, Souki, Takayama, Thielen, Todd, Creagan, McDermott and Takumi.

H.R. No. 33, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT INDIVIDUALS FROM APPROACHING WITHIN FIFTY FEET OF A HAWAIIAN MONK SEAL EXCEPT WHEN PROVIDING AID TO THE HAWAIIAN MONK SEAL," was jointly offered by Representatives Quinlan, Aquino, Belatti, Cullen, Gates, Holt, Ing, Johanson, Keohokalole, Lee, LoPresti, Lowen, Nakamura, Nishimoto, Ohno, Saiki, Thielen, Todd, Woodson and Yamane.

H.R. No. 34, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO STRENGTHEN HAWAII'S ECONOMIC RELATIONS AND INCREASE AND DEVELOP ADDITIONAL INVESTMENT AND ECONOMIC OPPORTUNITIES WITH AUSTRALIA," was offered by Representative McKelvey.

H.R. No. 35, entitled: "HOUSE RESOLUTION URGING THE USE OR INCORPORATION OF THE HAWAIIAN LANGUAGE INTO THE VOCABULARY USED TO IDENTIFY LOCAL FLORA AND FAUNA AND INTO SAFETY WARNINGS AND ENCOURAGING THE IMPROVED PRONUNCIATION OF WORDS IN THE HAWAIIAN LANGUAGE," was jointly offered by Representatives Todd, Cullen, Gates, Holt, Keohokalole, Kong, McKelvey, Quinlan and San Buenaventura.

H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE COST OF CONVENING A CONSTITUTIONAL CONVENTION," was offered by Representative Nishimoto.

H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE PEARL CITY REVITALIZATION TASK FORCE," was jointly offered by Representatives Takumi, Ichiyama, Johanson, Kong and Takayama.

H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE ANALYSIS OF THE REGULATION OF VIRTUAL CURRENCY BUSINESS ACTIVITIES," was jointly offered by Representatives Takumi and Ichiyama.

H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON THE VOLUNTARY USE OF FLUORIDE SUPPLEMENTS BY CHILDREN AND PREGNANT WOMEN IN THE STATE OF HAWAII AND WHETHER THE VOLUNTARY TAKING OF FLUORIDE SUPPLEMENTS SHOULD BE ENCOURAGED BY THE STATE," was offered by Representative LoPresti.

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INCREASED HONOLULU POLICE DEPARTMENT PRESENCE ON OAHU'S NORTH SHORE," was jointly offered by Representatives Quinlan, Gates, Matsumoto, Saiki and Takayama.

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO INCLUDE IN ITS LIST OF FIRST RESPONDERS A NETWORK OF ORGANIZATIONS CONTRACTED TO IMMEDIATELY PROVIDE FOOD, BEVERAGES, AND ICE TO CITIZENS DURING A NATURAL DISASTER," was jointly offered by Representatives Quinlan, Belatti, Brower, Cachola, Evans, Fukumoto, Gates, Holt, Ichiyama, Johanson, Kobayashi, Lee, Lowen, Matsumoto, Morikawa, Nakamura, Nakashima, Nishimoto, Ohno, Saiki, San Buenaventura, Say, Souki, Takayama, Thielen, Todd, Creagan, McDermott and Takumi.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT INDIVIDUALS FROM APPROACHING WITHIN FIFTY FEET OF A HAWAIIAN MONK SEAL EXCEPT WHEN PROVIDING AID TO THE HAWAIIAN MONK SEAL," was jointly offered by Representatives Quinlan, Aquino, Belatti, Cullen, Gates, Holt, Ing, Johanson, Keohokalole, Lee, LoPresti, Lowen, Nakamura, Nishimoto, Ohno, Saiki, Thielen, Todd, Woodson and Yamane.

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE; THE DEPARTMENT OF HEALTH; AND THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES AT THE UNIVERSITY OF HAWAII AT MANOA TO SUBMIT A REPORT TO THE LEGISLATURE REGARDING FOOD SAFETY," was offered by Representative Evans.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO STRENGTHEN HAWAII'S ECONOMIC RELATIONS AND INCREASE AND DEVELOP ADDITIONAL INVESTMENT AND ECONOMIC OPPORTUNITIES WITH AUSTRALIA," was offered by Representative McKelvey.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY RETAIN THE KAKAAKO RESERVED HOUSING RULES IN THEIR CURRENT, UNAMENDED FORM," was jointly offered by Representatives Har and Say.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
22	Committee on Intrastate Commerce, then to the Committee on Finance
23	Committee on Health & Human Services, then to the Committee on Finance
24	Committee on Transportation, then to the Committee on Finance
26	Committee on Finance
27	Committee on Transportation, then to the Committee on Finance
28	Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
29	Committee on Public Safety, then to the Committee on Judiciary
30	Committee on Health & Human Services, then to the Committee on Finance
<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
25	Committee on Intrastate Commerce, then to the Committee on Finance
26	Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
27	Jointly to the Committee on Water & Land and the Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance
28	Committee on Legislative Management, then to the Committee on Finance
29	Committee on Health & Human Services, then to the Committee on Finance
30	Committee on Transportation, then to the Committee on Finance
31	Committee on Health & Human Services, then to the Committee on Finance
32	Committee on Finance
33	Committee on Transportation, then to the Committee on Finance

- 34 Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
- 35 Committee on Health & Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 36 Committee on Judiciary, then to the Committee on Finance
- 37 Committee on Public Safety, then to the Committee on Judiciary
- 38 Committee on Labor & Public Employment, then to the Committee on Finance
- 39 Committee on Judiciary, then to the Committee on Finance
- 40 Committee on Water & Land, then to the Committee on Finance
- 41 Committee on Intrastate Commerce, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 42 Committee on Health & Human Services, then to the Committee on Finance

S.B.**Nos.****Referred to:**

- 2796, SD1 Committee on Health & Human Services, then to the Committee on Finance
- 2931, SD1 Committee on Health & Human Services, then to the Committee on Intrastate Commerce, then to the Committee on Consumer Protection & Commerce

COMMITTEE REASSIGNMENTS

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

H.B.**Nos.****Re-referred to:**

- 1655 Committee on Finance
- 1669 Committee on Finance
- 2248, HD1 Committee on Energy & Environmental Protection, then to the Committee on Finance

S.B.**No.****Re-referred to:**

- 2963, SD1 Committee on Tourism, then to the Committee on Judiciary, then to the Committee on Finance

ADJOURNMENT

At 1:57 o'clock p.m., on motion by Representative Morikawa, seconded by Representative Ward and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 2, 2018. (Representatives McKelvey, Tokioka and Yamane were excused.)