

FIFTY-FIRST DAY

Monday, July 6, 2020

The House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, convened at 12:08 p.m., with Speaker Saiki presiding.

The invocation was delivered by Representative Bertrand Kobayashi, after which the Roll was called showing all members present, with Representatives Creagan, Matayoshi, Matsumoto, Perruso, Thielen, and Wildberger participating remotely via videoconference.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 557 through 562) were received and announced by the Clerk:

Sen. Com. No. 557, transmitting H.B. No. 1706, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," which passed Third Reading in the Senate on July 2, 2020.

Sen. Com. No. 558, transmitting H.B. No. 1854, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTLE FIRE ANTS," which passed Third Reading in the Senate on July 2, 2020.

Sen. Com. No. 559, transmitting H.B. No. 2060, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," which passed Third Reading in the Senate on July 2, 2020.

Sen. Com. No. 560, transmitting H.B. No. 2125, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS CODE," which passed Third Reading in the Senate on July 2, 2020.

Sen. Com. No. 561, transmitting H.B. No. 2177, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDHOOD SEXUAL ABUSE," which passed Third Reading in the Senate on July 2, 2020.

Sen. Com. No. 562, transmitting H.B. No. 2744, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GUN VIOLENCE PREVENTION," which passed Third Reading in the Senate on July 2, 2020.

Representative Belatti moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Morikawa and carried:

H.B. No. 1706, HD 1, (SD 1)
H.B. No. 1854, HD 1, (SD 1)
H.B. No. 2060, HD 1, (SD 1)
H.B. No. 2125, HD 2, (SD 1)
H.B. No. 2177, HD 1, (SD 1)
H.B. No. 2744, HD 1, (SD 2)

ORDER OF THE DAY

SUSPENSION OF RULES

At this time, the Chair stated:

"Please note that Senate Bill No. 2561, House Draft 1, has been re-referred solely to the Committees on Economic Development & Business and Energy & Environmental Protection per committee referral sheet number 54. The Committee on Consumer Protection & Commerce waived its referral to this measure and therefore it is appropriate for the House to consider action for passage on third reading."

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the rules were suspended to reconsider action previously taken on S.B. No. 2561, HD 1.

RECONSIDERATION OF ACTION TAKEN

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the House reconsidered its action previously taken pursuant to the recommendation contained in Stand. Com. Rep. No. 1218-20, recommending referral to the Committee on Consumer Protection & Commerce.

SUSPENSION OF RULES

On motion by Representative Morikawa, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar.

UNFINISHED BUSINESS

S.B. No. 2561, HD 1:

Representative Belatti moved that S.B. No. 2561, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

Representative Lowen's written remarks are as follows:

"When the COVID pandemic hit Hawaii, and stay-at-home orders were issued, we saw a corresponding increase in residential energy costs, resulting in an average increase of 17% for residential utility bills. With so many families already under financial pressure, increasing utility costs are compounding financial and mental stress. It is more important than ever to increase energy efficiency in homes throughout the state, which not only reduces electric bills, but also serves Hawaii's clean energy and climate mitigation goals.

"On electric bills for Hawaiian Electric companies, there is a fee called the 'public benefits fee' which is a surcharge paid by all ratepayers. The public benefits fee revenues are then used to fund and support energy efficiency programs and services, including funding rebates for energy-efficient household appliances, for things like refrigerators, dishwashers, washers, dryers, hot water heaters, and AC units. It is estimated that appliance efficiencies will yield \$537 million in net savings to Hawaii's consumers over 15 years.

"Although the public benefits fee administrator makes every effort to educate ratepayers about the availability of these rebates, many are still unaware. One way to make sure people know that these are available is to add labels to these appliances where they are sold to advertise the availability of the rebates, and to help potential buyers to better understand how much they will save in energy costs over time by investing in efficient appliances, and by taking advantage of the available rebates that they are helping to fund every time they pay their electric bill.

"SB 2561 does just this, and, for that reason, I am in strong support of this bill."

The motion was put to vote by the Chair and carried, and S.B. No. 2561, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Kong voting no.

At 12:14 p.m., the Chair noted that the following bill passed Third Reading.

S.B. No. 2561, HD 1

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, please note that per committee referral sheet number 54, House Concurrent Resolutions Numbers 26 and 147 have been re-referred

solely to the Committee on Water, Land, & Hawaiian Affairs. The Committee on Finance waived its referral to these measures and therefore it is appropriate for the House to consider action for adoption."

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the rules were suspended to reconsider action previously taken on H.C.R. No. 26 and H.C.R. No. 147.

RECONSIDERATION OF ACTION TAKEN

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the House reconsidered its action previously taken pursuant to the recommendations contained in Stand. Com. Rep. Nos. 1235-20 and 1243-20, recommending referral to the Committee on Finance.

UNFINISHED BUSINESS

H.C.R. No. 26:

Representative Belatti moved that H.C.R. No. 26 be adopted, seconded by Representative Morikawa.

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

"Mr. Speaker, I'd like to speak against H.C.R. No. 26, please. Mr. Speaker, this is another tag-along about an issuance of an easement covering certain portions of our shoreline, this one in Kaneohe. The concern I have, again, is that the Department of Land and Natural Resources and the Governor do not have a plan for how we're going to maintain our shoreline areas. And how we maintain our shoreline areas in many instances is going to impact whether or not we preserve certain beaches in our islands.

"So, it's short sighted to allow the department to go ahead with these easements throughout our islands. This may be the last for this session, but it's certainly not an issue that's going to go away, Mr. Speaker. Things are going to just get more difficult as we have the sea level rise. And where is the leadership in the administration? It's obviously missing, it's not there. So, that means that we, as legislators, need to step forward.

"I won't be here next session with those of you who will be returning, but I hope that you will remember this as these issues come before committee hearings and, right there, dig your heels in the sand that still remains and say, no, we're not going to do this, we're going to require you to develop a plan and eventually phase out these shoreline-hardening structures to let the sea continue to do what it should do. Thank you, Mr. Speaker. It's a no vote, by the way."

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

"Thank you, Mr. Speaker. I'd like to record a no vote for this concurrent resolution please, same reason."

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

The motion was put to vote by the Chair and carried, and H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAPOKO, OAHU, FOR THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted, with Representatives Perruso, Thielen, and Wildberger voting no.

H.C.R. No. 147:

Representative Belatti moved that H.C.R. No. 147 be adopted, seconded by Representative Morikawa.

Representative Okimoto 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 H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO DISPOSE OF THE LONG-TERM WATER RIGHTS LEASES FOR HAWAIIAN ELECTRIC'S NON-CONSUMPTIVE WATER USE ALONG THE WAILUKU RIVER BY DIRECT NEGOTIATION AND PROVIDE GUIDANCE ON DETERMINING THE VALUE OF THE ANNUAL WATER LEASE RENT," was adopted, with Representative Okimoto voting aye with reservations.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1256-20) recommending that S.B. No. 2421, SD 1, as amended in HD 1, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2421, SD 1, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"In opposition. Mr. Speaker, I respect the efforts that were made on this legislation. I think that this is, first of all, very poor timing, to make permanent law regarding non-judicial foreclosures, and I think that we have additional work to do on this legislation. I understand that there was a part two that was proposed. And perhaps we should really pause and consider whether this is wise legislation to fast track in the time of a pandemic. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2421, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATIONS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1257-20) recommending that S.B. No. 3119, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 3119, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1258-20) recommending that S.B. No. 2275, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2275, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NOTARIAL ACTS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1259-20) recommending that S.B. No. 2844, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2844, SD 2, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"Mr. Speaker, I just need to declare a conflict and request a recusal for the limited purpose that a claim in this bill is something that I worked directly on in my law firm. Thank you," 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 S.B. No. 2844, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Third

Reading by a vote of 48 ayes to 2 noes, with Representatives Har and McKelvey voting no, and with Representative Belatti being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1260-20) recommending that S.B. No. 2871, SD 2, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2871, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING TRUST FUNDS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1261-20) recommending that S.B. No. 2893, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2893, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHRONICALLY HOMELESS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1262-20) recommending that S.B. No. 2894, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2894, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1263-20) recommending that S.B. No. 3117, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 3117, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1264-20) recommending that S.B. No. 2206, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2206, SD 2, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Okimoto 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 Okimoto's written remarks are as follows:

"Thank you, Mr. Speaker. In support with reservations for House Standing Committee Report No. 1264-20, Senate Bill No. 2206, SD 2, HD 2. I support the merits of this bill because it can help our homeless population, but I have concerns with the 'gut and replace' tactic utilized to move this bill forward."

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

"Mr. Speaker, in favor regarding a very good bill, except it being a gut and replace. Other than that, it's terrific."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2206, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Third Reading by a vote of 51 ayes, with Representative Okimoto voting aye with reservations.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1265-20) recommending that S.B. No. 2329, SD 2, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2329, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO IGNITION INTERLOCK DEVICES," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1266-20) recommending that S.B. No. 3158, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 3158, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1267-20) recommending that S.B. No. 2993, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2993, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1268-20) recommending that S.B. No. 2384, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2384, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1269-20) recommending that S.B. No. 2130, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2130, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE CODE," passed Third Reading by a vote of 51 ayes.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1270-20) recommending that S.B. No. 2193, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2193, 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."

Representative Okimoto 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 S.B. No. 2193, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT DISCRIMINATION," passed Third Reading by a vote of 51 ayes, with Representatives Okimoto and Ward voting aye with reservations.

At 12:24 p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2421, SD 1, HD 1
S.B. No. 3119, SD 1, HD 2
S.B. No. 2275, SD 2, HD 2
S.B. No. 2844, SD 2, HD 2
S.B. No. 2871, SD 2, HD 3
S.B. No. 2893, SD 1, HD 2
S.B. No. 2894, SD 1, HD 2
S.B. No. 3117, SD 1, HD 2
S.B. No. 2206, SD 2, HD 2
S.B. No. 2329, SD 2, HD 3

S.B. No. 3158, SD 1, HD 1
 S.B. No. 2993, HD 2
 S.B. No. 2384, SD 2, HD 2
 S.B. No. 2130, SD 1, HD 1
 S.B. No. 2193, HD 2

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1271-20) recommending that S.B. No. 2866, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2866, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND EMPLOYEE-BENEFICIARY MONTHLY CONTRIBUTIONS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1272-20) recommending that S.B. No. 2820, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2820, SD 2, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. In support. I just wanted to acknowledge the Representative from Kona, the Energy & Environmental Protection Chair, and the Finance Chair for including concerns raised by Kauai Island Utility Cooperative and for incorporating their concerns into this bill. Thank you very much."

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

"Thank you, Mr. Speaker. With reservations. I really think we should be looking at giving income tax relief to so many small business owners that need it in this time. So, just with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2820, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 51 ayes, with Representative McKelvey voting aye with reservations.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1273-20) recommending that S.B. No. 2386, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2386, SD 2, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Nakamura 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 Nakamura's written remarks are as follows:

"All four counties, between February and July of this year, submitted testimony raising concerns about this bill. These concerns have not been addressed in the final version of the bill before us. All four counties describe the negative impact of a half-mile buffer zone on current and proposed operations. While the existing bill exempts current operations, it does not exempt future expansion of current operations. This will add extraordinary costs to plan, design, relocate, and build new facilities during an upcoming fiscally challenging period throughout the state.

- On Oahu, the proposed one-half mile buffer would eliminate all 11 potential sites identified in site selection studies for the future landfill site because none would be able to comply with the buffer zone requirement in this bill (March 11, 2020);

- On Maui, the proposed bill would impact the County's landfill expansion plans by costing millions of dollars for property acquisition, subdivision, land entitlements, and legal fees to meet the one-half mile buffer requirements (June 27, 2020); and
- On Kauai, the one-half mile buffer zone would prevent the expansion of one landfill and four refuse transfer stations, thereby drastically limiting the County's ability to manage solid waste (June 29, 2020).

"For the reasons stated above, I have strong reservations and hope amendments will be made to address these valid concerns in the upcoming session."

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

"Thank you, Mr. Speaker. I will be casting a no vote on this and I would like to make a few comments, please. This is relating to waste management. And when you take a look at the testimony from the PVT Land Company, which is the entity that is helping to provide a landfill land area for so many of our industries here in this state, and what they're basically saying is it's not only going to shut them down or very much reduce what they're able to do, it's also going to have a major impact on neighbor islands.

"And when you take a look at this couple of things that they're saying because of this bill, that PVT won't accept any major project demolition debris such as the future Aloha Stadium project, that's going to have a big impact on the cost of that Aloha Stadium project.

"Now, another thing is that they won't accept asbestos-containing material. And although I'm very much not a proponent of the rail through the downtown area, what this is going to do is make projects like rail even more expensive when they come down to the more developed area of the city, and then PVT will not take the asbestos debris. And so that's going to shoot what is almost a \$10 billion, with a B, billion-dollar project even further up. Maybe that's a good reason for stopping rail at Middle Street, but that's not what this bill does.

"They go on in their testimony that none of the counties' waste or disposal facilities currently meet the one-half mile buffer requirement, and none of them then can be modified or expanded.

"So, this is a very, very far reaching bill and I think it needs to stop right here in the Legislature and for people to take a better look at this to be more actually practical as to what are we doing. Because we are going to be making just an impossible situation, certainly for this island, for the Island of Oahu. I note that the introducer of the bill is from the Big Island. It's this island that's going to carry the brunt of the problem with what is going on. So, I will be casting a no vote when the no votes are taken, Mr. Speaker. Thank you."

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

"Mr. Speaker, I rise in opposition, and may the comments of the previous speaker be entered into the Journal as my own. Because her husband was a contractor, she knows, because he knows what this business is about, that you gotta have a place to put cement, wood, and other things in demolition.

"But, Mr. Speaker, the other reason I wanted to speak up was that all of us remember a gentleman in this body who never twisted, exaggerated, or was accused of hyperbole. And that's our good friend, the Mayor now of Kauai, Derek Kawakami. He and the other neighbor island people are saying, hey guys on Oahu, this is going to hurt us big time. And for those reasons, Mr. Speaker, I take his word directly, and for the neighbor islands and what they have said to us to be gospel as to whether this bill should be passed now. Thank you," and the Chair "so ordered." (By reference only.)

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

"Support with minor comments, and that is, as this bill goes further, I know this is third reading, but hopefully in the next session we should amend this for rural communities that use transfer stations as areas of recycling. So, to allow for the transfer stations to have non-profits accept gently used recyclable items. Because that is where we normally drop off like bicycles and tricycles that other poor communities are able to pick up. And for those

reasons, I request an amendment next session. Thank you. Otherwise, I stand in support."

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

Representative D. Kobayashi rose to speak in opposition to the measure, stating:

"Speaking in opposition. Just addressing the unintended consequences of demise of PVT Land Company, which I think would be something that nobody here needs to look at what the effect is before we consider doing something of this drastic nature. So, as a result, I'm a no vote on this."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2386, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT," passed Third Reading by a vote of 45 ayes to 6 noes, with Representative Nakamura voting aye with reservations, and with Representatives D. Kobayashi, Kong, Matsumoto, Okimoto, Thielen, and Ward voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1274-20) recommending that S.B. No. 2486, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2486, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION DATA," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1275-20) recommending that S.B. No. 2262, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2262, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1276-20) recommending that S.B. No. 3103, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 3103, SD 2, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

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

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

"Thank you, Mr. Speaker. In support. This bill is one of two proposals that we are still considering this session from our joint bill proposal. And although I appreciate the efforts of Mr. Tanaka, who is currently the AS of school facilities for the Department of Education, this bill proposes establishing a new entity outside of the Department of Education to primarily focus on school construction.

"We are already seeing some of this movement towards seeking out experts to take on this mantle within the University of Hawaii under the leadership of Jan Gouveia. She has sought out outside experts, contractors, developers, to look at how they can move forward with their capital improvement projects. And if you have noticed, since Jan Gouveia has made that change, that all of the major projects on the University of Hawaii Manoa campus have been done not on time, but ahead of schedule and actually

under budget. Ahead of schedule and under budget, since she made that minor adjustment.

"And so, this proposal takes that a step further. And we're saying that we would like to establish a new entity outside of the Department of Education to take on this mantle for our kids. And that will give the Department of Education the sole and primary responsibility still of just focusing on educating our kids.

"I would like to also, although I believe through effort and everyone's involvement, we took care of a lot of the concerns that were brought up in the various committees. There was one significant concern that was still outstanding as it relates to Budget and Finance's comments that they submitted to the Committee on Finance. Their concern was that moving forward with this new agency could potentially jeopardize the department's tax-exempt status. And I would say that that may be true in certain circumstances but not in most circumstances.

"And what I mean by that is, it is true that if you have a piece of land and you have an improvement thereon, like a school or a building, that if that property is financed, that any type of financial instrument that's attached to that structure, you had to adhere to the constructs of that financial agreement. So, that is true for GO bonding or any type of other financing. However, this new school facilities agency is going to be focused on different financial structures and mechanisms that potentially would not adhere to that same type of financial instrument.

"But let's just say for the sake of argument that you do move forward with some of these similar or same types of financial instruments. Part of the thing that this potential agency is going to be doing is looking at how we as a state can better leverage our most primary assets. How can we get the best and highest use out of our resources?

"And so, moving forward, as an example, conceptually, this new school agency will look at mixed-use improvements on the land. So, you might have a situation where you have a school at the bottom of a building and then you have potentially commercialization or other types of retail opportunities that take place on top. So, what does that mean? That means that you're able to actually generate revenue from the retail space while simultaneously you're educating the kids. That is a better and higher use than just taking advantage of a piece of property that is sitting and is appreciating naturally. So, you force the appreciation up, which increases the value more rapidly, and you are generating revenue, and simultaneously you're also educating the kids.

"So, not only are these processes making, potentially, the development of schools more effective and efficient, which is important in this post-COVID era in terms of saving resources, it's also bringing in potential revenue for the State."

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

Representative Woodson continued, stating:

"Thank you, sir. So, I would argue that over time if you have one, two, or three of these types of properties that are transpiring throughout the state, then in fact it is actually worth surrendering that tax-exempt status. Because any savings that you get, out of saving that exempt status, the amount of money that you would be generating through revenue, through these commercialization opportunities, would be much greater. So, the simple math would suggest over time it's better to actually surrender that tax-exempt status than it is to try to adhere to some of those general bond obligations and move forward with that old model.

"And I'm going to say from a practical sense, I, in my capacity as chair, have had the opportunity to take a look at some of these structures on the mainland. And you'll see public schools that are just beautiful, they're immaculate, they're bright, they're clean, they have all these bells and whistles to them. Then I think back about how our schools look. And I ask the question, are we doing the best by our kids? It's a stark difference.

"So, to me, I'm thinking that moving forward with this type of proposal helps address that question. Because it's a new way of looking at how we move forward with construction, and it will potentially afford us some of

those same opportunities to look at and have some of those 21st century schools like they do on the mainland.

"And in closing, I would say, when I first had the opportunity to become a legislator, one of the first things that I did was I went and visited all my schools in my district. I met with the principals and vice principals, and I asked the question, what is it that you need in terms of capital improvements and repair and maintenances? And the need, I would say, was great throughout the district.

"But one unique situation that I had was when I went to one of my schools, Maui Waena Intermediate School, which is one of two middle schools in Central Maui. At the time, these two middle schools were grossly over capacity. They are again today, unfortunately, but this was about seven years ago. They were over capacity. I was walking through the campus with then the principal, Jamie Yap. We walked in a classroom in which instruction was happening. It was very hot, by the way. Construction was happening. We walked through the classroom. No one batted an eye, they just kept their eyes on the instructor, which I thought was weird, because normally when you walk in a classroom, you see people you don't know, you kind of stop and you see what's happening. They kept their eyes on the instructor. We walked to a door that said 'storage room A' on a plaque. We walked into that closet and there was a classroom in there. There was a classroom in there because there was a building that was scheduled to be built and it was 13 years behind schedule.

"And so, this story I think is not unique, it's not rare. I think many of us have stories like this. So, this is an opportunity for us to look at a different way of moving forward and to better provide these environments for our kids so that they can learn and thrive. And for these reasons, Mr. Speaker, and others, I stand in support of this proposal."

Representative Tokioka 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 Tokioka's written remarks are as follows:

"Mr. Speaker, it is my opinion that this is not needed, especially in time of a global pandemic."

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

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

"Mr. Speaker, with reservations, two-word comment. Let's chance 'um.'"

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

"Mr. Speaker, I oppose this legislation, and I've spoken on it before. I had major concerns that were addressed through the committee process. So, I am grateful for the work of the chairs in removing so many of the exemptions that were problematic in this measure that seeks to privatize one aspect of our public infrastructure, which is public schools.

"My objection comes primarily, and I echo the sentiments of the Board of Education chair and many of the comments of other stakeholders, this measure generated a lot of testimony, a lot of concern. And my concern is again, about the privatization aspect. And also, the appearance of creating a new separate agency in this time. So, with those kinds of considerations in mind, I'm in opposition."

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

"Mr. Speaker, just a short comment. In support of the bill, but I have to note, and I hope members will note, that the Department of Education will have no legal place on Oahu to take their construction and demolition debris because of the bill we passed on the prior page. Thank you."

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. While I can appreciate the need for a dedicated school facilities agency within the Department of Education (DOE), I have questions about how this will be different than what is already in place. Due to the COVID-19 pandemic and limited participation in the Lower and Higher Education Committee (LHE) hearing, I was unable to ask my questions and hear directly from DOE how this will be accomplished."

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

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

"Thank you, Mr. Speaker. I stand in support. This measure was one of the four measures by the majority that was pushed earlier. And I stand in strong support because in our District 39, where I represent, we do have a new school that is coming up, Honouliuli Middle School, which is the East Kapolei middle school. But you also have what it was supposed to be, East Kapolei High School. You had new buildings at Campbell High School, at Waipahu High School, you have the community asking for a new building at Waipahu Intermediate.

"And, Mr. Speaker, when we go out into the community every year and we are at community events, we talk to our constituents, families of the students that are there. And one of the things that we always do, we always put the capital improvement projects in our newsletter to let our communities know what we have done. Well, as you can see, funding is probably getting a little more slow because of our economy. But we are also using this as part of the way to stabilize and build our economy.

"So, if we're looking at new ways to do construction, or new ways to do planning for Department of Education, or in this case, another entity that can help our community, I look at it as a fairness issue. Because, Mr. Speaker, when I go to my constituents, and we always say, we are working on it. This is another mechanism for us to show that we are working for our constituents on getting the students and the families in our district the resources, the tools, the infrastructure that they need to compete globally. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. In support, short comment. Mr. Speaker, I agree with the previous speakers that spoke in support as far as options to move forward capital improvement projects that we so sorely need. And I think this is a good one.

"As far as adding on to the conversation on taxable, non-taxable bonds, Mr. Speaker, we currently, when we do airport projects and we float taxable and non-taxable revenue bonds, we already have a system that we can emulate. They build common areas with non-taxable bonds, and areas that we use concessions, they use taxable bonds. So, there's ways we can carve that out. So, Mr. Speaker, I think that issue is moot, and I think this bill is a great bill. Thank you."

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

"Thank you, Mr. Speaker. In strong support with just brief comments. Mr. Speaker, January 2020 seems like ages ago, when we were putting together our joint majority package. This is one of those bills in that package. We tasked our chairs to think outside of the box and to work with community stakeholders. This bill represents that work and represents a leap forward in what I believe will be something that can help boost our economy and our construction as we move forward into this new world. Thank you."

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

"Thank you, Mr. Speaker. In support. May I have the words of the Representatives from Kahului and Waipahu entered into the Journal as if they were my own? Mr. Speaker, I'm in support of this bill. The Hawaii public schools have facilities that are over 65 years old. Do the math. Most of them were built in the '50s. I applaud this outside of the box kind of thinking, because without it, in 65 years, we're just going to have facilities that are 65 years older. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In strong support. This bill is 10 years in the making. It started with the Legislature's vision of creating 21st century schools. And 21st century schools really meant optimizing our school facilities for the betterment of our schools. So, we just wanted to thank all the chairs, including the Chair of Education, the Senate Chair, and all the visionaries from 10 years ago. Thank you very much."

Representative Ward rose to respond, stating:

"Mr. Speaker, the test of the pudding is in the tasting. And I'm pleased to hear that it is part of the majority package, because I suggested someone who's never done anything like they're going to do needs monitoring, needs encouragement, and needs to be, as sometimes the Chair of Finance holds their feet to the fire. Because this is out of the box, but it's really going to take an effort, because heretofore with the money they have not been able to do it. It's a leadership, it's a structural, it's an organization. And it's something I hope the majority will continue to monitor and facilitate. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3103, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A SCHOOL FACILITIES AGENCY," passed Third Reading by a vote of 50 ayes to 1 no, with Representatives DeCoite, Har, Kong, Tokioka, and Ward voting aye with reservations, and with Representative Perruso voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1277-20) recommending that S.B. No. 2523, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2523, SD 1, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Okimoto 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 Okimoto's written remarks are as follows:

"Thank you, Mr. Speaker. In support with reservations for House Standing Committee Report No. 1277-20, Senate Bill No. 2523, SD 1, HD 2. I support the merits of this bill because the Fernhurst program has a proven record of reducing inmate recidivism. However, I have strong concerns with the 'gut and replace' tactic utilized to move this bill forward, but understand that these are unprecedented times."

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

"Thank you, Mr. Speaker. In support. I just wanted to thank leadership as well as the Finance Committee for taking up this measure and supporting the community-based work furlough program for women in these difficult times. And permission to insert further written comments to the Journal. Thank you."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker, for the opportunity to submit additional written comments in support of SB 2523. This is an extraordinary measure in response to extraordinary times.

"The Department of Public Safety (PSD) recently informed the community that they are ending the YWCA Fernhurst work furlough program on June 30, 2020 and will transfer the women currently in the program back to prison. In this COVID-19 pandemic, allowing the mixing of work furlough inmates with prison inmates creates unnecessary risk to the prison population and correctional staff.

"The Legislature also recognizes the importance of community-based work furlough programs. Since 2015, PSD has contracted with the YWCA of Oahu to place up to 23 women from the women's community correctional center in a residential program that provides a supportive environment geared towards re-entering society and rebuilding their lives. The program is designed to be gender-responsive, trauma-informed and culturally

sensitive, addressing the unique needs of women inmates. It also supports re-entry and rehabilitation, a model encouraged nationwide. All program participants receive wrap-around services from life-skill coaching to job readiness and job retention.

"The YWCA Fernhurst is the only community-based furlough program in the state and serves women who are between a year and six months of being released on parole or completing their sentence. As these women become income-producing members of our community, they can provide for their families and pay taxes. They shift from being a cost to the state to a source of revenue. More than half of the YWCA Fernhurst residents are Native Hawaiian. More than three-quarters of them are mothers.

"Studies on recidivism show that former offenders who are not incarcerated for at least two years after being released from their sentences are unlikely to recommit crimes. For graduates of the YWCA Fernhurst program, between 2015 and the first quarter of 2019, 84% were not incarcerated, a recidivism rate of 16%. That is less than half the statewide recidivism rate for female parolees, which is 34%.

"Contrary to claims made by PSD in their letter to the Legislature dated June 29, 2020, the budget bill passed by the Legislature in May shows no reductions to the operating budget of the women's community correctional center that would impact the ability to provide contracted services. Budget reductions for all state agencies were based on vacant positions within each department, not appropriations for other current services or contracts. Furthermore, after factoring in vacant position reductions, the women's community correctional center (PSD409) received a net increase of \$1,550,443 for fiscal year 2020-2021.

"I am deeply grateful to House Leadership and the Finance Committee for taking up this issue on such short notice and for their swift action to support the participants in the YWCA Fernhurst program. Thank you."

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

"Thank you, Mr. Speaker. In strong support, request to insert written comments."

Representative Belatti's written remarks are as follows:

"I rise in strong support of Senate Bill 2523, House Draft 2.

"In the heart of District 24 there is a place for women to seek second chances and transition to better lives. YWCA Fernhurst is the state's only community-based work furlough program for women inmates. Fernhurst has provided wrap-around services from life-skill coaching, mentorship, to job readiness and retention for hundreds of women. The program is designed to be gender-responsive, trauma-informed, culturally sensitive, and supports re-entry and rehabilitation. Fernhurst gives incarcerated women the tools they need to have a successful future.

"The alternative to Fernhurst is prison – where women are not afforded the same rehabilitative services and sense of community. It is our *kuleana* as state leaders to safeguard community-based programs like Fernhurst. We have heard directly from Fernhurst graduates just how important this program is in preventing re-incarceration. Our public safety system must be more focused on advancing holistic, person-centered programs like those found at Fernhurst.

"The women from this program are our neighbors, our sisters, our friends, and people we should uplift. I am proud of these women and their progress to better themselves and take on productive roles in our communities. Restoring funding for the YWCA Fernhurst work furlough program is an obvious choice that I hope can be fulfilled long into the future."

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

"Thank you, Mr. Speaker. Strong support. We just wanted to thank you, Speaker, for spearheading this effort. This type of situation where we take a subject and address it in this fashion is not something that we like to encourage, but in this situation, it was completely needed, and that's why we have the type of legislative tools that we have. And we just wanted to thank you, Mr. Speaker, for your strong leadership in supporting especially the Women's Caucus and the women members, and also the male members of

this House that took a stand to make sure that the women who were at Fernhurst continue to benefit from the furlough program. So, thank you, Mr. Speaker."

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

"Mr. Speaker, in support, with a commendation to the majority showing flexibility. Where there's a need, there can be a self-correcting mechanism, and that's called democracy. Self-correction where this was possibly being overlooked and now it's front and center.

"The second thing I love about this bill, it turns recidivism on its head. The actual rate of recidivism in the general public safety system is 75% within three to five years have recommitted something. This is the exact opposite. These women who come out and on furlough, they are the least likely to commit within 10%, 15%, 20% for recidivism. That is excellent. This is worth every dollar. And I thank again the leadership for the flexibility to bring this back, fund it, because democracy is self-correcting. Thank you."

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

Representative Lee's written remarks are as follows:

"Thank you, Mr. Speaker. I received this email recently from a graduate of the Fernhurst Program, that I would like to enter for the record:

I currently work at YWCA O'ahu and it is with great sadness that I write this letter. The Department of Public Safety recently decided to close the work furlough program at Fernhurst before the end of the month.

Prior to becoming a YWCA employee I was a client and recipient of the benefits of their Economic Advancement programs. I resided at Fernhurst in the Home Base program upon completing the TJ Mahoney Work Furlough program. I spent 36 years in prison and had so much to learn to navigate upon my release.

These programs are such a great value to the women who participate in them, and to the community as a whole. These programs are helping the women reintegrate into society, become gainfully employed, contributing members of their community. It allows them the opportunity to get reacquainted with the community gradually, navigate the world in a positive and supported manner. The programs help them acquire and hone the skills/tools they need to become successful in their lives.

The staff at Fernhurst are supportive of the women transitioning, giving them guidance when needed. For a woman, coming out of prison facing many challenges can be daunting without support and understanding of those particular challenges. In my experience, I am not sure what I would have done, or how I would have handled the challenges that came my way without the support and guidance I received while in the programs. Today I am self-sufficient and successful, and I give so much of the credit to the programs I was able to participate in.

The early release of inmates who do not have the means to cover their basic needs will only set them up for failure. The work furlough program operated on prison grounds cannot provide the same environment as one held in a transitional environment outside of locked gates and prison cells.

Resolution 2017 HCR 158 calls for the continuation and expansion of the community-based work furlough programs to assist female inmates transition back into society.

Now as a YWCA staff member, I have the opportunity of working with these women; sharing my story with them and supporting them in their journey. It is very special and important to me to have this avenue to be able to give back for all that I received.

I ask you to please urge Governor Ige and Public Safety Director Nolan Espinda to continue the community-based work furlough program.

I thank you for your time and consideration on this matter. I hope and pray that you will help save this valuable community asset."

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

"Thank you, Mr. Speaker. I'd just like to lend my strong support for this measure and appreciate leadership's nimble quick action to remedy something that was going to be detrimental and unjust, and holding the

departments accountable for what they're using their funding that we offer them. It's a step in the right direction toward achieving a less penal-focused system and moving toward a system of restorative justice. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2523, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 51 ayes, with Representative Okimoto voting aye with reservations.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1278-20) recommending that S.B. No. 2638, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2638, SD 2, HD 3 pass Third Reading, seconded by Representative Morikawa.

Representative Okimoto 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 Okimoto's written remarks are as follows:

"Thank you, Mr. Speaker. In support with reservations for House Standing Committee Report No. 1278-20, Senate Bill No. 2638, SD 2, HD 3. I support the merits of this bill to strengthen government's response to domestic violence while also increasing offender accountability. However, I have strong concerns that this is a 'zombie' gut and replace bill which contains another bill that did not meet our legislative deadlines."

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

"In strong support. This is a multi-year effort by the Women's Legislative Caucus to try to expedite domestic violence cases which had victimized victims time and again because of delays, especially now with COVID-19 shutting down the courts. This is a way for abusers to acknowledge their sins, move on, yet keep families together for those who are able to finish the programs.

"This is a step in the right direction. It is about time. And we hope that the five-year program will show what the victims and prosecutors from the County of Kauai, and Maui, and the Big Island have said all along, that we need to give them an opportunity to acknowledge their sins and still be able to be accountable to the victims and give the victims the rapid resolution that they need. And for those reasons, I'm in strong support of this bill."

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

"Thank you, Mr. Speaker. In strong support as well and would like the comments of the previous speaker entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2638, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Okimoto voting aye with reservations, and with Representative Ward voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1279-20) recommending that S.B. No. 2940, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2940, SD 2, HD 2 pass Third Reading, seconded by Representative Morikawa.

At this time, Representative Ward offered Floor Amendment No. 4, amending S.B. No. 2940, SD 2, HD 2, as follows:

SECTION 1. Senate Bill No. 2940, S.D. 2 H.D. 2, is amended by amending section 109-C on page 1 to read as follows:

"§109-C Development guidance policies; established. (a) The following shall be the general development guidance policies governing the stadium authority's actions in the stadium development district for the purposes specified in section 109-B(b):

- (1) Development shall be in accordance with any county transit-oriented development plan unless modified by the authority pursuant to paragraph (2);
- (2) With the approval of the governor, the authority, upon the concurrence of a majority of its voting members, may modify and make changes to a transit-oriented development plan with respect to the district to respond to changing conditions; provided that before amending a transit-oriented development plan, the authority shall conduct a public hearing to inform the public of the proposed changes and receive public input;
- (3) The authority shall seek to promote economic development and employment opportunities by fostering diverse land uses and encouraging private sector investments that use the opportunities presented by the rail transit corridor project consistent with the needs of the public, including the development of mixed-use housing and affordable housing;
- (4) The authority may seek entities to purchase the right to name the stadium and its facilities within the district.
- (4) (5) The authority may engage in planning, design, and construction activities, including on-site repairs, within and outside the district; provided that activities outside the district shall relate to infrastructure development, area-wide drainage improvements, roadway realignments and improvements, business and industrial relocation, and other activities that the authority deems necessary to carry out development of the district and implement this chapter;
- (5) (6) Archaeological, historic, and cultural sites shall be preserved and protected in accordance with chapter 6E;
- (6) (7) Endangered species of flora and fauna shall be preserved to the extent required by law;
- (7) (8) Land use and development activities within the district shall be coordinated with and, to the extent possible, complement and support existing county and state policies, plans, and programs affecting the district; and
- (8) (9) Public facilities within the district shall be planned, located, and developed to support the development guidance policies established by this chapter for the district and any rules adopted pursuant to chapter 91 to implement this chapter.

Representative Ward moved that Floor Amendment No. 4 be adopted, seconded by Representative Okimoto.

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

"Mr. Speaker, this is an amendment that is very simple, very straightforward. And I have just three reasons to ask for my colleagues' consideration. First, let me explain what it is. It basically adds one phrase that says, the authority, that is the Stadium Authority, may seek entities to purchase the right to name the stadium and its facilities within the district.

"Mr. Speaker, the key words here are 'may' and 'purchase.' This is not to be confused with when you go to the UH and you buy a federal credit union banner and you stick it on the side or you do some other sort of thing that puts money into the coffers of the UH for the stadium. This goes to the State of Hawaii, of which we are in about in the process of building.

"Now for the three reasons, Mr. Speaker. The first reason is that naming rights is a time-honored tradition and practice in America. Way back in 1912, the Boston Red Socks had Fenway Park named after Fenway Realty. It was the name of the owner of the property, and that is often the case in many parts of the mainland presently.

"Most of you remember that we have done naming in the past and it's not a strange concept. We have named Tetsuo Harano Tunnel after Tetsuo Harano, who was named because of his 40 years of service within the department. But naming rights basically gives the sponsor the physical

branding or the advertising and the signage of the stadium. It's not just the name, it's actually the use of it. And sometimes they even have exclusive supply rights. For example, if it's Pepsi or one of the others, they may say, your stadium can only have these kind of drinks, *et cetera*.

"And then, one of the other benefits for the naming rights is for the backend benefits, where sponsors have exclusive viewing and dining areas designated to where their company and their wanting give VIPs a bit of a treat, if you will, as they do in many stadiums.

"So, for the first reason, Mr. Speaker, naming rights have been around for a long time, and Hawaii has not been monetizing them. And the time may be now, to monetize naming rights.

"I know we've done naming rights, the DKI, Daniel K. Inouye Airport we have named in honor of him, which is great. And Spark Matsunaga at the VA. But this is an opportunity, Mr. Speaker, which I think we need to take advantage of. And even though, in the past, we've not been very good at naming rights because we've have lessor's remorse when we basically rented out Mauna Kea for \$1 a year to those huge telescopes, but that's another issue.

"So, Mr. Speaker, let me go on to the second reason for introducing this amendment. Because, and this is really a serious bottom line, it will save taxpayers money. Mr. Speaker, the taxpayer is going to spend at least \$325 million to build the stadium. And if it follows everything else that we do in construction, it's probably a lowball amount of money.

"But let's look at what the record is and what some stadiums that have been built in the past have brought in money. If we look at Scotiabank, it's the top of the line, \$639 million they've paid for that stadium. And that's 30 years of usage of the name. MetLife, \$425 million. The Chase Center, \$300 million to \$400 million. The Citi Field, \$400 million. Mercedes-Benz Stadium, all of you watched the Super Bowl, you saw the Mercedes-Benz Stadium as they went from the helicopter down into, they saw the huge logo that's on the front of all the Mercedes-Benz. Some others to name, Hard Rock Café also has a stadium which they paid \$250 million for. The FedEx Field is also one that's rather known. Even Minute Maid has one. And believe it or not, Little Caesars Pizza paid \$121.5 million for 29 years of naming rights."

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

Representative Ward continued, stating:

"Thank you, sir. So, Mr. Speaker, we might be asking ourselves, what if we give naming rights and nobody shows up? Well, Mr. Speaker, if we look at the assets that we have in the State of Hawaii, those representatives from the Big Island, they have a gold coast. Some representatives from Maui and Molokai, they've got the owner of Oracle. We've got all kinds of money. We've got Matson, we've got others who have never been asked to do this. And quite frankly, Mr. Speaker, it's time that we asked these big boys to step up. If they want to help the State of Hawaii, this goes directly into the taxpayer's coffer and not into any other area of concern.

"If you notice some of the things that I've said, Scotiabank was \$639 million, Lucas Oil which was \$122 million. Even if we get half of that, \$50 million is an amount that will help taxpayers. Especially, Mr. Speaker, I'm going to say this, at a time when we just gave pay raises of \$150 million when we have no money and we have a \$2 billion to \$3 billion deficit, we need all the money we can get.

"So, Mr. Speaker, this amendment is a no-brainer. It's one that if we have those people out there, and we know there's never a shortage of money when people look at Hawaii. We have no shortage of money at all. So, in summary, Mr. Speaker, I forgot my visual aid, the Representative from Kailua can appreciate this, this was supposed to be shown when I said it's the deficit. More hardship is coming, Mr. Speaker. This is because of the debts that we have and the way that we can get out of it is by passing this amendment.

"So, in summary, naming rights is a time-honored tradition. It's a practice in America that could be practiced in Hawaii and is worth \$100 million to \$600 million. Secondly, this amendment could save taxpayers the amount

of money which otherwise in the hard economic times that we're into, we cannot afford not to raise funds from the private sector. And thirdly, Mr. Speaker, we are in debt and we are in debt big time. We have to fiscally plan how we are going to get out of it.

"Lastly, for those who are concerned that, well maybe nobody's interested, and maybe the Stadium Authority's not interested, it says they 'may' do this. Let's give them a little bit of an incentive, boost them into saying, hey guys, ask for some money. The equivalent of it is when we were freshmen and we always had a fundraiser, we were scared to ask people for money. Because if I ask for money, I'm afraid they may refuse, they may turn me down. Well, that's something you gotta get over. If you don't ask, you don't get. That's the saying, Mr. Speaker. And we need to ask.

"So, in conclusion, Mr. Speaker, on behalf of my constituents and I hope yours, let's save the people of Hawaii \$100 million to \$600 million and get out of the \$2 billion deficit that we know and they know that we need to fill. So, Mr. Speaker, please don't let political party myopia or the origins of this amendment get in the way. I'm just a rep just like you. This is not about me or my party, this is about saving taxpayers money and that's all.

"And with all due respect, Mr. Speaker, and I hate to say this, there unfortunately still lingers a strain of political racism or bipartisan phobia we have not yet outgrown in the State of Hawaii. I would only hope that, Mr. Speaker, that the means in the measure such as this, like this, would be seen in the interest of the people of Hawaii and not in the interest or advantage or disadvantage of a political party.

"For these reasons, Mr. Speaker, I request passage of this amendment, and let's not throw aside, put aside, or not take advantage of \$100 million to \$600 million that we need for the State of Hawaii. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support of the amendment. And I would like to remind this body that last session we had a naming rights bill, naming rights for schools in order to have the names of our famous athletes that have made a lot of money, and also, most importantly, Mr. Speaker, to lessen the budget of the Department of Education. And this body fully supported that bill about naming rights. So, I just would like to remind the members that naming rights is a very good bill. It's a very good measure to help the taxpayers and also to fund the wonderful people that this state has produced. Thank you, Mr. Speaker."

Representative Belatti rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition, just very briefly. Passage of this floor amendment will delay passage of the underlying bill, which is much needed because of the economic driver that development of Aloha Stadium represents. So, in opposition, Mr. Speaker."

The motion that Floor Amendment No. 4, amending S.B. No. 2940, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM DEVELOPMENT DISTRICT," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry.

(Main Motion)

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

"Mr. Speaker, I speak in opposition. I appreciate the work that the chairs have done on this bill, in particular the Chair of Labor. But I am still concerned that this bill does exempt these lands from the definition of public lands. So, for that reason, I stand in opposition."

Representative D. Kobayashi rose to speak in opposition to the measure, stating:

"Speaking in opposition. My opposition relates to the ability of HCDA to issue 99-year leases on the public lands, which include crown lands. That's the primary reason why I'll be voting no on this."

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

"Mr. Speaker, in opposition. Being that we're throwing away \$100 million to \$600 million, I cannot support a bill that is a waste of taxpayers' money and effort. We need the stadium, but we got to be thinking wisely, entrepreneurially, innovatively, and creatively. Again, it's a no-brainer to ask for naming rights. And I hope, if people would listen to even this argument, they may do it on their own. Maybe we don't have to do that. But, Mr. Speaker, this is a no-brainer that every place does. And if it doesn't work, we've lost nothing. This is low risk, high gain. It's a no-brainer, Mr. Speaker. And for those reasons, without it, I think it's a poor bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2940, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM DEVELOPMENT DISTRICT," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Eli, D. Kobayashi, McKelvey, Perruso, and Ward voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1280-20) recommending that S.B. No. 2060, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2060, SD 2, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

Representative Lowen's written remarks are as follows:

"In support of SB 2060. Climate change is the overarching challenge of our times, and of particular concern to the State of Hawaii. Rising sea levels are already impacting Hawaii's residents, infrastructure, and natural resources. We are seeing increasing coastal erosion, shrinking beaches, roads being swept by waves, and ocean-front homes at increasing risk of being damaged during storms.

"The Hawaii Sea Level Rise Vulnerability and Adaptation Report, which was accepted in 2017 by the Hawaii Climate Change Mitigation and Adaption Commission, predicts that approximately 6,500 structures and 19,800 residents statewide will be exposed to chronic flooding in the 3.2 foot sea level rise exposure area, accounting for approximately 25,800 acres. Thirty-eight miles of coastal roads will become impassable, cutting off critical access for many communities. Our state has already lost 13 miles of beaches due to shoreline armoring and seawalls, and many more miles could be lost if this practice continues indiscriminately. The projected loss of land and infrastructure due to sea level rise is valued at over \$19 billion if we experience 3.2 feet of sea level rise by the year 2100, which is a conservative estimation for how much sea level rise we can expect to experience.

"When coastal properties are threatened by erosion and flooding, state and county permitting authorities often are faced with pressure from property owners to permit structures like seawalls and revetments to protect their properties. Shoreline hardening measures may provide temporary relief for erosion issues, but also lead to loss of beaches and increased erosion on adjacent properties. Furthermore, these coastal properties are still increasingly at risk of storm damage, which is a cost that often winds up being borne by all taxpayers, and not just the property owners.

"SB 2060 bolsters the coastal zone management act to address these issues by requiring new developments to plan for the impacts of projected sea level rise, restricting development in areas impacted by coastal hazards and projected sea level rise, protecting state and public shoreline access, and increasing the minimum shoreline setback. It also provides better guidance to state and county permitting authorities to consider the impacts of shoreline hardening measures on adjacent properties and the public trust when they are asked to permit or grant a variance for a new structure or repairs to existing structures.

"This bill is an important and necessary step to help us prepare for the coming impacts of climate change and sea level rise, to protect our coastal

resources, increase resilience, and improve the quality of life of Hawaii's residents. For these reasons, I support SB 2060."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2060, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Kong voting no.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1281-20) recommending that S.B. No. 2794, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2794, SD 1, HD 2 pass Third Reading, seconded by Representative Morikawa.

Representative Belatti moved that, notwithstanding the recommendation contained in Stand. Com. Rep. No. 1281-20, that S.B. No. 2794, SD 1, HD 2 be recommitted to the Committee on Finance, seconded by Representative Morikawa.

The motion was put to vote by the Chair and carried, and S.B. No. 2794, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was recommitted to the Committee on Finance.

At 1:13 p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2866, SD 2, HD 2
 S.B. No. 2820, SD 2, HD 2
 S.B. No. 2386, SD 2, HD 2
 S.B. No. 2486, SD 1, HD 1
 S.B. No. 2262, SD 1, HD 2
 S.B. No. 3103, SD 2, HD 2
 S.B. No. 2523, SD 1, HD 2
 S.B. No. 2638, SD 2, HD 3
 S.B. No. 2940, SD 2, HD 2
 S.B. No. 2060, SD 2, HD 2

SUSPENSION OF RULES

On motion by Representative Morikawa, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Final Reading by consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 3-20 and H.B. No. 285, HD 1, SD 2, CD 1:

Representative Belatti moved that the report of the Committee be adopted, and that H.B. No. 285, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. I'm in opposition, I'd like to insert comments in the Journal. It's not a reflection upon the chair, the author of the measure, who is an excellent legislator. I have some concerns about the timing. Is it a reaction to the despicable act that took place against Mr. Floyd? And now our timing is a new context where the police are actually being targeted across the nation, and they're not feeling the confidence of the public. And as we can see, their performance, if you look at places like New York City and Minneapolis and across Los Angeles, their performances has gone down as they perceive the confidence from the public in them has gone down. You just look across the country.

"And there's a sense that they should be treated like every other public employee. They're not every other public employee. They make life and death decisions, split-second decisions. Nobody cares if the Board of Water Supply clerk number two gets suspended. But to have a report come out once a year and be transmitted and here's the officers who were suspended, it could be because he put diesel fuel in a regular gas tank and they have to do an investigation, it wasn't malicious, whatever.

"Those names are going to come out, and the first place they're going to go is the Advertiser, and they're going to write a story. And this officer may be a great officer, but his family is going to be publicly shamed. And for those reasons, I'd like to insert comments into the Journal, of course. For those reasons I'm against the measure and I stand with SHOPO. Thank you."

Representative McDermott's written remarks are as follows:

"Thank you, Mr. Speaker. At this time, I rise in opposition.

"This bill is a joke as far as police reform is concerned. Yes, it might make the inner workings of the police departments more transparent to the public. But transparency is supposed to be used as a tool for better governance. Things like the budget, or how elected officials vote should be transparent. Elected officials can be held accountable by the public through public elections, that's how transparency is a tool. It provides leverage for the public to act on their representatives.

"The transparency this bill creates doesn't offer any leverage for better governance, though. The public shouldn't be involved in the disciplinary actions of a department. If there is criminal action by a police officer, then I agree their name should be made public, but only after they are charged and taken to court.

"This mantra of 'who polices the police' is a valid question, but I don't think it should be the public. By releasing names to the public in response to their distrust of the police, we are essentially endorsing that the masses should hold police accountable. But how would they do that? Ridicule, shunning, or will they take justice into their own hands? Vigilantism?

"Imagine being a young person today. Imagine you are fresh out of high school. You want to do good deeds for your community, you want to fight evil in the world, and the police department seems like a good starting point. You go through the academy, you are motivated, and you are excited to be doing a job that helps people. But, you are inexperienced in the world, we all had a lot to learn still when we were nineteen. Now, one day you make a mistake, you accidentally put diesel in a squad car instead of gas. You are suspended while they investigate if this was malicious or an accident. Either way, your name gets published in a report to the Legislature as being suspended while a police officer. The reason is something like, 'neglect and destruction of government property.' Now, for the rest of your life that's in the public domain. Even if it turns out it was found to be an honest mistake, like we all have made, you have to justify to every future employer why this comes up when they do a search of your name.

"And this is a minor mistake. I can only imagine the hate and contempt the public would have for an officer listed with a more serious allegation that was later dropped. But how would the public know that part? I doubt many of them will take the time to look into the matter and learn the facts of the case. These young people's lives will be ruined if we pass this bill.

"If we are going to take up police reform, let's do it right. Not just pull out a bill that was drafted years ago and try to pass it off as the answer everyone has been looking for. This is lazy lawmaking. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in opposition. I just want to start, I understand the intent of the bill, I do have some comments I want to say. Over the past few weeks, I, like many of us, have been disturbed by the reports from around the country of police misconduct. If there are coverups and abuses of power by officers and departments, the public should be made aware. However, disclosing officers' names for suspension while investigations are still pending is bad policy.

"There is a difference between holding someone accountable to the law, which we should do, and opening them and their families up to possible harassment and retaliation. The only justice here is vigilantism. Publicly disclosing names of officers for what may only prove to be allegations of wrongdoing can ruin their reputation for life, especially in our tight-knit island communities. Anything the media publishes will be out there forever haunting them and their families.

"Accountability means holding people responsible for their actions, and I, for one, am all for accountability. But this should be done through impartial oversight committees. We use courts and judges to settle disputes so that decisions are made based on facts, not whichever way the wind of public hysteria happens to be blowing that day. The public will bring their preconceptions and biases to judge these officers regardless of the facts.

"If police officers are found to have done something criminal, then yes, their names should be disclosed. But putting their name out there based on allegations alone will mean a single mistake can now end careers and destroy lives. And I want to also add again, as a mother, to families that may be affected by this.

"While we should hold our law enforcement officers to a higher standard, we must also ensure that they are entitled the same constitutional right of due process as are all of our citizens. Elected officials should work on improving impartial forms of oversight for police, not simply publishing names for the public to ridicule or, worse yet, target. For these reasons, Mr. Speaker, I am in opposition of this bill. Thank you."

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

"Opposition, brief comment. Mr. Speaker, it's all about due process. Generally, from the point of the American Constitution and *jurisprudence*, you're innocent until you're proven guilty. Case in point, Mr. Speaker, we have an ethics law for all of us in this particular chamber. If we do something and someone files a charge, when does our name get exposed? Only after the data, the research, the otherwise investigation takes place.

"With the police it's different. Why should that be the case? Mr. Speaker, that's unfair. And the question I ask everybody, and even I ask the police and they can't answer it, but this is the essence of what this is all about. How many lives have the police saved? How many people are alive now because we have a police? It's like having a society without the enforcement, it's like a mother and a father that never disciplines their children and what they grow up to be.

"Mr. Speaker, we're going on a real tangent now because of what's going on in the mainland. We are not the mainland. We are Hawaii. These are our 'ohana, these are our families. These guys are fearing that we're going to take away their livelihood, which we are already short 200 to 300 officers. We already pay them less money than they can deserve. That's why recruiters come from the west coast, pinch them away, giving them another \$20,000 or \$30,000 to incentivize their being here.

"It's a tough job being a first responder, Mr. Speaker. This bill puts fire under their feet and says, we want you to be different. Well, what did you hear recently from the chief of police? We are going to change, we're going to reform. In fact, the headlock and the whole thing that got the whole country in an uproar about the knee on the neck of that young man, that's something that is going to be off limits.

"Why don't we give them a chance to reform, a chance to do some of the things that they're saying, and not compare us with what's going on in the mainland, Mr. Speaker. Because that is very, very, very, very unfair. Thank you."

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

"Thank you, Mr. Speaker. In support, I'd also ask to insert written comments. Trust in law enforcement is paramount to a functioning judiciary, to functioning justice in our society, to a functioning police force. And I think more than perhaps any other state, we are familiar with the great job that law enforcement can do, to the point of some of the previous speakers. We rely on them, we support them.

"I think today, however, this bill is not a judgement or reflection on our good law enforcement officers, rather, this is addressing a different issue. Because for 25 years in Hawaii we have, as a state, erred on the side of secrecy with respect to some misconduct records. And I'd just like to point out to some of the statements made earlier, that this bill was not introduced as a result of anything happening on the mainland or any sort of protest that we've seen in the news lately. Because this bill was introduced over a year ago and had public hearings throughout the 2019 session, and has been, some form of it has been introduced for many, many years before that.

"I think, when we talk about the kinds of incidents that this measure deals with, there are certainly minor incidents which some other speakers had mentioned. But they're also, the vast majority, criminal allegations. Just in the recent years alone, over 80 cases of assault by law enforcement officers, over 100 cases of falsifying public records or lying in reports.

"And, Mr. Speaker, we know that the reports to the Legislature, which we currently get, are helpful but somewhat insufficient when looking at specific incidents, such as one in which the report to the Legislature classified the dismissal of an officer as being related to conducting personal business while on duty, but which a police report in greater detail identified it as the result of sexual assault of a woman by the officer while on the hood of his car. These sorts of things are very serious, and we as a community, as a state, must improve where we can, and help our law enforcement agencies and help each of us do a better job in that respect.

"Mr. Speaker, this bill treats our law enforcement officers like any other state employee with respect to UIPA records and the access of the public to those records which after adjudication become public. It treats our law enforcement officers like elected officials, with respect to the reports to the Legislature in which we, as we all know, even for minor infractions, frequently, whether we are late to the floor, whether we file reports with the campaign spending commission on time or not, and so forth, have that information made public.

"And it's unfortunate that it's not easy to draw a line between what is easy to report and what is very difficult in the cases of some sort of absolutely criminal misconduct or death, an unjustified death. Because ultimately, we cannot police every single one of those incidents. And our police cannot draw policies for every single one of those incidents. And so, our police departments create different levels of accountability and different levels of infraction and response. And so, there is no perfect bill and no perfect answer to this but to do what we can.

"And most of all, Mr. Speaker, when we think about what we can do, we can identify models around the rest of the country. Because most major law enforcement agencies in major cities around the country treat their officers with respect, with high regard. But for those who violate that trust, let those names be public and let those records be held accountable.

"Finally, Mr. Speaker, I'll just note this bill also modifies the Law Enforcement Standards Board. And in a situation where here in the state we've had chiefs of police tied in with prosecutors and the prosecuting departments under indictment and now going to jail for collusion and conspiracy, it's clear that there are additional tools needed to make sure that things aren't just brushed under the rug, but rather people are held to account."

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

Representative Lee continued, stating:

"And so, Mr. Speaker, what this measure does with the Law Enforcement Standards Board is provide that additional tool to create statewide policies that our law enforcement agencies, regardless of county, can abide by, whether it's with respect to administrative conduct, like we've seen in some of those cases, or the use of force and levels of appropriate measure there.

"But finally, Mr. Speaker, I'd just like to note that, as we are all aware, with great power comes great responsibility. Whether you're an elected official, whether you're a law enforcement officer, whether you're serving the public in a capacity in which life and death, especially, are potential occurrence day to day. And so, in administering that, we ought to be erring on the side of justice and accountability for the public. We ought to be making sure that we hold people who are going to violate that trust to account, but at the end of the day, support our officers, support our law enforcement, support everyone who serves these roles in a way that builds public trust. Because at the end of the day, talking with law enforcement officers, whether you're brand new or you've been around a long time, there's one thing that holds true, that if you have a public that is uncooperative and doesn't trust you coming in, it's a much more difficult situation to resolve, it is a much more dangerous situation to deal with.

"And so, Mr. Speaker, we hope that this measure provides justice and accountability where appropriate and holds officers who violate that trust accountable, but at the end of the day, builds public trust overall so that we have a safer community, a safer environment for law enforcement officers to work, and finally, Mr. Speaker, a better Hawaii as a result. Thank you very much."

Representative Lee's written remarks are as follows:

"In recent years there have been over 80 cases of officers suspended or discharged for unwarranted violence or assault, and over 100 cases of officers filing fraudulent reports or covering up for other officers. This bill will allow public disclosure of misconduct when an officer is found to have violated procedures resulting in a suspension or discharge, just like officers in most other states whose names and violations are publicly disclosed.

"It also empowers the Law Enforcement Standards Board to revoke officer certifications for misconduct should police chiefs fail to take appropriate action, and will standardize use of force procedures across all county police departments.

"I spoke at length with good cops I know who are out there putting their lives on the line every day who couldn't speak up publicly because they would be retaliated against, but who so clearly described a work culture in which good cops are pressured into keeping silent to protect bad cops, and a disciplinary process with so many off ramps that it can allow bad behavior to continue.

"Public trust in law enforcement is critical to ensuring justice for all. The difficult and often dangerous job of law enforcement is safer, easier, and more effectively executed when citizens trust those empowered to serve and protect them. We owe it to our good cops to help them weed out the bad, and build trust between our communities and the law enforcement officers we rely on to serve and protect us."

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

"Thank you, Mr. Speaker. In opposition. And in case I forget, I'd like to insert words into the Journal. Having heard the Judiciary Chair's speech, I agree with everything except for the part in this bill that doesn't have due process. Some of my colleagues in front of the aisle have talked about that, so I'm not going to spend a lot of time talking about that, but I'm going to talk about real people, and I'm going to talk about something that the Judiciary Chair said about sexual misconduct. If he and I are thinking about and talking about the same case, what happened in that case, that person, that police officer went to the union asking for representation. And in their investigation of that sexual misconduct, they found him to be guilty and they didn't represent him. They're not going to represent people who are not doing any justice to the jobs that they hold. Because they hold those jobs in such high honor, Mr. Speaker. And the due process in this bill, or the lack of due process, is shocking to me.

"Every time there is something bad happening in somebody's house, who do we call? We call the police. I've been in drive arounds on the island of Kauai when I was a council member, and I went with officers to domestics in their homes. And you have two couples or a couple fighting with each other and going at it. So, when the officers go there and they take one person away from the scene, and they're pinning him down in this case, the wife is jumping on the police officers, and they go through that often.

"These are the guys who we pay and we trust to protect us, and we're not even protecting them in this bill. And that's the sad part, Mr. Speaker. It saddens me to think that when there are tragedies happening in this state and on this island, let's just go back to the gold coast at the end of Waikiki, let's talk about that issue. Two officers went to that scene, they risked their lives. Everybody else is running out. But Officers Enriquez and Kalama went in there and guess what happened to them. They got shot. They got shot.

"And when we try to say to the police officers that we want to protect you, we want to help you. Well, that's not happening in this bill. It's not. And that's why it's so frustrating for them. And they were here today. And I normally don't stand up and stand on a soap box and give these types of speeches. But when I feel the frustration, when I get the calls from the officers on Kauai. And you know, for the Kauai delegation, we don't have

these kinds of things that we need to reform the police department. Kauai was the first department that had the body cams. And there was some objection to that by some of the officers, but they're fine with it now. So, we talk about reform. There is that. And the other police departments are doing it as well.

"So, when you have a bill such as the one we are seeking to pass right now, and SHOPO spends a lot of money to put an ad like this with the concerns of the ad. And I know that they sent in some testimony and I know they met with some of the chairs. And none of the recommendations that they asked for are in that bill. So, I don't understand why we didn't do that. And I don't understand why we're going to say that we respect them and we support them, because this bill doesn't do that.

"I think about officers on Kauai. I think about Chris Kallio and I think about Bryson Ponce, I think about Stan Kua who's retired, and my neighbor, my next-door neighbor, who is a retired police officer. And I think about all of the days and nights that they went to work and their families not knowing whether they were going to come home safely or not. And that's why I'm thinking, wow, wow, why are we doing this. So, for those reasons, Mr. Speaker, I vote no. Thank you."

Representative Tokioka's written remarks are as follows:

"Mr. Speaker, my question is, why couldn't we insert the recommendations from SHOPO that was given to members in the House?"

Representative Tokioka submitted the following:

SHOPO



June 26, 2020

Via email. Hard copy mailed

The Honorable Scott K. Saiki
House Speaker
Hawaii State Legislature
Hawaii State Capitol, Room 431
415 South Beretania Street
Honolulu, HI 96813

Re: **HB285 HD1 - Relating to Public Safety**

Dear Speaker Saiki:

I am writing to you once again about HB285 which seeks to amend HRS § 52D-3.5 and HRS § 92F-14. You indicated there was "momentum" to pass the bill which we understand was in response to the George Floyd tragedy which is a tragedy that has disgusted all of us.

When I wrote to you on 6/10/20, I pointed out that the bill in its then existing form was substantially flawed. The proposed amendment to HRS § 52D-3.5 discloses an officer's name "upon" suspension or discharge which is before the officer's due process rights provided by the grievance procedure are exhausted. On the other hand, HRS § 92F-14 discloses an officer's name but only after the grievance process is concluded. I further explained that this inconsistency would deprive our officers of their due process and collective bargaining rights. We understand that the latest version of HB285 has not addressed or corrected this defect.

Under HRS § 92F, the name of any other public employee who is suspended or discharged is not disclosed until after that employee's grievance rights have been fully adjudicated and exhausted. Those are the due process rights given to every other public employee. However, HB285 will disclose an officer's name before he/she has had their grievance rights adjudicated. If an officer is later exonerated through the grievance process, HB285 would have already held that officer's name up to public humiliation and spectacle.

Visit us @ shopohawaii.org

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The Honorable Scott K. Saiki, House Speaker
June 26, 2020
Page 2 of 2
Re: HB285 HD1-Relating to Public Safety

My question to you on behalf of our 2800 police officers is why is your legislative body singling out our hardworking officers to deprive them of their due process rights while every other public employee is permitted to exercise their grievance rights **before** their names are disclosed?

Respectfully submitted,


MALCOLM LULU
SHOPO President

cc via email / hardcopy mailed:

Senator Ron Kouchi
Senator Michelle Kidani
Senator J. Kalani English
Senator Dru Kanuha
Senator Kaiali'i Kahahele
Senator Clarence Nishihara
Senator Karl Rhoads
Senator Jarrett Keahokalole
Senator Kurt Fesella
Senator Glenn Wakai
Senator Donovan Dela Cruz
Senator Gilbert S. C. Keith-Agaran
Senator Roz Baker
Senator Gregg Takayama
Senator Stanley Chang
Senator Maile Shimabukuro
Senator Brian Taniguchi

Representative Calvin Say
Representative Mark Nakashima
Representative Della Au Belatti
Representative Dee Morikawa
Representative Aaron Ling Johanson
Representative Chris Lee
Representative Staceylin Eli
Representative Gene Ward
Representative Sharon Har
Representative James Tokioka
Representative Bob McDermott
Representative Ryan Yamane
Representative Justin Woodson
Representative Scot Maiyoshi
Representative Gregg Takayama
Representative Lynn Decotte
Representative Ty Cullen
Representative Henry Aquino
Representative John Mizuno
Representative Cedric Asuega Gates

ML_jmo

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

"In strong support of the bill, Mr. Speaker. I do know that there are good cops and bad cops. And we have seen it through history of all the bad cops. But I think there's further legislation that we need to enact in this body. Because we're not talking about the atrocities in the mainland, but it does exist in our town.

"I'm speaking to you as an immigrant, Mr. Speaker, and I have seen racial profiling. And as somebody from Ewa Beach I can say that it have done socio-economic profiling. And those are the things that I want corrected. Because those people that I mentioned seem to suffer the most. Because most of their cases don't even make it to what is called the judicial process. They're just taken for granted and swept under the rug. So, I support this bill because I see policemen to be people just like us. They are not demigods, Mr. Speaker. They're just like us. That we need to watch and we need to implement.

"I want to remind everybody about that homeless man that I used to see by the elevator. And I see him in the evenings when I worked late. He was shot by a sheriff in this building, Mr. Speaker, and not much was said about it. It was said briefly that he tried to grab the sheriff's gun, so he has to be shot. But the coroner, the medical coroner said he was shot from four feet away. There were two sheriffs that collided with that story. Nobody ever came and defended the right of that homeless man and questioned the disparity of the report. If he was shot because he was trying to grab the sheriff's gun, why is the coroner saying the bullet came from four feet away?

"So, those are the things that I support this bill, Mr. Speaker. We need to put integrity to the system. And by putting all these measures, we restore integrity to the force. For those reasons, Mr. Speaker, I disagree with my colleagues across the aisle, because there is a reason for this bill and I ask everyone to support it. Thank you."

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, before I start, I want to address a comment previously made about the two police officers who were killed in Waikiki. I mourned those officers greatly. Our entire state did, and we commend their bravery.

"All public employees, unlike private employees, strike a special balance with the people of Hawaii. Teachers, public health nurses, police officers, they teach our children, they keep our people healthy, and they protect our communities. In exchange, we ask the people of Hawaii to pay income tax, to pay general excise tax, in order to pay for their salaries, their future retirement, their health care. I'm a public employee, and all of us are very proud of the work we do for this state. It's crucial to remind everyone that police officers, their employer is not the police chief. All public employees, our employer is the people of Hawaii. And I think they want to know what's happening.

"I want to commend the bravery and forward thinking of so many folks who have put this forward for a vote today. I'll be in support of it. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support. During the 2020 legislative session, we face two pandemics. The COVID-19 pandemic, and the pandemic of racism. On one front, we fight the COVID-19 virus. On the other, we fight the disease of racism, which is as old as our republic. Both pandemics make it difficult for those inflicted with this disease to breathe.

"To denigrate another person or a group of people to elevate yourself or your group of people displays fear, hatred, and bigotry. That's racism. And at times, it can be fatal, as the world witnessed the killing of George Floyd on May 25th of this year. Mr. Floyd spoke his last words. I can't breathe.

"Why is this bill and a Black Lives Matter movement significant at this time? Perhaps this is a rhetorical question, but do we not see racism and social injustice in a criminal justice system? What about economic opportunities? What about equal pay? What about educational opportunities? What about disparities to access to health care? Systemic racism and social injustice has plagued our people of color, women, our kids with autism, fetal alcohol spectrum disorder, all people with disabilities, the elderly, the homeless, people with mental conditions and addictions, and our people in the LGBTQ community. They have all been whispering, we can't breathe. But America hasn't been listening. That all changes today, with the passage of this bill and a movement for social justice across our nation.

"Now, this bill is no panacea, it's no silver bullet. But as Martin Luther King Jr. reminded us, the arc of the moral universe is long, but it bends towards justice. Change takes a long time, but it does come through action.

"Mr. Speaker, I would be remiss if I did not speak about our police. I'm going to encapsulate my thoughts on our men and women in uniform who serve to protect us every day. You see, eight months ago there was a shooting very close to my house. And I was able to witness, my wife and I were able to witness law enforcement at their finest, nothing short of courageous. Placing their life in harms way between an active shooter and a mob of people, they provided a protective barrier. One could say they saved our lives. They continued to do this because there was potential for additional riots thereafter. And even thereafter, weeks later, our sheriffs came and continued to patrol our area to make sure we were safe, to monitor everyone. Who are these people who would put their lives in harm's way, take a bullet for all of us? They don't even know who we are personally.

"So I can say this, as odd as may seem, I support the bill and I support our law enforcement. I'm hopeful that this bill will represent public buy-in and will help to build trust between law enforcement and our communities by providing greater transparency in matters relating to suspensions or discharge.

"My only concern is that I'm hopeful that the lawmakers here can work with HPD on the due process concern. I think we can work on that during the interim.

"Finally, before I end, in closing, Hawaii is very unique. Our diversity defines us, it does not divide us. This displays our spirit of *aloha*. As we see extreme divide in our nation, I'm hoping that this could be a model for the rest of the nation to follow. Finally, I did have to address this, much has been said about the Black Lives Matter movement. But some saying this is a form of reverse discrimination or even a symbol of hate –"

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

Representative Mizuno continued, stating:

"Thank you, Representative. Watching our pastor on livestream because of COVID-19, he even said, all lives matter. And I get that, I do. But here's my point, here's my thought on this issue. And I say this with complete sincerity and with extreme respect, because I know a lot of people will disagree with what I'm about to say. I cannot, in good conscience, say all lives matter in complete resolve until I know in my heart of hearts that black lives matter. When we work together, united to start a revolutionary movement to eliminate systemic racism and social injustice, at that point we will have evolved into something special, and I think this bill is a good start. For those reasons, I support this bill. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I stand in strong support. First, I would like to thank the single introducer and former JUD Chair for introducing this bill. It is timely that we hear it, and had he not singly introduced it, we would not be here today. And for that, I am eternally grateful for the Representative and former JUD Chair, single introducer of this bill. I would also like to thank the current JUD Chair and Representative of Nuuanu, and would like their comments to be inserted into the record as my own," and the Chair "so ordered." (By reference only.)

Representative San Buenaventura continued, stating:

"In supporting this bill, I'd like to point out that this bill is doing its best to strike the balance in honoring our brave officers. And our brave officers were not just Officers Kalama and Enriquez, but also the Big Island Officer Bronson Kalilola. They put their lives on the line. And we also honor the retirees who spent their efforts, their time, their families, their sacrifices. I'd like to point out, this bill only discloses the identity of the officers who are suspended or discharged. Only their records, only the bad actors.

"Transparency is upon us, and it's a shame that the protests are pushing us to act, but act we must. And as the Representative from Ewa Beach pointed out, we are a community of immigrants. Some of us are not treated as equally as others, and it's about time that we have this kind of transparency. Some people are saying that this bill does not go far enough. And for those people, I say these are baby steps, and it is a step in the right direction. And for those reasons, I strongly support this bill. Thank you."

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

"Thank you, Mr. Speaker. In support, and I call for the question."

Representative Ward rose to respond, stating:

"Mr. Speaker, I want to just reinforce a couple of points. First of all, just so everyone knows how tolerant the minority is, one of the speakers went really off course, but we love to hear what he had to say. The only problem is, we don't have a pandemic of racism. The unfortunate thing is the George Floyd issue has been overcome by a pandemic of anarchy. So my good friend from Kalihi and his description is a little bit not only outside of the bill but outside of the rally that's going on in this particular nation.

"The last thing I would say, Mr. Speaker, when you say, well there's no relationship between what we're doing now and what's going on with the mainland. Go back five weeks ago when George Floyd got stuck with the police knee on his neck, and put the names Kalama and Enriquez there, Mr. Speaker, we for sure would never be here talking about a bill such as this. The point is, we don't want to be knee-jerk, we want to be policy-driven, not be the events of things which are particularly far away which don't affect our family here, because this is Hawaii. Thank you."

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

"I rise in opposition, Mr. Speaker. Thank you, Mr. Speaker. Mr. Speaker and members, I think on June 26th we all received a letter from SHOPO, from President Malcolm Lutu regarding this measure and some of the issues legally that are existent in this bill right now. I'd like to read a portion of the letter which says, and I quote, I pointed out that the bill in the existing form was substantially flawed. The proposed amendment to HRS 52D-3.5 discloses an officer's name upon suspension or discharge which is before the officer's due process rights provided by the grievance procedures are exhausted. On the other hand, HRS 92F-14 discloses an officer's name but only after the grievance process is concluded. I further explained that this inconsistency would deprive our officers of their due process and collective bargaining rights. We understand that the latest version of HB285 has not addressed or corrected this defect. Under HRS 92F, the name of any public employee who is suspended or discharged is not disclosed until after that employee's grievance rights have been fully adjudicated and exhausted. Those are the due process rights given to every other public employee. However, HB285 will disclose an officer's name before he or she has had their grievance rights adjudicated. If an officer is later exonerated through the grievance process, HB285 would have already held that officer's name up to public humiliation and spectacle.

"Mr. Speaker, I've spoken to many of my friends who are officers, and one of their biggest concerns with this measure is, many perpetrators that they put away can essentially allege misconduct against this officer, just to be vindictive. And now, without allowing the officer to have been adjudicated guilty for misconduct, you've now allowed his family, his name, his family's name, where he lives to be exposed. And now you've essentially created a situation which is very unfortunate, because now you've jeopardized that officer without having been adjudicated.

"Some of the other speakers, I'd like to address some of the things that they've talked about. One of the best things about being here in Hawaii is that we are a special place. We don't have the other issues, fortunately, that occur on the mainland. We live in a multicultural, multiethnic society, and that's something I think that makes Hawaii so special. And the *aloha* spirit is a very real thing. And so to keep comparing us to the mainland and talk about transparency, this bill doesn't actually address transparency. It adjudicates someone guilty before they're actually found guilty.

"Secondly, throughout this COVID-19 pandemic, Mr. Speaker, we all know that the rates of domestic violence have increased. We've seen it, every single day. Who do we call first? HPD. We know that every time there's an issue with a homeless person, who do people call first? HPD. I was moved when we were voting on the public employee bill, the raise for public employees, the workers, and there was a passionate speech about, I want all of our first responders. Who's our first responders? HPD. And this is how we repay them.

"Mr. Speaker, I just think what's very unfortunate about this bill is that it is attempting to resolve one alleged injustice by creating another. And that's what makes this an imperfect bill, Mr. Speaker. So for those reasons, I stand in strong opposition. Thank you."

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

Representative Say's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 285, Relating to Public Safety.

"The proposed amendment to HRS 52D - 3.5 which discloses an officer's name 'upon suspension' or 'discharge' which is before the officer's 'DUE PROCESS RIGHTS' provided by the grievance procedures are exhausted.

"On the other hand, HRS 92F-14 discloses an officer's name but only after the grievance process is 'CONCLUDED.' This inconsistency would deprive the officers of their due process right and collective bargaining right.

"It is intolerable to single out a bargaining unit of Hawaii's heroes who protect and comfort our general public at large.

"And we should understand the unintended consequences of HB 285.

- 1) Shortage of officers will be exacerbated
- 2) We are family – this 'ohana community is where they were born and raised in our 50th State
- 3) The analogy of guilty until proven innocent
- 4) Hawaii leads the country in sharing the aloha to all
- 5) Chief Ballard is implementing reforms
- 6) Let's not embarrass or humiliate our officers and their families before their due process

"In closing, the concerns mentioned has led me to vote 'NO' and I urge my fellow colleagues to vote the same. *Mahalo*."

Representative Okimoto rose to respond, stating:

"Mr. Speaker, still in opposition. I would like to request to have the comments of the Representative from Kapolei entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Okimoto continued, stating:

"I'd just like to add also, when I heard comments passed around, with all due respect again, I know that this is a bill and the intent of it, but when I hear comments like this is an imperfect bill and we're still going to pass it, I don't understand that, I don't understand, as a former teacher, how we would be okay passing something.

"I'm not against transparency, I'm not against if they're found wrong, criminally wrong, and they've gone through due process, that we disclose that. However, as stated before, this bill is going to allow any kind of suspension or any kind of mistake done by the police officer before they have due process, before they're found criminal or before they're found convicted of something, to have that information revealed and released. And that's my, the premature disclosure of this is my issue.

"I hear a lot of transparency and accountability, and I ask myself, because I was in the public sector as a teacher and I held that same standard, and now as a legislator, are we, as legislators, are we going to say that, should we be held up the same standard, are we going to hold ourselves at the same standard as we're asking our police department and other first responders? Are we going to require everybody? And as a former teacher and as a parent, I don't ask anybody to do something that I'm not willing to do, and I wonder if this bill is doing that right now.

"And for those reasons, again, I'm not saying that I am not in support of disclosure and transparency and accountability, I feel that this bill as stated is flawed, and if we push it through the way it is, it will be very detrimental to our already shortage police officer department, the HPD has a shortage as it is and it's not going to encourage others to join the force. So, for those reasons, I continue to stand in opposition. Thank you."

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

"Thank you, Mr. Speaker. In opposition, and I would like the words of the Representative from Kapolei inserted as if they were my own. I would also like to add that, it's not just HPD, but it's also MPD, the Big Island police department, and all of them that have been subjected to the same result. And it's unfortunate of what happened to George Floyd, but we continuously bring mainland issues down into Hawaii, and we are completely different. We are not at the point where we are rioting and destroying property and coming to that point. This is getting so far out of hand. Again, if we're going to do that to our first responders and our police officers out there, then we subject ourselves to do it to us just as well. If one person screws up here, then let's all take the hit at the same time. But I think we're getting way off base. And I'd also like to insert comments to the Journal, again in opposition."

Representative DeCoite's written remarks are as follows:

"In opposition. Mr. Speaker, we all expect that our law enforcement officers hold themselves to be accountable and to be examples for our community members. In every profession there are bad apples, but we can't let the bad apples from the mainland effect our hard-working law enforcement officers that put their lives on the line every day here in the State of Hawaii. To release the name of an officer accused of wrongdoing

before anything is proven or final is irresponsible. We need to allow for due process. If wrongdoing is proven, then release the name, but not before. Out of respect and fairness for dedicated law enforcement officers across the state, especially our Maui Police Department, I am in opposition."

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

"Thank you very much, Mr. Speaker. In support, I'd like the comments of the Judiciary Chair entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Takumi continued, stating:

"When people say about equal treatment, I think the fact of the matter is, we are all treated equally. If any of you get caught driving under the influence, your name will be in the paper. That's even before you are exonerated or adjudicated, you're guilty. And then ultimately, in a court of law, you might be found not guilty. But as far as the public is concerned, you are guilty. It's worse yet if you get accused of child abuse or assault, or those sorts of things. Your name is made public, everybody in the public. And so, we don't release names of people who are only convicted, we release the names of people who are merely arrested. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. As the former president for the HGEA, I believe it's my responsibility to stand up for employees' rights. And I do believe that the due process is a requirement before disclosure. As a previous speaker had said, different types of violations are made public. But in those, you are arrested. And so, you do have a due process. But the key is, you are arrested. But in some of the ministerial proceedings within departments and agencies, those names are not disclosed, even if it has been adjudicated. So, I think that trying to treat everybody fairly and giving them their due process rights is important before we disclose their names. Thank you."

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

Representative Matsumoto's written remarks are as follows:

"Thank you, Mr. Speaker. At this time, I rise in opposition with brief comments.

"This bill removes an important protection from the police by disclosing names of officers who have been suspended or dismissed for misconduct. I would support this bill, if it applied only after an investigation was complete that confirmed wrongdoing. However, as this bill is written, it requires the publication of any officer's name who is suspended or fired for any reason. This policy completely undermines the judicial standard of a presumption of innocence because officers are suspended while an incident is under investigation and they are often found to have done nothing wrong. This bill would still require their names to be disclosed.

"Additionally, this bill takes transparency from one extreme to the other by requiring that officers' names be furnished in a report to the Legislature. Under the current Uniformed Information Practices Act, similar information for other public servants can be released if a member of the public requests the information. In this legislation we are not only making police officers' information available to the public, but we are acting as a publisher by providing the information before there is a request for it. Some have said this bill just makes things fair between all public servants, but as this report to the Legislature makes clear, we are now forcing police officers to be far more transparent than other government employees.

"I realize the goal is to hold police officers accountable for misconduct, but I don't think this is the best way to reach that goal. By publishing police officers' names when only an allegation of wrongdoing has been made, we are condemning officers to public ridicule, condemnation, and potential retaliation without due process. This policy would only hold officers accountable through vigilantism, not through the rule of law which our nation is founded on. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 285, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Final Reading by a vote of 37 ayes to 14 noes, with Representatives DeCoite, Har, Hashimoto, Holt, Kong, Matsumoto, McDermott, Okimoto, Onishi, Quinlan, Say, Todd, Tokioka and Ward voting no.

At 1:56 p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 285, HD 1, SD 2, CD 1

THIRD READING

S.B. No. 2612, SD 1, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, S.B. No. 2612, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS OFFICIALS," passed Third Reading by a vote of 49 ayes, with Representatives Ichiyama and Nakamura being excused.

S.B. No. 2185, HD 1:

Representative Belatti moved that S.B. No. 2185, HD 1 pass Third Reading, seconded by Representative Morikawa.

Representative Okimoto 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 Okimoto's written remarks are as follows:

"Thank you, Mr. Speaker. In support with reservations for Senate Bill No. 2185, HD 1. I support the merits of this bill to exclude certain violations of privacy cases from qualifying for a no contest plea. I also support this bill because it will limit government's use of facial technology. However, I have strong concerns that this is a 'zombie' gut and replace bill which contains another bill that did not meet our legislative deadlines."

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

"Mr. Speaker, in opposition, brief comment. Mr. Speaker, I think the pandemic of COVID-19 is a serious one, I think utilization of facial recognition may have some limited duration, but Mr. Speaker, this pandemic is going to be thrown on the ash heap of history, and in the next three to six months we will know, but this thing locks in the big brother facial recognition. The RFP that the DOT put out said there's a 10-year warranty for those cameras that you have hanging from the ceiling that's going to give you a thermal and a facial recognition, and it's going to be 10-year warranty. Which means, okay, yeah in 30 minutes maybe it gets expunged or whatever, but the point is, we are going down a slippery slope of facial recognition. Now, do we want to be like Hong Kong, do we want to be like Beijing and Shanghai where a lot of that stuff is coming out of, and I told you one of the guys that is in the contract at the airport is one of those people who serves the People's Liberation Army.

"Mr. Speaker, this is not American. This is not what we need. If it's really, like we're going to hell in a handbasket and everybody's dying off, okay let's do it. But these are things that a creeping progressive socialist communist claw, if you will, grabs at the freedom of our society. And we just went through the Fourth of July, well that's what these guys gave their blood, sweat, and tears for, was freedom. Not prosperity, but for freedom, that's what America's about.

"And this bill is on that slippery slope, slipping away saying, yeah, you know for safety and security we gotta do this, well I think we can do better by not doing this, Mr. Speaker. This is a very, very, very dangerous thing. Because AI technology is getting really out of hand. And I don't believe Elon Musk and the world is going to end because of it, because some of the things that we can do now, we can actually take the temperature of 35 people in one photograph, 35 people, and then I can trace you when you're down at the mall protesting. And I got your face, and I got your face. There's no end to it, Mr. Speaker. That's the difficulty. And as one of my colleagues told me, when we have the cameras for the traffic, that stuff is never kept, it's

gone. So, we're not playing big brother on the streets and the street corners, Mr. Speaker.

"Because of these things, I just fear that people who want to do a good job as a bureaucrat may let this get out of hand and we may not monitor it and we may just let the thing slippery slope right through to where, what have we done with our society. We have enough problems without this one, Mr. Speaker. Thank you."

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

"Thanks. In support. Surely this instance will end up in court at some point or another, I should say a few words just about the intent here just to put it on the record. I appreciate the words from the Minority Leader, however, we know right now there is a facial recognition project in progress as we speak at the airport monitoring people who come into the state for COVID purposes. Right now we have no laws on the books whatsoever nor guidance at any department or agency with respect to facial recognition, its uses, and any safety precautions and procedures to protect peoples' data, for the very reasons I think the Minority Leader raised. While I appreciate his intent, I think this is our opportunity right now to put some protections in place. Right now this is happening as we speak, so what can we do?

"What this measure does is provide strict guidance that any data collected shall have to be solely following a thermal scan of someone who pings positive with a temperature or what have you, that information can then be used to track that person through the airport to make sure that they're not getting in contact with other people unnecessarily and can be intercepted before leaving to come out into the general population.

"Within 60 minutes, according to the bill, that information, that facial recognition and scan, all of that data must be destroyed, cannot be used by contractors for any other purpose, and puts a grip on the expanded use of this such that, should things evolve and should the technology be used for other purposes, I think as other countries have used it to police their populations, perhaps unfairly, certainly undemocratically, this measure prohibits that from occurring here, because it requires the Legislature approve any further uses. So, it is a basic safety precaution, acknowledging that we do have a pandemic emergency and that there is something already in place at the airports, so it gives us some security to protect public liberties and civil liberties going forward. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, my colleague makes a very good argument, but I don't believe you can be half pregnant. Still in opposition. Not in opposition to pregnancy. This is really about labor intensity. The good Representative from Waimanalo noted that this camera can follow you through the airport. What is missing is, as soon as you get the temperature of this person at the airport, you should have an intervention, i.e. a person there who does it instead of letting them go throughout the airport, which is why we have to have this data resolve here to catch them and pull them out, hey you got a temperature, you can't go beyond this place.

"Because there's a nickel and diming going on that some of the people who are bidding are doing it labor intensive, and the state says, we don't want to do that, we want to follow them through so we catch them and then they can't get out of the system. Well, if we have people at every time they take the temperature who pull them aside, it's no big deal.

"So, Mr. Speaker, the point is, labor intensity can get away from this high technology intensity, and then again, you can't be half pregnant, you can't have facial recognition without it going all the way. And that's what my fear is, Mr. Speaker. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2185, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY," passed Third Reading by a vote of 47 ayes to 2 noes, with Representative Okimoto voting aye with reservations, with Representatives McDermott and Ward voting no, and with Representatives Ichiyama and Nakamura being excused.

S.B. No. 2139, HD 1:

On motion by Representative Belatti, seconded by Representative Morikawa and carried, S.B. No. 2139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES," passed Third Reading by a vote of 49 ayes, with Representatives Ichiyama and Nakamura being excused.

At 2:04 p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2612, SD 1, HD 1
 S.B. No. 2185, HD 1
 S.B. No. 2139, HD 1

ANNOUNCEMENTS**COMMITTEE REASSIGNMENTS**

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

H.C.R.**Nos. Re-referred to:**

26 Committee on Water, Land, & Hawaiian Affairs
 147 Committee on Water, Land, & Hawaiian Affairs

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

2561, Jointly to the Committee on Economic Development & Business
 HD1 and the Committee on Energy & Environmental Protection

ADJOURNMENT

At 2:04 p.m., on motion by Representative Morikawa, seconded by Representative Ward and carried, the House of Representatives adjourned until noon Wednesday, July 8, 2020. (Representatives Ichiyama and Nakamura were excused.)

HOUSE COMMUNICATIONS

House Communication dated July 6, 2020, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 1706, HD 1, SD 1
 H.B. No. 1854, HD 1, SD 1
 H.B. No. 2060, HD 1, SD 1
 H.B. No. 2125, HD 2, SD 1
 H.B. No. 2177, HD 1, SD 1
 H.B. No. 2744, HD 1, SD 2

House Communication dated July 6, 2020, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 285, HD 1, SD 2, CD 1