

## FORTY-EIGHTH DAY

Tuesday, June 30, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 11:31 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Rhoads, and Thielen present and participating via videoconference, and with the exception of Senators Ihara and Ruderman who were excused.

The President announced that he had read and approved the Journal of the Forty-Seventh Day.

**MESSAGE FROM THE GOVERNOR**

The following message from the Governor (Gov. Msg. No. 856) was read by the Clerk and was placed on file:

Gov. Msg. No. 856, informing the Senate that on June 25, 2020, the Governor withdrew the nomination of STEFANIE JEFTS to the Advisory Committee on Pesticides, under Gov. Msg. No. 569, from consideration by the Senate.

In compliance with Gov. Msg. No. 856, the nomination listed under Gov. Msg. No. 569 was returned.

**HOUSE COMMUNICATION**

The following communication from the House (Hse. Com. No. 369) was read by the Clerk and was placed on file:

Hse. Com. No. 369 dated June 29, 2020, informing the Senate of the House's intent to agree to the amendments proposed by the Senate to H.B. No. 2500 (S.D. 1).

**STANDING COMMITTEE REPORTS**

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3723) recommending that H.B. No. 2125, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 2125, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, July 2, 2020.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3724) recommending that H.B. No. 2177, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 2177, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDHOOD SEXUAL ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, July 2, 2020.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3725) recommending that H.B. No. 2060, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 2060, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, July 2, 2020.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3726) recommending that H.B. No. 1706, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 1706, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, July 2, 2020.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3727) recommending that S.C.R. No. 154, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3727 and S.C.R. No. 154, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO SUBMIT REPORTS ON THE REPORTING, INVESTIGATION, AND PROSECUTION OF HATE CRIMES IN THE STATE," was deferred until Wednesday, July 1, 2020.

Senators Shimabukuro and Inouye, for the Committee on Hawaiian Affairs and the Committee on Transportation, presented a joint report (Stand. Com. Rep. No. 3728) recommending that S.R. No. 124, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3728 and S.R. No. 124, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF TRANSPORTATION HIGHWAYS DIVISION, AND HAWAII COUNTY TO COLLECTIVELY DEVELOP A PLAN TO IMPROVE MEALANI ROAD AND ESTABLISH A PROTOCOL TO USE MEALANI ROAD AS AN EMERGENCY BYPASS ROUTE WHEN MAMALAHOA HIGHWAY IS INACCESSIBLE," was deferred until Wednesday, July 1, 2020.

Senator Rhoads, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3729) recommending that H.B. No. 2744, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3729 and H.B. No. 2744, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GUN VIOLENCE PREVENTION," was deferred until Thursday, July 2, 2020.

**ORDER OF THE DAY****ADVISE AND CONSENT**

Stand. Com. Rep. No. 3714 (Gov. Msg. No. 706):

Senator Kidani moved that Stand. Com. Rep. No. 3714 be received and placed on file, seconded by Senator Kim and carried.

Senator Kidani then moved that the Senate advise and consent to the nomination of CHRISTINE NAMAUU to the Board of Education, term to expire June 30, 2023, seconded by Senator Kim.

Senator Keith-Agaran rose to request that remarks in support of the nominee with reservations be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President: I rise to express reservations regarding a second term on the Board of Education for Ms. Christine Namauu. She has been the Maui member on the appointed board for several years now.

"But first I have a general concern with how much oversight the current Board, including the nominee, has been willing to assert over the current Superintendent of Education. I still have issues concerning data gathered by the Board and used in fashioning a plan for the school year that begins in little over a month.

"What information did the Board use in measuring how well the teachers reached the students—especially the children who live in areas with less or no connectivity—or who cannot afford connectivity. More importantly, how well were our children served by the distance learning efforts in Maui Nui in the recently completed school year.

"When I spoke with the nominee, she was not aware of the metrics or measures of what has happened, nor had she asked for that data when the DOE was declaring a success in the online teaching during the fourth quarter of the school year. To her credit, I understand in recent meetings that she has been active in demanding more than canned general responses from the Superintendent and her central office staffers.

"My main concern has been the lack of urgency in expanding Hawaiian immersion opportunities outside of Pā'ia Elementary, Kalama Intermediate, and King Kekaulike to serve Central-East-Upcountry Maui children. I voted in favor of her service based largely on her past experience in helping develop Hawaiian immersion education in my county. Perhaps the nominee, due to her affiliation with Punana Leo, has some reticence in being an advocate for this issue for public school children. Quite a number of families in Central Maui, including those living in Hawaiian Home Lands in Paukukalo and Waiehu Kou, and longtime native Hawaiian and part-Hawaiian residents through the Na Wai 'Eha region, would like to have their children in those classes but currently need to get geographic exceptions for the limited places in the Upcountry Schools. When I met with her and communicated with some of her supporters (including teachers and administrators in these immersion schools), they uniformly recalled the thirty years or so that the programs have been worked on to reach the availability of classes today—a viewpoint that seemed to rest on the laurels of the hard work that it took to get what we have presently. They also asserted that they are having discussions about the program; I mentioned I hoped the discussion does not take another thirty years.

"I also had questions about properly determining the community districts for our schools in Central Maui—a contrast are the two newest schools: Pōmaika'i Elementary in Kahului takes a lot of geographic exemptions to fill its classrooms while Pu'u Kukui Elementary in Kehalani was purposely small and is overcrowded already.

"Pu'u Kukui is supposed to take the children from Happy Valley and the Ka Hale A Ke Ola Homeless Resource Center but there are discussions about changing the lines and sending those children to the older schools (Waihe'e Elementary and Wailuku Elementary). The demographic disparities are a concern if that happens. How involved will the nominee be once she is safely seated for another term in helping to make sure the disadvantaged residents of the districts don't get segregated into schools with older facilities and resources (Pu'u Kukui and Pōmaika'i were built with air conditioning and wired for a 21st century computer education).

"Nevertheless I am willing to vote in favor of her again with her aware that her role on the Board is not just to fill a space but to be an advocate for the children of Maui Nui. Mahalo."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Keith-Agaran). Noes, none. Excused, 2 (Ihara, Ruderman).

## ADOPTION OF RESOLUTIONS

### MATTERS DEFERRED FROM MONDAY, JUNE 29, 2020

Stand. Com. Rep. No. 3700 (S.C.R. No. 78):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF USING RECYCLED PLASTIC TO REPAIR ROADWAYS," was adopted.

Stand. Com. Rep. No. 3701 (S.C.R. No. 50):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND KAUAI DEPARTMENT OF PUBLIC WORKS TO CONDUCT A STUDY TO IDENTIFY AND RECOMMEND METHODS TO ALLEVIATE TRAFFIC CONGESTION AT CERTAIN INTERSECTIONS ALONG THE KAUMUALII HIGHWAY," was adopted.

Stand. Com. Rep. No. 3702 (S.C.R. No. 86, S.D. 1):

Senator Kahele moved that Stand. Com. Rep. No. 3702 and S.C.R. No. 86, S.D. 1 be adopted, seconded by Senator Fevella.

Senator Kim rose to speak in support of the measure as follows:

"Mr. President, these resolutions request the governor to recognize and commemorate August 26, 2020, as Women's Equality Day, celebrating the centennial of and honoring Hawai'i's role in the women's suffrage movement. I would like to just highlight some of the historical points in the resolution of Hawai'i's involvement in this movement.

"During his reign, King Kalākaua recognized the importance of including women in political decision-making. He relied upon the service and advice of women like Emma Ka'ilikapuolono Metcalf Beckley Nakuina, who was appointed commissioner of Private Ways and Water Rights from 1892 to 1907, and it was Emma who also hosted social gatherings of nationally acclaimed women's suffragists. And Wilhelmina Kekelaokalaninui Widemann Dowsett, a Native Hawaiian, founded the National Women's Equal Suffrage Association in 1912. She hosted meetings in her home in an active fight for suffrage, encouraging Hawaiian women with their passion for the movement. And, of course, Queen Lili'uokalani, sister to King Kalākaua, was the first and only queen of Hawai'i, and she was a powerful symbol of women's ability to govern and participate in civic life.

"Although in 1920, Hawai'i was not a state and therefore could not vote on the Nineteenth Amendment, Hawaiian women became enfranchised along with their mainland sisters, so much so that as a celebratory symbol in support of the passage of the Nineteenth Amendment, the women and people of Hawai'i sent a ratification star, currently displayed at Belmont-Paul Women's Equality National Monument in Washington, to the National Woman's Party.

“Finally, the state has been memorialized by the exemplary leadership of numerous influential women in service of the United States as members of Congress: Mary Elizabeth Farrington, Patsy Takemoto Mink (first woman of color elected to Congress), Patricia Saiki, Mazie Hirono, Colleen Hanabusa, and Tulsi Gabbard.

“And so by passing these resolutions, Mr. President, we will commemorate August 26 as Women’s Equality Day, celebrating the centennial of and honoring Hawai‘i’s role in the women’s suffrage movement, reaffirming our commitment to empowering and uplifting the voices of women—of your mothers, your wives, daughters, sisters—across our great state. Thank you, Mr. President.”

Senator Baker rose in strong support of the measure, requesting that the remarks of the previous speaker be entered into the Journal as if they were her own, and the Chair so ordered (by reference only).

The Chair then remarked on the noteworthy achievements of both Colleen Hanabusa and Senator Kim for having served as former presidents of the Hawai‘i State Senate.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 86, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RECOGNIZE AND COMMEMORATE AUGUST 26, 2020, AS WOMEN’S EQUALITY DAY, CELEBRATING THE CENTENNIAL OF, AND HONORING HAWAII’S ROLE IN, THE WOMEN’S SUFFRAGE MOVEMENT;” was adopted.

Stand. Com. Rep. No. 3703 (S.C.R. No. 13, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 13, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION URGING CONGRESS TO PASS THE CLINICAL TREATMENT ACT TO AMEND TITLE XIX OF THE SOCIAL SECURITY ACT TO REQUIRE MEDICAID TO COVER THE ROUTINE COSTS OF CARE FOR PATIENTS WITH LIFE-THREATENING CONDITIONS WHO ARE ENROLLED IN CLINICAL TRIALS;” was adopted.

Stand. Com. Rep. No. 3704 (S.C.R. No. 77):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.C.R. No. 77, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, IN CONJUNCTION WITH THE COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY, TO PROVIDE A PROGRESS REPORT REGARDING THE DEVELOPMENT OF THE KAU WATER SYSTEM;” was adopted.

Stand. Com. Rep. No. 3705 (S.C.R. No. 2, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.C.R. No. 2, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL FUNDS FOR NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AND IDENTIFY AND SECURE OTHER FORMS OF DIRECT ASSISTANCE TO ADDRESS THE AFFORDABLE HOUSING NEEDS OF THE NATIVE HAWAIIAN POPULATION AND URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ASSIST

AND TRAIN INDIVIDUAL HAWAIIAN HOMESTEADS ON THE TECHNICAL ASPECTS AND PROCESSES INVOLVED IN EXPENDING AND UTILIZING NATIVE HAWAIIAN HOUSING BLOCK GRANTS;” was adopted.

Stand. Com. Rep. No. 3706 (S.C.R. No. 54, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.C.R. No. 54, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION STRONGLY URGING VARIOUS GOVERNMENT AGENCIES TO TAKE APPROPRIATE ACTIONS TO PROTECT THE WAHI PANA OF WAIMAKAOHI-IAKA AND PRESERVE THE TRADITIONAL AND CUSTOMARY PRACTICE OF MAKING SALT BEDS AND GATHERING PA’AKAI (SALT) IN HANAPEPE, KAUA‘I;” was adopted.

Stand. Com. Rep. No. 3707 (S.R. No. 45):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 45, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF USING RECYCLED PLASTIC TO REPAIR ROADWAYS;” was adopted.

Stand. Com. Rep. No. 3708 (S.R. No. 29):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 29, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND KAUAI DEPARTMENT OF PUBLIC WORKS TO CONDUCT A STUDY TO IDENTIFY AND RECOMMEND METHODS TO ALLEVIATE TRAFFIC CONGESTION AT CERTAIN INTERSECTIONS ALONG THE KAUMUALII HIGHWAY;” was adopted.

Stand. Com. Rep. No. 3709 (S.R. No. 52, S.D. 1):

Senator Kahele moved that Stand. Com. Rep. No. 3709 and S.R. No. 52, S.D. 1 be adopted, seconded by Senator Fevella.

Senator Kim rose to speak in support of the measure as follows:

“Mr. President, these resolutions request the governor to recognize and commemorate August 26, 2020, as Women’s Equality Day, celebrating the centennial of and honoring Hawai‘i’s role in the women’s suffrage movement. I would like to just highlight some of the historical points in the resolution of Hawai‘i’s involvement in this movement.

“During his reign, King Kalākaua recognized the importance of including women in political decision-making. He relied upon the service and advice of women like Emma Ka‘ilikapuolono Metcalf Beckley Nakuina, who was appointed commissioner of Private Ways and Water Rights from 1892 to 1907, and it was Emma who also hosted social gatherings of nationally acclaimed women’s suffragists. And Wilhelmina Kekelaokalaninui Widemann Dowsett, a Native Hawaiian, founded the National Women’s Equal Suffrage Association in 1912. She hosted meetings in her home in an active fight for suffrage, encouraging Hawaiian women with their passion for the movement. And, of course, Queen Lili‘uokalani, sister to King Kalākaua, was the first and only queen of Hawai‘i, and she was a powerful symbol of women’s ability to govern and participate in civic life.

“Although in 1920, Hawai‘i was not a state and therefore could not vote on the Nineteenth Amendment, Hawaiian women became enfranchised along with their mainland sisters, so much so that as a celebratory symbol in support of the passage of the Nineteenth Amendment, the women and people of Hawai‘i sent

a ratification star, currently displayed at Belmont-Paul Women's Equality National Monument in Washington, to the National Woman's Party.

"Finally, the state has been memorialized by the exemplary leadership of numerous influential women in service of the United States as members of Congress: Mary Elizabeth Farrington, Patsy Takemoto Mink (first woman of color elected to Congress), Patricia Saiiki, Mazie Hirono, Colleen Hanabusa, and Tulsi Gabbard.

"And so by passing these resolutions, Mr. President, we will commemorate August 26 as Women's Equality Day, celebrating the centennial of and honoring Hawai'i's role in the women's suffrage movement, reaffirming our commitment to empowering and uplifting the voices of women—of your mothers, your wives, daughters, sisters—across our great state. Thank you, Mr. President."

Senator Baker rose in strong support of the measure, requesting that the remarks of the previous speaker be entered into the Journal as if they were her own, and the Chair so ordered (by reference only).

The Chair then remarked on the noteworthy achievements of both Colleen Hanabusa and Senator Kim for having served as former presidents of the Hawai'i State Senate.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.R. No. 52, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO RECOGNIZE AND COMMEMORATE AUGUST 26, 2020, AS WOMEN'S EQUALITY DAY, CELEBRATING THE CENTENNIAL OF, AND HONORING HAWAII'S ROLE IN, THE WOMEN'S SUFFRAGE MOVEMENT," was adopted.

Stand. Com. Rep. No. 3710 (S.R. No. 14, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 14, S.D. 1, entitled: "SENATE RESOLUTION URGING CONGRESS TO PASS THE CLINICAL TREATMENT ACT TO AMEND TITLE XIX OF THE SOCIAL SECURITY ACT TO REQUIRE MEDICAID TO COVER THE ROUTINE COSTS OF CARE FOR PATIENTS WITH LIFE-THREATENING CONDITIONS WHO ARE ENROLLED IN CLINICAL TRIALS," was adopted.

Stand. Com. Rep. No. 3711 (S.R. No. 44):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.R. No. 44, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, IN CONJUNCTION WITH THE COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY, TO PROVIDE A PROGRESS REPORT REGARDING THE DEVELOPMENT OF THE KAU WATER SYSTEM," was adopted.

Stand. Com. Rep. No. 3712 (S.R. No. 2, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.R. No. 2, S.D. 1, entitled: "SENATE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL FUNDS FOR NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AND IDENTIFY AND SECURE OTHER FORMS OF DIRECT ASSISTANCE TO ADDRESS THE AFFORDABLE HOUSING NEEDS OF THE

NATIVE HAWAIIAN POPULATION AND URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ASSIST AND TRAIN INDIVIDUAL HAWAIIAN HOMESTEADS ON THE TECHNICAL ASPECTS AND PROCESSES INVOLVED IN EXPENDING AND UTILIZING NATIVE HAWAIIAN HOUSING BLOCK GRANTS," was adopted.

Stand. Com. Rep. No. 3713 (S.C.R. No. 3, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.C.R. No. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT ADMINISTRATIVE RULES THAT BETTER PROTECT HISTORIC RESOURCES AND TO CREATE A TASK FORCE," was adopted.

At this time, Senator Shimabukuro announced that the Committee on Hawaiian Affairs would be holding a public hearing on a nominee to the Hawaiian Homes Commission, as well three Senate resolutions, that afternoon at 12:30 p.m.

The Chair then announced that there would be a Senate leadership meeting in his office immediately following adjournment.

#### ADJOURNMENT

At 11:39 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Wednesday, July 1, 2020.