

FORTY-NINTH DAY

Thursday, April 14, 2022

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022, convened at 11:38 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with the exception of Senators Acasio and Fevella who were excused.

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

At this time, Senator Rhoads recognized the Honorable Mark E. Recktenwald, Chief Justice of the Supreme Court, State of Hawai'i; the Honorable Sabrina McKenna, Associate Justice of the Supreme Court, State of Hawai'i; chief administrator of the courts Rod Maile; and Brandon Kimura from the judiciary, who were present in the gallery.

Senator Kanuha introduced Martha Saenz from Denver, Colorado, the National Conference of State Legislatures (NCSL) state liaison for Hawai'i and associate director for the Quad Caucus and Women's Legislative Network at NCSL. Senator Kanuha invited the members to stop by for lunch in Conference Room 325 to greet Ms. Saenz at 12:00 noon that afternoon.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 20, 21, 1105, and 1106) were read by the Clerk and were placed on file:

Gov. Msg. No. 20, letter dated April 13, 2022, transmitting a proposed draft amending S.B. No. 2788, S.D. 1, H.D. 1 to fund the agreement concerning Collective Bargaining Unit 7.

Gov. Msg. No. 21, letter dated April 13, 2022, transmitting proposed changes to the FY 2023 Executive Supplemental Budget for the Department of Agriculture.

Gov. Msg. No. 1105, informing the Senate that on April 12, 2022, the Governor signed into law House Bill No. 2392, H.D. 1, S.D. 1 as Act 5, entitled: "RELATING TO HEALTH."

Gov. Msg. No. 1106, informing the Senate that on April 13, 2022, the Governor signed into law House Bill No. 2180 as Act 6, entitled: "RELATING TO HARBORS."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 574 to 714) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 574, informing the Senate that on April 12, 2022, H.B. No. 1339 passed Final Reading in the House of Representatives, was placed on file.

Hse. Com. No. 575, informing the Senate that on April 12, 2022, the House agreed to the amendments proposed by the Senate and passed H.B. No. 2392, H.D. 1, S.D. 1 on Final Reading, was placed on file.

Hse. Com. No. 576, informing the Senate that on April 12, 2022, the House disagreed to the amendments proposed by the Senate to the following House Bills:

H.B. No. 1412, H.D. 2 (S.D. 1);
H.B. No. 1475, H.D. 1 (S.D. 1);
H.B. No. 1567, H.D. 1 (S.D. 1);
H.B. No. 1619, H.D. 2 (S.D. 2);
H.B. No. 1705, H.D. 1 (S.D. 1);
H.B. No. 1806, H.D. 2 (S.D. 1);
H.B. No. 1891, H.D. 1 (S.D. 1);
H.B. No. 1894, H.D. 3 (S.D. 2);
H.B. No. 2088, H.D. 3 (S.D. 2);
H.B. No. 2089, H.D. 1 (S.D. 2);

H.B. No. 2113, H.D. 2 (S.D. 1);
H.B. No. 2218, H.D. 1 (S.D. 1);
H.B. No. 2280, H.D. 2 (S.D. 1);
H.B. No. 2340, H.D. 2 (S.D. 2);
H.B. No. 2416, H.D. 2 (S.D. 1);
H.B. No. 2466, H.D. 2 (S.D. 1); and
H.B. No. 2491, H.D. 2 (S.D. 2),

was placed on file.

Hse. Com. No. 577, returning S.B. No. 206, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 206, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 578, returning S.B. No. 416, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 416, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 579, returning S.B. No. 449, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 449, and requested a conference on the subject matter thereof.

Hse. Com. No. 580, returning S.B. No. 514, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 514, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 581, returning S.B. No. 555, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 555, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 582, returning S.B. No. 573, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 573, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 583, returning S.B. No. 665, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 665, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 584, returning S.B. No. 775, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3284, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 704, returning S.B. No. 3289, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3289, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 705, returning S.B. No. 3298, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3298, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 706, returning S.B. No. 3311, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3311, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 707, returning S.B. No. 3324, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3324, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 708, returning S.B. No. 3330, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3330, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 709, returning S.B. No. 3338, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3338, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 710, returning S.B. No. 3357, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3357, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 711, returning S.B. No. 3367, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3367, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 712, returning S.B. No. 3369, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3369, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 713, returning S.B. No. 3377, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3377, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 714, returning S.B. No. 3379, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 12, 2022, was placed on file.

On motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3379, S.D. 1, and requested a conference on the subject matter thereof.

The Chair then announced:

“Conferees will be named at a later date.”

STANDING COMMITTEE REPORTS

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3976) recommending that the Senate advise and consent to the nominations to the Board of Agriculture of the following:

DIANE LEY, in accordance with Gov. Msg. No. 547;

FREDERICK COWELL, in accordance with Gov. Msg. No. 548; and

JAMES GOMES, in accordance with Gov. Msg. No. 549.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3976 and Gov. Msg. Nos. 547, 548, and 549 was deferred until Monday, April 18, 2022.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3977) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Agribusiness Development Corporation of the following:

LYLE TABATA, in accordance with Gov. Msg. No. 550; and

GLENN HONG, in accordance with Gov. Msg. No. 551.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3977 and Gov. Msg. Nos. 550 and 551 was deferred until Monday, April 18, 2022.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3978) recommending that the Senate advise and consent to the nominations to the Environmental Advisory Council of the following:

MICHELE LEFEBVRE, in accordance with Gov. Msg. No. 598;

MICHELE LEFEBVRE, in accordance with Gov. Msg. No. 599;

GORDON SCRUTON JR, in accordance with Gov. Msg. No. 600;

MOANAOIO BJUR, in accordance with Gov. Msg. No. 601;

RACHEL SPRAGUE, in accordance with Gov. Msg. No. 602; and

RACHEL SPRAGUE, in accordance with Gov. Msg. No. 603.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3978 and Gov. Msg. Nos. 598, 599, 600, 601, 602, and 603 was deferred until Monday, April 18, 2022.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3979) recommending that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

MELVIN TOKUDA, in accordance with Gov. Msg. No. 653;

TROY SAKIHARA, in accordance with Gov. Msg. No. 654; and

STEVE RUSSO, in accordance with Gov. Msg. No. 688.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3979 and Gov. Msg. Nos. 653, 654, and 688 was deferred until Monday, April 18, 2022.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3980) recommending that the Senate advise and consent to the nominations to the Environmental Advisory Council of the following:

MARY BEGIER, in accordance with Gov. Msg. No. 735; and

STEPHANIE DUNBAR-CO, in accordance with Gov. Msg. No. 853.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3980 and Gov. Msg. Nos. 735 and 853 was deferred until Monday, April 18, 2022.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3981) recommending that the Senate advise and consent to the nominations to the Greenhouse Gas Sequestration Task Force of the following:

JUSTINE NIHIPALI, in accordance with Gov. Msg. No. 793; and

JONATHAN DEENIK, in accordance with Gov. Msg. No. 795.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3981 and Gov. Msg. Nos. 793 and 795 was deferred until Monday, April 18, 2022.

Senator Wakai, for the Committee on Energy, Economic Development and Tourism, presented a report (Stand. Com. Rep. No. 3982) recommending that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

JONATHAN SHICK, in accordance with Gov. Msg. No. 823;

TESSA GOMES, in accordance with Gov. Msg. No. 862; and

TESSA GOMES, in accordance with Gov. Msg. No. 863.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3982 and Gov. Msg. Nos. 823, 862, and 863 was deferred until Monday, April 18, 2022.

Senator Wakai, for the Committee on Energy, Economic Development and Tourism, presented a report (Stand. Com.

Rep. No. 3983) recommending that the Senate advise and consent to the nomination of MICHAEL YADAO to the Stadium Authority, in accordance with Gov. Msg. No. 826.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3983 and Gov. Msg. No. 826 was deferred until Monday, April 18, 2022.

Senator Wakai, for the Committee on Energy, Economic Development and Tourism, presented a report (Stand. Com. Rep. No. 3984) recommending that the Senate advise and consent to the nomination of GREGORY KIM to the Hawai'i Technology Development Corporation, in accordance with Gov. Msg. No. 827.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3984 and Gov. Msg. No. 827 was deferred until Monday, April 18, 2022.

Senator Wakai, for the Committee on Energy, Economic Development and Tourism, presented a report (Stand. Com. Rep. No. 3985) recommending that the Senate advise and consent to the nomination of STERLING HIGA to the Hawaii Community Development Authority, in accordance with Gov. Msg. No. 828.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3985 and Gov. Msg. No. 828 was deferred until Monday, April 18, 2022.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3986) recommending that the Senate advise and consent to the nominations to the Statewide Voters With Special Needs Advisory Committee of the following:

PATRICIA MORRISSEY, in accordance with Gov. Msg. No. 590; and

KATHRYN KEIM, in accordance with Gov. Msg. No. 595.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3986 and Gov. Msg. Nos. 590 and 595 was deferred until Monday, April 18, 2022.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3987) recommending that the Senate advise and consent to the nomination of RAMODA ANAND to the Statewide Voters With Special Needs Advisory Committee, in accordance with Gov. Msg. No. 591.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3987 and Gov. Msg. No. 591 was deferred until Monday, April 18, 2022.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3988) recommending that the Senate advise and consent to the nomination of ELIZABETH KENT to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 635.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3988 and Gov. Msg. No. 635 was deferred until Monday, April 18, 2022.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3969 (Jud. Com. No. 23):

Senator Rhoads moved that Stand. Com. Rep. No. 3969 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Rhoads then moved that the Senate consent to the appointment of SHELLIE K. PARK-HOAPILI to the District

Court of the First Circuit, for a term of six years, seconded by Senator Keohokalole.

Senator Rhoads rose to speak in support of Jud. Com. No. 23 as follows:

“Shellie Park-Hoapili has been licensed to practice law in the State of Hawai‘i since 2003. Upon graduation she clerked for Alston, Hunt, Floyd, & Ing; the Hawai‘i Civil Rights Commission; and then for the Honorable Paula Nakayama of the Hawai‘i Supreme Court. She subsequently worked for seven years as an associate attorney at Alston, where her practice included civil litigation and complex legal issues.

“Since 2012, Ms. Park-Hoapili has served as a staff attorney for the Hawai‘i Supreme Court and recently was made the court staff attorney. In these roles, she provided legal advice to the justices and the Court; reviewed and analyzed original proceedings, jurisdictional issues, confidential matters, and procedural processes; drafted legal memoranda and per curiam opinions; drafted statewide and circuit-specific orders in response to the COVID-19 pandemic; and supervised other staff attorneys.

“Ms. Park-Hoapili received her bachelor of arts degree in political science from the University of Hawai‘i at Mānoa and her juris doctor degree from the William S. Richardson School of Law. She has served on the Board of Bar Examiners of the Hawai‘i Supreme Court since 2013, and has been president of both the Hawaii Women’s Legal Foundation and Hawaii Women Lawyers.

“After having reviewed the testimony, all of which was in support of her confirmation, and other materials submitted to the committee and having examined the appointee in a hearing, your Judiciary committee finds that Shellie Park-Hoapili is well-qualified to serve as district court judge of the First Circuit, and recommends that the Senate consent to the appointment. Mahalo.”

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

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

At this time, Senator Rhoads introduced Judge Shellie K. Park-Hoapili, who was present in the gallery with her husband, James Hoapili, and members of her Judiciary ‘ohana.

Stand. Com. Rep. No. 3970 (Jud. Com. No. 24):

Senator Rhoads moved that Stand. Com. Rep. No. 3970 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Rhoads then moved that the Senate consent to the appointment of NATASHA R. SHAW to the District Family Court of the First Circuit, for a term of six years, seconded by Senator Keohokalole.

Senator Rhoads rose to speak in support of Jud. Com. No. 24 as follows:

“Natasha Shaw began her legal career in Hawai‘i in 2009 as a law clerk for the Honorable Colleen Hirai in the Circuit Court of the First Circuit. Since 2010, Judge Shaw has been licensed to practice law in the state, and she worked for several law firms before starting her own solo practice in 2014. Her practice focused on the areas of probate and trust litigation, conservatorships and guardianships litigation, forensic audits of fiduciary accounts, estate administration, and drafting estate planning documents. Since 2019, Judge Shaw has served as a per diem judge for the District Family Court of the First Circuit. She has also been a kokua kanawai for two probate court judges, evaluating the need for a conservator or guardian to be appointed to protect individuals.

“Judge Shaw received her bachelor of science degree in business administration in accounting from the University of Nevada, Las Vegas. She later received her masters of business administration from Stetson University School of Business concurrently with her juris doctor degree from Stetson University College of Law.

“After having reviewed the testimony, which was overwhelmingly in support of her confirmation, and other materials submitted to the committee and having examined the appointee in a hearing, your Judiciary committee finds that Natasha R. Shaw is well-qualified to serve as a district family court judge of the First Circuit, and recommends that the Senate consent to the appointment. Mahalo.”

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

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

At this time, Senator Rhoads introduced Judge Natasha R. Shaw, who was present in the gallery with her mother and other family members.

The Chair made the following comments:

“Madam Clerk, before going to the next item, I believe, in talking to Chief Justice Recktenwald, with these two confirmation votes this morning, we now have half of the judges in the district court are women and half of the judges sitting are men. To Chief Justice and your team: thank you for achieving the gender equity we were seeking—and with very well-qualified individuals. Thank you, CJ.”

Stand. Com. Rep. No. 3971 (Gov. Msg. Nos. 717, 718, 719, 720, 721, 722, 723, and 724):

Senator Inouye moved that Stand. Com. Rep. No. 3971 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Aha Moku Advisory Committee of the following:

KEITH ROBINSON, term to expire June 30, 2024 (Gov. Msg. No. 717);

WALTER RAWLINS, term to expire June 30, 2024 (Gov. Msg. No. 718);

ROBERT LUUWAI, term to expire June 30, 2024 (Gov. Msg. No. 719);

MANUEL KULOLOIO, term to expire June 30, 2024 (Gov. Msg. No. 720);

FRANCES KALUHIWA, term to expire June 30, 2024 (Gov. Msg. No. 721);

CHARLES YOUNG, term to expire June 30, 2024 (Gov. Msg. No. 722);

LLEWELLYN KAOHELAULII, term to expire June 30, 2024 (Gov. Msg. No. 723); and

WINIFRED BASQUES, term to expire June 30, 2024 (Gov. Msg. No. 724),

seconded by Senator Keith-Agaran.

Senator Inouye rose to speak in support of the nominees as follows:

“I rise in support of GMs 717, 718, 719, 720, 721, 722, 723, and 724, and these are all members your committee has advised and consent: all the nominees were properly vetted, Mr. President and members, by each island’s council under the

umbrella of the Aha Moku system. We're very pleased that they have contributed to being served on this board as we have had a vacancy for the last two years. And, Mr. President, I do want to add the names to the GMs, please, if you'll allow me to: Moku O Keawe from the Island of Hawai'i, Charles Young; Moku O Pi'ilani from Maui, Robert Luuwai; Moku O Kanaloa, Kaho'olawe, Manuel Kuloloio; Moloka'i Pule O'o, Moloka'i, Pi'ilani Kaawaloa. We do have John Luuwai as well and Layna Olivetter. We do have Walter Rawlins as well, Winifred Basques. We have Frances 'Aunty Rocky' Kaluhiwa, Shad Kane, Llewellyn Kaohelaui'i. We do have Keith Robinson, Kane Turalde, Leinaala Robinson. And all of these members were vetted by the committee. Mr. President, I urge my colleagues to advise and consent to these members. Mahalo."

Senator DeCoite rose to speak in support of the nominees as follows:

"In recent years, nominations to the Aha Moku Advisory Committee have been a very controversial issue, especially in our Native Hawaiian communities. The main point of controversy stems from the nomination process itself; some argue that the process used to nominate committee members is illegitimate and not proper. Mr. President, in preparation for my vote today, I did my due diligence in consulting with the attorney general's office and whether the identification of the nominees for the Aha Moku Advisory Committee was done through a proper process in a memo dated April 13, 2022, 'Is the opinion of the attorney general that the correct process was followed?' In addition, Mr. President, I would like to insert the memo received from the attorney general into the Journal."

The Chair having so ordered, the memo from the attorney general is identified as "**ATTACHMENT A**" to the Journal of this day.

Senator Inouye introduced Aha Moku Advisory Committee nominees Manuel Kuloloio from Kaho'olawe and Frances "Aunty Rocky" Kaluhiwa of O'ahu, and Kane'ohe Bay Regional Council nominee Elena Bryant, who were present in the gallery, along with guests Kawaikapuokalani Hewett and Leimana DaMate of the Aha Moku Advisory Committee.

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

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

Stand. Com. Rep. No. 3972 (Gov. Msg. No. 776):

Senator Inouye moved that Stand. Com. Rep. No. 3972 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of KANOE WILSON to the Legacy Land Conservation Commission, term to expire June 30, 2026, seconded by Senator Keith-Agaran.

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

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

Stand. Com. Rep. No. 3973 (Gov. Msg. No. 775):

Senator Inouye moved that Stand. Com. Rep. No. 3973 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of ELENA BRYANT to the Kane'ohe Bay Regional Council, term to expire June 30, 2025, seconded by Senator Keith-Agaran.

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

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

Stand. Com. Rep. No. 3974 (Gov. Msg. No. 798):

Senator Inouye moved that Stand. Com. Rep. No. 3974 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of WAYNE KATAYAMA to the Commission on Water Resource Management, term to expire June 30, 2026, seconded by Senator Keith-Agaran.

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

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

Stand. Com. Rep. No. 3975 (Gov. Msg. Nos. 690 and 701):

Senator Inouye moved that Stand. Com. Rep. No. 3975 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Hawaii Historic Places Review Board of the following:

NICHOLAS BELLUZZO, term to expire June 30, 2025 (Gov. Msg. No. 690); and

WILLIAM CHAPMAN, term to expire June 30, 2026 (Gov. Msg. No. 701),

seconded by Senator Keith-Agaran.

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

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

The Chair extended congratulations to the confirmed nominees.

THIRD READING

H.B. No. 1539, H.D. 2, S.D. 2:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, H.B. No. 1539, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SAFETY OF JUDICIARY PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

H.B. No. 1600, H.D. 1, S.D. 2:

Senator Dela Cruz moved that H.B. No. 1600, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

"Mr. President, I'd like to begin by thanking you and the Senate leadership, the Senate subject-matter committee chairs for their leadership and for assisting the Ways and Means committee in addressing the restoration and fiscal sustainability efforts reflected in the State's supplemental budget. The Senate continues to make prudent and strategic decisions to ensure the economic vitality of our state. The dedication and diligent efforts to identify opportunities for strategic additions, restorations, consolidations, and reductions across the 20 state departments were instrumental. Your recommendations to the

Ways and Means committee have made it possible for the Senate to pass a sustainable supplemental budget that creates a more efficient state government, addresses the needs of our most vulnerable residents, and stabilizes essential services and programs while incorporating strategies to improve the State's credit rating and borrowing power.

"With a brighter economic forecast, we were able to appropriate funds for many one-time, non-recurring large expenditures such as repairs and maintenance, construction projects, land acquisitions, and paying down the state's unfunded liabilities including debt service, the Employees' Retirement System, and replenishing the rainy day fund. We invested strategically in initiatives that have been longstanding issues for the state, such as Hawai'i's housing shortage; the need for more comprehensive health and well-being services for our keiki, kūpuna, and those with disabilities; supporting small business and the diversification of our economy; and creating pathways for a skilled workforce and the development of higher-wage jobs. All these efforts are reflected in the budget appropriations across the state departments and are intended to make a way for Hawai'i's families to remain here in the islands for generations to come.

"Numerous Senate bill priorities with appropriations were migrated into the state budget to solidify their implementation. Funding for construction of thousands of Hawaiian homesteads (Senate Bill 3359), affordable and public housing projects (S.B. 2372 and S.B. 2588), and homeless support and triage services (House Bill 2512) were included. A greater focus on developing Hawai'i's workforce and training needs was accomplished through the appropriations that will increase the Department of Labor, the University of Hawai'i, and the Department of Education's ability to collaborate, coordinate, and amplify their education and training efforts (Senate Bill 3374 and House Bill 1561). Their collective energies will provide Hawai'i's K-12, post-high, and adult learners with the opportunities to earn licensures, credentials, and certifications that will lead to employment in hard-to-fill jobs in office administration, agriculture, teaching, human services, and healthcare (House Bill 2220), engineering and information technology right here in Hawai'i and specifically within state government. Allocations were provided to the Department of Accounting and General Services for centralization and digitization of 11 state department records and documents (S.B. 3282), which will reduce the costs for document storage and ensure that those teleworking will have secure online access to essential documentation. The Office of the Attorney General received funding for its critical law enforcement efforts to combat sex and human trafficking (in S.B. 2930), fraud, white-collar crime, and public corruption (S.B. 2930). Salary differentials for hard-to-fill positions were addressed this session for teachers, social workers, archaeologists, and deputy attorney generals (S.B. 2819 and S.B. 2820).

"There are so many more noteworthy priorities that were addressed in this year's supplemental budget, such as HTDC's grants to include funding for accelerator programs; manufacturing and small business loans; modernizing the state's aging digital infrastructure and Department of Health laboratories (found in H.B. 2515); providing funds for required federal match for broadband infrastructure; the coordination of trauma-informed care for statewide programs and services; reducing the pipeline to prison and recidivism; funding for menstrual equity (found in S.B. 2821); farmer supports to control axis deer and feral animals; increased security for state parks, harbors, and the community colleges; study and abatement of coastal erosion (found in H.B. 2229); and funds for post-high scholarships and student mental health services. All that in mind, I'd like to thank the subject-matter chairs for the countless hours spent meeting with departments and the Ways and Means team, as well as scrutinizing and asking

critical questions on hundreds of budget requests. Your good work is reflected in the Senate draft.

"The Senate's approach to balancing the budget included considering the Council on Revenues' forecast; allocating federal funds from the American Rescue Plan Act; restoring critical defunded positions and programs and services that were reduced during the pandemic; funding non-recurring, one-time costs; vacancy reductions to limit the growth of government; meeting the maintenance of effort federal requirements; and, finally, covering the costs for the Senate priorities.

"Numerous federal requirements, restrictions, and limitations were placed on how ARPA funds could be spent by the state. The maintenance of effort requirement presented the greatest challenge for drafting a balanced budget. Your committee worked diligently, especially with the Education chairs and the Higher Education chairs to meet the proportional maintenance of effort funding requirements established under ARPA. Many hours were spent to ascertain accurate appropriations to the University of Hawai'i, the Department of Education, and all other state departments. The federal maintenance of effort requirements mandate that the State provide proportional funding in fiscal years 2022 and 2023 to elementary and secondary education and higher education as compared to the overall state budget averaged over fiscal years 2017, '18, and '19. According to B&F, these averaged proportional allocations are 6.49 percent and 32.04 percent for higher education and lower education. Higher education encompasses the University of Hawai'i, while lower education comprises DOE minus the libraries and early learning. We present a budget that is sustainable, ensures economic stabilization, and meets the federal requirements for the maintenance of effort.

"In conclusion, I'd like to thank the members for their hard work, and I'd like to thank and acknowledge everyone's efforts, time, and dedication, as well as the efforts and hard work of the vice chair and his team for putting together the CIP budget. Lastly, I'd like to thank the Ways and Means budget staff for their hard work and extended hours in helping shape the Senate draft. They're here today: committee clerk Dane Wicker; budget chief Stacy Ferreira; budget analysts Colin, Parker, Kekahi, Keahi, Ann, Kathy, and Ford; legislative assistants David and Reggie; and our office manager, Dot. Also, who helped the Ways and Means committee is our bills section—bills chief Duncan Osorio and his team: Chris, Sam, Carlos, Esera, Mary, and Vanessa, if you can please rise and be recognized. Thank you."

Senator Keith-Agaran rose to speak in support of the measure as follows:

"I just wanted to add my thanks to the members as well as to yourself, especially to the committee clerks and the staff of the Senate who helped provide the information that we needed to fashion the CIP budget. Although my staff decided they did not want to come down, I wanted to recognize them: Robert Nishimoto and Danielle Evangelista, who did a lot of the yeoman's work on the CIP budget as we go into conference. And I urge all my colleagues to please vote in favor of the Senate Draft 2."

The motion was put by the Chair and carried, H.B. No. 1600, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

H.B. No. 1570, H.D. 1, S.D. 2:

Senator Baker moved that H.B. No. 1570, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Dela Cruz.

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

“Colleagues, this measure is a response to the increase in youth vaping that we’re seeing here in Hawai‘i. Electronic smoking devices that feature tobacco products, including menthol, are a gateway to cigarettes and other substances. The sale of candy-like flavored tobacco products that are mislabeled as nicotine-free entice young people to start using these harmful products, which can lead to addiction and cause damage to their developing brain. Flavored tobacco products also increase an individual’s risk for dual use of vaping and combustible cigarettes. Many electronic smoking devices contain the addictive chemical nicotine, and this is particularly troubling because now there’s a synthetic nicotine that is not tobacco-derived but is just as addictive and harmful. Youth electronic-smoking-device users are four times—four times—more likely to become regular cigarette users. In 2020, the Centers for Disease Control and Prevention announced that nearly half of Hawai‘i’s high school students and three in ten of middle school students in Hawai‘i have tried e-cigarettes.

“This measure will prohibit the sale or distribution in Hawai‘i of all e-liquid flavored tobacco products, including products with menthol, and prohibit the mislabeling of products as nicotine-free. This measure will help deter the e-cigarette use among our youth, and it is especially important that this measure move forward because there are other folks out there who are preying on our young people to try to get them addicted to a life of e-cigarette use and health damage. Please join me in supporting this important health and consumer protection measure. Mahalo.”

The motion was put by the Chair and carried, H.B. No. 1570, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE YOUTH VAPING EPIDEMIC,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (San Buenaventura). Noes, 1 (Riviere). Excused, 2 (Acasio, Fevella).

H.B. No. 1775, H.D. 2, S.D. 3:

On motion by Senator Dela Cruz, seconded by Senator Rhoads and carried, H.B. No. 1775, H.D. 2, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Acasio, Fevella).

RE-REFERRAL OF A HOUSE CONCURRENT RESOLUTION

The Chair re-referred the following House concurrent resolution that was received:

H.C.R. No.: Re-referred to:

H.C.R. No. 6, Jointly to the Committee on Health and the
H.D. 1 Committee on Public Safety,
Intergovernmental, and Military Affairs

At 12:08 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 p.m.

The Chair made the following announcement:

“For the duration of the 2022 Conference period, conferees will be named and revised in accordance with the Action Sheet Reports on the Capitol website, and said actions will be reflected in the Journal.”

Senator Kidani expressed her happiness at seeing her colleagues dressed in purple and joining the community to celebrate Purple Up! Day. Senator Kidani explained that each year, the month of April is designated as the Month of the Military Child, and that on one day in April, purple is worn to highlight the commitment to serving military families and their keiki in Hawai‘i schools. Senator Kidani then noted that the official programs in the public school systems have been a true success story, receiving input from the Military Interstate Children’s Compact Commission and the Joint Venture Education Forum. Senator Kidani further noted that school communities benefit from the experiences and perspectives military students bring to their campuses and that by extending the spirit of aloha to everyone who might otherwise be considered an out-of-town student, everyone grows and learns. Senator Kidani clarified that there were 56 public schools on O‘ahu that were on the Department of Education’s list of military-impacted schools—schools that have significant numbers of military dependent students on their campuses. Senator Kidani disclosed that there were eight public schools in her Senate district and that all eight were on the list. Senator Kidani reminded the members that during Education Week, they had extended Senate congratulations to one of these schools in Senator Dela Cruz’s district, Major Sheldon Wheeler Middle School at Wheeler Army Airfield, which serves a student population with about 97 percent military dependent enrollment. Senator Kidani observed that Wheeler Middle School was a true success story, designated one of three Hawai‘i Blue Ribbon Schools that year, a perfect example of how everyone thrives when they focus and work together. Senator Kidani concluded that as the Education chair, she appreciated the opportunity to recognize the Month of the Military Child, and extended a mahalo to her colleagues for joining to observe Purple Up! Day 2022.

ADJOURNMENT

At 12:13 p.m., on motion by Senator DeCoite, seconded by Senator Kanuha and carried, the Senate adjourned until 11:30 a.m., Monday, April 18, 2022.

ATTACHMENT A

The Honorable Lynn DeCoite
 April 13, 2022
 Page 2

HOLLYT S. BRADDA
 ATTORNEY GENERAL

VALERIE M. KATO
 FIRST DEPUTY ATTORNEY GENERAL



STATE OF HAWAII
 DEPARTMENT OF THE ATTORNEY GENERAL
 425 CHIEF OF STAFF DRIVE
 HONOLULU, HAWAII 96813
 (808) 584-1500

April 13, 2022

Memorandum

TO : Senator Lynn DeCoite
 Senate District 7

FROM: Linda L.W. Chow
 Deputy Attorney General

RE : Nominees to the 'Aha Moku Advisory Committee

The question you asked was whether the identification of the nominees for the 'Aha Moku Advisory Committee (Committee) was done through a proper process. We believe that the correct process was followed to come up with the list of potential nominees for the Committee from which the Governor could choose.

The purpose of the Committee is to advise the chairperson of the Board of Land and Natural Resources on various issues. These issues, enumerated in Hawaii Revised Statutes (HRS) section 171-4.5, are:

- (1) Integrating indigenous resource management practices with western management practices in each moku;
- (2) Identifying a comprehensive set of indigenous practices for natural resource management;
- (3) Fostering the understanding and practical use of native Hawaiian resource knowledge, methodology, and expertise;
- (4) Sustaining the State's marine, land, cultural, agricultural, and natural resources;
- (5) Providing community education and fostering cultural awareness on the benefits of the aha moku system;
- (6) Fostering protection and conservation of the State's natural resources; and
- (7) Developing an administrative structure that oversees the aha moku system.

HRS § 171-4.5(a) and (d).

The Committee consists of eight members appointed by the Governor and confirmed by the Senate from a list of nominations submitted by the 'Aha Moku councils (Councils) of each island. HRS § 171-4.5(b). There is no formal structure for the Councils. According to rules adopted for the Committee,¹ within the physical geography of each moku, communities and residents select their moku representative(s) according to the desirable leadership qualities and/or traditional 'ike that align the needs of that moku. AMAC Rules § 2-4(a).²

In developing the list of nominees for each Committee representative the executive director of the Committee, Leimana DaMate, consulted with each of the island Councils to have them provide two names for the Governor's consideration.³ The list of the current Council representatives is attached as Attachment 1.

Ms. DaMate indicated that each of the islands have their own protocols on how their structure is set up. The people of each island selects their ahupua'a and moku representatives. The moku representatives select, from among themselves, the names to send to the Governor as nominations. Once selected, Ms. DaMate collects the requests and submits the list of potential nominees to the Boards and Commissions office. The list that Ms. DaMate compiled this year is attached as Attachment 2. We were not able to determine what process the island Councils used to determine who they put on the list of potential nominees.

The email that questions the process by which the nomination list was created is purportedly from the island Councils for the islands of Kauai, Maui, Molokai, and Lanai. See Attachment 3. They are challenging the nominations, primarily because the names have not

¹ The rules are titled "Final Rules of Practice and Procedure Department of Land and Natural Resources 'Aha Moku Advisory Committee" (AMAC Rules) were effective on October 20, 2016 and can be found here: http://www.ahamoku.org/wp-content/uploads/2016/12/FINAL_AMAC_Admin_Rules_effective_102016.pdf. There does not appear to be any statutory authority for the Committee to adopt rules nor are there citations to authorizing statutes. It is unknown what the legal effect of these rules are.

² There is some conflict on Molokai and Maui as to which is the "true" Council for those islands. The executive director of the Committee explained that she deals with the Council that has been chosen by the communities and residents of each moku rather than the councils headed by Walter Ritte and Keaumoku Kapu, being Molokai and Maui respectively, because those council members were appointed by Ritte and Kapu and not by the residents and communities.

³ According to Ms. DaMate, on Molokai there is no island "Council" per se. Instead there is a "kupuna council" that is selected by the people and who serve the same function as the island Council. Although named differently, this is consistent with the other councils as they are all made up of kupuna.

ATTACHMENT A



The Honorable Lynn DeCotte
 April 13, 2022
 Page 3

come from their Aha Moku island councils. Ms. DaMate has indicated that the councils and members who signed the email are not the island Councils who have been chosen by the residents and community.

We do not have any basis to believe that the island Councils that provided the names of nominees were not the correct island Councils. To the degree that the appropriate island Councils were consulted and provided the names of the nominees, it appears that the proper process was followed.




Department of Land and Natural Resources
 Hawaii State Aha Moku
 State of Hawaii
 Post Office Box 621
 Honolulu, Hawaii 96809

Aha Moku Representatives 2022


Island Traditional Name	Island	Moku	Representative
Moku O Keawe	Hawaii	Kohala	
		Hamakua	Pua Case
		Hilo	
		Puna	Piilani Kaawaloa
		Ka'u	Darlyne Yiera
Moku O Piilani	Maui	Kona	Charles Young
		Hamakupoko	Leinaala Vedder
		Hamakualoa	Leinaala Vedder
		Ko'olau	
		Hana	
		Kipahulu	
		Kaupo	
		Kahikinui	Aimoku Pali
		Honuaula	Kalei Luuwai
		Kula	
Moku O Kanaloa	Kahoelawe	Lahaina	
		Kaanapali	Felimon Sadang
		Waikuku	Richard Hoopii
		Kona	Mannel Kulololo
		Koolau	Manuel Kulololo
Nana'i Kaula	Lana'i	Kona	Winifred Basques
		Koolau	Winifred Basques
Moloka'i Pule O'o	Moloka'i	Kahakoi	William Kaholoa'a
		Koolau	Kahikina Akaka
		Kawela	Walter Rawlins
		Palaau	Judy Caparida

ATTACHMENT I

ATTACHMENT A



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
AHA MOKU ADVISORY COMMITTEE
 POST OFFICE BOX 63
 HONOLULU, HAWAII 96809



BEZANNE D. CAKE
 BOARD OF LAND AND NATURAL RESOURCES
 COMMISSIONER FOR INTERPERSONAL ENVIRONMENTAL
 JUSTICE
 1115 KALANANOLU AVENUE
 HONOLULU, HAWAII 96813
 PHONE: 808-582-3668
 EMAIL: BEZANNE@DLNR.HAWAII.GOV

February 15, 2022

Sharon Ibarra, Director
 State of Hawaii Boards and Commissions
 415 South Berdania Street
 Honolulu, HI 96813

Aloha Sharon,

On behalf of the Aha Moku in the State of Hawaii, created by Act 288, Legislative Session 2012, we would like to submit the nominee names for the Aha Moku Advisory Committee (AMAC) attached to the Department of Land and Natural Resources. The names were submitted by the moku representatives of each island. Two names are submitted for the Governor's selection.

Moku O Keawe (Hawaii Island)

1) Charles Young
 PO Box 505
 Honaunau, HI 96726
 Phone: 808-987-9052
 Email: youngc042@hawaii.rr.com

2) Pilihi Kaawaloa
 PO Box 688
 Pahoa, HI 96778
 Phone: 808-896-4172
 Email: Pumatita7@yahoo.com

Moku O Pihani (Maui)

1) Robert Kalei Lauwai
 63 Limu Kala Street
 Wailuku, HI 96793
 Phone: 808-870-5040
 Email: rluuawai@gmail.com

2) John W. Kalehua Lauwai
 301 Kualani Circle
 Kula, HI 96790
 Phone: 808-582-3668

Moku O Kamaloa (Kahoolawe)

1) Mamei Kulololo
 94-242 Keaukaha Place
 Waipahu, HI 96797
 Phone: 808-479-2377
 Email: Mamei.Kulololo@baesystems.com

2) Leinaala Vedder
 122 Kahiapo Drive
 Haiku, HI 96708
 Phone: 808-280-5060

Moku O Pihle O'o (Molokai)

ATTACHMENT 2

Moku O Kakuhihewa	O'ahu	Kona	Shad Kane
		Ewa	Hanalei Hopfe
		Waianae	Thomas Lenchenko
Moku O Kakuhihewa	O'ahu	Waialua	Tessie Fomoinoana
		Koolauloa	Rocky Kaluhiwa
Manokalanipo	Kauai	Koolaupoko	Billy Kaohelauii
		Kona	Kane Turalde
		Waimea	Kane Turalde
		Napali	Presley Wann
		Halele'a	
		Koolau	
		Puna	Kaliko Santos
Kawelonakala	Niihau	Kona	Keith Robinson
		Koolau	Keith Robinson

ATTACHMENT 1

ATTACHMENT A

From: 'Aha Moku O Maui, Inc ... (via Google Docs)' <ahamokuomaiui@gmail.com>
 Sent: Monday, April 11, 2022 12:07 PM
 To: Sen. Gil Riviere <senriviere@capitol.hawaii.gov>
 Cc: All Senators <senators@capitol.hawaii.gov>; Suzanne Case <case.suzanne@hawaii.gov>; David Ise <david.ise@hawaii.gov>; Sen. Lynn DeCoite <sendecoite@capitol.hawaii.gov>; Sen. Stanley Chang <SenChang@capitol.hawaii.gov>; Sen. Lynn DeCoite <sendecoite@capitol.hawaii.gov>; Sen. Donovan Dela Cruz <sendelacruz@capitol.hawaii.gov>; Sen. Kurt Fevella <senfevella@capitol.hawaii.gov>; Sen. Mike Gabbard <senagabbard@capitol.hawaii.gov>; Sen. Les Ihara, Jr. <senihara@capitol.hawaii.gov>; Sen. Lorraine K. Inouye <seninouye@capitol.hawaii.gov>; Sen. Dru Mamo Kanuha <senkanuha@capitol.hawaii.gov>; Sen. Gilbert Keith-Agaran <senkeithagaran@capitol.hawaii.gov>; Sen. Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>; Sen. Michelle Kiddani <senkiddani@capitol.hawaii.gov>; Sen. Donna Mercado Kim <senkim@capitol.hawaii.gov>; Sen. Ronald D. Kouchi <senkouchi@capitol.hawaii.gov>; Sen. Chris Lee <senlee@capitol.hawaii.gov>; Sen. Bennette Misalucha <senmisalucha@capitol.hawaii.gov>; Sen. Sharon Y. Moriwaki <senmoriwaki@capitol.hawaii.gov>; Sen. Clarence Nishihara <sennishihara@capitol.hawaii.gov>; Sen. Karl Rhoads <SenRhoads@capitol.hawaii.gov>; Sen. Joy A. Sen Buenaventura <SenSambuenaventura@capitol.hawaii.gov>; Sen. Maile Shimabukuro <senshimabukuro@capitol.hawaii.gov>; Sen. Brian Taniguchi <sentaniguchi@capitol.hawaii.gov>; Sen. Glenn Wakai <senwakai@capitol.hawaii.gov>
 Subject: Joint.Statement.Island.Aha.Moku.Councils.RE.leg.committee.approval.of.illegal.AMAC.nominati
 ons.041122

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

ahamokuomaiui@gmail.com attached a document

ahamokuomaiui@gmail.com has attached the following document:

Proposed AMAC appointments violate Hawaii Revised Statutes

Joint.Statement.Island.Aha.Moku.Councils.RE.leg.committee.approval.of.illegal.AMAC.nominations.041122

Snapshot of the item below:

2) William Kaholosa Sr.
 P.O. Box 194
 Hoololehua, HI 96729
 Phone: 808-213-1065
 Email: nicaroline@gmail.com

1) Walter Rawlins
 P.O. Box 323
 Kaunakakai, HI 96748
 Phone: 808-336-1012
 Email: walterrawlins45@gmail.com

Nana I Kauiha (Lana'i)

1) Winifred Basques
 P.O. Box 630321
 Lana'i City, HI 96763
 Phone: 808-215-1101
 Email: winnie@aloha.net

Moku O Kakuhihewa

1) Frances Leialoha Kaluhiwa
 P.O. Box 4870
 Kaneohe, HI 96744
 Phone: 808-286-7955
 Email: roskykaluhiwa1122@gmail.com

2) Shadi Kane
 92-1309 Uhamai Street
 Kapolei, HI 96707
 Phone: 808-429-7175
 Email: shadskans@gmail.com

Manokalanipo (Kaunai'i)

1) Lewellyn Kaohelauii
 2249 Kuai Road
 Koloa, HI 96756
 Phone: 808-742-9575
 Email: Terrichayes@gmail.com

2) Kane Turalde
 P.O. Box 1022
 Waimea, HI 96796
 Phone: 808-338-1969
 Email: kanswahine@aol.com

Ka Aina O Kaweloniakala (Ni'ihau)

1) Keith Robinson
 P.O. Box 232
 Kaunakani, HI 96747
 Phone: 808-338-0701

2) Leiana Robinson
 P.O. Box 690370
 Makaweli, HI 96769
 Phone: 808-335-3500

Thank you for consideration of these kupuna and Native Hawaiian resource leaders as members of the Aha Moku Advisory Committee. Please feel free to contact me should you have any questions or concerns regarding these island nominees.

Respectfully yours,

Kawailapokalani K. Hewett, Ka Mea Ho'okumu
 Aha Moku Advisory Committee
 45-349 Namoku Street
 Kaneohe, HI 96744
 Phone: 808-382-6043
 Email: kahalalehua@outlook.com

Leimama DaMata, Executive Director
 Aha Moku Advisory Committee, DLNR
 Kalaninokou Building, Room 130
 1151 Punchbowl St.
 Honolulu, HI 96813
 Phone: 808-640-1214
 Email: Leimama.kdamata@hawaii.gov

ATTACHMENT A

Our opposition to these appointments is based on the Governor's violation of Hawai'i Revised Statutes, § 171-4.5(b) which specifically requires that the AMAC members "be appointed by the Governor and confirmed by the Senate from a list of nominations submitted by the *aha moku councils of each island*," (emphasis added). The names that the Governor put forth did not come from a list of nominations from our respective island councils.

It is troubling to us that since 2017, the Governor has repeatedly submitted names that have not come from our 'Aha Moku island councils. We have come before the legislature every year to testify and point out this discrepancy and each time the Governor has not remedied the problem. No due diligence has been employed from the Governor's office to confirm that the nominees submitted to the legislature accurately reflect the wishes of the Island 'Aha Moku Councils.

We also question the delayed numbering of these legislative bills which prevented appropriate public notice and hindered participation by the public in testimony and comment. These actions compromised our constitutional rights to due process. For these reasons we must protest and object before the full Senate meets to confirm these illegal appointments to the AMAC.

We urge Governor Ige to withdraw the names of the prospective AMAC appointees for Kaua'i, Maui, Lāna'i, and Moloka'i.

Furthermore, we ask that remedial steps be taken to avoid these occurrences in the future. We believe that part of the solution would include strong censure or termination of AMAC Executive Director Leimana DaMate and that a formal investigation of her activities by the Hawai'i State Ethics Commission be conducted. Pursuant to the Final Rules of Practice and Procedure for the Department of Land and Natural Resources 'Aha Moku Advisory Committee (2016), the AMAC Executive Director may not independently make ad hoc decisions on behalf of the different Island 'Aha Moku Councils. Under paragraph (j) of Section 1-12 of the rules, the Executive Director must consult with the island po'o for each island, who in turn must consult with their respective island 'Aha Moku councils when inquiring on island-specific issues. We continually experience the unwarranted interference of Ms. DaMate in the internal affairs of our Island 'Aha Moku Councils. Rather than providing a supportive role to the work of our existing long-standing island councils, she has the propensity of ignoring our councils in favor of forming her own. In this manner, Ms. DaMate has successfully avoided bringing forth our input to the State Department of Land and Natural Resources (DLNR). We believe DLNR has also been complicit in enabling Ms. DaMate to operate in this manner as a rubber-stamp for its decisions.

ATTACHMENT 3

Joint Testimony of the 'Aha Moku Island Councils in Opposition to GM 718, GM 719, GM 723, and GM 724 as Violative of Hawai'i Revised Statutes, Section 171-4.5(b) Mandating that Gubernatorial Nominations and Senate Appointments to the State 'Aha Moku Advisory Committee are to Originate from a List of Nominations Submitted by the 'Aha Moku Councils of Each Island

April 11, 2022

To Senate President Kouchi and Members of the Hawai'i State Senate: We, the members of the 'Aha Moku Island Councils for the Islands of Kaua'i, Maui, Moloka'i, and Lāna'i oppose the illegal appointments of Walter Rawlins (Moloka'i representative) under GM 718, Robert Lu'uwai (Maui representative) under GM 719, Llewellyn Kaohelaunifi (Kaua'i representative) under GM 723, Winifred Basques (Lāna'i representative) under GM 724 to the State 'Aha Moku Advisory Committee (AMAC). Joining our objections are Maui County Councilmembers Keani Rawlins-Fernandez of Moloka'i and Shane Sinenci of Maui, whose communities were heavily involved in the lawful selection process and presently are disenfranchised by the unlawful appointments.

ATTACHMENT 3

ATTACHMENT A

This severely hampers the purpose of 'Aha Moku which is to advise DLNR on matters such as:

- Integrating indigenous resource management practices with Western management practices in each moku;
- Fostering the understanding and practical use of Native Hawaiian resource knowledge, methodology, and expertise; and
- Sustaining the state's marine, land, cultural, agricultural, and natural resources.

For the record, the 'Aha Moku Council of Kaua'i submitted the name of Teddy Blake for its AMAC representative. While Teddy Blake recently passed away, there was no effort to consult the Kaua'i island council to submit a new nomination. We would like to clarify that Llewellyn Kaohelaui's name was not submitted by the Kaua'i Island 'Aha Moku Council. In 2017, the name of Kamealoha Hanohano Smith was submitted. (See link to letter). In lieu of Teddy Blake's passing, we re-submit the name of Kamealoha Hanohano Smith as the Kaua'i Island AMAC nomination.

In 2017, the 'Aha Kiole o Moloka'i submitted three names for the Governor's consideration: Walter Ritte, Jr., Mae Poepoe, and Malia Akutagawa. (See link to letter). These names still stand for the 'Aha Kiole o Moloka'i and our island council has repeatedly submitted these names each year since. Since that submission, our island council reaffirms the nominations of Walter Ritte, Jr. and Malia Akutagawa. Mae Poepoe has since declined to serve as a nominee to AMAC due to his current workload and kuleana. Further, while the 'Aha Kiole o Moloka'i does not have any personal conflict with Mr. Walter Rawlins, he has not participated in our island 'Aha Moku council, nor has he been a community voice for mālama 'āina stewardship on our island.

'Aha Moku O Maui, Inc. submitted names of AMAC nominees Kyle Nakanelua, Michelle Ho'opi'i, and Ke'eaumoku Kapu to the Legislature on August 29, 2017 in testimony to the Senate WTL Committee (See link to letter) regarding the inappropriate selection process which violated the rules set forth in Act 288 (2012). In this testimony, 'Aha Moku O Maui noted that the list of names had been previously submitted to the Governor without acknowledgement. 'Aha Moku O Maui urged the Governor to retract the erroneous nomination of Richard Ho'opi'i, who was not submitted by the island council. This same error or malfeasance has occurred again with the proposed appointment of Robert Lu'uwai, whose name does not appear on the list submitted by the island council. Additionally, there was no support for this candidate from the Hawaiian Civic Clubs of Maui island nor any other Native Hawaiian Organization (NHO) on Maui.

ATTACHMENT 3

In 2021, the 'Aha Moku Council o Lāna'i submitted two candidate names for the Lāna'i representative to the AMAC. Their names are as follows: Anthony Pacheco and Cheleigh Clarabal. (See link to letter). Since that submission, our island council reaffirms the nomination of Anthony Pacheco. Cheleigh Clarabal, due to accepting greater personal kuleana, is no longer able to include her name as a nomination.

While Hawai'i Island supports Charles Young under GM 722, we would like to reiterate that we are aligned with our fellow Island 'Aha Moku Councils in their concerns that Hawai'i Revised Statutes, § 171-4.5(b) has been violated. It is important that the Governor adhere to the law in selecting nominations from the 'Aha Moku Island Councils.

It has been an exhausting process for our island councils to continually do damage control and testify before the legislature for repeated malfeasance on the part of the Governor's office in violating the AMAC nominations and appointments process pursuant to Hawai'i Revised Statutes, § 171-4.5(b). We urge the senate to take appropriate actions as recommended above to remedy this ongoing problem.

Me ka 'o ia 'i'o,

'Aha Moku o Hawai'i Island Council

Kohala Moku Po'o - Scott Haililani Mahoney

'Aha Moku o Lāna'i Island Council

Island Po'o - Kolomona Kahio'ohalahala

'Aha Kiole o Moloka'i Island Council

Island Po'o - Malia Akutagawa

Maui'e Moku - La'akea Poepoe

Maui'e Moku - Mahina Poepoe

Maui'e Moku - Hanohano Naehu

Kawela Moku - Kanoe Davis

Pala'au Moku - Lori Buchaman

Kalaikoi Moku - Byron Espaniola

Kalaikoi Moku - Josh Pastrana

Kalaikoi Moku - Halona Kaopuiki

Resource Management - Mae Poepoe

Community Consultation - Walter Ritte

Education - Kamalu Poepoe

Culture - 'Opu'ulani Albino

Culture - Loretta Ritte

Maui County Councilmembers

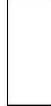
Keani Rawlins-Fernandez

Shane Sinensi

ATTACHMENT 3

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'Aha Moku O Maui, Inc. Island Council
Lāhāna Moku - U'i'iani Kapu
Kā'anapali Moku - Kaipō Kekona
Wailuku Moku - Clyde Kahalehau
Hāmākualoa Moku - Kia'i Collier and Leona Bak Nomura
Hāmākualoa Moku - Joycelyn Costa
Kō'olau Moku - Nichole Inouye Nohara and Kyle Nakameltua
Hāna Moku - Sam Akoi
Kīpahulu Moku - Kauiki Lind and Terry Lind
Kaupō Moku - Lyons Cabacungan and Jade Alohalani Smith
Kahikinui Moku - Chad Newman
Honua'ula Moku - Ka'onohi Lee
Kula Moku - Timmy Bailey and Cody Nemet Tuivaiti
'Aha Moku O Maui, Inc. Council Chair - Ke'eaumoku Kapu



Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA
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