

JOURNAL
of the
SENATE OF THE
THIRTIETH LEGISLATURE
of the
STATE OF HAWAI‘I

Second Special Session of 2020

Convened Wednesday, November 18, 2020
Adjourned Thursday, November 19, 2020

CERTIFICATE

We hereby certify that the minutes for each day's session as appears in this Senate Journal are true and correct and that a copy is on file in the Archives of the State of Hawai'i.



President of the Senate



Clerk of the Senate

OFFICERS OF THE SENATE

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Vice President

HONORABLE MICHELLE N. KIDANI Mililani, Hawai'i

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Assistant Clerk

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Sergeant-at-Arms

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Assistant Sergeant-at-Arms

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of the
SENATE OF THE THIRTIETH LEGISLATURE
of the
STATE OF HAWAI‘I

DISTRICT NO.	NAME	DISTRICT
First	KAHELE, KAIALI‘I (D)	Hilo
Second	SAN BUENAVENTURA, JOY A. (D)	Puna, Ka‘ū
Third	KANUHA, DRU MAMO (D)	Kona, Ka‘ū
Fourth	INOUYE, LORRAINE R. (D)	Hilo, Hāmākua, Kohala, Waimea, Waikoloa, Kona
Fifth	KEITH-AGARAN, GILBERT S.C. (D)	Wailuku, Waihe‘e, Kahului
Sixth	BAKER, ROSALYN H. (D)	South and West Maui
Seventh	ENGLISH, J. KALANI (D)	Hāna, East and Upcountry Maui, Moloka‘i, Lāna‘i, Kaho‘olawe
Eighth	KOUCHI, RONALD D. (D)	Kaua‘i, Ni‘ihau

DISTRICT NO.	NAME	DISTRICT
Ninth	CHANG, STANLEY (D)	Hawai'i Kai, Kuli'ou'ou, Niu, 'Āina Haina, Wai'alaie-Kāhala, Diamond Head
Tenth	IHARA, JR., LES (D)	Kaimukī, Kapahulu, Pālolo, St. Louis Heights, Maunalani Heights, Mō'ili'ili, Ala Wai
Eleventh	TANIGUCHI, BRIAN T. (D)	Mānoa, Makiki, Punchbowl, Papakōlea
Twelfth	MORIWAKI, SHARON Y. (D)	Waikīkī, Ala Moana, Kaka'ako, McCully, Mō'ili'ili
Thirteenth	RHOADS, KARL (D)	Dowsett Highlands, Pu'unui, Nu'uuanu, Pacific Heights, Pauoa, Punchbowl, Pālama, Liliha, Iwilei, Chinatown, and Downtown
Fourteenth	KIM, DONNA MERCADO (D)	Kapālama, 'Ālewa, Kalihi Valley, Ft. Shafter, Moanalua Gardens & Valley, portions of Hālawā and 'Aiea
Fifteenth	WAKAI, GLENN (D)	Kalihi, Māpunapuna, Airport, Salt Lake, Āliamanu, Foster Village, Hickam, Pearl Harbor
Sixteenth	MISALUCHA, BENNETTE E. (D)	Pearl City, Momilani, Pearlridge, 'Aiea, Royal Summit, 'Aiea Heights, Newtown, Waimalu, Hālawā, Pearl Harbor

DISTRICT NO.	NAME	DISTRICT
Seventeenth	NISHIHARA, CLARENCE K. (D)	Waipahu, Crestview, Mānana, Pearl City, Pacific Palisades
Eighteenth	KIDANI, MICHELLE N. (D)	Mililani Town, portion of Waipi'o Gentry, Waikele, Village Park, Royal Kunia
Nineteenth	FEVELLA, KURT (R)	‘Ewa Beach, Ocean Pointe, ‘Ewa by Gentry, Iroquois Point, portion of ‘Ewa Villages
Twentieth	GABBARD, MIKE (D)	Kapolei, Makakilo, and portions of ‘Ewa, Kalaeloa, and Waipahu
Twenty-First	SHIMABUKURO, MAILE S.L. (D)	Kalaeloa, Honokai Hale, Ko ‘Olina, Nānākuli, Mā‘ili, Wai‘anae, Mākaha, Mākua
Twenty-Second	DELA CRUZ, DONOVAN M. (D)	Mililani Mauka, Waipi'o Acres, Wheeler, Wahiawā, Whitmore Village, portion of Poamoho
Twenty-Third	RIVIERE, GIL (D)	Kāne‘ohe, Ka‘a‘awa, Hau‘ula, Lā‘ie, Kahuku, Waialua, Hale‘iwa, Wahiawā, Schofield Barracks, Kunia
Twenty-Fourth	KEOHOKALOLE, JARRETT (D)	Kāne‘ohe, Kāne‘ohe MCAB, Kailua, He‘eia, ‘Ahuimanu
Twenty-Fifth	LEE, CHRIS (D)	Kailua, Lanikai, Enchanted Lake, Keolu Hills, Maunawili, Waimānalo, Hawai‘i Kai, Portlock

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Senator Clarence K. Nishihara, Vice Chair

Senator Kaiiali'i Kahele
Senator Karl Rhoads

Senator Kurt Fevella

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Senator Clarence K. Nishihara
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Senator Kurt Fevella

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Senator Donna Mercado Kim, Vice Chair

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Senator Dru Mamo Kanuha

Senator Kurt Fevella

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Senator Kurt Fevella

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Senator Jarrett Keohokalole

Senator Kurt Fevella

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Senator Kurt Fevella

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Senator Kurt Fevella

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Senator Jarrett Keohokalole

Senator Kurt Fevella

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Senator Michelle N. Kidani
Senator Sharon Y. Moriwaki

Senator Maile S.L. Shimabukuro
Senator Brian T. Taniguchi
Senator Glenn Wakai
Senator Kurt Fevella

**MEMBERS OF THE SENATE
THIRTIETH LEGISLATURE
STATE OF HAWAII
SECOND SPECIAL SESSION OF 2020**



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8th Senatorial District
President



MICHELLE N. KIDANI
18th Senatorial District
Vice President
Chair: Education



J. KALANI ENGLISH
7th Senatorial District
Majority Leader



DRU MAMO KANUHA
3rd Senatorial District
Majority Caucus Leader



LES IHARA, JR.
10th Senatorial District
Majority Policy Leader



KURT FEVELLA
19th Senatorial District
Minority Leader/Floor Leader



ROSALYN H. BAKER
6th Senatorial District
Chair: Commerce and
Consumer Protection



STANLEY CHANG
9th Senatorial District
Chair: Housing



DONOVAN M. DELA CRUZ
22nd Senatorial District
Chair: Ways and Means



MIKE GABBARD
20th Senatorial District
Chair: Agriculture and Environment



LORRAINE R. INOUYE
4th Senatorial District
Chair: Water and Land



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1st Senatorial District



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JARRETT KEOHOKALOLE
24th Senatorial District
Chair: Health



DONNA MERCADO KIM
14th Senatorial District
Chair: Higher Education



CHRIS LEE
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Chair: Transportation



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16th Senatorial District



SHARON Y. MORIWAKI
12th Senatorial District
Chair: Government Operations



CLARENCE K. NISHIHARA
17th Senatorial District
Chair: Public Safety,
Intergovernmental, and
Military Affairs



KARL RHOADS
13th Senatorial District
Chair: Judiciary



GIL RIVIERE
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Chair: Human Services



MAILE S.L. SHIMABUKURO
21st Senatorial District
Chair: Hawaiian Affairs



BRIAN T. TANIGUCHI
11th Senatorial District
Chair: Labor, Culture and the Arts



GLENN WAKAI
15th Senatorial District
Chair: Energy, Economic Development,
Tourism, and Technology



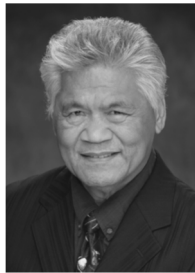
CAROL T. TANIGUCHI
Clerk



JENNIFER T. CHOW
Assistant Clerk



C.M. PARK KALEIWAHEA
Assistant Sergeant-at-Arms



BIENVENIDO C. VILLAFIOR
Sergeant-at-Arms

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THE
THIRTIETH LEGISLATURE
STATE OF HAWAII
SECOND SPECIAL SESSION OF 2020
JOURNAL OF THE SENATE
FIRST DAY

Wednesday, November 18, 2020

The Senate of the Thirtieth Legislature of the State of Hawai‘i, Second Special Session of 2020, was called to order at 10:02 a.m., by Senator Ronald D. Kouchi, President of the Senate, in accordance with the following Proclamation, which was read by the Clerk and was placed on file:

“Proclamation

November 16, 2020

I, Ronald D. Kouchi, President of the Senate of the Thirtieth Legislature of the State of Hawai‘i, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawai‘i, and at the written request of two-thirds of the members to which the Senate is entitled, do hereby convene the Senate in Special Session as sought in the petition at 10:00 a.m. on Wednesday, November 18, 2020, in the State Capitol Senate Chambers, for the purpose of carrying out its responsibilities established by Section 3, Article VI of the Constitution of the State of Hawai‘i.

/s/ Ronald D. Kouchi
RONALD D. KOUCHI
President of the Hawaii State Senate”

At this time, the President made the following announcements:

“Members, we are convened as the Thirtieth Legislature even though we have new members joining our body whose terms began on Tuesday, November 3, 2020. Therefore, if there are no objections from the members, we will conduct the proceedings for this Second Special Session of the Thirtieth Legislature in accordance with the Rules of the Senate adopted on January 17, 2019, and amended on May 11, 2020.

“Before we proceed further, I would also like to note for the record that the ongoing COVID-19 pandemic qualifies as a ‘catastrophic disaster’ as defined in Senate Rule 38.5 and there is ‘good cause’ for authorizing Senate members to continue participating in any meeting of the members via virtual attendance as set forth in Senate Rule 38.5 for the duration of this Special Session.”

The Roll was then called showing all Senators present, with Senators Chang, Gabbard, Ihara, Kahele, Keohokalole, Kim, Rhoads, Shimabukuro, and Taniguchi present and participating via videoconference.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 1) was read by the Clerk and was disposed of as follows:

Gov. Msg. No. 1, submitting for consideration and confirmation, the appointment of TODD W. EDDINS as Judge of the State of Hawai‘i Supreme Court, for a term of ten years, was referred to the Committee on Judiciary.

JUDICIARY COMMUNICATION

The following communication from the Judiciary (Jud. Com. No. 1) was read by the Clerk and was disposed of as follows:

Jud. Com. No. 1, submitting for consideration and confirmation, the appointment of STEPHANIE R.S. CHAR to the District Family Court of the Fifth Circuit, for a term of six years, was referred to the Committee on Judiciary.

SENATE RESOLUTION

The following resolution (S.R. No. 1) was read by the Clerk and was disposed of as follows:

S.R. No. 1 “SENATE RESOLUTION RELATING TO THE ADMINISTRATION OF THE OATH OF OFFICE TO SENATORS DULY ELECTED BY THE 2020 PRIMARY ELECTION OR THE 2020 GENERAL ELECTION OF THE STATE OF HAWAII.”

Offered by: Senator English.

At this time, the President made the following announcement:

“Members, pursuant to Article III, Section 4, of the Hawai‘i State Constitution, 14 members of this body were duly elected at the Primary Election on August 13, 2020, or the General Election on November 3, 2020.

“In order for the newly elected members present today to perform their duties during this special session of the Senate, the Chief Justice of the Supreme Court of the State of Hawai‘i administered the oath of office to each newly elected member prior to the convening of today’s session.

“We have been advised that the administration of these oaths should be formally recognized by the Senate and reflected in the Senate Journal for this special session.”

On motion by Senator Kanuha, seconded by Senator Fevella and carried, S.R. No. 1 was adopted.

At this time, Senator Rhoads announced that the Committee on Judiciary would be holding a decision-making meeting on Gov. Msg. No. 1 and Jud. Com. No. 1 at 10:30 a.m.

The Chair then made the following announcement:

“A revised list of Senate leadership and standing committee assignments was distributed to all offices on November 16, 2020. The Clerk is directed to place the same in the Journal.”

The Chair having so ordered, the list of Senate leadership and standing committee assignments reads as follows:

Majority Leader:
Senator J. Kalani English

Majority Caucus Leader:
Senator Dru Mamo Kanuha

Majority Policy Leader:
Senator Les Ihara, Jr.

Minority Leader/Floor Leader:
Senator Kurt Fevella

AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair
Senator Kaiali'i Kahele
Senator Karl Rhoads
Senator Kurt Fevella

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Senator Mike Gabbard
Senator Kurt Fevella

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Senator Les Ihara, Jr.
Senator Jarrett Keohokalole
Senator Kurt Fevella

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Senator Kurt Fevella

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Senator Kaiali'i Kahele
Senator Bennette E. Misalucha
Senator Kurt Fevella

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Senator Mike Gabbard
Senator Kaiali'i Kahele
Senator Donna Mercado Kim
Senator Chris Lee
Senator Kurt Fevella

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Senator Stanley Chang
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Senator Kurt Fevella

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Senator Maile S.L. Shimabukuro
Senator Kurt Fevella

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Senator Gil Riviere
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Senator Michelle N. Kidani
Senator Sharon Y. Moriwaki
Senator Maile S.L. Shimabukuro
Senator Brian T. Taniguchi
Senator Glenn Wakai
Senator Kurt Fevella

The Chair continued with the following announcement:

“The deadline to file standing committee reports on Gov. Msg. No. 1 and Jud. Com. No. 1 is 4:30 p.m. this afternoon.”

STANDING COMMITTEE REPORTS

On motion by Senator Kanuha, seconded by Senator Fevella and carried unanimously, the Clerk was authorized to receive

standing committee reports on Gov. Msg. No. 1 and Jud. Com. No. 1. In consequence thereof, and subsequent to its recessing at 10:09 a.m., the Senate took the following actions:

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1) recommending that the Senate consent to the appointment of TODD W. EDDINS as Associate Justice of the State of Hawaii Supreme Court, in accordance with Gov. Msg. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1 and Gov. Msg. No. 1 was deferred until Thursday, November 19, 2020.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that the Senate consent to the appointment of STEPHANIE R.S. CHAR to the District Family Court of the Fifth Circuit, in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2 and Jud. Com. No. 1 was deferred until Thursday, November 19, 2020.

ADJOURNMENT

At 4:30 p.m., the Senate adjourned until 11:30 a.m., Thursday, November 19, 2020.

SECOND DAY

Thursday, November 19, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Second Special Session of 2020, convened at 11:44 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Gabbard, Ihara, Kahele, Keohokalole, Rhoads, Shimabukuro, and Taniguchi present and participating via videoconference.

The President announced that he had read and approved the Journal of the First Day.

**ORDER OF THE DAY
ADVISE AND CONSENT**

Stand. Com. Rep. No. 1 (Gov. Msg. No. 1):

Senator Rhoads moved that Stand. Com. Rep. No. 1 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Rhoads then moved that the Senate consent to the appointment of TODD W. EDDINS as Associate Justice of the State of Hawaii Supreme Court, for a term of 10 years, seconded by Senator Keohokalole.

Senator Rhoads rose to speak in support of Gov. Msg. No. 1 as follows:

"Todd Weldon Eddins is a judge of the Circuit Court of the First Circuit of Hawai'i. Since becoming a judge in 2017, he has been primarily assigned to the criminal trial division, where he has handled more than 80 felony jury trials. He has also been assigned to the circuit court's domestic violence calendar for eight months, during which time he handled 26 domestic violence jury trials. Additionally, Judge Eddins has had a seat on the high court as substitute associate justice in several cases.

"Judge Eddins started his legal career as a clerk to then-justice Yoshimi Hayashi in 1991. He next gained significant trial and appellate experience during his 12 years as a deputy public defender in the state's Office of the Public Defender. He further spent 13 years in private practice, handling civil and criminal cases and appellate litigation, including many with complex and unique aspects, some of which led to significant court decisions.

"During his career, Judge Eddins has provided service to the legal community, including serving on various committees, such as the Special Committee on Judicial Performance, the Standing Committee on Pattern Criminal Jury Instructions, and, most recently, the Permanent Committee on Hawai'i Rules of Penal Procedure & Criminal Courts Circuit Rules, and as an adjunct appellate advocacy professor at the William S. Richardson School of Law and an instructor for the bar association's trial academy. I also note that in 1994, Judge Eddins was a staff attorney for one of my predecessors in the House and one of Senator Lee's predecessors, Judiciary committee chair Terrance Tom.

"Judge Eddins is a graduate of Hawaii Baptist Academy, the College of William and Mary in Williamsburg, Virginia, and the University of Hawai'i at Mānoa William S. Richardson School of Law. In his third year of law school, he was an executive editor of the University of Hawai'i Law Review.

"The overwhelming majority of the testimony submitted was in support of Judge Eddins' appointment to the Supreme Court, and included several current and retired judges and the Office of the Public Defender, his prior employer. The testifiers

commended his extensive experience, legal expertise, and fairness.

"After having reviewed the testimony and other materials submitted on this appointment and having examined the appointee in a hearing, your Judiciary committee finds that Todd Weldon Eddins is well-qualified to serve as an associate justice of the Supreme Court of the State of Hawai'i, and recommends that the Senate consent to the appointment. Mahalo."

The Chair commented:

"Before calling the vote, I did want to compliment the Judiciary chair and the members of the Judiciary committee as well as the one member who asked to participate during the hearing on Monday. You were at it for two hours and forty-five minutes; you have taken your job seriously, certainly wanted to make sure that you determined that there were the necessary qualifications of the nominee, and to the committee and the one non-member, I just, again, congratulate you on the effort that you put into the task that you were assigned with."

Senator Fevella rose to request that remarks in support of Gov. Msg. No. 1 with reservations be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Fevella's remarks read as follows:

"I think that Judge Todd Eddins is well-qualified to serve as an Associate Justice of the Hawaii Supreme Court. As a member of the Senate Judiciary Committee, I have a policy of meeting one-to-one, in person, with each judicial nominee before the Committee's public hearing. I was not able to do so in this case."

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

Ayes, 25; Ayes with Reservations (Fevella, Gabbard). Noes, none.

At this time, Senator Rhoads introduced Justice Todd W. Eddins, who wished to acknowledge the support of his wife, Rowena Eddins, and their four children – Miranda, who is attending the University of California, Los Angeles; Noah, who is serving the country in Bahrain; Roscoe, and Ruby.

Stand. Com. Rep. No. 2 (Jud. Com. No. 1):

Senator Rhoads moved that Stand. Com. Rep. No. 2 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Rhoads then moved that the Senate consent to the appointment of STEPHANIE R.S. CHAR to the District Family Court of the Fifth Circuit, for a term of six years, seconded by Senator Keohokalole.

Senator Rhoads rose to speak in support of Jud. Com. No. 1 as follows:

"Stephanie Reiko Sato Char has devoted her legal career to the Office of the Public Defender, primarily to the Kaua'i office, where, since 2017, she has been the supervising deputy public defender. In this capacity, she supervises five attorneys and several staff members in addition to managing a full caseload. After 17 years of practice, she has skillfully handled a wide range of cases in the circuit and district courts.

"Ms. Char received her law degree from the University of San Diego School of Law, and her undergraduate and master's

degrees from the University of Denver. She is a graduate of Kapa'a High School.

"All of the testimony submitted was in support of Ms. Char's appointment to the district family court. In particular, testifiers noted her dedication and legal acumen.

"After having reviewed the testimony and other materials submitted on this appointment and having examined the appointee in a hearing, your Judiciary committee finds that Stephanie Reiko Sato Char is well-qualified to serve as a district family court judge of the Fifth 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, 25. Noes, none.

At this time, Senator Rhoads introduced Judge Stephane R.S. Char, who wished to acknowledge the support of her mother, Jean Sato; her late father, Raymond Sato; her husband, Noa Char; her son, Sullivan; and her daughter, Naia.

MISCELLANEOUS BUSINESS

SENATE RESOLUTION

The following resolution (S.R. No. 2) was read by the Clerk and was disposed of as follows:

S.R. No. 2 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE ON THIS FINAL DAY OF THE SECOND SPECIAL SESSION OF 2020."

Offered by: Senators English, Fevella.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, S.R. No. 2 was adopted.

At this time, Senator Taniguchi rose on a point of personal privilege, requesting that remarks congratulating former State Senator Ann Kobayashi on her retirement be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Taniguchi's remarks read as follows:

"Fellow members, I wish to recognize the many years of public service in elective office of Ann H. Kobayashi, a third-generation Japanese American, who has devoted her life to community service and working to improve support and opportunities for those in need.

"A constituent of my Senate District 11 from Mānoa, and currently serving as Chair of the Honolulu City Council, Ann Kobayashi served as a member of the Hawai'i State Senate for fourteen years from 1980 to 1994.

"A lifelong resident of Honolulu, alumna of President Theodore Roosevelt High School, and a proud mother of three, Ann Kobayashi has served in a variety of political positions from the early 1970s through 2020. Working for state senators in the 1970s prepared her for elective service as a member of the Hawai'i State Senate from 1980 to 1994 representing the people of Mānoa and Mō'ili'ili.

"She subsequently served as Executive Assistant to City and County of Honolulu Mayor Jeremy Harris, then as Special Assistant to Governor Ben Cayetano. In 2002, Ann Kobayashi was first elected to the Honolulu City Council representing District V (Kaimukī, Pālolo, St. Louis Heights, Mānoa, Mō'ili'ili, McCully, and portions of Makiki, Ala Moana, and Kaka'ako). On January 2, 2021, she completes her final term as a Councilmember, having represented District V for a total of 18 years.

"She has also served or is currently serving on the board of directors of many non-profit organizations, including the Japanese Women's Society Foundation, March of Dimes, American Cancer Society, American Red Cross, Hawaii Heart Association, Japanese Cultural Center of Hawaii, and Domestic Violence Clearinghouse & Legal Hotline.

"Support of the environment and land conservation in Mānoa Valley was at the heart of Ann Kobayashi's entry into politics. While in the Senate she chaired various committees, including the influential Committee on Ways and Means. As a Councilmember, she introduced and established the real property tax credit to low-income families who are most affected by the continued increase in home valuations. Working with City officials on infrastructure improvements, her goal was to minimize the cost to developers to increase the amount of affordable housing throughout the City and County of Honolulu.

"Ann Kobayashi and I were first elected to the Legislature in 1980, and I was fortunate to succeed her in the Senate in 1994. We have worked together in the community and in elective public service over a period of more than 40 years.

"On behalf of the Senate, I wish to recognize and thank Ann H. Kobayashi for her illustrious career in community affairs and elective office with the Hawai'i State Senate and Honolulu City Council, and commend her exemplary dedication and genuine passion for public service. Her leadership, vision, oversight, and *aloha* have and will continue to guide the people of the districts she represented and the people of Hawai'i.

"Thank you, Mr. President."

ADJOURNMENT

Senator Kanuha moved that the Senate of the Thirtieth Legislature of the State of Hawai'i, Second Special Session of 2020, adjourn Sine Die, seconded by Senator Fevella and carried.

At 11:55 a.m., the President rapped his gavel and declared the Senate of the Thirtieth Legislature of the State of Hawai'i, Second Special Session of 2020, adjourned Sine Die.

STANDING COMMITTEE REPORTS

SCRep. 1 Judiciary on Gov. Msg. No. 1

Recommending that the Senate consent to the appointment of the following:

ASSOCIATE JUSTICE OF THE STATE OF HAWAII SUPREME COURT

G.M. No. 1 TODD W. EDDINS, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Judge Todd W. Eddins for appointment as an Associate Justice of the State of Hawai'i Supreme Court.

Your Committee received testimony in support of the appointment of Judge Todd W. Eddins from the Department of Transportation, State Public Defender, the Honorable Daniel Foley-retired, the Honorable David W. Lo-retired, the Honorable Eden Elizabeth Hifo-retired, the Honorable Leslie Kobayashi, the Honorable Linda K.C. Luke-retired, the Honorable Michael Town-retired, and ninety-four individuals. Your Committee received testimony in opposition to the appointment of Judge Eddins from one individual. Your Committee received comments on the appointment of Judge Eddins from the Hawai'i State Bar Association.

The Hawai'i State Bar Association Board of Directors found the appointee to be qualified for the position of Associate Justice of the State of Hawai'i Supreme Court based on established criteria for determining the qualifications of judicial appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to perform the responsibilities and duties required of the position for which the applicant has been appointed. The Board's rating system includes the categories of "qualified" and "not qualified".

Judge Eddins received his Bachelor of Business Administration degree from the College of William and Mary. He later received his Doctor of Jurisprudence from the William S. Richardson School of Law, where he served as Executive Editor of the University of Hawai'i Law Review. He also was a Director of the Advocates for Public Interest Law and was one of a core group of student leaders who initiated the law student public service graduation requirement at the school.

Judge Eddins has served as a Judge for the Circuit Court of the First Circuit since 2017. In that capacity, he presided over eighty-five jury trials, more than twenty trials in which the right to trial by jury was waived, thousands of motion hearings, and hundreds of sentencing hearings. Additionally, he has served as a substitute Justice of the Hawai'i Supreme Court on several occasions, including on the influential case of *Civil Beat Law Center for the Public Interest v. City and County of Honolulu and Honolulu Police Commission*, 144 Hawai'i 466 (2019), which involved interpretation of the Hawai'i Sunshine Law as applied to the Honolulu Police Commission's closed meeting relating to a retirement agreement with the Honolulu Chief of Police. As a substitute Justice, he also authored a persuasive draft dissent in the case of *Dural v. State*, SCWC-13-0003694, 2019 WL 4201552 (September 5, 2019), that was later adopted as the majority position.

Prior to his appointment to the Circuit Court of the First Circuit, Judge Eddins was an attorney in private practice from 2004 to 2017. He represented hundreds of clients in cases covering a broad range of criminal and civil issues in every Hawai'i Circuit Court and at almost every level of the court system, including the Hawai'i Supreme Court and the Federal Court of Appeals for the Ninth Circuit. Before entering private practice, he served for twelve years as a deputy public defender in the Office of the Public Defender and was a staff attorney in the Hawai'i State House of Representatives in 1994. Additionally, he served as a judicial law clerk to Associate Justice Yoshimi Hayashi of the Hawai'i Supreme Court.

Judge Eddins has been involved in the community throughout his career. He has been an instructor for the Hawai'i State Bar Association Trial Academy on multiple occasions and has also been a panelist and presenter at numerous Hawai'i State Judicial Conferences. He has served as a judge in the Hawai'i High School Mock Trial competition several times, including during the 2018 state championship. Additionally, he served as an Adjunct Professor of Law in Appellate Advocacy at the William S. Richardson School of Law. He has also been a member of the McCully-Moilili and Waipahu Neighborhood Boards and has coached Kailua youth athletic leagues basketball and baseball for over ten years.

Testimony submitted in support of Judge Eddins' appointment commends his extensive experience, depth of legal expertise, and commitment to fairness. During his career as a practicing attorney as well as his tenure on the bench, he has earned a reputation for taking a practical, well-reasoned, and enlightened approach to clients and cases. His ability to address complex legal issues in a way that is both efficient and thorough has been a valuable asset during his time as a Circuit Court Judge. Numerous attorneys who have encountered him in his role as an advocate or who have appeared before him in his capacity as judge, as well as judges before whom he has appeared, also praise his outstanding judicial temperament and dedication to ensuring the equal and impartial pursuit of justice in his courtroom.

During the hearing, your Committee considered several factors related to criminal procedure, including plea agreements and sentencing. Specifically, your Committee examined the case of *State v. Bruggman*, a criminal case during the latter part of which the appointee presided as a circuit court judge. Your Committee received comments from one testifier who as the parent of the complaining witness disagreed with the plea agreement that imposed a sentence that was less than the maximum possible if the defendant had gone to trial and been convicted. Your Committee notes that plea agreements are a very common method of resolving criminal cases and are generally negotiated between the prosecution and the defense. Your Committee finds that throughout his tenure, Judge Eddins has imposed a wide range of penalties, including the maximum sentence, depending on the specific facts of the case before him. Your Committee further notes that adjudicating criminal cases requires a judge to carefully balance numerous interests, including but not limited to the interests of the victim, the interests of preventing further harm to members of the public, and the rights of the defendant to a process that is fair and just, and that these interests frequently run counter to one another. Finally, your Committee finds that although adjudication of the criminal justice process is extremely complex and difficult, Judge Eddins has consistently demonstrated dedication to the just and equitable application of the law.

Your Committee also considered the role of the courts in the establishment and development of policy in the State. In particular, your Committee examined the right to privacy under article I, section 6, of the Hawai'i State Constitution and the way in which that right has been interpreted to support a woman's right to have the option of terminating a pregnancy. Judge Eddins clearly articulated his position, through a classic formulation of the separation of powers doctrine, that the role of the judiciary is to interpret and give just effect to laws and policies established by the Legislature, and that the courts are not policy-making bodies in their own right. The appointee further noted that the right to abortion is firmly established in state statutory law and grounded in the Hawai'i State Constitution, and referred to validating legislative history from the 1978 Constitutional Convention debates. Your Committee notes that Judge Eddins' analysis was consistent with public policy established in Hawai'i as evidenced by the fact that in 1970 Hawai'i became the first state in the United States to legalize abortion.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about him and his qualifications, Judge Todd W. Eddins has the experience, temperament, and other competencies required to be an Associate Justice of the State of Hawai'i Supreme Court, and he has the legal expertise, integrity, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Gabbard, Fevella). Noes, none. Excused, none.

SCRep. 2 Judiciary on Jud. Com. No. 1

Recommending that the Senate consent to the appointment of the following:

DISTRICT FAMILY COURT OF THE FIFTH CIRCUIT

J.C. No. 1 STEPHANIE R.S. CHAR, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Stephanie R.S. Char for nomination to the District Family Court of the Fifth Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Stephanie R.S. Char from the State Public Defender, the Honorable Clifford Nakea-retired, and twenty-one individuals. Your Committee received comments on the appointment of Stephanie R.S. Char from the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Family Court Judge of the Fifth Circuit based on established criteria for determining the qualifications of judicial appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to perform the responsibilities and duties required of the position for which the applicant has been appointed. The Board's rating system includes the categories of "qualified" and "not qualified".

Ms. Char received her Bachelor of Arts degrees in Philosophy and Communication from the University of Denver, both received with honors. She subsequently received her Master of Arts degree in Philosophy from the same university. She received her Doctor of Jurisprudence from the University of San Diego School of Law, where she was a member of the USD National Mock Trial Team and a national finalist in the 2001 Texas Young Lawyers Association National Competition.

Ms. Char has served as a supervising deputy public defender in the Kauai Office of the Public Defender since 2017. Prior to that, she served as a deputy public defender in the Oahu and Kauai Offices of the Public Defender beginning in 2003. In her capacity as a deputy public defender, she primarily represents indigent persons. She has handled cases involving a wide range of criminal charges, including assault, theft, operating a vehicle under the influence of an intoxicant, property, and drug offenses. Throughout her career, she has worked to preserve the constitutional rights of her clients and ensure the integrity of the criminal justice process.

Ms. Char is actively involved in the community. She is a member of the Kauai Criminal Defense Bar and serves on the Board of Directors of the Hawaii State Board of Continuing Legal Education. She has served as a High School Mock Trial Volunteer Judge on multiple occasions and participated in the Courts in the Community Program. She has also served as a member of the Kauai Economic Opportunity Advisory Board for Mediation Program. Additionally, she has been a coach for the American Youth Soccer Organization.

Testimony submitted in support of Ms. Char's appointment recognizes her integrity and commitment to ensuring justice. Throughout her career, she has earned a reputation for sound judgement, broad legal expertise, strong communication skills, and the ability to effectively work with individuals from a wide range of backgrounds and personal histories. Several testifiers remarked on her commitment to vigorously representing those in need and ensuring access to justice and due process for each person she represents.

Your Committee finds that, based on the testimony submitted on her behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about her and her qualifications, Stephanie R.S. Char has the experience, temperament, and other competencies required to be a District Family Court Judge of the Fifth Circuit, and she has the legal expertise, integrity, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
S.R. No. 1 RELATING TO THE ADMINISTRATION OF THE OATH OF OFFICE TO SENATORS DULY ELECTED BY THE 2020 PRIMARY ELECTION OR THE 2020 GENERAL ELECTION OF THE STATE OF HAWAII.	1			1
S.R. No. 2 AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE ON THIS FINAL DAY OF THE SECOND SPECIAL SESSION OF 2020.	5			5