

**JOURNAL**  
**of the**  
**SENATE OF THE**  
**TWENTY - NINTH LEGISLATURE**  
**of the**  
**STATE OF HAWAI‘I**

---

**Second Special Session of 2018**

**Convened Wednesday, October 24, 2018**  
**Adjourned Thursday, October 25, 2018**

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**

**President**

**HONORABLE RONALD D. KOUCHI** ..... Waimea, Hawai'i

**Vice President**

**HONORABLE MICHELLE N. KIDANI** ..... Mililani, Hawai'i

**Clerk**

**CAROL T. TANIGUCHI**..... Honolulu, Hawai'i

**Assistant Clerk**

**JENNIFER T. CHOW**..... Honolulu, Hawai'i

**Sergeant-at-Arms**

**BIENVENIDO C. VILLAFLOR**..... Honolulu, Hawai'i

**Assistant Sergeant-at-Arms**

**C. M. PARK KALEIWAHEA**..... Honolulu, Hawai'i

**LIST OF MEMBERS**  
**of the**  
**SENATE OF THE TWENTY-NINTH LEGISLATURE**  
**of the**  
**STATE OF HAWAI‘I**

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

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

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

\*The Governor appointed Jon C. Yoshimura to the Nineteenth Senatorial District on July 31, 2018, to fill the vacancy created by the resignation of Will Espero from the State Senate on May 31, 2018.

**MEMBERS OF THE SENATE  
TWENTY - NINTH LEGISLATURE  
STATE OF HAWAI'I  
SECOND SPECIAL SESSION OF 2018**



**RONALD D. KOUCHI**  
8th Senatorial District  
President



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



**J. KALANI ENGLISH**  
7th Senatorial District  
Majority Leader



**KAIALI'I KAHELE**  
1st Senatorial District  
Majority Floor Leader  
Chair: Higher Education



**BRICKWOOD GALUTERIA**  
12th Senatorial District  
Majority Caucus Leader



**BRIAN T. TANIGUCHI**  
11th Senatorial District  
Majority Whip  
Chair: Judiciary



**GILBERT S.C. KEITH-AGARAN**  
5th Senatorial District  
Assistant Majority Whip



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



**STANLEY CHANG**  
9th Senatorial District



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



**MIKE GABBARD**  
20th Senatorial District  
Chair: Agriculture and Environment



**JOSH GREEN**  
3rd Senatorial District  
Chair: Human Services



**BREENE HARIMOTO**  
16th Senatorial District



**LES IHARA, JR.**  
10th Senatorial District



**LORRAINE R. INOUE**  
4th Senatorial District  
Chair: Transportation and Energy



**DONNA MERCADO KIM**  
14th Senatorial District  
Chair: Government Operations



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



**KARL RHOADS**  
13th Senatorial District  
Chair: Water and Land



**GIL RIVIERE**  
23rd Senatorial District





**RUSSELL E. RUDERMAN**  
2nd Senatorial District



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



**LAURA H. THIELEN**  
25th Senatorial District



**JILL N. TOKUDA**  
24th Senatorial District  
Chair: Labor



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



**JON C. YOSHIMURA\***  
19th Senatorial District



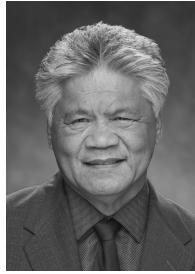
**CAROL T. TANIGUCHI**  
Clerk



**JENNIFER T. CHOW**  
Assistant Clerk



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



**BIENVENIDO C. VILLAFIOR**  
Sergeant-at-Arms

\*The Governor appointed Jon C. Yoshimura to the Nineteenth Senatorial District on July 31, 2018, to fill the vacancy created by the resignation of Will Espero from the State Senate on May 31, 2018.

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THE  
 TWENTY-NINTH LEGISLATURE  
 STATE OF HAWAII  
 SECOND SPECIAL SESSION OF 2018  
 JOURNAL OF THE SENATE

FIRST DAY

**Wednesday, October 24, 2018**

The Senate of the Twenty-Ninth Legislature of the State of Hawaii, Second Special Session of 2018, was called to order at 10:07 a.m., by Senator Michelle N. Kidani, Vice President of the Senate, in accordance with the following Proclamation, which was read by the Clerk and was placed on file:

*“Proclamation*

October 22, 2018

I, Ronald D. Kouchi, President of the Senate of the Twenty-Ninth Legislature of the State of Hawaii, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawaii, 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, October 24, 2018, in the State Capitol auditorium, for the purpose of carrying out its responsibilities established by Section 3, Article VI of the Constitution of the State of Hawaii.

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

The Roll was called showing all Senators present with the exception of Senators Chang, Dela Cruz, English, Galuteria, Inouye, Keith-Agaran, Kouchi, Ruderman, and Shimabukuro who were excused.

**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 KEITH HIRAOKA as Associate Judge of the Intermediate Court of Appeals, 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 SUMMER M.M. KUPAU-ODO to the District Court of the First Circuit, for a term of six years, was referred to the Committee on Judiciary.

At this time, Senator Taniguchi announced that the Committee on Judiciary would be holding a public hearing on Jud. Com. No. 1 and Gov. Msg. No. 1 at 10:30 a.m. that morning in Conference Room 224.

**STANDING COMMITTEE REPORTS**

On motion by Senator Kahele, seconded by Senator Taniguchi 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 10:11 a.m., the Senate took the following actions:

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1) recommending that the Senate consent to the appointment of SUMMER M. M. KUPAU-ODO as District Court Judge of the First Circuit, in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1 and Jud. Com. No. 1 was deferred until Thursday, October 25, 2018.

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that the Senate consent to the appointment of KEITH HIRAOKA as Associate Judge of the Intermediate Court of Appeals, in accordance with Gov. Msg. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2 and Gov. Msg. No. 1 was deferred until Thursday, October 25, 2018.

**ADJOURNMENT**

At 4:30 p.m., the Senate adjourned until 10:00 a.m., Thursday, October 25, 2018.

## SECOND DAY

## Thursday, October 25, 2018

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Second Special Session of 2018, convened at 10:14 a.m. with the Vice President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Chang, Dela Cruz, Galuteria, Keith-Agaran, and Kouchi who were excused.

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

## ORDER OF THE DAY

## ADVISE AND CONSENT

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

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

Senator Taniguchi then moved that the Senate consent to the appointment of SUMMER M. M. KUPAU-ODO as District Court Judge of the First Circuit, for a term of six years, seconded by Senator Rhoads.

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

"Summer Kupau-Odo received her bachelor of arts degree from Pepperdine University, where she graduated cum laude. She earned her doctorate of jurisprudence from the William S. Richardson School of Law, where she also graduated cum laude. She was admitted to the Hawai'i bar in 2004.

"Ms. Kupau-Odo is currently co-litigation director and staff attorney for the Native Hawaiian Legal Corporation. Previously, she was senior associate attorney for the Earthjustice Mid-Pacific Office, and a trial and appellate attorney with the Office of the Public Defender. She has represented clients at each level of the trial and appellate courts in Hawai'i.

"Testimony submitted in support of Ms. Kupau-Odo's appointment indicates that she has a strong reputation for professionalism, exceptional knowledge of the law, and sound legal analysis. She is well-regarded for her respectful demeanor, honest and straightforward character, leadership abilities, and deep commitment to the people of Hawai'i.

"Your Judiciary committee, after full consideration of the background, experience, and qualifications of Summer Kupau-Odo, has found the appointee to be qualified to serve as a judge of the District Court of the First Circuit, and recommends that the Senate consent to the appointment. Thank you, Madam President."

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

"Summer is an honors graduate of Lahainaluna High School in my district. She previously worked for the Department of Education as a teacher and a counselor in Lahaina schools, and made a tremendous impact on the students' lives that she touched. Since then, she has received a law degree and successfully engaged in the practice of law in her years of service to the law after receiving her degree. Her dedication and passion in helping the underserved has undoubtedly made a positive impact on the lives of countless individuals in our community. I believe she will be a valuable asset to the judiciary. It is so important to have diversity on the bench and to have more women judges. I want to thank Chief Justice

Recktenwald for continuing to appoint qualified, outstanding women to serve in our court system.

"It gives me great pride to support the confirmation of Summer Kupau-Odo to the District Court of the First Circuit. My only regret is she doesn't live still on Maui and can be serving there. Mahalo."

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

Ayes, 20. Noes, none. Excused, 5 (Chang, Dela Cruz, Galuteria, Keith-Agaran, Kouchi).

Senator Taniguchi then introduced Judge Sumer M. M. Kupau-Odo, who was accompanied by her husband, Donovan Odo; her son, Koali Kupau-Odo; and her father, John Kupau.

Stand. Com. Rep. No. 2 (Gov. Msg. No. 1):

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

Senator Taniguchi then moved that the Senate consent to the appointment of KEITH HIRAOKA as Associate Judge of the Intermediate Court of Appeals, for a term of ten years, seconded by Senator Rhoads.

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

"Keith Hiraoka received his bachelor of arts degree with distinction from the University of Hawai'i at Mānoa, and earned his doctorate of jurisprudence from Boalt Hall School of Law at the University of California, Berkeley. He was admitted to the Hawai'i bar in 1983.

"Mr. Hiraoka currently serves as a circuit court judge of the First Circuit, where he has been assigned to the civil trial calendar and presides over all circuit court administrative agency appeals.

"Prior to his appointment to the circuit court, Judge Hiraoka was a managing partner at Roeca Luria Hiraoka LLP. His primary practice areas included professional liability defense, liability insurance coverage, and litigation. Mr. Hiraoka has been active in the legal community throughout his career, and served on numerous Hawaii State Bar Association and Hawai'i Supreme Court committees or task forces.

"Testimony submitted in support of Judge Hiraoka's appointment commends his diligence, high level of integrity, and intellectual and moral honesty. Additionally, he has a strong reputation for excellent temperament, legal expertise, research, and writing, and dedication to the fair and just application of the law.

"Your Judiciary committee, after full consideration of the background, experience, and qualifications of Judge Hiraoka, has found the appointee to be qualified to serve as associate judge of the Intermediate Court of Appeals, and recommends that the Senate consent to the appointment. Thank you, Madam President."

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

Ayes, 20; Ayes with Reservations (Kim, Thielen). Noes, none. Excused, 5 (Chang, Dela Cruz, Galuteria, Keith-Agaran, Kouchi).

Senator Taniguchi then introduced Judge Keith Hiraoka, who was accompanied by his wife, Lisa; his parents, Mitsuyoshi and Dorothy; his sister Lori; and his nephew Justin.

At 10:24 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:36 a.m.

**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 AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE ON THIS FINAL DAY OF THE SECOND SPECIAL SESSION OF 2018.”

Offered by: Senator English.

On motion by Senator Kahele, seconded by Senator English and carried, S.R. No. 1 was adopted.

**ADJOURNMENT**

Senator Kahele moved that the Senate of the Twenty-Ninth Legislature of the State of Hawai‘i, Second Special Session of 2018, adjourn Sine Die, seconded by Senator English and carried.

At 10:37 a.m., the Vice President rapped her gavel and declared the Senate of the Twenty-Ninth Legislature of the State of Hawai‘i, Second Special Session of 2018, adjourned Sine Die.

## STANDING COMMITTEE REPORTS

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

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

DISTRICT COURT JUDGE OF THE FIRST CIRCUIT

J.C. No. 1            SUMMER M. M. KUPAU-ODO, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Summer M. M. Kupau-Odo for service on the District Court of the First Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Summer M. M. Kupau-Odo from the Office of the Public Defender; Board of Directors of the Native Hawaiian Bar Association; The Earthjustice Mid-Pacific Office; Mental Health Kokua; Sierra Club of Hawai'i; Honorable Simeon R. Acoba, Jr.-retired; and forty-five individuals. Your Committee received comments on the appointment of Summer M. M. Kupau-Odo from the Board of Directors of the Hawaii State Bar Association.

Your Committee finds that based on the testimony submitted on her behalf, Ms. Kupau-Odo has the experience, temperament, judiciousness, and requisite competencies to serve as a Judge of the District Court of the First Circuit.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Court Judge of the First Circuit based on established criteria for determining the qualifications of judicial and executive 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 fulfill the responsibilities and duties of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Summer M. M. Kupau-Odo received her Bachelor of Arts degree from Pepperdine University, where she graduated cum laude. She later received her Doctorate of Jurisprudence from the William S. Richardson School of Law, where she graduated cum laude, received the John Edmunds Award for Civility and Vigorous Advocacy 2004, and was a commencement speaker.

Ms. Kupau-Odo is currently Co-Litigation Director and Staff Attorney for the Native Hawaiian Legal Corporation, where she provides support to staff attorneys; helps to determine case intake; and represents individuals and families in the areas of enforcement of state trust obligations to Native Hawaiians, protection of traditional and customary rights, and quiet title defense. Previously, she was Senior Associate Attorney for the Earthjustice Mid-Pacific Office, where she represented citizens and nonprofit organizations in high-profile cases to enforce environmental laws, including the Hawai'i Environmental Policy Act, State Water Code, and Federal Clean Water Act. Ms. Kupau-Odo has argued before the Intermediate Court of Appeals and the Hawai'i Supreme Court on issues such as the correct methodology for the quantification and allocation of appurtenant water rights and whether the Hawaii Environmental Policy Act necessitates environmental review prior to the Department of Land and Natural Resources issuing aquarium collection permits to extract fish from Hawaii's reefs for the stocking of aquariums.

Ms. Kupau-Odo has been actively involved in the legal community throughout her career, including as a Lecturer in Law for the William S. Richardson School of Law. She has lectured in the areas of environmental litigation and Hawaii water law, and also serves as a mentor in the Environmentors Program. In addition, she has served as a practice judge for numerous William S. Richardson School of Law moot court teams, and as a judge for the school's prosecution and criminal defense clinics.

Testimony submitted in support of Ms. Kupau-Odo's appointment indicates that she has a strong reputation for professionalism, exceptional knowledge of the law, and sound legal analysis. She is well-regarded for her thoughtful demeanor, honest and straightforward character, and deep commitment to the people of Hawai'i.

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, 5. Noes, none. Excused, none.

**SCRep. 2            Judiciary on Gov. Msg. No. 1**

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

ASSOCIATE JUDGE OF THE INTERMEDIATE COURT OF APPEALS

G.M. No. 1 KEITH HIRAOKA, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Keith Hiraoka for service on the Intermediate Court of Appeals as Associate Judge.

Your Committee received testimony in support of the appointment of Keith Hiraoka from the Office of the Public Defender and fourteen individuals. Your Committee received testimony in opposition of the appointment of Keith Hiraoka from one individual. Your Committee received comments on the appointment of Keith Hiraoka from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of Associate Judge of the Intermediate Court of Appeals based on established criteria for determining the qualifications of judicial and executive 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 availability to fulfill the responsibilities and duties of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Judge Keith Hiraoka received his Bachelor of Arts degree with distinction from the University of Hawaii at Manoa and later obtained his Doctorate of Jurisprudence from Boalt Hall School of Law at the University of California, Berkeley. He currently serves as a Circuit Court Judge of the First Circuit, where he has been assigned to the civil trial calendar and presides over all circuit court administrative agency appeals. He has decided cases involving a diverse range of issues, including a challenge to the constitutionality of state law relating to physician-assisted suicide, the priority of distribution of proceeds from an owners association's nonjudicial foreclosure, and the appeal of a Merit Appeals Board decision regarding the termination of a state employee.

Prior to his appointment to the Circuit Court of the First Circuit, Judge Hiraoka was a managing partner at Roeca Luria Hiraoka LLP (formerly Roeca, Louie & Hiraoka), where his primary practice areas included professional liability defense (including attorneys, insurance agents, accountants, realtors, and land surveyors), liability insurance coverage, extracontractual counseling, and litigation. Before that, he was an Associate in the litigation department at Case & Lynch.

Throughout his career, Judge Hiraoka has been the author of numerous publications and presentations, including *Protecting "Personal Information" Under the Hawai'i Court Records Rules*, in the Hawai'i Bar Journal, 2018; *A Survey of the Law of Legal Malpractice*, for the International Society of Primerus Law Firms, 2015, for which he was a contributing author for Hawai'i; and *Ethics for Insurance Defense Lawyers*, for the Hawai'i State Bar Association, 2010.

Judge Hiraoka has been active in the legal community throughout his career. He has served in various capacities with the Hawai'i State Bar Association, including as Co-Chairperson of the Professional Responsibility and Risk Management Committee, Chairperson of the Insurance Coverage Litigation Section, and Member of the Litigation Section. He has also served on the Hawai'i Supreme Court Permanent Committee on Rules of Civil Procedure and Circuit Court Civil Rules, as well as the Hawai'i Supreme Court Civil Justice Improvement Task Force. In addition, he has been the Chairperson of the Legal Defense Committee of the Hawaii United Okinawa Association.

Testimony submitted in support of Judge Hiraoka's appointment commends his diligence, high level of integrity, and intellectual and moral honesty. Additionally, he has a strong reputation for excellent temperament, legal expertise, and dedication to the fair and just application of the law.

Your Committee has discussed the personal and professional relationship between Judge Hiraoka and the Governor, and resolved the issue to the Committee's satisfaction.

Your Committee finds that, based on the testimony submitted on his behalf, Keith Hiraoka has the experience, temperament, judiciousness, and requisite competencies to be an Associate Judge of the Intermediate Court of Appeals.

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, 5; Ayes with Reservations (Kim, Thielen). Noes, none. Excused, none.

NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
S.R. No. 1 AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE ON THIS FINAL DAY OF THE SECOND SPECIAL SESSION OF 2018.	3			3