

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

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**Second Special Session of 2019**


**Convened Tuesday, November 12, 2019**  
**Adjourned Wednesday, November 13, 2019**

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

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THE  
THIRTIETH LEGISLATURE  
STATE OF HAWAII  
SECOND SPECIAL SESSION OF 2019  
JOURNAL OF THE SENATE

FIRST DAY

**Tuesday, November 12, 2019**

The Senate of the Thirtieth Legislature of the State of Hawai'i, Second Special Session of 2019, was called to order at 10:12 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*

November 4, 2019

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 Tuesday, November 12, 2019, 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 Senate"

The Roll was called showing all Senators present with the exception of Senators Chang, Dela Cruz, English, Gabbard, Keith-Agaran, Kouchi, Ruderman, and Wakai 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 KELSEY KAWANO as Judge of the State of Hawai'i Second Circuit Court, for a term of ten years, was referred to the Committee on Judiciary.

**JUDICIARY COMMUNICATIONS**

The following communications from the Judiciary (Jud. Com. Nos. 1 and 2) were read by the Clerk and was disposed of as follows:

Jud. Com. No. 1, submitting for consideration and confirmation, the appointment of REBECCA A. COPELAND to the District Family Court of the First Circuit, for a term of six years, was referred to the Committee on Judiciary.

Jud. Com. No. 2, submitting for consideration and confirmation, the appointment of ALVIN K. NISHIMURA to the District Family Court of the First Circuit, for a term of six years, was referred to the Committee on Judiciary.

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. Nos. 1 and 2 at 10:30 a.m. in Conference Room 016.

The Chair then made the following announcement:

"The deadline to file standing committee reports on Gov. Msg. No. 1 and Jud. Com. Nos. 1 and 2 is 4:30 p.m. this afternoon."

**STANDING COMMITTEE REPORTS**

On motion by Senator Kahele, seconded by Senator Fevella and carried unanimously, the Clerk was authorized to receive standing committee reports on Gov. Msg. Nos. 1 and Jud. Com. Nos. 1 and 2. In consequence thereof, and subsequent to its recessing at 10:17 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 KELSEY KAWANO as Judge of the Circuit Court of the Second Circuit, 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 Wednesday, November 13, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that the Senate consent to the appointment of REBECCA A. COPELAND to the District Family Court of the First 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 Wednesday, November 13, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3) recommending that the Senate consent to the appointment of ALVIN K. NISHIMURA to the District Family Court of the First Circuit, in accordance with Jud. Com. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3 and Jud. Com. No. 2 was deferred until Wednesday, November 13, 2019.

**ADJOURNMENT**

At 4:30 p.m., the Senate adjourned until 10:00 a.m., Wednesday, November 13, 2019.

## SECOND DAY

**Wednesday, November 13, 2019**

The Senate of the Thirtieth Legislature of the State of Hawai'i, Second Special Session of 2019, convened at 10:04 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators English, Fevella, Gabbard, Kahele, Shimabukuro, and Wakai who were excused.

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 Kim and carried.

Senator Rhoads then moved that the Senate consent to the appointment of KELSEY KAWANO as Judge of the Circuit Court of the Second Circuit, for a term of 10 years, seconded by Senator Kim.

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

"Kelsey Kawano has more than 13 years' experience as a judge in the Second Circuit. He first served as a per diem judge commencing in 2006 and then was appointed to the District Court in 2008. In 2010, he was made Deputy Chief Judge for the circuit. In addition to the typical district court calendar, Judge Kawano is the primary presiding judge for Environmental Court cases and the mental health calendar in the circuit's district court. He has also demonstrated a willingness to work on various projects to improve the functioning of the court such as information technology initiatives.

"Judge Kawano was previously in private practice including at the Maui office of Carlsmith, Wichman, Case, Mukai, and Ichiki, and as a solo practitioner, primarily handling cases involving family, business, and real estate law. He received his law degree from the University of Washington School of Law and his undergraduate degree from the University of Hawai'i at Mānoa. As well, he is a past president of the Maui County Bar Association.

"The testimony submitted in support of Judge Kawano's appointment noted his efforts to achieve consistency, fairness, and civility in his courtroom. All testimony received was in support of the appointment.

"Your Judiciary Committee finds that Mr. Kelsey Kawano is well-qualified to serve as Circuit Court Judge of the Second Circuit and recommends that the Senate consent to his appointment. Mahalo."

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

Ayes, 19. Noes, none. Excused, 6 (English, Fevella, Gabbard, Kahele, Shimabukuro, Wakai).

Senator Rhoads then introduced Judge Kelsey Kawano, who was seated in the gallery with his wife, Colleen Kawano.

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 Kim and carried.

Senator Rhoads then moved that the Senate consent to the appointment of REBECCA A. COPELAND to the District Family Court of the First Circuit, for a term of six years, seconded by Senator Kim.

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

"Rebecca A. Copeland is a private practice litigator specializing in family law and appellate litigation. For over seven years, she has operated her own practice in Honolulu. In addition to her private practice work, she has been a per diem district court judge of the First Circuit since December 2016.

"Judge Rebecca Copeland previously was a deputy solicitor general in the Department of the Attorney General from 2008 to 2010. She also worked at Damon Key Leong Kupchak Hastert, has been an adjunct professor at the Richardson School of Law, and was a board member of the Hawaii State Bar Association. She received her law degree from St. Mary's University School of Law in San Antonio, Texas, and her undergraduate degree from Southwest Texas State University.

"The testimony submitted supports Judge Copeland's appointment to the District Family Court, finding her to be well-regarded in the legal community. All of the testimony was in support of the appointment.

"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 Ms. Rebecca Copeland 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, 19. Noes, none. Excused, 6 (English, Fevella, Gabbard, Kahele, Shimabukuro, Wakai).

Senator Rhoads then introduced Judge Rebecca A. Copeland, who was accompanied in the gallery by her husband, Jesse Copeland, and their daughter, Maya.

Stand. Com. Rep. No. 3 (Jud. Com. No. 2):

Senator Rhoads moved that Stand. Com. Rep. No. 3 be received and placed on file, seconded by Senator Kim and carried.

Senator Rhoads then moved that the Senate consent to the appointment of ALVIN K. NISHIMURA to the District Family Court of the First Circuit, for a term of six years, seconded by Senator Kim.

Senator Rhoads rose to speak in support of Jud. Com. No. 2 as follows:

"Alvin K. Nishimura has been in private practice since 2001, specializing in criminal law. He has also been serving as a per diem judge with the First Circuit District Court since 2005. As well, he is an indigent defendant panel attorney in the federal courts.

“Judge Nishimura’s prior legal experience includes service as a hearings officer with the Department of Hawaiian Homes and as a deputy public defender in the Office of the Public Defender. He is a past board member of the Native Hawaiian Bar Association. He received his law degree from the William S. Richardson School of Law and his undergraduate degree from the University of Hawai‘i at Mānoa.

“The testimony submitted was overwhelmingly in support of Judge Nishimura’s appointment to the District Family Court. In particular, it noted his commitment to public service and the community.

“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 Mr. Alvin Nishimura 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, 19. Noes, none. Excused, 6 (English, Fevella, Gabbard, Kahele, Shimabukuro, Wakai).

Senator Rhoads then introduced Judge Alvin K. Nishimura, who was present in the gallery with Rotina Nishimura, his wife; Samee and Gary Teixeira, his daughter and son-in-law; Paul and Malia Nishimura, his son and daughter-in-law; Bronsen Nishimura, his son; and Austin, Domanic, and Rivin, his grandchildren.

The Chair then directed the Sergeant-at-Arms to escort the judges and their guests to the Senate floor after adjournment.

#### **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 2019.”

Offered by: Senators English, Fevella.

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

At this time, Senator Thielen recognized the presence of Chief Justice Mark E. Recktenwald, Supreme Court of the State of Hawai‘i, in the gallery.

The Chair informed the members that there would be a leadership meeting in Conference Room 408 after adjournment.

#### **ADJOURNMENT**

Senator Kanuha moved that the Senate of the Thirtieth Legislature of the State of Hawai‘i, Second Special Session of 2019, adjourn Sine Die, seconded by Senator Kidani and carried.

At 10:15 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 2019, 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:

JUDGE OF THE CIRCUIT COURT OF THE SECOND CIRCUIT

G.M. No. 1        KELSEY KAWANO, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Kelsey Kawano for service as a Judge of the Circuit Court of the Second Circuit, State of Hawai'i.

Your Committee received testimony in support of the appointment of Kelsey Kawano from one individual. Your Committee received comments on the appointment of Kelsey Kawano from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is "qualified" or "not qualified". Specifically, the criteria the HSBA Board employs are the same criteria found in the American Bar Association's Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Judge of the Circuit Court of the Second Circuit.

Kelsey Kawano received his Bachelor of Business Administration degree from the University of Hawai'i at Mānoa and later obtained his Doctor of Jurisprudence from the University of Washington School of Law. He has served as a judge for thirteen years and currently serves as the Deputy Chief Judge of the District Court of the Second Circuit, where he presides over all District Court criminal, civil, Environmental Court, and Mental Health Court calendars. He has also served as Judge Pro Tempore of the Circuit Court, where he presided over criminal, civil, foreclosure, probate, and family court calendars. Prior to serving as a judge, Mr. Kawano spent twenty-four years in private practice.

Kelsey Kawano has been active in the legal community throughout his career. He has served as the President of the Maui County Bar Association and Director of the Hawaii State Bar Association. He has also served as the Director of Maui Economic Opportunity, Inc.; Community Clinic of Maui; and USA Swimming, Inc. Mr. Kawano has also served as a volunteer guardian ad litem in Family Court.

Testimony submitted in support of Kelsey Kawano's appointment commends his diligence and fairness, as well as his personable, thoughtful, and caring disposition. Additionally, the testimony describes his reputation for the ability to remain calm and clear-minded under trying circumstances. These attributes are essential in the position for which he was nominated.

Your Committee finds that, based on the testimony submitted on his behalf and responses to questions asked by the members of your Committee, Kelsey Kawano has the experience, temperament, judiciousness, and requisite competencies to be a Judge of the Circuit Court of the Second Circuit.

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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

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

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

DISTRICT FAMILY COURT OF THE FIRST CIRCUIT

J.C. No. 1        REBECCA A. COPELAND, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Rebecca A. Copeland for service on the District Family Court of the First Circuit, State of Hawai'i.

Your Committee received testimony in support of the appointment of Rebecca A. Copeland from the Hawai'i Women Lawyers and twenty-five individuals. Your Committee received comments on the appointment of Rebecca A. Copeland from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is "qualified" or "not qualified". Specifically, the criteria the HSBA Board employs are the same criteria found in the American Bar Association's Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of District Family Court Judge of the First Circuit.

Rebecca A. Copeland received her Bachelor of Arts degree in Psychology from Southwest Texas State University and later obtained her Doctor of Jurisprudence from St. Mary's University School of Law. She currently serves as a Per Diem Judge of the District Court



of the First Circuit and is a solo practitioner with a concentration in appellate litigation. Ms. Copeland's prior legal experience includes teaching as an adjunct law professor at the University of Hawai'i William S. Richardson School of Law, St. Mary's University School of Law, and Texas A&M University San Antonio System Center; and serving as a Deputy Solicitor General in the Appellate Division of the Hawaii Department of the Attorney General.

Ms. Copeland has been actively involved in the legal community throughout her career, including serving as Co-Chair of the Hawai'i Supreme Court's Committee on Equality and Access to Courts, and member of the Hawai'i Supreme Court's Commission on Professionalism, Hawai'i Access to Justice Commission, Hawaii Justice Foundation, Hawai'i Women Lawyers, Japanese American Citizens League: Honolulu Chapter, and Hawai'i LGBT Legacy Foundation.

Testimony submitted in support of Rebecca A. Copeland's appointment commend her writing skills and oral advocacy. She has repeatedly demonstrated that she is knowledgeable, hard-working, empathetic, fair and balanced, and dedicated to doing justice, and as such, she is well respected in the legal community. Numerous testifiers also praised her work ethic, professionalism, advocacy, and commitment to the betterment of the legal profession.

Your Committee finds that based on the testimony submitted on her behalf and responses to questions asked by the members of your Committee, Rebecca A. Copeland has the experience, temperament, judiciousness, and other competencies to serve as a Judge of the District Family Court of the First Circuit.

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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

**SCRep. 3                      Judiciary on Jud. Com. No. 2**

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

DISTRICT FAMILY COURT OF THE FIRST CIRCUIT

J.C. No. 2                      ALVIN K. NISHIMURA, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Alvin K. Nishimura for service on the District Family Court of the First Circuit, State of Hawai'i.

Your Committee received testimony in support of the appointment of Alvin K. Nishimura from the Hawaii Regional Council of Carpenters, Pacific Resource Partnership, State of Hawaii Organization of Police Officers, and forty-five individuals. Your Committee received testimony in opposition to the appointment of Alvin K. Nishimura from one individual. Your Committee received comments on the appointment of Alvin K. Nishimura from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is "qualified" or "not qualified". Specifically, the criteria the HSBA Board employs are the same criteria found in the American Bar Association's Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Judge of the District Family Court of the First Circuit.

Alvin K. Nishimura received his Bachelor of Arts degree in Political Science from the University of Hawai'i at Mānoa and later obtained his Doctor of Jurisprudence from the William S. Richardson School of Law at the University of Hawai'i at Mānoa. He currently serves as a Per Diem Judge of the District Court of the First Circuit and works as a solo practitioner in criminal defense and family law. Mr. Nishimura's prior legal experience includes serving as Independent Grand Jury Counsel; Federal Court Indigent Defendant Panel Attorney; Hearings Officer for contested cases under the Department of Hawaiian Home Lands; and a Deputy Public Defender in the Office of the Public Defender.

Mr. Nishimura has been actively involved in the legal community throughout his career, including serving on the Boards of Directors of the Christian Legal Society and Native Hawaiian Bar Association. He also is active within his community as a PAC5 Varsity Baseball Assistant Coach.

Testifiers in support of Alvin K. Nishimura's appointment commend his commitment to his community and dedication to public service. He demonstrates honesty, trustworthiness, character, and integrity, and as such, he is well respected in the legal community. Numerous testifiers also praised his fairness, intelligence, temperament, sense of justice, and compassion.

Your Committee finds that based on the testimony submitted on his behalf and responses to questions asked by the members of your Committee, Alvin K. Nishimura has the experience, temperament, judiciousness, and other competencies to serve as a Judge of the District Family Court of the First Circuit.

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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

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 2019.	3			3