

**JOURNAL**  
**of the**  
**SENATE OF THE**  
**THIRTY - FIRST LEGISLATURE**  
**of the**  
**STATE OF HAWAI‘I**

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**Second Special Session of 2022**

**Convened Monday, August 22, 2022**  
**Adjourned Tuesday, August 23, 2022**

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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THE  
THIRTY-FIRST LEGISLATURE  
STATE OF HAWAII  
SECOND SPECIAL SESSION OF 2022  
JOURNAL OF THE SENATE

FIRST DAY

**Monday, August 22, 2022**

The Senate of the Thirty-First Legislature of the State of Hawai‘i, Second Special Session of 2022, was called to order at 10:01 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*

August 17, 2022

I, Ronald D. Kouchi, President of the Senate of the Thirty-First 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 Monday, August 22, 2022, 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 Hawai‘i.

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

The Roll was then called showing all Senators present, with the exception of Senator Kouchi who was excused.

At this time, Senator Gabbard introduced a visiting group from Classical Conversations of ‘Ewa Beach, a Christian organization. Senator Gabbard noted that this community met at ‘Ewa Beach and that there were 17 other local communities on O‘ahu. Senator Gabbard added that their goal was to know our God and to make him known and that they were thriving to train future Christian leaders. Present were eighth-grade students Michi Camarata, Ezekiel Furumizo, Auriel Pascua Peralto, Thaddaeus Park, Zachariah Gayer, and Makena Place, and chaperones Miho Camarata, Annette Kealoha Park, Jamie Place, and Reggie Castanares.

Senator Chang introduced the Fricke family, visiting from Berlin, Germany: Ben, Angela, and Wolfram Fricke. Senator Chang explained that they were in Hawai‘i celebrating Wolfram’s retirement from a long career in public service in his native Germany. Accompanying the Fricke family was Senator Chang’s office manager, Lynn Robinson-Onderko.

**JUDICIARY COMMUNICATIONS**

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

Jud. Com. No. 1, submitting for consideration and confirmation to the District Court of the Second Circuit, the appointment of ANNALISA M. BERNARD, for a term of six years, was referred to the Committee on Judiciary.

Jud. Com. No. 2, letter dated August 17, 2022, correcting the name of the nominee under Jud. Com. No. 1 (name amended to ANNALISA M. BERNARD LEE), was placed on file.

At this time, Senator Rhoads announced that the Committee on Judiciary would be holding a decision-making meeting on Jud. Com. No. 1 at 10:30 a.m. in Conference Room 229.

The Chair then made the following announcement:

“The deadline to file the standing committee report on Jud. Com. No. 1 is 4:30 p.m. this afternoon.”

**STANDING COMMITTEE REPORT**

On motion by Senator DeCoite, seconded by Senator Fevella and carried unanimously, the Clerk was authorized to receive the standing committee report on Jud. Com. No. 1. In consequence thereof, and subsequent to its recessing at 10:07 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 ANNALISA M. BERNARD LEE as Judge of the District Court of the Second 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 Tuesday, August 23, 2022.

**ADJOURNMENT**

At 4:30 p.m., the Senate adjourned until 11:00 a.m., Tuesday, August 23, 2022.

**SECOND DAY****Tuesday, August 23, 2022**

The Senate of the Thirty-First Legislature of the State of Hawai'i, Second Special Session of 2022, convened at 11:04 a.m. with the Vice President in the Chair.

The Roll was called showing all Senators present, with the exception of Senators Keohokalole, Kim, Kouchi, and Misalucha who were excused.

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

At this time, Senator Rhoads noted the presence of the Honorable Mark E. Recktenwald, Chief Justice of the Supreme Court, State of Hawai'i; and Rod Maile, administrative director of the courts.

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

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

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

Senator Rhoads then moved that the Senate consent to the appointment of ANNALISA M. BERNARD as Judge of the District Court of the Second Circuit, for a term of six years (name amended to ANNALISA M. BERNARD LEE by Jud. Com. No. 2), seconded by Senator Acasio.

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

"Annalisa Bernard Lee has been licensed to practice law in the State of Hawai'i since 2005. She brings a range of experience in criminal defense and prosecution and in family law matters, and began her career as a law clerk in the First Circuit with Judge Michael Town and Judge Derrick Chan. She continued in public service as a deputy public defender for the Office of the Public Defender in the Honolulu and Maui offices for 10 years. This was followed by 5 years as a deputy prosecuting attorney for the County of Maui's Office of the Prosecuting Attorney. One career highlight was presenting the State's position in oral argument to the Hawai'i Supreme Court in a case about probation conditions. For the past year and a half, Ms. Bernard Lee has expanded her legal practice by working in a small firm on Maui that focuses on family law and criminal defense.

"Ms. Bernard Lee received her bachelor of arts in sociology degree from Seattle University and her juris doctor degree from the William S. Richardson School of Law. She hails from the Valley Isle and has served on numerous legal and community organizations including the Hawaii State Bar Association's Committee on Diversity and Equality in the Law and the Maui County Bar Association Board of Directors, the Friends of the Children's Justice Center Board of Directors, as a volunteer with the Maui Self-Help Center and the Courts in the Community outreach program, and participated in the Hawaii Internet Crimes Against Children Task Force and Maui Sexual Assault Response Team.

"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 Annalisa Bernard Lee is qualified to serve as a district court judge of the Second Circuit and recommends that the Senate consent to the appointment. Mahalo."

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

"Madam President and colleagues, I'm delighted to stand in strong support of Ms. Annalisa Bernard Lee to be named to the District Court of the Second Circuit, which, of course, is the Maui circuit. It's always wonderful to see another woman being named to the court in any of its iterations. I know she's well qualified, she's well received on Maui, and I know she'd do a great job in the district court, so I'm pleased to ask all of my colleagues to join me in supporting her. Mahalo."

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

Ayes, 21. Noes, none. Excused, 4 (Keohokalole, Kim, Kouchi, Misalucha).

At this time, Senator Rhoads introduced Judge Annalisa M. Bernard Lee, who was present with her mother, Lourdes Bernard; her sister Esperanza Roque; her children Kilihea Lee and Kainoa Lee; her children's father, Chad Lee; and her mother-in-law, Audrey Lee. Senator Rhoads then recognized Judge Bernard Lee's father, Frank Bernard, who was watching from Maui.

**MISCELLANEOUS BUSINESS****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 2022."

Offered by: Senators Kanuha, Fevella.

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

At this time, Senator Nishihara announced that at 11:00 the following day, there would be a Zoom meeting to discuss the National Infrastructure Bank. Senator Nishihara noted that the National Conference of State Legislatures had taken up a resolution regarding the same and that it was an issue NCSL hoped the states would support as well. Senator Nishihara added that there were currently about 23 states supporting the resolution.

**ADJOURNMENT**

Senator DeCoite moved that the Senate of the Thirty-First Legislature of the State of Hawai'i, Second Special Session of 2022, adjourn Sine Die, seconded by Senator Fevella and carried.

At 11:12 a.m., the Vice President rapped her gavel and declared the Senate of the Thirty-First Legislature of the State of Hawai'i, Second Special Session of 2022, 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 OF THE SECOND CIRCUIT

J.C. No. 1 ANNALISA M. BERNARD, for a term to expire in 6 years (Name corrected to ANNALISA M. BERNARD LEE by J.C. No. 2)

Your Committee reviewed the personal history, resume, and statement submitted by Annalisa M. Bernard Lee for service on the District Court of the Second Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Annalisa M. Bernard Lee from Wong Leong Cuccia, LLLC and seventeen individuals. Your Committee received comments on the appointment of Annalisa M. Bernard Lee from 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 is 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 perform 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 Court Judge of the Second Circuit.

Ms. Bernard Lee attended the Seattle University where she graduated Cum Laude and received a Bachelor of Arts degree in Sociology. She received her Juris Doctor from the William S. Richardson School of Law at the University of Hawaii at Manoa in May 2004. Following her graduation from law school, Ms. Bernard Lee clerked in the Circuit Court of the First Circuit for the Honorable Derrick H.M. Chan and the Honorable Michael A. Town. Ms. Bernard Lee has been licensed to practice law in the State of Hawaii since 2005.

Ms. Bernard Lee currently works as an attorney with Wong Leong Cuccia, LLLC, a firm that specializes in family law and criminal defense. Previously, Ms. Bernard Lee worked as a Deputy Prosecuting Attorney for the Department of the Prosecuting Attorney for the County of Maui where she represented the County of Maui in various criminal matters including sexual assault, crimes of violence, property crimes, and drug offenses. She also worked with victims of those crimes along with law enforcement in preparation for court hearings and jury trials. For over ten years prior, Ms. Bernard Lee worked as a Deputy Public Defender for the Office of the Public Defender on Oahu and Maui where she litigated cases, investigated and researched cases to prepare for trial, negotiated plea agreements with opposing counsel, wrote appeals, conducted parole and civil commitment hearings, researched law, and drafted motions.

Ms. Bernard Lee has been an active participant and volunteer in the legal community throughout her career and has demonstrated her commitment to serving the public. She currently serves on the Hawaii State Bar Association Committee on Diversity and Equality in the Law. She is also currently a Parent Teacher Student Organization board member for the Kamehameha Schools Maui Campus. Ms. Bernard Lee was a board member of the Friends of the Children's Justice Center from 2019 to 2021. She was also a board member of the Maui County Bar Association for a number of years.

Testimony submitted in support of Ms. Bernard Lee's appointment commends her compassion, moral character, and dedication to the community. Testimony further indicates that during her time in private practice, at the Department of the Prosecuting Attorney for the County of Maui, and at the Office of the Public Defender, Ms. Bernard Lee has shown exceptional judgment and legal skill, fairness, and respect for others. Numerous testifiers also praise her professional integrity, as well as her diligence and work ethic.

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, Annalisa M. Bernard Lee has the experience, dedication, and other competencies to be a District Court Judge of the Second Circuit, and possesses the knowledge, diligence, 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 AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE ON THIS FINAL DAY OF THE SECOND SPECIAL SESSION OF 2022.	2			2