

SECOND DAY

Thursday, July 29, 2021

The Senate of the Thirty-First Legislature of the State of Hawai'i, Second Special Session of 2021, convened at 11:23 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Dela Cruz, Gabbard, Ihara, Kidani, and Riviere present and participating via videoconference, and with the exception of Senators San Buenaventura and Shimabukuro 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 (Jud. Com. 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 LESLEY N. MALOIAN to the District Family Court of the First Circuit, for a term of six years, seconded by Senator Keohokalole.

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

REMARKS

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

Ayes, 23. Noes, none. Excused, 2 (San Buenaventura, Shimabukuro).

At this time, Senator Rhoads introduced Judge Lesley N. Maloian, who wished to acknowledge the support of her husband and her children.

At 11:28 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:31 a.m.

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

The Chair announced:

“The recommendation of the Committee on Judiciary on Governor’s Message No. 1 is that the Senate not consent to the appointment of Daniel M. Gluck to the Intermediate Court of Appeals. Members, pursuant to Senate Rule 37, the final question on appointments made by the governor must be stated in the affirmative. Therefore, the Chair will first entertain a motion to file Standing Committee Report No. 2, then we will move on to the final vote on this matter.”

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

The Chair stated:

“Members, as stated previously, pursuant to Senate Rule 37, the final question on nominations made by the governor must be stated in the affirmative. Therefore, those casting ‘Aye’ votes will be voting to advise and consent, and those casting ‘No’ votes will be voting to reject the nomination. The Chair will now entertain motions to advise and consent to these nominations.”

Senator Rhoads moved that the Senate consent to the appointment of DANIEL M. GLUCK as Associate Judge of the Intermediate Court of Appeals, for a term of 10 years, in accordance with Gov. Msg. No. 1, seconded by Senator Keohokalole.

Senator Rhoads rose and stated:

REMARKS

The Chair having so ordered, Senator Rhoads’s additional remarks read as follows:

REMARKS

The Chair stated:

REMARKS

Senator Kim rose and stated:

REMARKS

The Chair having so ordered, Senator Kim’s additional remarks read as follows:

REMARKS

Senator Keohokalole rose and stated:

REMARKS

The Chair having so ordered, Senator Keohokalole’s additional remarks read as follows:

REMARKS

Senator Lee rose and stated:

REMARKS

The Chair having so ordered, Senator Lee’s additional remarks read as follows:

REMARKS

Senator Moriwaki rose and stated:

REMARKS

The Chair having so ordered, Senator Moriwaki’s additional remarks read as follows:

REMARKS

Senator Gabbard requested that remarks in support of Gov. Msg. No. 1 be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Gabbard’s remarks read as follows:

REMARKS

Senator Ihara requested that remarks in support of Gov. Msg. No. 1 be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Ihara’s remarks read as follows:

REMARKS

The Chair then made the following comments:

REMARKS

The motion was put by the Chair and failed to carry on the following showing of Ayes and Noes:

Ayes, 6. Noes, 17 (Acasio, Baker, DeCoite, Dela Cruz, Fevella, Inouye, Kanuha, Keith-Agaran, Keohokalole, Kidani, Kim, Kouchi, Lee, Misalucha, Nishihara, Riviere, Wakai). Excused, 2 (San Buenaventura, Shimabukuro).

At 11:40 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 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 RELATING TO THE RECESS OF THE SENATE OF THE THIRTY-FIRST LEGISLATURE, SECOND SPECIAL SESSION OF 2021.”

Offered by: Senator Kanuha.

Senator DeCoite rose and stated:

“I move for the adoption of Senate Resolution No. 1.”

Senator Fevella rose and stated:

“I second that motion.”

The Chair then stated:

“It’s been moved and seconded. Is there any discussion?”

“For the purpose of those watching at home, had Dan Gluck been confirmed, we would have adjourned the Second Special Session until we needed to come back, perhaps in October, for some additional judicial nominees. However, the governor now has the clock running to submit a new name, so we are unable to conclude this. The resolution simply states that, subject to the call of the President, we will reconvene once we get a new name and work with Senator Rhoads, the Judiciary committee chair, to get a schedule where the members are going to be available to interview, meet, have a committee meeting, and ultimately have a floor session for the confirmation.

“Any objections to the motion? If not, the motion is carried. Senate Resolution No. 1 has been adopted.”

ADJOURNMENT

At 11:54 a.m., the Senate adjourned until, pursuant to S.R. No. 1, Relating to the Recess of the Senate of the Thirty-First Legislature, Second Special Session of 2021, a date and time declared by the President of the Senate.