

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


Second Special Session of 2023

Convened Monday, November 20, 2023
Adjourned Tuesday, November 21, 2023

CERTIFICATE

We hereby certify that the minutes for each day's session as appears in this Senate Journal are true and correct and 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. KOUCHIWaimea, 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 THIRTY-SECOND LEGISLATURE
of the
STATE OF HAWAI‘I

DISTRICT NO.	NAME	DISTRICT
First	INOUYE, LORRAINE R. (D)	Hilo, Pauka‘a, Papaikou, Pepe‘ekeo
Second	SAN BUENAVENTURA, JOY A. (D)	Puna
Third	KANUHA, DRU MAMO (D)	Kona, Ka‘ū, Volcano
Fourth	RICHARDS, III, HERBERT M. “TIM” (D)	North Hilo, Hāmākua, Kohala, Waimea, Waikoloa, North Kona
Fifth	HASHIMOTO, TROY N. (D)	Wailuku, Kahului, Waihe‘e, Waikapū Mauka, Waiehu
Sixth	MCKELVEY, ANGUS L.K. (D)	West Maui, Mā‘alaea, Waikapū, South Maui
Seventh	DECOITE, LYNN (D)	Hāna, East and Upcountry Maui, Moloka‘i, Lāna‘i, Kaho‘olawe and Molokini
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'alae-Kāhala, Diamond Head, Kaimukī, Kapahulu
Tenth	IHARA, JR., LES (D)	Pālolo, St. Louis Heights, Maunalani Heights, Ala Wai mauka, portions of Kaimukī, Kapahulu, Mō'ili'ili, McCully
Eleventh	FUKUNAGA, CAROL (D)	Mānoa, Makiki/Punchbowl, Tantalus and Papakōlea
Twelfth	MORIWAKI, SHARON Y. (D)	Waikīkī, Ala Moana, Kaka'ako, McCully
Thirteenth	RHOADS, KARL (D)	Dowsett Highlands, Pu'unui, Nu'uauu, Pacific Heights, Pauoa, Punchbowl, Pālama, Liliha, Iwilei, Chinatown, and Downtown
Fourteenth	KIM, DONNA MERCADO (D)	Kapālama, 'Ālewa, Kalihi, Kalihi Valley, Ft. Shafter, Moanalua Gardens & Valley, Red Hill
Fifteenth	WAKAI, GLENN (D)	Kalihi, Māpunapuna, Airport, Salt Lake, Āliamanu, Foster Village, Hickam, Pearl Harbor, and portions of 'Aiea and Pearl City
Sixteenth	ELEFANTE, BRANDON J.C. (D)	'Aiea, 'Aiea Heights, Hālawa, Pearlridge, Newtown, Royal Summit, Waimalu, Waiau, Momilani, Pacific Palisades, and Pearl City

DISTRICT NO.	NAME	DISTRICT
Seventeenth	DELA CRUZ, DONOVAN M. (D)	Portion of Mililani, Mililani Mauka, portion of Waipi'o Acres, Launani Valley, Wahiawā, Whitmore Village
Eighteenth	KIDANI, MICHELLE N. (D)	Mililani Town, Waipi'o Gentry, Crestview, Waikele, portion of Waipahu, Village Park, Royal Kunia
Nineteenth	AQUINO, HENRY J.C. (D)	Pearl City, Waipahu, West Loch Estates, Honouliuli, Ho'opili
Twentieth	FEVELLA, KURT (R)	'Ewa Beach, Ocean Pointe, 'Ewa by Gentry, Iroquois Point, portion of 'Ewa Villages
Twenty-First	GABBARD, MIKE (D)	Kapolei, Makakilo, Kalaeloa, portions of Fernandez Village, and 'Ewa
Twenty-Second	SHIMABUKURO, MAILE S.L. (D)	Honokai Hale, Ko 'Olina, Nānākuli, Mā'ili, Wai'anae, Mākaha, Mākua
Twenty-Third	AWA, BRENTON (R)	Kāne'ohe, Kahalu'u thru Lā'ie, Kahuku to Mokuē'ia, Schofield Barracks, Kunia Camp
Twenty-Fourth	KEOHOKALO, JARRETT (D)	Kāne'ohe, Kailua
Twenty-Fifth	LEE, CHRIS (D)	Kailua, Lanikai, Enchanted Lake, Keolu Hills, Maunawili, Waimānalo, Hawai'i Kai, Portlock

**MEMBERS OF THE SENATE
THIRTY-SECOND LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2023**



RONALD D. KOUCHI
8th Senatorial District
President



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



DRU MAMO KANUHA
3rd Senatorial District
Majority Leader



GLENN WAKAI
15th Senatorial District
Majority Floor Leader
Chair: Public Safety and Intergovernmental
and Military Affairs



LYNN DECOITE
7th Senatorial District
Assistant Majority Floor Leader
Chair: Energy, Economic Development,
and Tourism



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



LORRAINE R. INOUYE
1st Senatorial District
Majority Whip
Chair: Water and Land



HENRY J.C. AQUINO
19th Senatorial District
Assistant Majority Whip



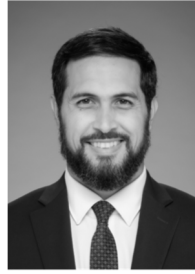
JARRETT KEOHOKALOLE
24th Senatorial District
Assistant Majority Whip
Chair: Commerce and Consumer Protection



CHRIS LEE
25th Senatorial District
Assistant Majority Whip
Chair: Transportation and
Culture and the Arts



HERBERT M. "TIM" RICHARDS, III
4th Senatorial District
Assistant Majority Whip



BRENTON AWA
23rd Senatorial District



STANLEY CHANG
9th Senatorial District
Chair: Housing



DONOVAN M. DELA CRUZ
17th Senatorial District
Chair: Ways and Means



BRANDON J.C. ELEFANTE
16th Senatorial District



KURT FEVELLA
20th Senatorial District



CAROL FUKUNAGA
11th Senatorial District



MIKE GABBARD
21st Senatorial District
Chair: Agriculture and Environment



TROY N. HASHIMOTO
5th Senatorial District



DONNA MERCADO KIM
14th Senatorial District
Chair: Higher Education



ANGUS L.K. MCKELVEY
6th Senatorial District
Chair: Government Operations



SHARON Y. MORIWAKI
12th Senatorial District
Chair: Labor and Technology



KARL RHOADS
13th Senatorial District
Chair: Judiciary



JOY A. SAN BUENAVENTURA
2nd Senatorial District
Chair: Health and Human Services



MAILE S.L. SHIMABUKURO
22nd Senatorial District
Chair: Hawaiian Affairs



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
THIRTY-SECOND LEGISLATURE
STATE OF HAWAII
SECOND SPECIAL SESSION OF 2023
JOURNAL OF THE SENATE

FIRST DAY

Monday, November 20, 2023

The Senate of the Thirty-Second Legislature of the State of Hawaii, Second Special Session of 2023, was called to order at 11:02 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 17, 2023

I, Ronald D. Kouchi, President of the Senate of the Thirty-Second 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 11:00 a.m. on Monday, November 20, 2023, in the State Capitol Senate Chamber, 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 Hawaii State Senate”

At this time, the Chair called upon the Honorable Mark E. Recktenwald, Chief Justice of the Supreme Court of the State of Hawaii, to administer the oath of office to the Honorable Troy N. Hashimoto, who was appointed by the governor to represent Senate District 5 on November 9, 2023; the Chair also requested that the Honorable Troy N. Hashimoto join them at the rostrum.

At the rostrum, Chief Justice Recktenwald administered the oath of office to the newly appointed member of the Senate, the Honorable Troy N. Hashimoto.

The Chair made the following statement:

“Thank you, Chief Justice Recktenwald. At this time, the Senate would like to take a moment to make a special presentation.

“I have the honor of continuing the Senate’s tradition (and I always note that it was Senator Kim who came up with the idea, when she was president, to create the Senate pin) of presenting a special lapel pin to current and past senators. This pin is a symbol of our service in the Senate, and to the people of the state of Hawaii.

“Under Senate Rule 92, the Senate pin shall only be worn by current or past members of this body.”

Senator Hashimoto was presented with the Senate pin by Senate President Kouchi.

Senator Hashimoto then returned to his seat.

The Chair commented that Senator Hashimoto now had the distinction of being the youngest member of the Senate.

The Roll was called showing all Senators present, with the exception of Senators Kidani, Kim, Lee, Moriwaki, Shimabukuro, and Wakai who were excused.

At this time, Senator DeCoite introduced members of the leadership of Aloha United Way, an organization that, in partnership with dozens of agencies, advocates for policies to help Hawaii’s ALICE population to ensure families can thrive economically and continue to work and live in Hawaii. Seated in the gallery were Suzanne Skjold, Kayla Keehu-Alexander, Sunshine Kunia Smith, Aga Conboy, and Kaitlyn Duracher. Accompanying them was Daniel Cup Choy. Senator DeCoite then recognized the president and CFO of the Maui United Way chapter, Nicholas Winfrey. Senator DeCoite thanked the Aloha United Way ‘ohana for everything they do.

Senator Keohokalole noted the presence in the gallery of Lieutenant Governor Sylvia Luke; Honolulu Councilmember Tyler Dos Santos-Tam; former state representative Patrick Pihana Branco; Honolulu Councilmember Radiant Cordero; and state representatives Scot Z. Matayoshi, Chris Todd, Daniel Holt, Cedric Asuega Gates, Nadine K. Nakamura, Gregg Takayama, Sean Quinlan, Trish La Chica, and Jackson D. Sayama.

The Chair, in good humor, directed the Sergeant-at-Arms staff to immediately remove the representatives if any of them took out a tape measure and began measuring the furniture.

Senator Awa introduced guests from Kailua who were visiting from California. Seated in the gallery were Mayor Debbie Baker of La Palma, California; her mother; and her husband. Senator Awa noted that Mayor Baker’s father was a foreman who had worked on the construction of the Hawaii State Capitol, and that the family were in town celebrating his life.

Senator San Buenaventura introduced Judge Lisa M. Ginoza, chief judge of the Intermediate Court of Appeals and Hawaii Supreme Court justice appointee, who was present in the gallery.

Senator Hashimoto introduced his parents, Noel and Kathy Hashimoto, and cousin Melissa Hashimoto, who were seated in the gallery. Senator Hashimoto thanked his former colleagues from the state House of Representatives for their presence. Senator Hashimoto then welcomed friends from Maui who were present in the gallery: Marc Takamori, Marci Sato, Tyson Miyake, and Lianne Yoshida.

The Chair commented that Senate business would conclude quickly before asking the Sergeant-at-Arms staff, at that time, to escort Senator Hashimoto’s family and supporters to the floor for picture-taking.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 3) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 1, submitting for consideration and confirmation, the nomination of LISA M. GINOZA as Associate Justice of the State of Hawai'i Supreme Court, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 2, submitting for consideration and confirmation, the nomination of VLADIMIR P. DEVENS as Associate Justice of the State of Hawai'i Supreme Court, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 3, letter dated November 1, 2023, clarifying that Lisa M. Ginoza was nominated to replace Associate Justice Michael Wilson, and Vladimir P. Devens was nominated to replace Associate Justice Paula Nakayama, was placed on file.

At this time, Senator Rhoads announced that the Committee on Judiciary would be holding a decision-making meeting on the governor's messages at 11:30 a.m. that morning in Conference Room 016.

The Chair then made the following announcement:

"The deadline to file the standing committee reports on Gov. Msg. Nos. 1 and 2 is 4:30 p.m. today."

STANDING COMMITTEE REPORTS

On motion by Senator Kanuha, seconded by Senator DeCoite and carried unanimously, the Clerk was authorized to receive standing committee reports on Gov. Msg. Nos. 1 and 2. In consequence thereof, and subsequent to its recessing at 11:14 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 LISA M. GINOZA 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 Tuesday, November 21, 2023.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that the Senate consent to the appointment of VLADIMIR P. DEVENS as Associate Justice of the State of Hawaii Supreme Court, in accordance with Gov. Msg. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2 and Gov. Msg. No. 2 was deferred until Tuesday, November 21, 2023.

ADJOURNMENT

At 4:30 p.m., the Senate adjourned until 11:00 a.m., Tuesday, November 21, 2023.

SECOND DAY

Tuesday, November 21, 2023

The Senate of the Thirty-Second Legislature of the State of Hawai'i, Second Special Session of 2023, convened at 11:05 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with the exception of Senators Kidani, Kim, Shimabukuro, and Wakai who were excused.

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

At this time, Senator Rhoads introduced Chief Justice Mark Recktenwald, Administrative Director of the Courts Rod Maile, and Deputy Administrative Director of the Courts Brandon Kimura, who were seated in the gallery. Senator Rhoads then acknowledged judges from the Intermediate Court of Appeals (ICA) who were present in the gallery: Judges Keith Hiraoka, Clyde Wadsworth, Karen Nakasone, Sonja McCullen, and Kimberly Guidry. Senator Rhoads also introduced members of his staff who were seated in the gallery: Sara Thorn and Rachel Weaver, interns from the UH Mānoa political science program; and Jessie Faige, his legislative attorney.

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 Gabbard and carried.

Senator Rhoads then moved that the Senate consent to the appointment of LISA M. GINOZA as Associate Justice of the State of Hawai'i Supreme Court, for a term of 10 years, seconded by Senator Gabbard.

Senator Rhoads rose to speak in support of the appointee as follows:

"Lisa M. Ginoza is the current chief judge of the state's Intermediate Court of Appeals. Judge Ginoza has guided the ICA since 2018 and prior to that was an associate judge for 8 years, for a total of 13 years on the appellate bench. Her legal career so far has spanned 34 years, two branches of state government, and significant time litigating in private practice.

"Newly licensed attorney Ginoza's first year of legal work in 1989 was as a law clerk for federal district court judge Samuel P. King. She then gained litigation experience during her 14 years at the law firm McCorriston Miller Mukai MacKinnon, where she rose to partner and was a member of the firm's compensation, associate development, and hiring committees. Her practice areas were insurance, personal injury, commercial and contract disputes, employment and discrimination, and products liability cases, and she appeared at all levels of Hawai'i's courts as well as in the federal court system. She also handled cases going through the administrative hearings process and in mediation and arbitration.

"Judge Ginoza entered government service in 2005, when she was appointed first deputy attorney general by then-Attorney General Mark Bennett. She assisted the attorney general in leading a department with over 700 employees, including 170 attorneys. One achievement that she and her testifiers highlighted was her key role in negotiating settlement agreements with the U.S. Department of Justice about the Hawaii Youth Correctional Facility and the Oahu Community Correctional Center.

"After five years at the attorney general's office, Judge Ginoza was appointed to the Intermediate Court of Appeals in 2010. She served as associate judge for eight years before being elevated in 2018 to the chief judge position after Chief Judge Craig Nakamura retired. During her time on the ICA, she has taken part in 1,757 substantive decisions, and for 641 was the lead judge, for appeals involving civil, criminal, family court, administrative, and regulatory matters. Judge Ginoza has authored 37 published opinions and 52 concurring or dissenting opinions. She also has decided thousands of motions, including procedural, jurisdictional, injunctive relief, and disqualification motions. In 2020, she served as a substitute justice on the Supreme Court for several cases and on procedural matters.

"Judge Ginoza has engaged in numerous professional activities including chairing the Commission to Promote and Advance Civic Education; being a member of the Commission on Professionalism, which included assisting in drafting amendments to the Guidelines of Professional Courtesy and Civility; and being a board member of the American Judicature Society and the Judiciary History Center. Of particular note to this body, she served as the recorder for the 2015 Penal Code Review Committee where, pursuant to the Legislature's request, a committee of judges, attorneys, and legislators reviews and makes recommendations about our state's criminal statutes. Judge Ginoza's credentials also include judging the Cherry Blossom Festival Contest and the Kailua 4th of July Parade.

"Judge Ginoza is a proud graduate of Kailua High School, where she was senior class president and valedictorian. She received her undergraduate degree from Oregon State University after attending the University of Hawai'i at Manoa her freshman year and being selected to participate in the student exchange program, which enabled her to attend Oregon State, where she graduated with highest distinction with a major in political science. Her juris doctorate is from the William S. Richardson School of Law, where she was on law review and received several awards in recognition of her high grades.

"The testimony submitted to the Judiciary committee was all in support of Judge Ginoza's appointment to the Supreme Court, and testifiers included several current and retired judges and many colleagues. The Hawaii State Bar Association rated her 'qualified,' stating that she has 'distinguished herself and earned respect for her intelligence, integrity, diligence, legal knowledge, temperament, and work ethic.'

"After having reviewed the testimony and other materials submitted to the committee and having examined the appointee in a hearing, your Judiciary committee finds that Lisa M. Ginoza is qualified to serve as associate justice to the Hawai'i Supreme Court, and recommends that the Senate consent to the appointment. Mahalo."

Senator Fevella rose to speak in strong support of the appointee as follows:

"When I got to meet Judge Lisa (Lisa, sorry. I like call you Lisa because you're so personable when I got to speak to you), and knowing your trials and your tribulations when you were young and being raised at eight years old with a single parent and having a grandparent help you guys being raised. As your trials and tribulations had happened at a young age, as you moved forward in getting into high school and then knowing all the accolades that you had in high school: When I look at stuff like this, and I even told this to previous judges that were coming up—not only that you're going to be in the highest possible position—is that I look for where you came from and where your background is. It's okay if you come from private schools, and I'm not knocking any private-school person—rah

rah for you—but when I look at somebody’s background, going forward and coming from humble beginnings in Kailua High School, you know, also winning the softball tournament, belonging to different sports and accolades that she had. But one of the things that I was impressed with that she has spoken to me about, was not only rising from Kailua High School, getting the chance to go to the University of Hawai‘i for a while and then getting transferred to Oregon State to play softball, which she did really well at. And this is one thing about her that I really was impressed with: on her loyalty to Oregon State, for staying there as a softball player when she had an opportunity, when she really wanted to play for the University of Hawai‘i, and she did not. She stayed and she fulfilled her obligations, and that’s the reason why I have every confidence, colleagues, that she’s going to do really well for our people of Hawai‘i going forward. And, again, I ask my colleagues to support her in her endeavors in the highest court in our state. Aloha.”

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

Ayes, 21. Noes, none. Excused, 4 (Kidani, Kim, Shimabukuro, Wakai).

At this time, Senator Rhoads introduced Justice Lisa M. Ginoza, who was present in the gallery with Rogers Ginoza, her father; Brenda Tanaka, her spouse; Zoe Ginoza, their daughter; Francine Fukunaga, a good friend; and Nadine Grace, her judicial assistant. Also joining Justice Ginoza were several of her colleagues from the ICA: Judges Keith Hiraoka, Clyde Wadsworth, Karen Nakasone, Sonja McCullen, and Kimberly Guidry; as well as ICA staff members.

The Chair made the following comments:

“Our historian, Senator Ihara, reminded me once that my job as president is to preside over the floor session and make sure it proceeds in an orderly way but not to influence the vote from the rostrum, so I don’t get to talk like Senator Rhoads and Senator Fevella. And I would share with you that I’ve got two really intelligent daughter-in-laws who say, because I have so much history in my brain, that I often talk with no context, and I don’t share enough information for them to fully understand what I’m saying. And that’s a long-winded way of saying, to add context to Senator Fevella’s comments: The reason why Judge Ginoza went to Oregon State to play softball is that the University of Hawai‘i did not have a women’s softball team when she went there. What you don’t realize in her life chronology, she was at the beginning of Title IX, and there weren’t a lot of women’s programs that had been formed at the time. Now, the next year, as you heard, the University of Hawai‘i had a program and she finished, but I think, in a testament to Congresswoman Mink and what she had envisioned all those years ago about creating the opportunity for all of the young women across this great nation, is that from a softball field as a second baseman, you can become an associate justice on the Supreme Court because she was going to help open those doors. And to you, Justice Ginoza, you have been an incredible role model for young women across this state, and you continue to shatter the glass ceiling for young girls to let them know that there are no limitations to what they can achieve and what they can be, so congratulations.”

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

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

Senator Rhoads then moved that the Senate consent to the appointment of VLADIMIR P. DEVENS as Associate Justice of the State of Hawaii Supreme Court, for a term of 10 years, seconded by Senator Gabbard.

Senator Rhoads rose to speak in support of the appointee as follows:

“Vladimir Devens is an experienced litigator and legal practitioner. He has 30 years of experience representing individual clients and labor unions in Hawai‘i. Early in his career, he spent six years working as a police officer for the Honolulu Police Department and is still a reserve officer with HPD. During the time he was a full-time officer, Mr. Devens maintained his law license and drafted a search-and-seizure training manual for the department, drafted and executed search warrants, investigated organized crime, and effected numerous drug and felony arrests. He continues to provide legal training and expertise to HPD.

“For 18 years, Mr. Devens was an associate and partner of several law firms, including Meheula & Devens and Winer Meheula & Devens. In 2013, he established his own firm, the Law Offices of Vladimir P. Devens. Mr. Devens’ practice focuses heavily on litigation, including appeals, in the areas of personal injury, labor relations, constitutional issues, land use, and worker’s compensation law. He has litigated cases in all of Hawai‘i’s state courts and before the federal district court for Hawai‘i. He was lead counsel in a significant Hawai‘i Supreme Court decision on child abuse, *Kaho’ohanohano v. DHS*, decided in 2008.

“Mr. Devens also has significant administrative practice handling matters before the Zoning Board of Appeals, Building Board of Appeals, Labor and Industrial Relations Appeals Board, Hawai‘i Labor Relations Board, and Board of Land and Natural Resources.

“In addition to his extensive courtroom experience, Mr. Devens has served in multiple quasi-judicial roles, as chair of the state Land Use Commission, as a member of the Board of the Office of Disciplinary Counsel, and as a hearings officer with that office as well. He has also participated in numerous mediations with Dispute Prevention Resolution, where he has either represented parties or served on the decision-making panel.

“Mr. Devens is a proud graduate of Kalani High School. He then attended the University of California at Berkeley for both his undergraduate and law school education. He graduated magna cum laude with a bachelor of arts in economics and, in law school, was associate editor of the *Industrial Relations Law Journal*.

“The overwhelming majority of the testimony submitted was in support of Vladimir Devens’ appointment to the Supreme Court and included several retired judges and a former congresswoman, and individual clients and numerous union organizations that he had represented over the years. The Hawaii State Bar Association rated him ‘qualified,’ stating, ‘It is not possible to list the breadth, variety, and depth of Mr. Devens’ experience—all of which will add to the experience and diversity of the Hawaii Supreme Court.’

“After having reviewed the testimony and other materials submitted to the committee and having examined the appointee in a hearing, your Judiciary committee finds that Vladimir P. Devens is qualified to serve as associate justice on the Hawai‘i Supreme Court, and recommends that the Senate consent to his appointment. Mahalo.”

Senator Fevella rose to speak in strong support of the appointee as follows:

“Again, we have another public-school nominee going to be a judge. What I liked about him is what he told me personally: that he was proud and he was happy to graduate from public school, and his being in a public-school setting helped him realize his achievement and goals. But what I like is what he

told me later on about his children, that he wanted his children to go to the same school that he went to, but they decided to go another school (I no like say: 'Iolani). But not taking anything for granted, he grounded his children in different activities, especially with him coaching, from boxing to soccer and all these other kinds of sports, community engagement to making sure that his children and the way he was brought up in life that would be more well-rounded than just hanging around with—and like I said, nothing wrong with that—just hanging around with your same people that you hang around in school, so it tends to not be able to get more grounded in the sense of knowing how other people in other schools relate to one another, and that was something that was very impressive. He didn't have to share that with me, but he did, and I really appreciate him for that, Senate President. And, like I said, we get two public-school going to the Supreme Court and all that stuff. I mean, I'm just really proud to be here, proud of this body. I want to thank my colleagues, and I just ask you guys to support. Thank you."

Senator Rhoads recognized Governor Josh Green, who was present in the gallery.

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

Ayes, 21. Noes, none. Excused, 4 (Kidani, Kim, Shimabukuro, Wakai).

At this time, Senator Rhoads introduced Justice Vladimir P. Devens, who was present in the gallery with his spouse, Joy Devens. Justice Devens also wished to acknowledge the support of their daughters Alexis, Karley, and Lauren; his parents Paul and Setsuko Devens; and his in-laws Charles and Carol Miyashiro.

Senator Rhoads requested that, at the appropriate time, the newly confirmed justices be invited to the floor to be congratulated.

The Chair stated that, at the conclusion of session, the Sergeant-at-Arms would escort the chief justice and justices and their families to the floor to be greeted and congratulated by the members.

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 2023."

Offered by: Senator Kanuha.

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

At this time, the Chair, on behalf of the Senate, wished all of the guests in the gallery, as well as their families and friends, a safe and happy Thanksgiving and holiday season.

ADJOURNMENT

Senator Kanuha moved that the Senate of the Thirty-Second Legislature of the State of Hawai'i, Second Special Session of 2023, adjourn Sine Die, seconded by Senator DeCoite and carried.

At 11:27 a.m., the President rapped his gavel and declared the Senate of the Thirty-Second Legislature of the State of Hawai'i, Second Special Session of 2023, 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 LISA M. GINOZA, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Judge Lisa M. Ginoza 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 Lisa M. Ginoza from the Governor, The People's Justice Center, Hawai'i Women Lawyers, and forty-five individuals. Your Committee received comments on the appointment of Judge Ginoza from the Hawaii State Bar Association and Alliance for Justice.

The Hawaii 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, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, and ability to fulfill the responsibilities and duties required of the position. The Board's rating system includes the categories of "qualified" and "not qualified".

Judge Ginoza received a Bachelor of Science degree in Political Science from Oregon State University, where she graduated with the highest distinction. She then received her Juris Doctor from the William S. Richardson School of Law, where she served as Casenote Editor and Casenote Co-Author for the University of Hawai'i Law Review.

Judge Ginoza has served on the Intermediate Court of Appeals as Chief Judge since 2018 and as an associate Judge from 2010 to 2018. During her time on the Intermediate Court of Appeals, she participated in 1,757 merit decisions covering varying areas of substantive law. In six hundred forty-one of those cases, Judge Ginoza was the lead judge for the panel. Judge Ginoza also authored thirty-seven published opinions and fifty-two separate concurring or dissenting opinions and decided thousands of motions, including procedural, jurisdictional, injunctive relief, and disqualification motions.

Prior to her appointment to the Intermediate Court of Appeals, Judge Ginoza served as the First Deputy Attorney General at the State of Hawaii Department of the Attorney General from 2005 to 2010. She assisted the Attorney General in leading a department with over seven hundred employees, including more than one hundred seventy attorneys. At the Department of the Attorney General, Judge Ginoza had detailed involvement in a wide variety of matters, including litigation involving the State or its officials; advice and counsel to public officers; review of proposed legislation; testimony before the Legislature; juvenile justice issues; asset forfeiture cases; investigation of administrative and criminal matters; administrative issues involving the Department; and coordination efforts between federal, state, and county governments. Judge Ginoza also played a significant role in negotiating settlement agreements with the United States Department of Justice regarding the Hawaii Youth Correctional Facility and the Oahu Community Correctional Center, and forged resolutions to compliance issues related to the agreements.

Before working at the Department of the Attorney General, Judge Ginoza was an attorney for fourteen years at McCarriston Miller Mukai MacKinnon, LLP, where she became a partner. During her time at the firm, Judge Ginoza had a litigation practice that included insurance cases, personal injury litigation, commercial and contract disputes, employment and discrimination lawsuits, and products liability cases. She handled cases at all court levels, including the Hawai'i Supreme Court, United States Ninth Circuit Court of Appeals, and United States Supreme Court. Additionally, Judge Ginoza served as a judicial law clerk to Judge Samuel P. King of the United States District Court for the District of Hawaii after graduating from law school.

Judge Ginoza has been an active participant in the community and has demonstrated her commitment to serving the public. She is Chair of the Commission to Promote and Advance Civic Education, a commission created by the Hawai'i Supreme Court to promote and advance civic education for students and citizens throughout the State. Additionally, Judge Ginoza is a member of the Judiciary History Center's Board of Directors where she regularly speaks with students at the center or at their schools. She also serves as a member of the American Judicature Society's Board of Directors. Previously, Judge Ginoza served on the Commission on Professionalism, Council of Chief Judges of the State Courts of Appeal, Judiciary's Incentive Awards Committee, Penal Code Review Committee, the William S. Richardson School of Law Alumni Association's Board of Directors, and several programs sponsored by the Hawaii State Bar Association.

Testimony submitted in support of Judge Ginoza's appointment commends her background, professional skills, and character. Testimony further indicates that during her time as a judge on the Intermediate Court of Appeals, she has been diligent, hardworking, intelligent, and determined. Numerous testifiers also praise her commitment to fairness, justice, and her active role in the community, particularly her focus on educating, preparing, and inspiring the youth in the State.

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 qualifications, Judge Lisa M. Ginoza has the experience, compassion, and other competencies required to be an Associate Justice of the State of Hawai'i Supreme Court, 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, 5. Noes, none. Excused, none.

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

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

ASSOCIATE JUSTICE OF THE STATE OF HAWAII SUPREME COURT

G.M. No. 2 VLADIMIR P. DEVENS, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Mr. Vladimir P. Devens for appointment as an Associate Justice of the State of Hawai'i Supreme Court. Your Committee received testimony in support of the appointment of Mr. Vladimir P. Devens from the Governor; United Public Workers, AFSCME Local 646, AFL-CIO; University of Hawaii Professional Assembly; Hawaii State Teachers Association; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Retail Merchants of Hawaii; State of Hawaii Organization of Police Officers; The People's Justice Center; Operating Engineers Local Union No. 3; IATSE Local 665; Nā Wahine Toa Foundation; International Longshore and Warehouse Union Local 142; Hawaii Association for Justice; Public Safety Labor Group; Hawaii State AFL-CIO; Hawaii Fire Fighters Association, Local 1463, IAFF, AFL CIO; and seventy-nine individuals. Your Committee received testimony in opposition to the appointment of Mr. Devens from one individual. Your Committee received comments on the appointment of Mr. Devens from the Hawaii State Bar Association.

The Hawaii 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, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, and ability to fulfill the responsibilities and duties required of the position. The Board's rating system includes the categories of "qualified" and "not qualified".

Mr. Devens received a Bachelor of Arts degree in Economics from the University of California, Berkeley, where he graduated *Magna Cum Laude* and participated in the Economics Honor Society. He then received his Juris Doctor from the University of California, Berkeley School of Law, where he was an Associate Editor of the Industrial Relations Law Journal.

Since 2013, Mr. Devens has been a shareholder of the Law Offices of Vladimir P. Devens, where he has litigated cases in all of the State's courts, including Circuit Court, District Court, Family Court, and the federal courts in the District of Hawaii. His scope of practice has included an emphasis on litigation, appeals, personal injury, labor relations, constitutional issues, land use, workers' compensation, legislation, and alternative dispute resolution. Mr. Devens was previously a partner at Meheula & Devens, LLP, and Winer Meheula & Devens, LLP.

Before becoming a law partner, Mr. Devens was an associate at two firms: Ikazaki, Devens, Lo, Youth & Nakano, and Winer and Meheula. For six years, he also worked as a police officer for the Honolulu Police Department, where he attained the rank of corporal, earned an Outstanding Recruit Award and Academic Award, was nominated for Officer of the Year, and was Recruit Class Leader. After leaving the Honolulu Police Department to resume practicing law, Mr. Devens continued to serve the department and has been volunteering as a reserve police officer since 1995.

Mr. Devens has been actively involved in the community throughout his career. He currently serves as a member of the Disciplinary Board of the Hawai'i Supreme Court and the Board of Directors of Crime Stoppers Honolulu, Inc., where he also serves on the By—Laws, Standing Rules, and Strat—egic Planning committees. Additionally, Mr. Devens has served on numerous boards and committees for the Hawaii State Bar Association, where he currently serves on the Board of Directors and as co—chair for the Committees on Judicial Administration and Strategic Planning. Mr. Devens also devotes time to serve as a volunteer attorney for the Access to Justice Center, certified arbitrator for the Court Annexed Arbitration Program, and member of the Hawaii Association for Justice, where he was previously the Treasurer. Mr. Devens' public service also extends to the youth in the State. He has coached at-risk youth in boxing since 1995 and previously coached for the Amateur Softball Association Girls Softball, Kalaniana'ole Athletic Club Baseball, and American Youth Soccer Organization and Hawaii Youth Soccer Organization Soccer.

Testimony submitted in support of Mr. Devens' appointment commends his extensive experience, knowledge of the law, acuity of advice, professional judgment, and dedication to serving justice and helping working families. Throughout his career as a practicing attorney, Mr. Devens has earned a reputation for a deep understanding of the law and a finely honed ability to apply it in ways that promote equity and fairness. Those who have worked closely with Mr. Devens note his ability to be thoughtful, skillful, and persuasive while maintaining the highest standards of professionalism and ethical conduct.

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 his qualifications, Mr. Vladimir P. Devens has the experience, compassion, 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, 5. 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 2023.	5			5