

TENTH DAY

Thursday, February 1, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Captain James Danner, Chaplain, U.S. Pacific Fleet and Pacific Area Command, after which the Roll was called showing all Senators present with the exception of Senators Bunda and Inouye who were excused.

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

Senators Hemmings and Tsutsui introduced Admiral William J. Fallon and his wife Mary Fallon in recognition of their dedication, commitment and service to their country and for their outstanding contributions to Hawai'i's military community and to the people of Hawaii during the Admiral's tour as Commander of the U.S. Pacific Command.

At this time, the President invited Admiral Fallon to the podium to address the members of the Senate.

Admiral Fallon addressed the members of the Senate as follows:

"Madam President, Distinguished Members of the Senate:

"It's a very, very special occasion for us to be here, and I recognize and thank you for this very unique opportunity to say a few words to you. Fred, I didn't know you were so eloquent; now I know why you are in politics. Thank you very much for the very kind and personal words.

"I didn't prepare a speech. I've got a lot of thoughts in my head. I have no doubt that the tasks in front of us are immense, and I have, I think, a good understanding of the consequences in many directions of the actions that await us in the future.

"I will tell you that Mary and I will certainly miss our time in Hawaii. In fact I will confess that just a few weeks ago, before any of this even came about, we were contemplating the fact that we had been here for almost two years and how rapidly the time had passed, and if we were lucky we might be able to have another year to enjoy and then we were going to have to figure out what we're going to do with our lives for the future. We discussed how much we enjoy this beautiful State and the time we've spent here. It's certainly physically attractive, and the sense and sights of the State are unlike any place in the world, but the real special aspect of Hawaii is you, the people.

"Now, I'm an old guy, and Mary will tell you much older than she; but we agree that we've never been anyplace – and we have been in a lot of locations in this world – we've never been anyplace that has welcomed us as warmly and that day by day, week by week that shows by action what the true meaning of 'aloha' and 'ohana' really are. You are here; you live here, many of you have been born here, and I suspect, like many other things in life, we kind of get used to the environment that we are comfortable in. But it's different here; it really is. And I think it takes an outsider, a couple of haoles to drop in here and to experience this to fully appreciate it. So we want to thank you for that.

"We don't know how fast we may have to leave. I had a phone call this morning from Washington that said they would like to do this in an orderly manner. They intend to announce a

nominee to succeed me very quickly; then they would like to be able to do a formal turnover. But I was told to not count on it, have my bags packed, and if the Senate confirms my nomination, I may have to leave immediately.

"Of course you know the reason for that – because the activities in the Middle East are tragic for sure; the consequences in all directions are immense; and the nation has asked for a new approach. The President has asked for a new approach, different leadership, and I'm going to, in Navy parlance, answer the bell to do whatever I can do to try and help the situation. The consequences are immense.

"Another observation that Mary and I have made since we've been in your midst is the very, very special way in which you have taken care of our military members in this State – those who live here, those who are based here, and particularly their families. And I have remarked on this to people throughout our country that it is very, very special the way that you take care of people. And it gives these men and women who are serving us, particularly those in the combat zones, immense satisfaction and comfort to know that when they are gone, you are taking care of their families in a way that is really, really unique and special and reflects immensely on your kindness and attention and caring. So, on behalf of all of our men and women in uniform, I want to thank you for that.

"I would also invite you, as leaders of this State, to continue to do the best you can to help folks in this State. I believe that it's a very special responsibility to those who are positioned as leaders – elected officials, appointed officials. We have a tremendous responsibility. People put their trust and confidence in us; they expect us to do things that are the right thing to do. It may not be what everybody wants, but we try to do the things that are best.

"I want to thank you for what you do day by day and encourage you to continue. And by example, to those young people – many in the gallery today – that they can see the benefits of our system of government. Because since I've been in the Pacific, I've had an opportunity to visit many, many countries, and they are not the same – far from it in many places. The extent to which we can, by our example and actions, demonstrate the value of our system of government, I believe will have tremendous impact on the future of the world and mankind. So it often takes different approaches at different times. We each do our part.

"Again, thank you for what you do. And with profound gratitude, Mary and I will – sometime soon we expect – take our leave. But we certainly look forward to coming back very soon, very often. And I have an anchor somewhere in my back pocket that I'm going to be able to reach for, hopefully one day soon, and throw it down, and we'd be delighted to do that here if that's possible. So, thank you, Madam President, again for this wonderful opportunity. I thank each and every one of you for your support."

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 4, returning S.B. No. 638, S.D. 1, which passed Third Reading in the House of Representatives on January 31, 2007, was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORT

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 5) recommending that the Senate consent to the nomination of KEITH E. TANAKA to the office of Judge, District Court of the Second Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 5 and Jud. Com. No. 1 was deferred until Friday, February 2, 2007.

ORDER OF THE DAY**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 598	Jointly to the Committee on Energy and Environment and the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Economic Development and Taxation, then to the Committee on Ways and Means
No. 647	Jointly to the Committee on Energy and Environment and the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Economic Development and Taxation, then to the Committee on Ways and Means
No. 883	Jointly to the Committee on Tourism and Government Operations and the Committee on Intergovernmental and Military Affairs, then to the Committee on Economic Development and Taxation, then to the Committee on Ways and Means
No. 1659	Committee on Judiciary and Labor, then to the Committee on Ways and Means
No. 1791	Committee on Health, then to the Committee on Ways and Means
No. 1885	Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Affordable Housing
No. 1950	Committee on Judiciary and Labor, then to the Committee on Ways and Means

Senator Kim rose on a point of personal privilege as follows:

“Madam President, I rise on a point of personal privilege.

“Madam President, interestingly enough, yesterday the House passed S.B. No. 638, S.D. 1, making appropriations for the Legislature, and I rise because it’s interesting to learn that as they went through their budget, last year they had over \$3 million in carryover and at the end of this year, they had over \$4 million in carryover. And why is this important? Well, it’s important because if you recall last year, members, the House said they couldn’t make payroll. The fact that we delayed the budget one day because we had concerns about our expenditures, the House Clerk said that they could not make payroll.

“Now, we knew at the time because the Finance Chairman at that time had told us and assured us that they had enough money to carry them over, and for some reason they declared they could not make payroll and they didn’t have the money to make payroll, and yet we find out today that they had \$3 million.

“So, you know, Madam President, the fact that the Minority Leader would jump to the occasion to use that to accuse me for delaying the budget, accuse me for exercising our fiscal responsibility over our legislative budget, to blame me for the fact why the House staff did not get paid when in fact this was a political ploy and he allowed himself to be manipulated by the House.

“Thank you, Madam President.”

Senator Hemmings rose and said:

“Madam President, I rise on a point of personal privilege, also.

“Madam President, I’d like to extend my apologies to the previous speaker.”

Senator Hee rose on a point of personal privilege as follows:

“Madam President, I rise on a point of personal privilege.

“Madam President, yesterday, as much as I’m a firm believer in the separation of church and state, a young man, a young Hawaiian man named ‘Ainoa Nani’ole gave a prayer in Hawaiian. It was a very moving prayer for those who may have understood it. Nonetheless, the Hawaiian will be entered into the record of the Journal of the Senate.

“Colleagues, I rise because yesterday there was a Senate bill we heard. My good friend Sam Slom and I were part of that august occasion. I rise to thank the Chair of Tourism and the Chair of Water, Land, Agriculture and Hawaiian Affairs for hearing S.B. No. 1052. What the Senate bill proposes is that the state conform to the correct spelling of Hawaiian words, evidently a daunting task to the attorney general who testified of the concern of the attorney general that Hawaiian words may be misspelled and therefore a cause of action may result in an appeal, which implies, of course, that legal documents in English are never misspelled, and that when they are misspelled, they end up on appeal. And then the governor’s administrator of DAGS testified about the inconvenience of converting technical computer equipment and hardware to conform with the correct spelling of the land, of the first nation, of these islands.

“Isn’t it interesting, Madam President, that your name, Hanabusa, is merely an English phonetic representation of a Japanese name and that the newest member, Tokuda, is the same. But we’ll never know if it’s To’kuda or Toku’da. And the reason is because without the benefit of the Chairman of Tourism, I would never have learned ‘sosen no okagede wareware wa iki te iru no dá’ – ‘dá’ is accented, because upon giving a speech last month, my good friend to my left said, ‘No forget, when you come to the da, it’s dá.’ So, what does that mean – sosen no okagede wareware wa iki te iru no dá? We look to the eldest for knowledge and enlightenment.

“Someday, lawmakers will get it and maybe this year the Senate will lead, because all of us will benefit as sons and daughters of these fair islands when the first language of these islands is properly spelled. We owe the ancestors nothing less. The diacritical marks allow those of us who may not be familiar

with the language of the ancestors the proper way to honor the words *iruno'da*. After all, we owe them that much.

"I recall several years ago, a friend of mine called me. His name is Wayne Kekina and many of you may know him as one of the few successful Hawaiian lawyers in town. He asked me to visit his father, Clarence, who I knew only as Mister, at St. Francis Hospice, so I went. And if you knew his dad, he's like his son, and he said that he was going to St. Francis Hospice because he intended to end his life. And so, in the course of the days that followed, I had great opportunity to speak to Clarence Kekina, and on one occasion he said to me, for no apparent reason, 'My name is Keakini not Kekina.' I asked him, 'How is it that Keakini became Kekina?' Whether it's true or not, he said, 'Some haole guy in the government was too lazy to make it right for my grandfather, so from that day forward, we became known as Kekina.'

"His granddaughter, Tana Kekina, is a lawyer with the prosecutor's office. She grew up on the mainland with her sister Cory. She was *hapai* at the time. And she came to me one day for no apparent reason and she said to me, for no apparent reason, 'What shall I name my child?' And I said, 'Name your child Keakini.' And in typical American thinking, she immediately responded, 'What does that mean?' And I said to her, 'What does Tana mean? What does Ruben mean?' her husband. 'What does Clarence mean?' her grandfather. 'Keakini means that is your name. You need not know anything more.' So she said to me, 'If the child is a girl or if the child is a boy, would that make a difference?' And my response was, 'Keakini is your name.' She named that child Keakini. That name shall live. That is the gift of Clarence Kekina.

"My colleague on my left has a new granddaughter. Her name is *Vāve'a Lilinoe Keiko Ta'ati*. I know it because he told me. And I know it because the diacritical marks told me it's *Vāve'a* not *Vavea*; it's *Ta'ati* not *Taati*. If we honor those who we love, we do it with respect and with the proper articulation that they are entitled.

"There are some here who are not Hawaiian whose children are Hawaiian. All of us here owe it to our children – Hawaiian and otherwise – to honor them by honoring the ancestors of this land. I hope as we move forward with S.B. No. 1052 that the Chairs of those Committees who deferred the action will consider these remarks. And isn't it ironic that the introducer of this Hawaiian language bill is named English.

"Mahalo."

Senator English rose on a point of personal privilege and said:

"Madam President, I rise on a point of personal privilege.

"I would like to first of all thank the previous speaker for articulating, I think, some pent-up feelings of many Hawaiians, of many people in this State. But just to be clear, S.B. No. 1052 would require the state to use the correct spelling of Hawaiian in our documents.

"It's very interesting what the attorney general said because currently we're misspelling the Hawaiian words without the diacriticals. The *okina* in Hawaiian is the thirteenth letter of the Hawaiian alphabet. So that means that if what the attorney general said at the hearing, that they're worried that it may give rise to legal action if the word is misspelled, every time they spell the word *Hawai'i* in a legal document without the *okina*, they're misspelling the word. We really would like to sit down and talk with the deputy attorney general that wrote this opinion

because the opposite of it is probably more true than the point that he was trying to make.

"Members, this is a very important bill and I'd like to ask all of you to support this because, like any language, the Hawaiian language has a Lexicon Committee. We have a written autography and the language is being standardized, and part of it is standardizing the spelling.

"We in the State of Hawai'i should be the first to use the correct spelling, and that's all that this bill is asking. And frankly, I can say that if the issue is the machines, hey, if we run Macintosh, we would all be there because the system already accepts Hawaiian as an international language and you just switch it to Hawaiian and the two diacritical marks are there. One is a little *okina* and the other one is the elongation over the vowels.

"Let me tell you other languages that depend on diacriticals – French, Spanish, a whole bunch of others. You don't see the French saying, 'We can't do it because we can't put the diacriticals in,' the Spanish because they can't put it in. It's an easy task. Why do they make it more difficult than it is?

"So I really ask for your support and I want to thank the previous speaker and the Chair of the Water, Land, Agriculture and Hawaiian Affairs Committee for hearing the bill. Thank you."

ADJOURNMENT

At 12:20 o'clock p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 2, 2007.