

THIRTY-SEVENTH DAY

Monday, March 24, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:36 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Gary L. Hooser, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senator Tsutsui who was excused.

The President announced that she had read and approved the Journal of the Thirty-Sixth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Fukunaga, on behalf of Senator Hanabusa and herself, recognized and commended Wai'anae High School digital media teacher Michael O'Connor for receiving the Time Warner Cable National Teacher Award for his project, "Nani's Struggle."

Senator Sakamoto, with the assistance of Senators Menor, Bunda, Taniguchi and Inouye; and Senator Inouye on behalf of Senator Whalen, recognized the outstanding achievements by the following teachers in honor of Education Week: Amy Perruso, winner of the 12th Annual Wal-Mart and Sam's Club Teacher of the Year program; Paul Burnett, Jr. and Shari Kaneshiro, recipients of the Presidential Award for Excellence in Mathematics and Science Teaching; Yannabah Lewis, recipient of the 2007 Milken Family Foundation National Educator Award; and Sarah Ferreira, who was not present was the recipient of Hawai'i's 2007 American Stars of Teaching Award from the United States Department of Education;

Senators Taniguchi, on behalf of Senator Fukunaga, commended and congratulated the Roosevelt High School Girls Varsity Soccer Team on winning the 2008 Oahu Interscholastic Association White Division II Championship with a 14-2 record, and introduced the following players and coach: Co-Captains Rachel Domingo, Karmen Ferreira, Jenna Uyehara, Christy Watanabe and Head Coach Shaina Caporoz.

At 11:55 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 p.m.

STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3157) recommending that H.B. No. 1832, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 1832, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3158) recommending that H.B. No. 2492, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 2492, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 2008.

Senators Kokubun and Chun Oakland, for the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Human Services and Public Housing, presented a joint report (Stand. Com. Rep. No. 3159) recommending that H.B. No. 2662, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.B. No. 2662, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 2008.

Senators English and Inouye, for the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 3160) recommending that H.B. No. 2954, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.B. No. 2954, S.D. 1, entitled: "A BILL FOR AN ACT RELATED TO TOWING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 2008.

Senator Taniguchi, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3161) recommending that H.B. No. 2974, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and H.B. No. 2974, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 25, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3162) recommending that H.B. No. 2656 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 2656, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 25, 2008.

Senator Taniguchi, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3163) recommending that H.B. No. 2391, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and H.B. No. 2391, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGAL SERVICE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 25, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3164) recommending that H.B.

No. 3080, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 3080, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY OF PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 25, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3165) recommending that H.B. No. 2169, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 2169, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 25, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3166) recommending that H.B. No. 2138, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 2138, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER RECOGNITION DAY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 25, 2008.

Senators Taniguchi and Sakamoto, for the Committee on Judiciary and Labor and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3167) recommending that S.C.R. No. 113 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3167 and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EDUCATIONAL WORKFORCE WORKING GROUP TO CONTINUE ITS WORK TO PLAN AND IMPLEMENT THE RECOMMENDATIONS PROPOSED IN ITS 2007 REPORT TO THE LEGISLATURE," was deferred until Tuesday, March 25, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3168) recommending that S.C.R. No. 75 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3168 and S.C.R. No. 75, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A STUDY ON THE FEASIBILITY OF REMOVING ENROLLMENT CAPS AT CAMPUSES WITHIN THE UNIVERSITY OF HAWAII SYSTEM," was deferred until Tuesday, March 25, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3169) recommending that S.C.R. No. 72, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3169 and S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION CONDUCT A FEASIBILITY STUDY TO EXAMINE VARIOUS IMPACTS OF A LONGER SCHOOL DAY AND INCREASING THE NUMBER OF DAYS IN THE SCHOOL YEAR ON KINDERGARTEN THROUGH GRADE TWELVE STUDENTS," was deferred until Tuesday, March 25, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3170) recommending that S.C.R. No. 74, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3170 and S.C.R. No. 74, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO DEVELOP GUIDELINES TO REDUCE THE TRUANCY RATE IN THE PUBLIC SCHOOL SYSTEM," was deferred until Tuesday, March 25, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3171) recommending that S.C.R. No. 84, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3171 and S.C.R. No. 84, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE HAWAII PUBLIC SCHOOL FOOD SERVICE TO DEVELOP NUTRITIONALLY-SOUND PUBLIC SCHOOL MENU PLANS THAT INCLUDE VEGETARIAN AND VEGAN MEALS," was deferred until Tuesday, March 25, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3172) recommending that the Senate advise and consent to the nominations to the Hawai'i Commission for National and Community Service of the following:

RYAN R. PERREIRA, in accordance with Gov. Msg. No. 342;

CONCHITA D. STEWART, in accordance with Gov. Msg. No. 343;

T. 'AULANI WILHELM, in accordance with Gov. Msg. No. 344; and

MARCIE WONG, in accordance with Gov. Msg. No. 345.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3172 and Gov. Msg. Nos. 342, 343, 344 and 345 was deferred until Tuesday, March 25, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3173) recommending that the Senate advise and consent to the nominations to the Center for Nursing Advisory Board of the following:

AGNES P. CADIZ, in accordance with Gov. Msg. No. 346;

JOAN ANNE CRAFT, in accordance with Gov. Msg. No. 347; and

ROSE ANN M. POYZER RN, in accordance with Gov. Msg. No. 348.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3173 and Gov. Msg. Nos. 346, 347 and 348 was deferred until Tuesday, March 25, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3174) recommending that the Senate advise and consent to the nomination of JOSEPH G. PICKARD to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 485.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3174 and Gov. Msg. No. 485 was deferred until Tuesday, March 25, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3175) recommending that the Senate advise and consent to the nomination of LORI

LEIMAMO BUCHANAN to the Legacy Land Conservation Commission, in accordance with Gov. Msg. No. 487.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3175 and Gov. Msg. No. 487 was deferred until Tuesday, March 25, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3176) recommending that the Senate advise and consent to the nomination of RICHARD FLINT HUGHES PHD to the Natural Area Reserve System Commission, in accordance with Gov. Msg. No. 488.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3176 and Gov. Msg. No. 488 was deferred until Tuesday, March 25, 2008.

ORDER OF THE DAY

RE-REFERRAL OF A HOUSE BILL

The Chair re-referred the following House bill that was received:

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| House Bill | Referred to: |
| H.B. No. 3008, H.D. 2, S.D. 1 | Committee on Human Services and Public Housing, then to the Committee on Ways and Means |

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

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

“I would like to make some comments about what is going on at ‘Iolani Palace and the company involved. It is, in my mind, an extension of the inappropriate behavior and viewpoint of people toward Hawaiians. And I use the word people because the wife of the producer happens to be evidently a local girl, who has a Hawaiian name, and grew up in Kailua. I don’t understand the movie business, but I do know that maybe today is appropriate because we honored the Wai’anae Seariders, who are known for their accuracy.

“In this particular film the first title was called *The Barbarian Princess*, speaking of Victoria Ka’iulani; then was renamed to *The Last Princess*. This is a company that has produced such Academy Award level films like *Prom Night 2008*; *Zebra Lounge* (aka *Rendezvous at Zebra Lounge*); *Watchtower* (aka *Cruel and Unusual*); *Second Skin*; *Teacher’s Pet*; *Dearly Devoted 2*; *Devil in the Flesh 2*; *Devil in the Flesh 1*; *Little Witches*—and one which we may take some comfort in—*Hidden Agenda and Hostile Intent* (aka *Lethal Games*).

“The reality of the sadness of the appropriate behavior towards Hawaiian people is this is merely an extension that began since Cook arrived, when he described in his journals upon watching Hawaiians climb aboard, saying, ‘They are the closest that I have seen in my journey through the Pacific as monkeys.’ This is merely an extension of Vancouver, who implied that the native people are so stupid that ‘for a rusty nail, barrels of fresh water are at our disposal.’

“By naming the film *The Barbarian Princess*, which they have every right to do, and then changing it to *The Last Princess*, which they have every right to do, overlooks the reality of a kind and gentle people. It is to suggest that I would make a film about Emperor Meiji or Emperor Taisho or Emperor Hirohito (Shōwa) or Emperor Akihito and call it *The Last Emperor*—because they aren’t the last emperor. It is as if, they were to make a film on the times of Queen Victoria and call it *The Last Queen*. How would Queen Elizabeth feel? How would Prince Naruhito feel? Who cares how Hawaiians feel? That’s the issue.

“I have a picture of what appears to be a black woman—with a feather fan and a feather skirt with locks as earrings, a crown on her head—that I found in an antique shop on the East Coast. And it’s a valentine. And it’s *Lili’u to Grover*—Lili’uokalani to President Grover Cleveland. And it’s four lines that say—and the reference to Dole is Sanford Dole—: ‘You listened to my doleful tale; You tried your best, ‘twas no avail; It’s through no fault of yours or mine; That I can’t be your valentine.’ This is Queen Lili’uokalani through the eyes of someone else.

“I hold on my desk a portrait, of Princess Ka’iulani on my right; and on my left is a photo of Princess Abigail Kinoiki Kekaulike Kawānanakoa. She is a princess; she is the last princess. I wonder how she feels because the producers of this film said on KITV.com, ‘It was never intended to be a documentary. It is a drama and the important thing here is we are getting this story out—what happened here in Hawai’i out,’ said Leilani Forby, executive producer and wife to director Marc Forby. ‘I grew up here,’ she continues, ‘and I know how important it is to people.’

“It is important. It is important to be accurate. It is important to be pono. Princess Abigail is the adopted daughter of Abigail Wahi’ikaahu’ula; her mother is Lili’uokalani. Wahi’ikaahu’ula was married to David Kawānanakoa, and adopted hanaī of Queen Kapi’olani, wife of King David La’amea Kalākaua, and granddaughter of King Kaumuali’i. That is the truth.

“The grade C movie being filmed at ‘Iolani Palace should properly describe what it is—an inaccurate and insensitive depiction and an extension of the treatment of others—towards the host culture at the expense of each of us taxpayers—because they are applying for the tax credit in order to make a film which is dishonest and does no good to all of us—all of us—here in Hawai’i. This is the beginning, not the end.

“On Friday, I extended an arm to Donne Dawson of the Film Office to mitigate this by 11:30 on Monday morning. This is the result of the extension of an arm to mitigate what is absolutely inaccurate, unfair, and untrue. Thank you, Madam President.”

ADJOURNMENT

At 12:15 p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Tuesday, March 25, 2008.