



6th District
HĀNA, EAST & UPCOUNTRY MAUI,
MOLOKA'I, LĀNA'I & KAHO'OLAWÉ

- ▶ Chair, Committee on Transportation and International Affairs
- ▶ Vice Chair, Committee on Agriculture and Hawaiian Affairs
- ▶ Member, Committee on Ways and Means
- ▶ Member, Committee on Economic Development and Taxation



THIRD SPECIAL SESSION HELD FOR JUDICIAL SEAT

The Hawai'i State Senate convened for its third Special Session of 2007 on November 19-20 to consider the nomination of Katherine G. Leonard to serve as an Associate judge of the **Hawai'i Intermediate Court of Appeals**. The Senate Judiciary and Labor Committee held hearings on the nomination on Friday, November 16, and the full Senate voted on Ms. Leonard's confirmation on November 20.

The Intermediate Court of Appeals, or ICA, is Hawai'i's second highest court, and hears appeals from Hawai'i trial courts and agency decisions. While some ICA decisions are subject to review by the Hawai'i Supreme Court, the current structure of Hawai'i's court system places the bulk of appeals under the ICA.

"The appellate courts play an important role in developing the law," said Senator J. Kalani English. "Often, appellate decisions may be cited as precedent in other cases being considered in the lower courts, so a question on appeal may affect many more cases into the future. With the ICA hearing the majority of those appeals, its judges have a tremendous impact on the community."

The Hawai'i Constitution allows the governor to select her judicial nominees from a list of names provided by the **Judicial Selection Commission**, which makes an initial review of applicants for judicial vacancies. While that process assures that nominees will possess a certain level of qualification, it is still the Senate's responsibility to make a final decision on confirmation, a process referred to as "advice and consent."

"The Senate takes its role in judicial confirmations very seriously," Senator English continued. "We in Hawai'i do not elect our judges, as is done in some other jurisdictions, so it is really up to the Senate to stand as the voice of the people. Our committee process, where we receive testimony from the public, as well as my regular practice of speaking and listening to the people in my district, provides me with excellent feedback, which I rely on in making my final decision."

Senator English concludes that the result is worth the effort. "It is not always easy finding the right nominee for positions of this caliber," he said, "but the process is such a fundamental part of serving the needs of our community that it is worth the time to find the right person for the job."

A Message From Kalani

In this issue, we'll talk about the 3rd Special Session of the Senate, the Airline industry, Agriculture in the district and a native Hawaiian initiative, the 'Aha Moku Councils for resource management.

I am also very pleased to introduce His Highness Tui Atua Tupua Tamasese Efi, the Head of State of Samoa. His Highness is a renowned scholar and a friend of Hawai'i.

Aloha,



SMALL FARMS MAKE BIG IMPACT IN 6TH DISTRICT

Small farms represent an opportunity for diversified agriculture in our district, with niche produce and specialized products bringing the possibility of not only greater employment, but also a stronger, more richly developed economic base.

“When we talk about small farms, we need to look at where they can have the greatest impact,” says Senator J. Kalani English, who represents the 6th District. “For certain kinds of high volume produce, larger farms enjoy economies of scale that we really can’t duplicate here. But for niche crops and artisanal products, smaller is better. Care and craftsmanship are strong selling points.”



Ali'i Chang, owner of Ali'i Kula Lavender Farms receives a Proclamation from Sen. J. Kalani English at a Ceremony on the Senate floor, Honolulu.

Among the niche farms in the district is **Ali'i Kula Lavender farm**. Nestled on the slopes of Haleakala, Ali'i Kula is home to forty-five varieties of lavender, along with olive trees, hydrangea, and protea. While lavender is not native to Maui, it flourishes on the Ali'i Kula lands.

Surfing Goat Dairy spreads over forty-

two acres in lower Kula. Producing over thirty different types of cheese and selling both locally and abroad, the dairy expects to exceed half a million dollars in revenue this year. The quality of its products has earned the company numerous awards worldwide.

Both Ali'i Kula Lavender and Surfing Goat Dairy also represent another potential economic opportunity: agricultural tourism. “Bringing visitors to the farms, letting them see their operations and sample their products, expands the market for our islands products while also offering some alternatives for visitors,” says English. “Again, diversification strengthens our district.”

Bennie's Farm on Lana'i focuses on local consumption of their produce, while supporting the development of improved crops. “Our commitment is to provide our Lana'i friends and neighbors with healthy, island-grown fruits and vegetables,” says Alberta De Jetley, who runs the farm. “We do not export our produce to other

islands; everything we grow is consumed here. But we still find that we can and must continually expand our farm.”

Another unique aspect of Bennie's farm is its participation in the banana regeneration program run by the University of Hawai'i **College of Tropical Agriculture and Human Resources**. The banana bunchy top virus has devastated banana crops on every island except Lanai, De Jetley has allowed the University to develop cultures from her healthy banana crops, to allow farmers across the state to replant healthy crops free of the virus.

Senator English serves as Vice Chair of the Senate's new Agriculture and Hawaiian Affairs Committee, one that he sees having a significant impact on the district. “This district spreads across four islands, Maui, Lana'i, Moloka'i and Kaho'olawe,” he points out. “And on Maui it includes Hana, East Maui, and Upcountry. It also includes a significant amount of agricultural land, and has the potential to play a significant role in diversified agriculture for our state. This committee will have a big impact on the district's interests, and I am happy and proud to have a role in that going forward.”



Alberta De Jetley explains her farming techniques to Sen. English on one of his recent visits to Lana'i.

'AHA MOKU COUNCILS MOVING FORWARD

Representatives from each of Hawai'i's islands converged at the Pagoda Hotel in Honolulu on 31 October and 1 November for the Ho'ohanohano i Na Kupuna Puwalu 'Elima: E Ho'oni i Na Kai 'Ewalu! E Ho'ale Ka Lepo Popolo! (Honor Our Ancestors Conference V: Stir the Eight Seas of Hawai'i! Rise Up People of the Land!) Conference. Senator English attended the opening of this two-day meeting while still in special session on the Superferry. He addressed the 100 plus attendees about the importance of this gathering.

"We've [native Hawaiians] become a minority in Hawai'i," said Sen. English. Unless we reassert some of the prerogatives we once held, our culture will be lost, and that is the importance of this gathering, which is why I'm so proud to be here and have supported you."

Among the attendees were the eight appointed individuals to serve on the 'Aha Kiole Advisory Committee to assist in the formation of an 'Aha Moku Council system. Eventually, the 'Aha Moku Councils will advise the Department of Land and Natural Resources. The Association of Hawaiian Civic Clubs and the Office of Hawaiian Affairs have spent the past five years working on the implementation of traditional and cultural practices into government policy. Sen. English introduced **Senate Bill 1853**, a bill to facilitate this process, which became law on 27 June 2007.



Maui residents and 'Aha Moku participants Drusilla Kaina (left) & Orpha Kaina (right) greeted Senator English and extend their mahalo to him for attending the conference.

"This bill has great merit across the Pacific," Sen. English explained. "One thing I would really want to stress is that we're still in Polynesia. We are still part of the larger family of people in the Pacific Ocean. Look to our family in Tahiti, in Samoa, in the Cook Islands - a lot of the guidance and help will come from there."

"What I would like to see is the 'Aha Moku at a Cabinet level," says Kitty Simonds, executive director, **Western Pacific Regional Fishery Management Council**. "Right now we need to talk about the natural resources of the ocean and the land. But as far as the future of the overall structure, we'll talk about that at the next Puwalu in July."

With work continuing towards the creation of the 'Aha Moku Councils, Sen. English left the 'Aha Kiole



Senator English seen here with six of the eight 'Aha Kiole Advisory Committee members. Pictured from right to left are Hugh S. Lovell (Hawai'i), Charles William Kanaha Kapua (O'ahu), Sharon A. Pomroy (Kaua'i), Winifred I. K. Basques (Lana'i), Sen. English, Vanda Hanakahi (Molokai'i), Jean Ilei aloha Keale Beniamaina (Ni'ihau), and Marilyn Leimoni Khan, President of Association of Hawaiian Civic Clubs. Not pictured are Timothy Paulokaleioku Bailey (Maui) and Leslie A. Kuloloio (Kaho'olawe).

committee and participants with sound advice for the future. "As the council moves forward, I'm going to ask you to please push the envelope. Don't go to the comfortable limits; take it to the uncomfortable place for everyone because when we do that, people grow. People have to think. People have to be uncomfortable to understand just how precious these resources are to us. Without these resources, we are done as a people."

INTER-ISLAND AIRLINE JUDGMENT MAY AFFECT PRICES

Senator J. Kalani English, Chair of the Senate Committee of Transportation and International Affairs, recently shared his thoughts about the **30 October judgment** by U.S. Bankruptcy Judge Robert Faris, who found that Mesa Air Group, parent of go! Airlines, used confidential information to gain a competitive advantage into Hawaii's inter-island air services. The Judge ordered Mesa to pay Hawaiian Airlines \$80 million in damages.

"While this may be good news for Hawaiian Airlines in their efforts to protect their proprietary information, it is more problematic for Hawaii's inter-island travelers," said Sen. English. "Over the past few years, we have been seeing artificially low prices for inter-island travel, fueled by fierce three-way competition. Even as consumers enjoyed the low prices and increased travel alternatives, the airlines operated at a loss. A condition we knew wouldn't last."



Hana celebrated its 5th Annual Hana Film Festival on 3 November 2007 at Hana Bay. The Festival showcased local and national entertainment, documentaries and feature films. Attending the festival were (Left to Right) Charmaine Neville, Uncle Boy Kana'e, Kenneth K. Martinez Burgmaier, and Senator English. - photo courtesy Jessica Pearl



Senator English talks with long time friends Rene Comeaux (left) and Mickael Om Mast (right) at the 5th Annual Hana Film Fest. - photo courtesy Jessica Pearl

Since the judgment, airfares have slightly risen for inter-island travelers.

Mesa Air Group has filed a motion seeking a new trial. They claim that newly discovered evidence, once thought to have been destroyed, contradicts key elements of Hawaiian Airlines' claims. They hope the new trial will alter or amend the \$80 million judgment they were ordered to pay Hawaiian Airlines. The courts have yet to determine if their motion will be granted or denied.

Sen. English stated that despite the verdict and possible re-trial, it would be better for consumers that all the local airlines remain in business. "The best result for Hawai'i's travelers would be for all the local airlines to participate in a truly competitive manner, where they find equilibrium in prices and services that offers Hawai'i's residents affordable fares in a sustainable market. As chairman of the Senate Committee of Transportation, it's my job to make sure that the unreasonable cost doesn't get pushed over to the consumers."

"If this leads to a reduction in the number of players," Sen. English added, "we could see negative results for travelers and our travel industry,"

International Visitors



The University of Hawai'i hosted a special visit by Samoa's head of State, His Highness Tui Atua Tupua Tamasese Efi. During his visit, His Highness presented a lecture titled, **Samoan Jurisprudence and the Samoan Lands and Titles Court**, at the William S. Richardson School of Law on 29 October. The following day, at a small dinner reception, Senator English welcomed His Highness to Hawai'i and extended an open invitation for him to address the Hawai'i Senate.

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