

EIGHTH DAY

Wednesday, January 30, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 11:35 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 202) was read by the Clerk and was placed on file:

Gov. Msg. No. 202, dated January 2, 2013, transmitting the Annual Report on the Receipt and Expenditures from the Trauma System Special Fund, prepared by the Department of Health pursuant to Section 321-22.5(g), HRS.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 68 and 69) were read by the Clerk and were placed on file:

Dept. Com. No. 68, from the Legislative Reference Bureau dated January 24, 2013, transmitting the Interim Report of the Medicaid Buy-In Task Force pursuant to Act 200, SLH 2012.

Dept. Com. No. 69, from the University of Hawai'i dated January 24, 2013, transmitting the Report Urging the Creation of an Exploratory Committee to Consider the Establishment of an International Aviation Training Center at the Hilo International Airport and an Advanced Aviation Degree Training Program at the University of Hawai'i at Hilo pursuant to H.C.R. No. 107 (2012) and S.C.R. No. 156, S.D. 1 (2012).

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 26) was read by the Clerk and was deferred:

S.C.R. No. 26 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE AND EXPAND ITS STRUCTURED COMMUNITY PLACEMENT PROGRAMS."

Offered by: Senators Espero, Baker, Galuteria, Green.

STANDING COMMITTEE REPORTS

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 3) recommending that S.B. No. 475 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 475, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 4) recommending that S.B. No. 726, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 726, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX,"

passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

S.B. No.:	Re-referred to:
S.B. No. 662	Committee on Health, then to the Committee on Ways and Means
S.B. No. 665	Committee on Health, then to the Committee on Ways and Means

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

"Thank you, Madam President. Yesterday there were a couple hundred or so students speaking Hawaiian in the rotunda in an effort to make their point that testing should be in Hawaiian. I thought about it, and I know Senator Solomon would probably agree with me – well, I'm sure you would agree with me because we were in the House in 1983, when I spoke Hawaiian on the floor and it caused a calamity to some degree that we were speaking Hawaiian on the floor. The youngsters yesterday brought home the point that Hawaiian needs to be spoken everywhere, particularly at the State Capitol, to remind all of us of who the first people of these islands were, who the first nation of these islands were, and what has happened over time to the descendants of the first people of these islands.

"I wanted to make a couple points because I have a strong feeling that if they are not made, what happened yesterday becomes part of a record that nobody remembers.

"I think it's very important that when we look at the po'e kānaka that we understand who these people are. When I was coming to the Capitol this morning, I was driving down behind a truck and I saw a bumper sticker on the windshield that I thought said 'protect the 'āina.' When I got close enough to the truck, it said 'respect the 'āina.' And that's who the po'e kānaka are – the people whose ancestors respected the 'āina.

"This issue of testing immersion students in English doesn't work any more than tossing Mr. Korematsu in jail for not going to a detention center. Didn't work. Na ke aloha i hānai mai i ku'u pōlohi hoi. That means in English, 'I love you so much, I hunger for you.' How do you test that? Pulu pē me 'ili 'ike ano ahe ano mea 'ole i ka mana'o. 'I'm so thoroughly drenched in my love for you that the coldness of my skin doesn't matter.' How do you test that? The superintendent of schools feels our pain. Hip, hip, hooray.

"What is known now after all this time – 30 years, and I've been fortunate enough to have been around for 30 years around this building – is that from less than 50 – 50, five-oh – native speakers under the age of 12 – 50, five-oh – that today there are several thousand who speak Hawaiian as the medium of education. It's real. It's no different than going to Japan and going to an elementary school and, ho'opuka, they're speaking in Japanese. Not English. Not French. Japanese. And they're learning Spanish through the medium of Japanese. That's almost revolutionary over here. If you go to Nāwahī, you can learn Spanish, you can learn Japanese through the medium of the 'ōlelo makuahine, which is our language. But for the English person, they'd say, 'No, that's your mother's

language.' Well, that's the point: my mother's language belongs to me.

"So, in Hawai'i there's a different standard. There's the First Nation, and there's the real nation. There's the indigenous people, and there's the American people – as if they're mutually exclusive. There's Korematsu, and there's Mr. Smith – as if there's a double standard of being an American.

"So, let's look at the data. In the immersion schools today, the Department of Education said, as part of their application to Race to the Top, 'Money money money.' The Department of Education praised an all-Hawaiian immersion school – Nāwahīokalani'ōpu'u, named for Joseph Nāwahī, the great patriot who stood with the queen. And in their praise of the immersion campus, they said 100 percent of the students from Ke La Aina O Keawe graduated and went on to college. Graduated and went on to college. So, what does the test that doesn't exist tell us? One hundred percent of the youngsters that graduate from Nāwahīokalani'ōpu'u graduated and went on to college. What campus, what campus can say the same in English? Not Castle. Not Kaiser. Not Kapolei. What campus? What campus?

"So, to use the Hawaiians to get moola from Wakinekona because 100 percent graduate and go on to college is to use a double standard when it's in the interest the Department of Education. The graduates from Nāwahīokalani'ōpu'u include Stanford, Loyola Marymount, Seattle, and ke Kula Nui o Hawai'i ma Mānoa. But the Department of Education has determined – and you saw in this morning's paper – that the school is failing due to the testing issue. How can that be? What is the real test of a student's education? Graduation and higher education. By those two standards, the Hawaiian immersion campus is working. So, Department of Education Superintendent Kathryn Matayoshi has indicated – I like this – she understands the concerns voiced by parents and teachers. That's the English way to say, 'I feel your pain.' 'Mi casa es su casa: your house is my house.' I feel your pain.

"So, there's a plan to appropriate \$2 million in the next biennium. In the next biennium; not this biennium, the next biennium. We'll deal with the Hawaiians later, deal with them later, because we've always dealt with the Hawaiians later because ai'a kā po'i kānaka mā... There they are; you just cannot see them. You cannot see them because they...

"It's so simple; it's really simple. Pick up the telephone, call Ka Haka 'Ula O Ke'elikōlani. Call UH Mānoa; ask the professors, 'Kōkua mai – help us, help us because we're not equipped.' It's not going to cost \$2 million. But more importantly than that, we will test them as they were meant to be tested – in the 'ōlelo makuahine. Anything less is a facsimile. It's rote. It's mimicking, because if it isn't, na ke aloha i hānai mai i ku'u pōloli hoi. Somebody tell me, tell me what that means, not because I'm trying to trick you, because it's a feeling. It is what Charles Naumu said: It's a clash of cultures.

"It is my concern – which is why I wanted to raise this today, being guilt-ridden from yesterday having the kids, the youngsters, come and remind me who I am as their kanaka – that this Legislature will do what it can to bring justice to a program that is inherently as blue as this carpet. It is who we are, and that \$2 million is not needed. Cooperation, collaboration, understanding, and an attitude to do right by those youngsters who 'ākoakoa mai 'ike kapikala, who had a message: be fair to the po'e kānaka. Let's do something; this chamber can do something. Thank you, Madam President."

Senator Galuteria rose to make the following remarks:

"Thank you, Madam President. Madam President, I'd like to ask that the remarks of the previous speaker be added to the

Journal as if they were my own, and if I could add a few comments." (The Chair so ordered, by reference only.)

"Colleagues, this has become very personal to me. I want to thank the gentleman from Kahalu'u for sharing his words about the big picture. Let me drill down into the weeds for you. The reason this is so personal to me is because we move bills in front of us that ask for the annual assessments, as the good senator from Kahalu'u is responding to, about how we can at least provide an equal playing field for the keiki o ka 'āina who ka 'ōlelo Hawai'i, who speak the language.

"Why does it mean so much to me, colleagues? I have mo'opuna – or had mo'opuna – in Ānuenue Elementary School, which is one of the Hawaiian language immersion schools. A very brilliant young mo'opuna of mine in the fourth grade was asked to be a part of this math team who was going to compete in the school system on the same level as the other public schools (which was a good thing).

"Papa, I'm going to go to the Math Bowl."

"Oh, you are, Hoku? Good for you! You go get 'em.' (A brilliant young man.) 'How did it go at the Math Bowl, Hoku?'

"Papa, we didn't do so good. Ānuenue didn't do so good."

"Why, Hoku? Why didn't you do so good?'

"Papa, we couldn't define 'common denominator' in Hawaiian."

"Pathetic! Absolutely pathetic, that we cannot make the connection between the two systems. This is unheard of and unacceptable, colleagues. The smallest thing that we can do is at least talk about it, because there are children falling through the system right now like my grandson Hoku and my other grandson Jacob. And I told their parents, 'You pull them out of Ānuenue right now until we get it straight because they are not going to be the sacrificial lambs.'

"And if any of you folks have mo'opuna, understand that this is a very, very personal thing because if you know the growth of children, and if they're between kindergarten and the fourth grade, if they're falling behind, they will forever fall behind. It'll be harder for them to catch up, and that is the plight of my mo'opuna right now.

"So as painful as it was, we determined that for the best of the child, it was to move them out of the Hawaiian language immersion school until we get it right. Until we get it right, and we are on the verge of getting it right, colleagues.

"So, to everything that the previous speaker spoke, I reflect that in my remarks as well, and hope that we can look for a better day for all of our mo'opuna, and especially mine, because Hoku has now moved to Jarrett School and he is doing brilliantly, getting straight As, and we hope the best for him in future years. And perhaps one day in the future, one of my future mo'opuna – and yours too – can affect the same type of accomplishment as Hoku now, but in a Hawaiian language immersion class. Mahalo. Thank you, Madam President."

Senator Hee rose to make the following remarks:

"Madam President, I would like to follow up briefly with the previous speaker. Here's the conundrum: The previous speaker said his mo'opuna has fallen behind. His mo'opuna has not fallen behind because he does not know what a common denominator is. Look it up in the dictionary; what's so important about that? That's not important; it's a detail. That's the problem; that is the problem between brown and white. With white, you've got to know the common denominator or you fail. With brown, 'Aloha nui au 'oe e ku'u kupuna kāne, liliko o aloha nui au 'oe.' 'I love you, grandpa.' That's brown.

That's another way to say in white, 'Grandpa, you my common denominator.'

"And you don't have to be Hawaiian, by the way, so don't get this thing mixed up. Because if you come from a neighbor island, you probably understand, maybe more than people in the urban core, because it's everywhere: being Hawaiian is everywhere. That's your common denominator. That's the beauty of immersion education. You want beauty? Akebono. Konishiki. Musashimaru. They were tossed in immersion education, and they came back as champions, all sons of Hawai'i. They went over there; they all speak Japanese. They didn't go school to learn Japanese; they became part of the culture. That's who we are. That is who we are. That's the gap of misunderstanding between the DOE and the Ka Haka 'Ula. So if it was me, my mo'opuna stays put because I am his common denominator. Mahalo."

The Chair responded:

"Thank you. I just want to add a comment that you don't have to be Hawaiian, and the sad day is when I tried to put my son in Pūnana Leo at five years old and they rejected him, would not allow him to go to Pūnana Leo. So, that's another issue that we have."

Senator Solomon rose to speak on a point of personal privilege as follows:

"Since my name was mentioned by the previous speaker that I would probably be in support, I just would like to add my mana'o to the mix that I think that this is a discussion that has been ongoing in this Legislature for over 30 years as to where we're going with all of these goals that many of us have for our children. And I have been a very strong proponent of intercultural education and intracultural education which talks about preparing a student to become bilingual. It doesn't matter; you just have to take your 'ohana to Europe. You know, they're speaking French, they're speaking German. I mean, many of our students, in Europe, they speak four or five different languages to be able to communicate.

"I'm thinking that – I want to apologize; I didn't have an opportunity to read the paper, so unfortunately I cannot respond to the article – but I think testing, and you know, we have to make a decision, a policy decision, as to whether or not testing should be a contest as to what language it should be in. You know, my thoughts are, 'What is going to best prepare our young people to meet the demands of the new world?'

"I feel it important that all Hawaiian children should know what a common denominator is. This has to do with science and mathematics. Although I appreciate the remarks of the previous speakers in terms of looking at themselves in a very holistic way as it relates to the spirituality of our culture, and I'm very appreciative of all of that, but the reality is that in order to be a carpenter, an engineer, and in order to pursue anything of those kinds of professions, you really have to know what a common denominator is, although we'd like to think otherwise. But unfortunately, that is reality in this world.

"I don't really know the answer, and I'm not going to profess that I do, but this is an ongoing debate that is a challenge not only of the Hawaiian people, but all native people throughout this country, and it also goes as far as immigrant languages. You know, our Hawai'i, I think it was I read at one time, had 56,000 persons now coming to our state – Micronesians, Marshallese, you know many of them have their first language as their native language. I mean, how far are we going in terms of bringing some kind of commonality, in terms of our educational system so we in fact can coexist and exist in a world where English is, in many instances – I don't know, unless Chinese is going to be our economic language of the

future? I don't know. But right now, English is the economic language of the world.

"So, Madam President, I just would like to add those remarks, although I am very much in support of the immersion programs, but I feel that we need more professional assistance. I agree with the remarks of the previous speaker in looking at our resources at the University of Hawai'i, in terms of our academic Hawaiian studies programs, or for them to step up to the plate, become more active, become more participatory so that they can help us in guiding us as to how we're going to determine and resolve these critical issues. Mahalo nui."

ADJOURNMENT

At 12:02 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, January 31, 2013.