

FIFTY-SECOND DAY

Thursday, April 18, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:51 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Pastor David Monroy, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senator Chun who was excused.

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

Senator Sakamoto, with the assistance of Senators Menor, Tam and Matsunaga, introduced and commended the following recipients of the 2001 Presidential Awards for Excellence in Mathematics and Science: Phyllis Nakama-Kawamoto, Mililani Mauka Elementary School; Wesley Yuu, Mililani Middle School; Geraldine Kajitani, Nuuanu Elementary School; and Joan Rohrbach, Sacred Hearts Academy.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:18 o'clock p.m.

The Chair made the following announcement:

"If there are no objections from the members, we will be suspending Senate Rule 36 (2) that requires the Governor to submit nominations to the Senate by the 51st day of the Session."

Senator Slom rose on a point of information as follows:

"Mr. President, point of information. Why are we suspending that Rule and why didn't the Governor get his nominations to us in a timely manner?"

The Chair responded:

"Times are tight and the Governor has yet to submit some of these nominations, so we need to at least accommodate him so that we can receive it."

Senator Slom then said:

"But Mr. President, that's the Governor's responsibility and the Governor has had 51 days. We started in January. If he had people that he wanted to nominate so that we could do due diligence and have proper hearings and everything else, he should have done that.

"Can we take a vote on that suspension of the Rule?"

The President answered: "Yes."

Senator Slom then said:

"I'd like a Roll Call vote, please. Thank you."

At 12:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:26 o'clock p.m.

Senator Slom rose and said:

"Mr. President, upon further review of the facts as they occurred yesterday, I'm going to withdraw my motion for a challenge and for a Roll Call vote with the understanding that there is some question of interpretation in the Rule as to the 51st day.

"It is our understanding now that there were two governor's messages and I believe that they were also reissued from previous messages. They were received on the 51st day by the President who then transmitted them to the Senate Clerk.

"I think that we need to tighten up the Rules so that we understand whether or not we're talking about the body of the Senate during its Session on the 51st day; that's one thing. So we would urge our colleagues' support of either a Rule change or Rule interpretation so it's very clear.

"The second thing is that we will withdraw this with the understanding that the Governor is not going to make any more nominations at this time, that the time has passed and we will not suspend the Rules.

"So with that, Mr. President, I will withdraw my objection.

"Thank you."

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 346 to 350) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 346, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nominations of: WILLIAM FRAMPTON, term to expire June 30, 2004; CLIFFORD J. NAEOLE and WILLIAM WAIOHU JR., terms to expire June 30, 2005; and CHARLES K. MAXWELL, SR., term to expire June 30, 2006, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 347, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nomination of PEGGY ROBERTSON, term to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 348, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui County), the nominations of: LYLE J. MATSUNAGA, term to expire June 30, 2005; and LLOYD Y. GINOZA, term to expire June 30, 2006, was referred to the Committee on Ways and Means.

Gov. Msg. No. 349, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of JAMES H. HATTAWAY, D.C., term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 350, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nominations of KATHRYN RICE ILGEN, D.V.M., and GARY Y. MURAI, terms to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 581 to 585) were read by the Clerk and were placed on file:

Hse. Com. No. 581, returning S.C.R. No. 65, which was adopted by the House of Representatives on April 17, 2002.

Hse. Com. No. 582, returning S.C.R. No. 108, which was adopted by the House of Representatives on April 17, 2002.

Hse. Com. No. 583, informing the Senate that the Speaker on April 17, 2002, appointed Representatives Hamakawa, Takamine, co-chairs, Davis as managers on the part of the House for the consideration of amendments proposed by the House to S.B. No. 2478, (H.D. 1).

Hse. Com. No. 584, informing the Senate that the Speaker on April 17, 2002, made the following changes to the conferees on the following bills:

H.B. No. 1800, H.D. 1 (S.D. 1):

Discharged Representative Suzuki as a manager.

H.B. No. 2834 (S.D. 2):

Discharged Representative Takumi as first co-chair.
Appointed Representative Hiraki as first co-chair.

Hse. Com. No. 585, informing the Senate that the Speaker on April 17, 2002, made the following change to the conferees on the following bill:

S.B. No. 2302, S.D. 2 (H.D. 2):

Appointed Representative Hiraki as second co-chair.

STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3433) recommending that S.R. No. 73, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3433 and S.R. No. 73, S.D. 1, entitled: "SENATE RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO DELAY ANY CONTRACT EXTENSIONS OR NEW CONTRACT AWARDS UNTIL THE SUCCESSORS TO THE CURRENT BOARD MEMBERS HAVE BEEN APPOINTED," was deferred until Friday, April 19, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3434) recommending that the Senate advise and consent to the nomination of RICHARD TURBIN to the Civil Rights Commission, in accordance with Gov. Msg. No. 229.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3434 and Gov. Msg. No. 229 was deferred until Friday, April 19, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3435) recommending that the Senate advise and consent to the nomination of ELIZABETH KENT to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 241.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3435 and Gov. Msg. No. 241 was deferred until Friday, April 19, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3436) recommending that the Senate advise and consent to the nominations of DANA S. ISHIBASHI and PAMELA E. TAMASHIRO to the Defender Council, in accordance with Gov. Msg. No. 260.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3436 and Gov. Msg. No. 260 was deferred until Friday, April 19, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3437) recommending that the Senate advise and consent to the nomination of TRACY K. CHANG to the Board of Trustees, Hawai'i Public Employees Health Fund, in accordance with Gov. Msg. No. 185.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3437 and Gov. Msg. No. 185 was deferred until Friday, April 19, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3438) recommending that the Senate advise and consent to the nominations of MARY ALICE EVANS, MICHAEL T. FITZGERALD and AARON S. FUJIOKA to the Hawai'i Performance Partnerships Board, in accordance with Gov. Msg. No. 184.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3438 and Gov. Msg. No. 184 was deferred until Friday, April 19, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3439) recommending that the Senate advise and consent to the nomination of WAYNE K. KATAYAMA to the Board of Directors, Agribusiness Development Corporation, in accordance with Gov. Msg. No. 172.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3439 and Gov. Msg. No. 172 was deferred until Friday, April 19, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3440) recommending that the Senate advise and consent to the nominations of BARBARA K. IDETA, CAROL H. KIKKAWA-WARD, ROBERT P. TAKUSHI and JOAN P. WHITE to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 261.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3440 and Gov. Msg. No. 261 was deferred until Friday, April 19, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3441) recommending that the Senate advise and consent to the nominations of KENNETH H. SANDEFUR and RICHARD E. MEIERS to the Board of Directors of the Hawai'i Health Systems Corporation, in accordance with Gov. Msg. No. 265.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3441 and Gov. Msg. No. 265 was deferred until Friday, April 19, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3442),

recommending that H.C.R. No. 12 be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3443), recommending that H.C.R. No. 53, H.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 53, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF DEATH CARE PROVIDERS," was referred to the Committee on Commerce, Consumer Protection and Housing.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3431 (Jud. Com. No. 2):

Senator Kanno moved that Stand. Com. Rep. No. 3431 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kanno then moved that the Senate consent to the nomination of HILARY B. GANGNES as Judge of the District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Fukunaga.

Senator Kanno rose in support of the nominee and said:

"Mr. President, I rise to speak in support of the nominee.

"Mr. President, your Committee received testimony in support of the nominee from the Hawaii State Bar Association, Administrative Judge of the District Court of the First Circuit, Office of the Public Defender, and four individuals.

"The nominee is currently a partner in the law firm of Bronster Crabtree & Hoshibata. She has been a per diem judge for the District Court of the First Circuit since 1997. She has received numerous professional honors and awards, including being named the Consumer Lawyer of the Year in 1997.

"The Hawaii State Bar Association subjected the nominee to rigorous review and evaluation before rating the nominee as 'highly qualified' for the position. That rating is the highest endorsement given by the Hawaii State Bar Association for judicial appointment recommendations. The review includes a thorough evaluation of the nominee based on a modified version of the American Bar Association Guidelines for Reviewing Qualifications of Candidates for Judicial Office. The guideline's criteria include integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability.

"Mr. President, your Committee, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position

to which nominated and recommends that the Senate consent to the nomination."

Senator Kawamoto rose to speak in favor of the nominee with reservations as follows:

"Mr. President, I rise to vote in favor of the nominee with reservations.

"Mr. President, I'll be voting with reservations for all the judges that are being appointed at this time until such time I feel as though they are taking into consideration the plight of the community and the seriousness of different things that we need to look into to make our community a better place to live in and the need for judges to see what's the intent of legislation to improve the lifestyle in our community before they make their judgment. For example, the Felix/Waihee case. For example, the traffic cams when they said because the police didn't give tickets less than 10 miles over the speed limit they threw out some tickets. And fireworks . . . when we passed the law that says that if you have more than 30 pounds of aerial fireworks in your possession, you'll be charged with a class C felony, five years in jail, \$10,000 fine, they turn around and give a judgment that's only a \$1,000 fine.

"Mr. President, with these kinds of judgments, we are never going to cure the ills of the community if we pass laws to deter these activities and our judiciary system doesn't follow through, our work would be for naught. Therefore, Mr. President, I'll be voting with reservations on all judiciary appointees from now on until such time as I feel that they're doing their job and support the intent of legislation.

"Thank you."

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

Ayes, 22. Noes, none. Excused, 3 (Chun, Matsuura, Tam).

At this time, Senator Kanno introduced Judge Gangnes to the members of the Senate.

Stand. Com. Rep. No. 3432 (Jud. Com. No. 3):

Senator Kanno moved that Stand. Com. Rep. No. 3432 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kanno then moved that the Senate consent to the nomination of PAUL T. MURAKAMI as Judge of the District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Fukunaga.

Senator Kanno rose in support of the nominee and said:

"Mr. President, I rise to speak in support of the nominee.

"Mr. President, your Committee received testimony in support of the nominee from the Hawaii State Bar Association, Chief Court Administrator of the First Judicial Circuit, Hawaii State Public Defender, and five individuals.

"The nominee is currently a per diem judge for the Family Court. Testimony indicated that his judicial temperament and relationship with the staff are excellent. He has handled all types of cases and maintained courtroom decorum. There has not been a single complaint about the nominee in his work as a per diem judge.

“The nominee is licensed to practice law in Hawaii, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court. He has been a Grand Jury Council for the First Circuit, and serves on the Medical Claims Conciliation Panel and National Council of Juvenile and Family Court Judges.

“The Hawaii State Bar Association also rated this nominee as ‘highly qualified’ for the position.

“Mr. President, your Committee, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to the nomination.”

Senator Kawamoto requested his vote be cast “aye, with reservations,” and the Chair so ordered.

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

Ayes, 22. Noes, none. Excused, 3 (Chun, Matsuura, Tam).

At this time, Senator Kanno introduced Judge Murakami to the members of the Senate.

At 12:36 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:41 o’clock p.m.

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM WEDNESDAY, APRIL 17, 2002

Stand. Com. Rep. No. 3429 (H.C.R. No. 28, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 28, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES,” was adopted.

RE-REFERRAL OF GOVERNOR’S MESSAGES

The Chair re-referred the following governor’s messages that were submitted:

Governor’s Message	Referred to:
No. 308	Committee on Hawaiian Affairs
No. 321	Committee on Hawaiian Affairs
No. 322	Committee on Hawaiian Affairs
No. 326	Committee on Economic Development and Technology

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The Chair re-referred the following House concurrent resolutions that were received:

House Concurrent Resolution	Referred to:
No. 16	Committee on Labor
No. 17	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology
No. 18	Committee on Water, Land, Energy, and Environment
No. 21	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 42, H.D. 1	Committee on Transportation, Military Affairs, and Government Operations
No. 47, H.D. 1	Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology
No. 105	Committee on Ways and Means
No. 130	Committee on Labor
No. 139, H.D. 1	Committee on Labor
No. 195, H.D. 1	Committee on Health and Human Services

At 12:42 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:43 o’clock p.m.

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. Nos. 17 and 47.

Senator Inouye noted:

“Mr. President, H.C.R. No. 17 authorizes the lease of easement covering portion of submerged lands at Maunaloa, Oahu, Hawaii, for maintenance of the Hawaii Kai Marina entrance channel purposes. H.C.R. No. 47, H.D. 1, authorizes the board of land and natural resources to lease submerged and tidal lands of the Honokohau Small Boat Harbor to private entities for commercial, recreational, educational, and research purposes on the Island of Hawaii.”

The Chair then granted the waiver.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following resolutions:

- H.C.R. No. 18;
- H.C.R. No. 21;
- H.C.R. No. 42;
- H.C.R. No. 121;
- H.C.R. No. 163, and
- H.C.R. No. 193.

Senator Kawamoto noted:

"Mr. President, these were requested and we want to honor the member's requests."

The Chair then granted the waiver.

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. No. 101, and the Chair granted the waiver.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. Nos. 75 and 118.

Senator Menor noted:

"The reason for the waiver is because these resos were just recently referred to my Committee."

The Chair then granted the waiver.

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

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

"Mr. President, colleagues, I think there's a very healthy ideological debate going on in the Senate, and it's in the Senate Leadership, I understand. It regards the choices, the choices we make collectively as the legislative branch of this great government.

"Last year we made a choice to do something for the first time since 1957. We chose not to let the Governor, the executive branch of government, have dictatorial powers over the will of the people, as expressed through the legislative process, and we boldly overrode a veto.

"It may be time to be bold once again. We're looking at a \$300 million deficit that is a huge economic abyss that the State is in right now. Some say it's because of 9/11, others say it might be caused by excessive spending over the last 10 or 15 years. That debate can be answered at some other time. Nevertheless, we're facing the problem.

"There are two trains of thought of how to solve this problem. One is the formula that got us where we are. I love the euphemisms that come out of this body – one of them is 'revenue enhancers' . . . let's look at revenue enhancers. The short version of that is taxes, or let's raid hurricane funds and turn that into a tax; let's raise fees; let's raid special funds. And, of course, the other alternative that I know you, Mr. President, are looking at and some of your colleagues in the Majority Caucus are looking at is some genuine honest budget cuts.

"I want to tell you that we've done a lot of work in the Minority with the information that we have available to us, which is oftentimes scarce. We think it's a good and noble cause to find ways for this government to become more efficient and cost-effective in spending money. We further think that there is enough evidence that in the budget there is money that could be cut, thus preempting the need to come up with \$300 million worth of, quote unquote, 'revenue enhancers.'

"One of the things we did was go to the personnel department and get a printout of the vacant positions. We made that information public, which should be very insulting to the Majority Party not only this Session but in the Sessions maybe

for the last 10, 15, or 20 years. Year in and year out, we have been told in long testimony that has almost turned into a drama, that in order to serve the people of Hawaii, in order to accomplish these great goals that we put forth on behalf of our people, that we need more positions and we need more money. And yet, as of just recently, we've identified 5,000 empty positions.

"We've also been told, as excuses which has been verified by members of the Ways and Means Committee, that department heads tell us 'well, we need that money for other things, most especially overtime.' Coincidentally, Marion Higa identified that overtime exploitation is one of the major abuses in state government. We've also had evidence, via well-intentioned employees, that oftentimes overtime abuses are to take care of friends. Another mechanism used to take care of friends and get them a job at the state trough is temporary hires.

"This is an official state document. Over 5,000, quote unquote, 'vacant positions.' Many of them are zeroed out with no authorization, according to this document. It does recommend or refer to \$94 million of spending.

"Are we going to abdicate our responsibility once again and let the executive branch of government tell us, what amounts to falsehoods, about why they need the money and, more importantly, how they're spending it? Are we going to hold them accountable? I say it's about time we hold the executive branch accountable. I say we can cut this money and ask them to come back next year, if we're lucky enough to be re-elected, and explain to us how they made up the shortfall.

"There's something much more sinister in this that we've also uncovered. There are 1,087 vacant educational assistant positions in the DOE as of 2/13/02. The dates of the vacancies range from June 1998 to January 2002. Most of the vacancies are listed as occurring in 2002 and 2001. Some, if not all, of these positions may be receiving funding. In fact, there are millions of dollars of authorized funding in it.

"Coincidentally, this State is under a Felix consent decree. And we've told a federal judge that we have filled those positions. We've told a federal judge we're in compliance. Well, the positions are filled on paper maybe, but according to this, they're not filled in the classroom.

"Now, the good Senator from Waianae conducted hearings, and unfortunately, the same federal judge preempted her ability of investigating where some of this money is hemorrhaging in the Felix consent decree.

"What we can see is that the executive branch of government may be in contempt and may be misrepresenting the facts not only to this Legislature, but to a federal judge. And what we can see by looking behind these numbers and hearing the excuses from the executive branch of government is, at best, deception . . . deception that has led us to spending a lot of money and not getting anything done and, more importantly, not being held accountable.

"Now, we can rubber stamp it, and we can look at revenue enhancers, and we can look at raising more money to throw at this problem, or we can draw the line. And I sense, Mr. President, that you and, up until recently, the majority of your caucus is ready to hold the executive branch of government accountable. And I applaud you for this. But if we're really going to do what's best for the economy and the future of this State, we have to get under control this bureaucracy. This fourth branch of government bureaucracy that has led us to near bankruptcy, has led us to the point that the private sector is collapsing under the weight of trying to support a government

that spends money with no accountability, a government that when it runs out of money goes back to the workers of Hawaii and asks them to give more, disguising it with clever names such as revenue enhancers or borrowing or hurricane relief funds.

"It's difficult to make these arguments and these points in Ways and Means and in the Conference Committees, simply because of the forum and the intensity of Conference Committees combined. It's pretty well scripted and rehearsed. And that's why I so much appreciate the openness and the candidness of this forum of the Senate Floor. I applaud, for the first time in a long time, that this Senate is taking a look at the alternative to revenue enhancers and holding the executive branch of government accountable.

"I'm hoping, under your leadership and those like-minded members of the Majority Caucus, that we can continue down this road of financial responsibility and accountability. Our citizens deserve nothing less.

"Thank you, Mr. President."

Senator Sakamoto rose in response as follows:

"Mr. President, a short response to some of the comments made by our good Senator from Waimanalo.

"I believe all of us here want our education system to be second to none. Unfortunately, some of the issues related to whether it's vacant educational assistant positions or others, are a reality. Our educational company, the DOE, is a big company, and people, for whatever reasons, move on to other jobs or are not qualified. And that company does have vacancies. When they do have a vacancy, unfortunately, it sometimes requires a temporary employee, emergency hire. And in my mind, I don't see those as favoritism positions, but positions to help educate the children that are sitting there needing people to supervise them and help them.

"The department is aware of some of the concerns raised. Myself and others are pressing them to do a better job, and I'm sure they will. I don't feel we are in any way jeopardizing or pulling the wool over anybody's eyes related to the consent decree. In my opinion, we've marched a long way and we are going in the right direction. My hope is that we will reach an agreement with the court and continue to march in the same direction. In no way is your Education Chair, or anybody I see here, wavering from that commitment."

ADJOURNMENT

At 12:58 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 19, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate