

FIFTY-FIRST DAY

Monday, April 11, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain George M. Clifford of the United States Navy, after which the Roll was called showing all Senators present with the exception of Senators George and Machida who were excused.

The Chair announced that he had read and approved the Journal of the Fiftieth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 275 and 276) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 275) transmitting copies of a report entitled, "Report to the Governor, 1981-82," prepared by the Department of Land and Natural Resources, was referred to the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 276), dated February 16, 1983, requesting immediate passage of Senate Bill No. 1292 (1983), relating to the settlement of the Holo Holo cases, was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 434 to 448), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 434) transmitting House Concurrent Resolution No. 32, H.D. 1, which was adopted by the House of Representatives on April 8, 1983, was placed on file.

By unanimous consent, H.C.R. No. 32, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT RONALD REAGAN, SECRETARY OF STATE GEORGE P. SCHULTZ, AND THE UNITED STATES CONGRESS TO WORK TOWARD THE BANNING OF ALL FORMS OF NUCLEAR WEAPONS TESTING IN THE PACIFIC BASIN," was referred to the Committee on Federal Relations.

A communication from the House

(Hse. Com. No. 435) transmitting House Concurrent Resolution No. 33, which was adopted by the House of Representatives on April 8, 1983, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A BAN ON THE DISPOSAL OF NUCLEAR WASTE MATERIALS IN THE PACIFIC BASIN," was referred to the Committee on Federal Relations.

A communication from the House (Hse. Com. No. 436), returning Senate Bill No. 89, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 437), returning Senate Bill No. 502, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 438), returning Senate Bill No. 519, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 439), returning Senate Bill No. 556, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 440), returning Senate Bill No. 605, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 441), returning Senate Bill No. 650, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 442), returning Senate Bill No. 810, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 443), returning Senate Bill No. 822, S.D. 1, which

passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 444), returning Senate Bill No. 824, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 445), returning Senate Bill No. 833, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 446), returning Senate Bill No. 839, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 447), returning Senate Bill No. 1175, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

A communication from the House (Hse. Com. No. 448), returning Senate Bill No. 1251, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1983, was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 79 to 84) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 79), entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE INTERIOR, THE SECRETARY OF DEFENSE AND ALL OTHERS CONCERNED TO DECLARE A MORATORIUM ON THE TRANSFER OF LANDS IN HAWAII," was offered by Senators Fernandes Salling, Aki, Holt, Machida, Mizuguchi, George, Toguchi and Young.

By unanimous consent, S.C.R. No. 79 was referred to the Committee on Hawaiian Programs.

A concurrent resolution (S.C.R. No. 80), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A REVIEW OF THE DEPARTMENT OF HAWAIIAN HOME LANDS," was offered by

Senators Fernandes Salling, Toguchi, George, Young and Hagino.

By unanimous consent, S.C.R. No. 80 was referred to the Committee on Hawaiian Programs.

A concurrent resolution (S.C.R. No. 81), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO INCLUDE STATE GRANTS-IN-AID/PURCHASE OF SERVICE FUNDS FOR SPECIAL TRANSPORTATION FOR THE KUPUNA (ELDERLY), DISABLED PERSONS, AND DISADVANTAGED CHILDREN ON EACH OF OUR NEIGHBOR ISLANDS WITHIN THE STATE BUDGET AS A LINE ITEM," was offered by Senators Solomon, Young, Ajifu, B. Kobayashi, Hagino, Mizuguchi, Carpenter, Toguchi and Holt.

By unanimous consent, S.C.R. No. 81 was referred to the Committee on Youth and Elderly Affairs.

A concurrent resolution (S.C.R. No. 82), entitled: "SENATE CONCURRENT RESOLUTION URGING THE ENVIRONMENTAL PROTECTION AGENCY AND THE HAWAII STATE DEPARTMENT OF HEALTH TO RELAX WATER QUALITY STANDARDS FOR SUGAR PRODUCERS ON HAWAII'S HILO-HAMAKUA COAST," was offered by Senators Solomon, Young, Ajifu, B. Kobayashi, Hagino, Mizuguchi, Holt, Toguchi and Carpenter.

By unanimous consent, S.C.R. No. 82 was referred to the Committee on Ecology, Environment and Recreation.

A concurrent resolution (S.C.R. No. 83), entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE NEED FOR MORE ON-CAMPUS HOUSING FOR THE STUDENTS OF THE UNIVERSITY OF HAWAII," was offered by Senators Solomon, Young, Ajifu, B. Kobayashi, Hagino, Mizuguchi, Carpenter and Holt.

By unanimous consent, S.C.R. No. 83 was referred to the Committee on Higher Education.

A concurrent resolution (S.C.R. No. 84), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONDUCT A STUDY TO DETERMINE HOW ALTERNATE LIVING AND CARE ARRANGEMENTS CAN BE DEVELOPED FOR OLDER PERSONS IN KONA AND KOHALA, HAWAII," was offered by Senators Solomon, Young, Ajifu, B.

Kobayashi, Hagino, Mizuguchi, Holt, Toguchi and Carpenter.

By unanimous consent, S.C.R. No. 84 was referred to the Committee on Youth and Elderly Affairs.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 103 to 108) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 103), entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO DEFER ANY PROPOSED TUITION INCREASE UNTIL FURTHER EVALUATIONS ARE MADE," was offered by Senator Abercrombie.

By unanimous consent, S.R. No. 103 was referred to the Committee on Higher Education.

A resolution (S.R. No. 104), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ESTABLISH A COMPREHENSIVE FINANCIAL ACCOUNTING SYSTEM FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was offered by Senators Fernandes Salling, George, Aki, Holt, Toguchi, Young and Hagino.

By unanimous consent, S.R. No. 104 was referred to the Committee on Hawaiian Programs.

A resolution (S.R. No. 105), entitled: "SENATE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS, THE DEPARTMENT OF HAWAIIAN HOME LANDS AND OTHER APPROPRIATE AGENCIES TO ENTER INTO A JOINT MEMORANDUM OF AGREEMENT," was offered by Senators Fernandes Salling, Machida, Toguchi, Holt, Young, George, Aki and Mizuguchi.

By unanimous consent, S.R. No. 105 was referred to the Committee on Hawaiian Programs.

A resolution (S.R. No. 106), entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO INCLUDE STATE GRANTS-IN-AID/PURCHASE OF SERVICE FUNDS FOR SPECIAL TRANSPORTATION FOR THE KUPUNA (ELDERLY), DISABLED PERSONS, AND DISADVANTAGED CHILDREN ON EACH OF OUR NEIGHBOR ISLANDS WITHIN THE STATE BUDGET AS A LINE ITEM," was offered by Senators

Solomon, Young, Ajifu, B. Kobayashi, Hagino, Mizuguchi, Holt, Toguchi and Carpenter.

By unanimous consent, S.R. No. 106 was referred to the Committee on Youth and Elderly Affairs.

A resolution (S.R. No. 107), entitled: "SENATE RESOLUTION URGING THE ENVIRONMENTAL PROTECTION AGENCY AND THE HAWAII STATE DEPARTMENT OF HEALTH TO RELAX WATER QUALITY STANDARDS FOR SUGAR PRODUCERS ON HAWAII'S HILO-HAMAKUA COAST," was offered by Senators Solomon, Young, Ajifu, B. Kobayashi, Hagino, Mizuguchi, Carpenter, Toguchi and Holt.

By unanimous consent, S.R. No. 107 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 108), entitled: "SENATE RESOLUTION REQUESTING HOSPITALS AND OTHER MEDICAL FACILITIES IN HAWAII TO RETAIN MEDICAL RECORDS," was offered by Senator B. Kobayashi.

By unanimous consent, S.R. No. 108 was referred to the Committee on Health.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 866) informing the Senate that Senate Concurrent Resolution Nos. 79 to 84, Senate Resolution Nos. 103 to 108, and Standing Committee Report Nos. 867 to 870 have been printed and have been distributed to the members of the Senate.

On motion by Senator Young, seconded by Senator George and carried, the report of the Committee was adopted.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 867) recommending that the Senate advise and consent to the nominations of the following:

Phyllis N.T. Shea to the Board of Public Accountancy, in accordance with Gov. Msg. No. 83;

David Cheever and Howard R. Hanada to the Board of Public Accountancy, in accordance with Gov. Msg. No. 163;

Mabel C.S. Chang to the Board of

Acupuncture, in accordance with Gov. Msg. No. 84;

Mike M. Hashimoto to the Board of Acupuncture, in accordance with Gov. Msg. No. 164;

Victor J. Elizalde to the Board of Barbers, in accordance with Gov. Msg. No. 258;

Robert M. Lee to the Boxing Commission, in accordance with Gov. Msg. No. 85;

George Kaahanui, Jr., to the Boxing Commission, in accordance with Gov. Msg. No. 165;

Henry Joseph Ellis, Jr., and Mitsuru Mitchell Ouye to the CATV Advisory Committee, in accordance with Gov. Msg. No. 166;

Nathalie Davis Tucker, D.C., to the Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 259;

Harry M. Ushijima and Alan G. Meyers, Sr., to the Contractors License Board, in accordance with Gov. Msg. No. 86;

Wilbert S. Toma to the Contractors License Board, in accordance with Gov. Msg. No. 167;

Edna H. Kano to the Board of Cosmetology, in accordance with Gov. Msg. No. 168;

Milton W.Y. Lum, Helen Smith and Leslie Yaka to the Credit Union Review Board, in accordance with Gov. Msg. No. 169; and

George A. Kanna, D.D.S., and Lawrence K.W. Tseu, D.D.S., to the Board of Dental Examiners, in accordance with Gov. Msg. No. 221.

By unanimous consent, action on Stand. Com. Rep. No. 867 and Gov. Msg. Nos. 83, 163, 84, 164, 258, 85, 165, 166, 259, 86, 167, 168, 169 and 221 was deferred until Tuesday, April 12, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 868) recommending that the Senate advise and consent to the nominations of the following:

George K. Hall to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 87;

Bernard T. Miura and Leo Polo,

Jr., to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 170;

Glenn Kenji Shibata to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 222;

Walter K. Tagawa to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, in accordance with Gov. Msg. No. 88;

George S. Yoshimura and Mary Ann Barnard to the Board of Registration of Professional Engineers, Architects, Land Surveyors and Landscape Architects, in accordance with Gov. Msg. No. 223;

Robert H. McKay to the Board of Hearing Aid Dealers and Fitters, in accordance with Gov. Msg. No. 89;

Edson Hoo to the Board of Massage, in accordance with Gov. Msg. No. 90;

Samuel Haraguchi, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 91;

Merne C. Farrell, Henry T. Oyama, M.D., and Livingston Wong, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 224;

Joseph Walsh Hanley and Shozo Sato to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 171;

Raymond S.Y. Luke and Van H. Takemoto to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 172;

Claire R. Alfiler to the State Board of Nursing, in accordance with Gov. Msg. No. 92;

Adele D.S. Mitchell, Dorothy Ann Park and Violet L. Nakamura to the Board of Nursing, in accordance with Gov. Msg. No. 260;

Virginia S.K. Kam to the Board of Dispensing Opticians, in accordance with Gov. Msg. No. 93;

Lorraine Shirai and Ted H. Yamada to the Board of Dispensing Opticians, in accordance with Gov. Msg. No. 261;

Rod G. Bjordahl, D.O., to the Board of Osteopathic Examiners, in

accordance with Gov. Msg. No. 262;

Dewey W.K. Tom to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 173;

James E. DeMello to the Board of Pharmacy, in accordance with Gov. Msg. No. 94; and

Harold Yoshio Kawaguchi to the Board of Pharmacy, in accordance with Gov. Msg. No. 174.

By unanimous consent, action on Stand. Com. Rep. No. 868 and Gov. Msg. Nos. 87, 170, 222, 88, 223, 89, 90, 91, 224, 171, 172, 92, 260, 93, 261, 262, 173, 94 and 174 was deferred until Tuesday, April 12, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 869) recommending that the Senate advise and consent to the nominations of the following:

Roland M. Logan to the Board of Pilot Commissioners, in accordance with Gov. Msg. No. 225;

Craig Robinson to the Board of Certification for Practicing Psychologists, in accordance with Gov. Msg. No. 95;

Jane Hardy Jones, Ed.D., Joel Albert Dunston, and Faith Okihiro Lebb to the Board of Certification of Practicing Psychologists, in accordance with Gov. Msg. No. 175;

George A. Morris to the Real Estate Commission, in accordance with Gov. Msg. No. 96;

Yukio Takeya to the Real Estate Commission, in accordance with Gov. Msg. No. 226;

Dennis T. Sekine to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 97;

Sandra Kay Harada to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 98;

Stella Satake to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 263;

John B. Beltrage, D.V.M., to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 99; and

Allen Y. Miyahara, D.V.M., and David Bard Mackay, D.V.M., to the

Board of Veterinary Examiners, in accordance with Gov. Msg. No. 176.

By unanimous consent, action on Stand. Com. Rep. No. 869 and Gov. Msg. Nos. 225, 95, 175, 96, 226, 97, 98, 263, 99, 176 was deferred until Tuesday, April 12, 1983.

Senator Uwaine for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 870) recommending that S.C.R. No. 41 be adopted.

On motion by Senator Uwaine, seconded by Senator Yamasaki and carried, the report of the Committee was adopted and S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON IMPROVING AIR CARRIER SERVICE FOR MOVING DIVERSIFIED HAWAII AGRICULTURAL PRODUCTS," was adopted.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

ORDER OF THE DAY

FINAL READING

Senate Bill No. 6, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 6, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," was deferred until Monday, April 18, 1983.

Senate Bill No. 117, H.D. 1:

By unanimous consent, action on S.B. No. 117, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 177, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 177, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 182, H.D. 1:

By unanimous consent, action on

S.B. No. 182, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DISPENSING OPTICIANS," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 186, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 186, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE INVESTIGATORS AND GUARDS," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 203, H.D. 1:

By unanimous consent, action on S.B. No. 203, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE FOR CHILDREN," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 343, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 343, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 18, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 18, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR BUSINESS PRACTICES," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 366, H.D. 1:

By unanimous consent, action on S.B. No. 366, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON TRANSPORTATION," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 368, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 368, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION," was deferred until Monday, April 18, 1983.

Senate Bill No. 507, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 507, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 520, H.D. 1:

By unanimous consent, action on S.B. No. 520, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 525, H.D. 1:

By unanimous consent, action on S.B. No. 525, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 608, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 608, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," was deferred until Monday, April 18, 1983.

Senate Bill No. 640, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 640, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 741, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 741, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY VEHICULAR TAX REFUNDS; VEHICLES REMOVED FROM THE STATE; JUNKED VEHICLES; VEHICLES BROUGHT INTO THE STATE; EXEMPTIONS FOR STORED VEHICLE," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 749, H.D. 1:

By unanimous consent, action on S.B. No. 749, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 757, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 757, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 965, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 965, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO HOUSING," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 977, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 977, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 1057, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1057, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION INSTRUCTORS," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 1288, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1288, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 1292, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1292, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT OF THE HOLO HOLO CASES," was deferred until Tuesday, April 12, 1983.

Senate Bill No. 1294, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1294, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALLOWANCES FOR LEGISLATORS," was deferred until Tuesday, April 12, 1983.

ADVISE AND CONSENT

Standing Committee Report No. 865 (Gov. Msg. Nos. 147 and 249):

Senator Uwaine moved that Stand. Com. Rep. No. 865 be received and placed on file, seconded by Senator Yamasaki and carried.

Senator Uwaine then moved that the Senate advise and consent to the nomination of Kenneth I. Craw, to the Commission on Transportation, term to expire December 31, 1986, seconded by Senator Yamasaki.

The motion was put by the Chair

and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (George and Machida).

Senator Uwaine then moved that the Senate advise and consent to the nomination of Eric K. Honma to the Commission on Transportation, term to expire December 31, 1986, seconded by Senator Yamasaki.

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

Ayes, 23. Noes, none. Excused, 2 (George and Machida).

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

THIRD READING

House Bill No. 703, H.D. 1:

By unanimous consent, H.B. No. 703, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY," was recommitted to the Committee on Economic Development.

APPOINTMENT OF CONFEREES

Senate Bill No. 4, S.D. 1 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 4, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, Aki, Chang, Mizuguchi, Hagino, Holt, Solomon, Uwaine, Young, Ajifu, Henderson and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 362, S.D. 1 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 362, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Hagino and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 393, H.D. 2 (S.D. 2):

In accordance with the disagreement

by the House to the amendments proposed by the Senate to H.B. No. 393, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Hagino and Ajifu as Managers on the part of the Senate at such conference.

Senate Bill No. 656, S.D. 1 (H.D. 2):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 656, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Hagino and A. Kobayashi as Managers on the part of the Senate at such conference.

Senate Bill No. 756 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 756, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Cobb and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 903, S.D. 1 (H.D. 2):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 903, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Chang, Machida and Henderson as Managers on the part of the Senate at such conference.

Senate Bill No. 904, S.D. 1 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 904, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, B. Kobayashi and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 907 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 907, and the request for a conference on the subject matter thereof, the

President appointed Senators Aki, Chairman, Cobb and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 937, S.D. 1 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 937, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, Aki, Chang, Mizuguchi, Hagino, Holt, Solomon, Uwayne, Young, Ajifu, Henderson and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1008 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 1008, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Cobb and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1075, S.D. 1 (H.D. 2):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 1075, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Chang and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1082, S.D. 1 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 1082, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Chairman, Chang and Soares as Managers on the part of the Senate at such conference.

Senate Bill No. 1338, S.D. 2 (H.D. 2):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 1338, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Cobb, Chairman, Chang, B. Kobayashi and Soares as Managers on the part of the Senate at such

conference.

Senate Bill No. 133, S.D. 1 (H.D. 1):

In accordance with the disagreement by the Senate to the amendments proposed by the House to S.B. No. 133, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chang, Chairman, Solomon and A. Kobayashi as Managers on the part of the Senate at such conference.

House Bill No. 1, H.D. 1 (S.D. 1):

In accordance with the disagreement by the House to the amendments proposed by the Senate to H.B. No. 1, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, B. Kobayashi, Aki, Chang, Mizuguchi, Hagino, Holt, Solomon, Uwaine, Young and Ajifu as Managers on the part of the Senate at such conference.

House Bill No. 393, H.D. 2 (S.D. 2):

In accordance with the disagreement by the House to the amendments proposed by the Senate to H.B. No. 393, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Yamasaki, Chairman, Hagino and Ajifu as Managers on the part of the Senate at such conference.

At this time, Senator Carpenter rose on a point of inquiry and stated:

"Mr. President, I rise on a point of inquiry.

"Mr. President, in the company of a few Senators in your office following the previous session, I asked what committees I was assigned to, and I believe you indicated that I was still a member of the Judiciary Committee. Is that correct?"

The Chair answered: "That is correct."

Senator Carpenter continued: "Mr. President, I am presently vice-chairman of the Arts and Culture Committee. Is that still in effect?"

The Chair answered: "Tomorrow, the Chair will make a final announcement relative to all standing committees in the Senate."

Senator Carpenter continued:

"Okay, so we can expect it tomorrow?"

The Chair replied in the affirmative and Senator Carpenter continued:

"Thank you.

"Mr. President, we note that the sheet which was handed out last week indicates a number of Senators on conference committees, and we note that Senator Fernandes Salling, Senator Kawasaki and Senator Abercrombie of the so-called dissident group are not on any conference committee. Is that correct?"

The Chair answered: "That's correct."

Senator Carpenter continued: "We note also that Senator Toguchi is assigned to one conference committee, excuse me, two; Senator Cayetano to three; and myself to approximately six conference committees.

"Mr. President, I want to inform this body, on behalf of the six individuals listed, that we will not, either individually or as a group, sit in conference committees for the reason that we do not want to be a party to possible emasculating the Senate positions which we supported in the bills going over to the House. And as of this time, I would indicate to this body that we would reserve the right to agree or disagree with the conference committee results and will speak to those issues on the floor of this body. Thank you."

The Chair remarked: "As a matter of response, Senator Carpenter, am I to assume that all of the six individuals have chosen not to serve on conference committees?"

Senator Carpenter answered: "That is correct, Mr. President."

Senator Cobb then rose to ask: "Mr. President, I'd like to rise on a point of parliamentary inquiry and direct the question to the previous speaker."

The Chair asked Senator Carpenter if he would yield to a question and Senator Carpenter having answered in the affirmative, Senator Cobb asked:

"Mr. President, I have recommended your appointment of the previous speaker, as well as other members of my committee, to various conference committees, is he then requesting that I delete his name and substitute the name of another Senator even though

he has previously been recommended?"

The Chair responded: "I believe his statement was that they will not serve. The Chair is left in quite an embarrassing position. I had assumed from the speeches prior to reorganization there was an indication from the six individuals that they would like to be cooperative and would like to include themselves in the work of the Senate. With that in mind, I appointed them to serve on various conference committees."

Senator Cobb remarked and further inquired as follows: "Mr. President, the thrust of my inquiry is that I had named the previous speaker, recommended that he be named to some major conference committees, including the bill on corporations. Is he now saying, even though the recommendation for him being named has been made, that he will not serve on the committees?"

The Chair replied: "My understanding of his presentation ..."

Senator Carpenter interjected: "Mr. President, may I answer for myself, please."

"I tell this body and the previous speaker that I made no such representation. In fact, the previous speaker asked for me to be on the committee. I did not signify yes or no, nor did I indicate to him at any time that I wished to be on the conference committee with these particular bills which he just spoke to."

"Mr. President, just to clarify the issue, I think that all of us six dissidents, if you will, made representations to this body that we would transfer the work of our individual committees to the incoming chairman of the respective committees which we formerly chaired and, I think that we have done that to the best of our abilities and certainly will continue to do that, if there are any carry-over discussions required. But as we go into the conference committee hearings, Mr. President, I think you have to recognize that each of us serving as committee chairman represented positions that were brought about by full and free public discussions on issues and bills before their various committees. To now sit as members, basically voting members but without voice as we go into the conference committee, and to possibly see those positions which we

represented as chairs possibly emasculated or changed or modified to compromise the original position, might possibly be embarrassing to the present chairman serving."

The Chair answered: "In response, Senator Carpenter, whatever the chairmen's positions were at the time we passed the bills still remains the Senate position. Whether or not these positions change ultimately, in discussions in conference committee, remains to be seen. I would like to look at the end product and see whether it is a reasonable one. I'm sure you will look at it in that particular light also and vote accordingly."

Senator Cobb then rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege. I regret the stand taken by the six individuals because as far as I'm concerned, personally, and I'm speaking only for myself as a chairman, they could have contributed a great deal to the maintenance of the Senate position, which I intend to maintain in the conference committee forthcoming, in fact, beginning this afternoon, and I think the Senate is the poorer for the lack of the expertise, the experience, background and the contributions that they would be making in conference. Thank you."

Senator Abercrombie responded:

"Mr. President, with respect to the remarks of the previous speaker, then I feel that I must rise, I guess on a point of personal privilege and, at the same time, and a point of inquiry of you as President."

"Mr. President, we have long since learned in the halls of the Legislature not to be dependent on either the implications or, I guess, in some instances the appellations of the newspapers. But, nonetheless, the story was prominently featured in the Honolulu Advertiser over the weekend with a major headline, 'A bill to increase sales tax dies.'

"In response to the previous remarks, I must inquire of the President ... whether you are familiar with that particular story by Mr. Burris on Saturday. My inquiry of you, Mr. President, is, without going into the details of quotes and all the rest of it, whether the import of that story is, from your point of view, generally an accurate one, to wit, that the bill to increase the sales tax,

for all intents and purposes, is dead ... for all practical purposes, I think it was proximally called?"

The Chair responded: "I've learned a long time ago, Senator Abercrombie, that in the Legislature nothing is dead until the conference is over. So, until such time that that occurs, life springs eternal. That is with bills and everything else."

Senator Abercrombie continued: "Mr. President, then on a point of personal privilege, to have before us then a situation where we are dependent upon the Lazarus syndrome, that is to say, that the dead body will miraculously rise from the grave of the conference, puts us into a position where the events of the last few days are put into special perspective.

"Mr. President, I think that the public certainly is entitled to know more than that there was an argument among Senators or between Senators; that this is not just a matter of politicians arguing with one another to no purpose other than discussions about power, who has it or who does not.

"Mr. President, I think that the fact that we are dependent upon arising from the dead in conference is indicative of the situation that was created with this reorganization. There's no way, had we had the discussions and the communication that was necessary for us to do our business, that this would have occurred.

"It seems to me that it's now quite clear that the budget battle and the tax battle was joined without all of us having the opportunity to participate in a way that would have allowed for positive contribution.

"I think it's indeed unfortunate that the previous speaker would indicate that now our talents are to be utilized when they were not sought previously; that such input as we might be able to provide now is necessary or conducive to conducting the public business, the business of the Senate, in good order, but was not necessary previously.

"It's too bad, from a legislative point of view and certainly from the point of view of the taxpayers of the state, that the same kind of attempt to seek input was not existing previously. We would not be in this situation today had there not been hidden agendas operating which we

had no input; which we had no knowledge of.

"We are in a situation, Mr. President, where I think that as I indicated at one time to you, I certainly indicated to others, that I was perfectly willing to sing the same tune, provided that I was able to find out what the lyrics were. But, unfortunately, Mr. President, I think that what was desired of us was that we just hum along or just mouth the words. That's impossible for us to do; I don't think that's the way to conduct business; and I think we find the Senate now in a dire position because the entire key to this whole affair, the entire key to the budget process, was tied to this dubious tactic, this hollow strategy of the tax bill. The tax bill which has now died, for all intents and purposes.

"So, minus this resurrection from the dead, Mr. President, it appears to me that regardless of the conference outcome, the Senate position is one now in which there can be little or no confidence and that as for the rest of the conferences with the rest of the bills, our participation to whatever degree possible, with respect to such talents as we may possess, would simply mock the process rather than aid and assist it. Thank you."

Senator Cobb then said: "Mr. President, I'd like to rise in response.

"Previously, there were some remarks directed towards an editorial and the cartoon that appeared in the Honolulu Advertiser of last week. I found that cartoon and the editorial accompanying to be amazingly accurate.

"I think the fundamental reason for the change that took place in the Senate was not a disagreement on the budget but an attempted overthrow of the Ways and Means Committee and a wholesale changing of the committee. And I would just like to point out that, having read that, I admit I'm beginning to have second thoughts about whether or not we should have one or two editorial voices in this town even though I recognize it's very clearly a matter of whose ox is getting gored."

Senator Abercrombie responded: "Mr. President, perhaps it isn't quite clear enough, and I will respond to the previous remarks.

"Maybe we ought to start talking then about what really went on. If

that's the previous speaker's desire, I'd be happy to do it. You want to talk about overthrowing, reorganization?

"I came into this Senate on the up-and-up. I came in here and did my work. I was spending twenty hours a day with my staff working. I was in the neighbor islands getting testimony. I was putting a package together. I was coming out to the public and saying to them, 'you give us the input; we're going to translate that into a legislative project.' And all the time, I was counting on the leadership, which includes the previous speaker, for not pulling things behind our backs.

"You want to talk about reorganization? I admit my fault. My fault was I thought all I was supposed to do was my work. All the time I was being out-flanked by this separate budget process that was going on.

"For the previous speaker to say that the budget is not the issue here -- it's the manifestation of everything that was going on. This place was reorganized right around us. I admit to that. I was too busy doing my work. I didn't know that I was going to be undercut from behind. Does the previous speaker think he can get away with that kind of nonsense?

"The previous speaker apparently wasn't ... he must have been, as part of the leadership ... presented me with so-called briefings with an entirely separate budget that my committee never saw. Is that what he is talking about ... whose ox is getting gored? It's the public ox getting gored!

"How would he like to come into a situation where you worked day and night on a \$350 million budget involving 160,000 children and be told, 'by the way, everything you were told to do in written memos; everything that you were asked to do in terms of cutting the budget -- \$15 million savings out of this year's budget so there's no carry-over for the workload increases; \$21 million cut out of the biennium budget as presented; \$36 million package that you're having to deal with, and at the same time receive orders ... don't lay anybody off; warm body policy; all benefits cost; all fixed prices; all salaries have to remain intact.'

"Take those orders and try and put them together and come back in and find that the very people who told you that that's what you were

supposed to do, the very people and the leadership, including the previous speaker, who would not meet in caucuses, who would not respond to constant requests by subject matter committee chairpeople like myself that we meet, that we talk, that we understand what's going on. Oh, no, all that was going to be handled. It was going to be handled all right, in an entirely separate budget.

"This place was reorganized all right. It was reorganized way before last week without any of us knowing about it.

"And let me tell you something, for those of you who are part of it, if it can happen to us, it can happen to you. Who's going to be the next victim when you're told to carry the ball? When you're told to put yourself on the line as is happening right now ... and what happens when you turn around and look for the help and somebody tells you, 'let's talk if you got the votes, that's all that counts.'

"I know what the score was. I admit to the naivete of thinking that hard work alone was sufficient to communicate. Oh, no, what's told is, 'sure, they'll complain; of course, they'll realize that the whole thing had been done with no consultation but in the end they'll buckle under; why, because we've got the votes.'

"Why do we have the votes? That's the question to be posed and answered by the previous speaker. The votes to do what? To gore oxes? Is that what we're reduced to a series of cliches, referrals to cartoons in the newspaper? We're talking about a \$3 billion budget here.

"When I went into that briefing and I asked, 'A "B" budget? What "B" budget? I never heard about a "B" budget. Aren't we supposed to have public hearings? Where were the public hearings? There was no public hearing on any "B" budget? Oh, this was done by the staff. All right, what's the first item on the budget?'

"It's burned in on my mind ... \$1,066,528 equipment. I asked in the briefing, what's it for? 'Well, it's for equipment; I mean, we're just restoring equipment.' 'But equipment is divided into textbooks; it's divided into special educational instructional material; which is it?' Well, they said, 'I don't know.' Well, how am I supposed to defend the position?

"The previous speaker has just taken me to task and others to task

for not being in the conference committee. I can't even find out from the Ways and Means Committee what it is they mean when they give me a figure I'm supposed to defend at the conference.

"What is the bottom line,' I asked. 'I can put my people to work again; I will work 24 hours; we will stay up all night; give me the bottom line on your "B" budget; maybe I can put it together; I don't know.' The answer is, it wasn't known.

"I said before, Mr. President, and if members in here want to get into this kind of thing, as to the kinds of discussions, we can do it.

"I said before, I didn't come in here for a title. I didn't come in here to be taken care of, and I certainly didn't come in here to make a fool of myself on the conference by defending a budget that I never saw and the people advocating that budget unable even to tell me what it was for, other than to say, 'it's tied to the tax increase.'

"We asked for a caucus on that ... is this a good idea ... is this the strategy we want to take? 'We got the votes, take it or leave it.'

"Now let's talk about what really came down here. It's just that most people never expected us to take a hike on the issue of principle, so don't preach to me about reorganization and take-over. We were taken over already.

"What we were trying to do is reestablish some semblance of our own goddamn self-respect; but maybe some of you can live without any of it, I can't. I don't want to!

"Now, we're trying to restore that process and we're trying to restore it in a responsible way, and it's not responsible to go sit on a committee, on a conference as if nothing ever happened, as if this is the way things should be done. It's not the way things should be done! And if you want to go into it further, then I'll welcome the opportunity.

"If the speaker wants to go further, I will repeat on the floor of this house some of the conversations that were held. It was already started by the erstwhile Majority Leader the other day, and if he wants to pursue it, I'll start talking about the conversations that were held concerning the members of the Ways and Means Committee by some of

the senior people in this place and to what their real opinion of you is; as to why this division took place; why we were not allowed to have caucuses; why we were told to keep quiet; why we were told not to communicate while the leadership was going to handle things.

"Do you think six people just stood up and took a hike like this because they didn't have anything better to do? You think of the positions you're in now, among the majority, and you think about what the real, real idea of you is by some of the people who are standing here in positions telling you how important you are today, and how they're going to help you succeed. And you think for a moment, if you will, as to what the real background, in terms of their opinion, of your abilities and all the rest of it were.

"I admit to mistake. I was a fool for listening. I should have gone on my own. I should have gone to see individuals that are in the majority right now, especially on the Ways and Means Committee and expressed my views personally to you as to what I saw going on. I attempted in caucuses; people walked out. The Majority Leader, at that time, walked out. We were told we were intimidating. It's intimidating to have a caucus? Have a discussion? I've got a record in here too. I've had views. For example, I didn't approve of the way we went through this situation with buying the Governor's cuts just like that. I made my point known. I didn't succeed. I'm a good soldier; I went out and made my cuts, and all the time the cuts are being made, there's another agenda going on, and the other agenda's going on because of certain views of some of the leadership about some of the people who are just on Ways and Means for the first time this year.

"You think about it. If you can believe that we stayed out of these discussions just because we thought we were above you or anything else, you can believe in the 'great pumpkin.'

"So, when it comes to reorganization, I have no apology to make. It is, as I indicated just recently, there's only one thing worse than being wrong in politics, it's being right. And that's what we are, we're right. We're right to point out to the public that this is not the way to get things done. We're right to organize originally in '79, Mr. President, as we did under your

leadership, and it will be right today to continue to do it the same way; and it will be right for us to all get back together and try and put this thing together on the right basis.

"As far as votes are concerned, you've got to have the votes for something and the only thing we have the votes for right now is what we can get away with, and that's no way to do public business."

Senator Cayetano, also in response, stated as follows:

"Mr. President, responding to the Majority Floor Leader and this business about conference, I think Senator Abercrombie's remarks speak for the six of us.

"Let me say this, I hope when the Senate goes into conference, it doesn't go through the 'shibai' of trying to defend its part 'B,' part 'A' budget. Let's be honest with the House and with ourselves. Hoist up the white flag. Don't be ashamed to do that. That's all that's left on part 'B.'

"This article here ... your remarks indicate as much. Hoist up the white flag on part 'B,' and get down to business and work on part 'A.' Maybe ... and I'll try to help. I've certainly offered to my successor, Jimmie Aki. I don't think Jimmie can complain about the help that I've given him. 'Have I helped you, Jimmie?'

"Mr. President, you cannot expect us to go to conference under these circumstances. It's as simple as that.

"Now, it's one thing for us to learn on television, Mr. President, about what our fate is. I thank Channel 9 and Doug Woo for that. Doug, you apparently have more pull with the President than we do.

"Now, I've got this communication that says that I've been appointed to three conference committees; and as a general rule, I think, it's been the practice, certainly the tradition of the Senate, to discuss this matter with appointees before appointing them to the conference committees because, after all, some of us may not want to serve on conference committees. And there have been comments made in the press about our position on conference committees, Mr. President.

"You've traded a part of your team. We're the 'over-the-hill' gang, Mr. President. You've got new draftees;

go with them. That's the Senate position, okay?"

"On Monday, when we filibustered the budget bill, we had a caucus, Mr. President, six of us and you. And because of our aloha and affection for you, and you may not believe that some of us have that for you, Mr. President, we decided that we would not disclose to the members here what was said during that caucus. But the end result was a speech that I'd intended to give which, I thought, fairly well dissected the budget and showed how the Senate's budget was intellectually dishonest was not given. The speech would have shown how, if that tax did not pass, we would be in a hole by fiscal '84, and even if the tax did pass, what the hell would we be doing by fiscal '86 for money? It is an intellectually dishonest budget.

"The problem is, you didn't think this through. That's what it boiled down to. And you don't think these things through if you don't have caucuses and you don't have opinions ventured forth by others. That's the way you chose to do business in the Senate, and I think when the Senate conferees go to conference with the House on the budget that the anticipated bad results will come forward.

"According to this article it appears that the Senate's budget is based in part on the \$70 million that the state expects in the liquor tax. Well, Mr. President, if we had had a caucus the question would have come up ... what do we do if an appeal is made? Certainly an appeal will be made. What do we do then?"

"And that \$70 million is a one-time shot, from what I understand. What happens the year after that? Where's the money going to come from, the tooth fairy? Where's the money going to come from?"

"The problem is that these are hard times and this Senate, the majority of this Senate, has never been able to tighten its belt and make hard decisions. We always end up doing the political thing, whatever is politically expedient. We cannot be honest with ourselves and realize that the job that we're here for is to make these hard decisions. Have we done that?"

"And I thought we were going to do that this session, Mr. President, when we were ordered to make \$85 million in cuts. I did not agree with

everything, but I was rather proud that finally we were taking steps to make hard decisions. But in the end, its politics as usual, and now this whole house of cards, which is the Ways and Means position on the budget, is going to come tumbling down.

"As I said earlier, get a white handkerchief, tie it to a pole because that's the way the Senate is going into conference with the House."

Then, Senator Toguchi rose on point of personal privilege and stated:

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

"Mr. President, during the past couple of weeks, several people have come to see me or called me to inquire about Rick Higashionna's appointment as Director of the State Department of Transportation. The people who talked to me include members of the media, as well as Mr. Higashionna himself.

"Mr. President, apparently through some misunderstanding, someone left him with the impression that along with another Senator, I, who was then chairman of the Agriculture Committee, had reservations about Mr. Higashionna's reappointment. Mr. President, I'd like to clarify for the record that I had at that time, as chairman then of the Agriculture Committee, no reservations with Mr. Higashionna's reappointment. In fact, Mr. President, I fully supported it at that time and I still do support his reappointment.

"Mr. President, when I heard about supposedly some of the reservations with the Senators, including myself, which I had no reservations, I approached the Director of the Department of Agriculture and he indicated to me that he is very pleased with Mr. Higashionna's past performance. He has worked very closely and cooperatively with the Department of Agriculture to try to resolve the transportation problems associated with agriculture, especially on the neighbor islands. Mr. President, I also further pursued that.

"I also spoke with the chairman of the Governor's Agriculture Coordinating Committee. Just for background, I'd like to mention the makeup of that committee. Included in that committee are the Director of the Department of Transportation, the

Director of the Department of Land and Natural Resources, the Director of the Department of Agriculture and many others who have worked together in the past and I'm very pleased with their performance.

"Mr. President, I'm rising today to clarify for the record that I was not one of the Senators who had any reservations about Mr. Higashionna's reappointment, and I fully support his reappointment. Thank you."

Senator Cayetano then asked: "Mr. President, will the newly crowned Majority Leader yield to a question?"

The Chair asked the Majority Leader if he would yield to a question and Senator Uwayne having responded in the affirmative, Senator Cayetano asked:

"Mr. President, would he respond to the remarks of Senator Toguchi? Was he the person who gave the press the impression that Senator Toguchi was opposed to Mr. Higashionna?"

Senator Uwayne answered: "Mr. President, no, Senator Toguchi was not one of those individual senators."

The Chair then said: "The answer is no."

Senator Cayetano continued: "Mr. President, let me refer then to an article in the Friday, April 8th, Honolulu Star Bulletin.

"It says, 'Senate Transportation Chairman, Clifford Uwayne, said yesterday that the appointment of Ryokichi Higashionna as Transportation Director could be held up until the next session. He said his new duties as Majority Leader and the short period before the end of the legislative session, April 22, could interfere with the confirmation of Higashionna.'"

"Mr. President, I'd like to ask the Majority Leader what is he talking about when he said his new duties as Majority Leader could interfere with the confirmation? Would he answer the question? What new duties is he talking about?"

Senator Uwayne responded: "Mr. President, let me answer it this way although it may be a little premature.

"Mr. President, I did have conversations with you regarding Dr. Higashionna's nomination as Director of the Department of Transportation.

As far as the nomination, it will be forthcoming tomorrow on the floor and his hearing for confirmation will be held next week Tuesday. After proper evaluation during this past weekend, I feel that it is proper that this body take up his confirmation."

Senator Cayetano answered: "Very good, Mr. President, I'm glad to see that his new duties do not interfere with the confirmation hearing. Thank you."

The Chair then made the following remark:

"Members, I think it's incumbent upon the Chair to answer some of the inquiries and suggestions made to the Chair.

"With reference to the press, that's their business how they get their news. However, it didn't come from me about the reorganization. In fact, we were trying to make contact with Senator Kawasaki's office to set up a meeting, but he had another meeting out of the building. It was going to be an attempt to get all of the Senators together to explain to them what was going to take place.

"For the record, as far as the President is concerned, there was no discussion with anyone in the media relative to the reorganization.

"Secondly, I think it's sad that we have come to this point, but I realize that there are strong differences of opinion about what occurred here. The one thing that I want to state for the record is that it was not I who fired the first shot. I did not know that there was an attempt to remove Senator Yamasaki as chairman of Ways and Means. I did not know that there was an attempt to remove all freshmen from Ways and Means. This was all being done behind my back.

"For those who now complain about not having had a caucus on the budget, they should have extended to me as President of the Senate the same consideration of prior discussion on matters dealing with the organization and administration of this body.

"Again, I repeat, I will not and I shall not tolerate actions of this kind. No matter how short the time I may have as President; I will not condone such behavior.

"I think what is good one way should be applicable the other way.

"With reference to the conference committees, I think we all should have the patience to wait for the final product before we begin praising or criticizing it. If the final product does not meet with the expectation of the majority of the members of this Senate, I am sure it will not pass. Should it come out in a manner that would be acceptable to the majority of this body, then I'd feel we have done our job and carried out our responsibility.

"I don't think conference is ever easy. Conference is always a hard and arduous road involving many compromises. This means a helluva lot of give and take. And I expect the budget not to exactly come out the way the Senate wants it because we have to accommodate 51 members located across the hall. I would like to see a budget that comes out which benefits the people of this state.

"I've been assured by the House that there will be a cooperative attitude in conference. Hopefully, a consensus can be reached between the two bodies.

"I am confident. I can assure you that the one that will bear the brunt will be the President of the Senate.

"I will not accept the concept of going into conference with a white flag tied on a pole because I am confident that when the end product is delivered that all of us can support that product. Again, I am very optimistic and if I have anything to do with it, I'm going to make it happen."

Senator Abercrombie responded and added:

"Mr. President, fair enough, but that's precisely my point. If we could have talked like this ... you know I have to talk here on the floor, Mr. President, because we were unable to do this before despite how many times you were approached. It's unfair. It is a distortion of reality for you to stand up and say in response to the remarks here what we should have done was to have had meetings; what we should have done was to have gotten together; what we should have done is communicate when we did this over and over and over again, requesting, asking for this kind of dialogue and being turned down over and over again.

"And I quite agree ... this is the situation.

"I've already indicated to other members here that I wish I had done differently. I wish I had acted on my inclinations to go on my own and try and get things straightened out because nothing was getting straightened out in here, despite repeated requests to do exactly what you say.

"So, I say again, the take-over was already accomplished, Mr. President. You had done that. You had done that by the manner in which you were able to keep us separated from one another.

"And as for the product of the work that comes out, I can see why you're confident; because let the record show here, let it show publicly and it show on this floor ... you're going back to the work product of our committees and to the degree that anything comes out positive, it is because of the work of our committees because the work that was done behind the scenes has now fallen into total disarray and chaos.

"What position will be defended? I commend this to the reporters you say get their news where they will ... when you go into conference, they will see that what is going to be discussed is going to be our work product. When I said our, I thought it was the whole Senate. I didn't know it was going to be just us in committee and then somebody else decides something else; then you go get the votes and so you then shove it down our throat.

"You're going back to our work product. When the Education budget is discussed, it's going to be the budget of our committee, so what was it all for? What was it all for, some tactic, some kind of behind the scenes maneuver to some grand stratagem, so grand, so abstract that nobody was let in on it?

"Perhaps the quote that was given to me might be appropriate here, 'you know, you can't drop this on somebody too quick, they're liable to start building opposition to it.' Sound familiar, anybody?

"That's the kind of thing that got said to me. You can't drop this tax deal and the way we're putting this thing together on people too quick because they're liable to build opposition to it.

"In other words, we might discuss it and maybe decide that wasn't the right tactic. So, there'll be a product of work, all right. Just

remember where the product of work came from because we're all going to need to remember that if we are to carry on any kind of business.

"And as for the give and take part, Mr. President, that's precisely what we wanted to have. Why should the give and take be taking place now in the conference committee when the give and take should have taken place in the Senate?

"The Minority Leader spoke quite forcefully on this very issue last Thursday or Friday or whenever it was that we took this up. The give and take should have taken place in here.

"So, I say again, Mr. President, that I think everybody was over 21 who came in here. I don't think that anybody in here is going to shy away from give and take if it was done honestly and forthrightly that will enable us to come out with something better altogether. The fact that we didn't do it has led us to this situation today. So, let's not have any crocodile tears about take-overs. Let's remind ourselves as to what the real situation was and remind ourselves what that can lead to, because if all of our relationships are going to be based on the alliances of the moment, and that's what we appear to be heading into, everyone who sits in every chair here is in mortal danger, any single moment, because as far as I can see what's being espoused now from the leadership, Mr. President, is that it's everybody drag out their own corpse, and good luck.

"If that's the way we want to conduct business in here, well, I'm as ready as anybody, but I don't think that's going to accomplish anything, either for us or for the public as a whole."

Senator Toguchi, also in response to the Chair's remarks, stated:

"Mr. President, I'd just like to respond to your statement.

"I think there's something being lost here and, that is, I think you've focused in on what has happened here the past week. I think what you haven't looked at is as to why, the 'why's.' You're focusing in on what has happened. I think you know there's always 'a cause and effect,' You're looking at the effect and not the cause. Thank you."

Senator Kawasaki then rose to respond to the Majority Floor Leader's

remarks and stated:

"Mr. President, I want to respond to what I consider a rather intemperate remark made by the Majority Floor Leader when he said that he completely agreed with the Advertiser editorial.

"First of all, we've got to put that editorial in its proper perspective. It's just more than a mere coincidence that the six dissidents, if you will, just happen to be those six people on the Senate floor here that believe strongly that the newspaper monopoly act that we were conned into enacting at the state level in addition to the federal level ... those six people just happen to believe strongly enough about the need for repeal of that act.

"But I want to, at this point, inquire of the Majority Floor Leader when he said that this was purely and simply as the editorial said, 'a power grab.' Is he of the opinion that each of us, Senator Carpenter, myself, Senator Abercrombie, Senator Cayetano, Senator Toguchi and Senator Fernandes Salling, each of us are guilty of a power grab attempt on our individual parts? I'd like for the Majority Floor Leader to answer that."

Senator Cobb answered: "Mr. President, yes, I think the editorial made clear what had transpired relative to a take-over attempt of the Senate, most particularly a take-over attempt of the Ways and Means Committee.

"I don't assign individual responsibility or blame, but I did recognize the accuracy of the editorial. And that's all I commented on."

Senator Kawasaki continued: "Mr. President, then my follow-up response is that if trying to alter the Senate budget so it would be meaningful, a budget that we can depend on, we can defend, not a budget predicated upon the premise that part of it, part 'B' to be specific, is predicated on a possibility of a sales tax increase passing ... it just seems to me that this is not the best way to enter into a conference committee.

"We did earnestly and sincerely try, six of us, to have a budget that was meaningful that we could depend on, and if trying to do that is a power grab, then I must admit guilt to a power grab, if you will, as the term is being used, on my part."

Senator Cobb then added: "Mr. President, I guess the previous speaker neglected to mention that I too am one who favor the repeal of the newspaper preservation act and, in fact, on two occasions moved such a bill out of my committee and this year signed the committee report, for the repeal of the monopoly on the state law, free and clear.

"Furthermore, Mr. President, I don't think a disagreement with the budget is grounds for a wholesale change of the Ways and Means Committee because I too had some reservations or disagreements with the budget. Thank you."

Senator Cayetano then said: "Mr. President, frankly, I don't care what the Advertiser says. That's the way I feel about this thing.

"We made our move; we thought there was a problem. You made yours, and now we're here. Let's go on from here.

"Frankly, if the conferees come back with a budget that we can all support and be proud of, fine. I shall get up and praise the conferees on this floor. That's what I'm interested in.

"As long as this Senate is run the way it's been run for the last five years, however, Mr. President, I don't think, and I refer to your statements in the paper about acts of conciliation, there can't be any conciliation. Maybe there'll have to be a reorganization."

The Chair remarked: "Just one last comment, and I hate to continue this discussion. I am ready and willing to discuss matters. I want to reassure all of you, all 24 of you, that contrary to what has been said, there'll be a lot of talking going on between the end of this session and the next, I promise you.

"All I can ask is what the former chairman of Economic Development said. I hope you will give us the opportunity to wait for the final product to arrive here and then vote accordingly. I have no issue with that. Up or down. That's been my style. As the former chairman of Economic Development said the other day, 'this is not kindergarten; this is the Senate' and we're going to keep the work of the Senate going."

Senator Cayetano responded: "Mr. President, one last word to that since

I was the person who said that.

"I hope you remember that when it comes to some of the newer members in the Senate, Mr. President. That quote came from Senator Kawasaki in our discussion with you about the so-called intimidation, so-called ability of some of the less experienced members of the Senate to handle work and issues and, I believe Senator Kawasaki said, 'This is not kindergarten; this is the Senate.' and I thought that was a helluva remark so I had to use it."

The Chair then said: "And I attributed it to you."

Senator Cayetano answered: "That's right, and I think it's true."

The Chair' then said: "With reference to the young people, they are young and they are inexperienced but I am also very confident that they are very hard workers.

"I'll be the first to admit that we are going into conference in a very unusual position of having new people there. But, as I mentioned, I am very confident that the product that will be delivered will do them proud and do us proud as Senators. I'm not really worried about the whole thing, I'm really not."

Senator Kawasaki added: "Mr. President, for the record, as President Truman had once said, aside from his remarks attributed to him in 1911, (some very biased racial remarks that were carried in the morning papers) he said, 'If you can't stand the heat, get out of the kitchen.'"

Senator Carpenter said: "Mr. President, I'd just like to say that some of the conversations may seem to indicate that some of the older ones really have no respect for some of the newer Senators, I want to, for my own, say that I have a lot of respect for every member in this body, whether they are first-timers or not, whether they're formerly representatives or formerly individuals who came from the community. And I, too, like you, have every hope that they will rise to the occasion, as I'm sure they will, because they are, in fact, Senators. Thank you."

ADJOURNMENT

At 12:48 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 12, 1983.