

## FIFTY-FOURTH DAY

Thursday, April 14, 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 the Reverend William Lamb of the Hawaii Baptist Convention, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Fifty-Third Day.

At this time, Senator Machida, on behalf of Senators Solomon, Yamasaki and himself, introduced a group of 87 fourth grade students from Kam III School from Lahaina, accompanied by their teachers, Mrs. Evelyn Kishi, Mrs. Josephine Grieg, Mrs. Gladys Fujii and Mrs. Cecilia Balinbin; their parent chaperones, Mrs. Adele Baptise, Mrs. Sylvia Neizman, Mrs. Paula Ventura, Mrs. Janice Hussey, Mrs. Davida Galon, Mrs. Stephie Ouchi, Mrs. Rosa Ochoa and a representative from Aloha Airlines, Mr. Joe Balangitao.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 540 to 560), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 540) transmitting House Concurrent Resolution No. 97, H.D. 1, which was adopted by the House of Representatives on April 12, 1983, was placed on file.

By unanimous consent, H.C.R. No. 97, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING OPPOSITION OF THE NEW FEDERAL LAW REQUIRING ASSESSMENTS TO DAIRY FARMERS TO OFFSET THE MILK SURPLUS," was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 541) transmitting House Concurrent Resolution No. 154, which was adopted by the House of Representatives on April 12, 1983, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE WEEK OF APRIL 18,

1983 AS 'HAWAIIAN OCEAN FAIR WEEK,'" was adopted.

A communication from the House (Hse. Com. No. 542), informing the Senate that the House has disagreed to the amendments proposed by the Senate to House Bill No. 702, H.D. 2, and has requested a conference on the subject matter thereof, in consequence of which, on April 13, 1983, the Speaker appointed Representatives Kiyabu, Chairman, Bunda, Chun, Crozier, Graulty, Kawakami, Levin, Morgado, Nakata, Souki, Tam, Wong, Yoshimura, Anderson and Isbell as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 543), informing the Senate that on April 13, 1983, the Speaker added Representatives Kawakami, Kiyabu, Morgado, Yoshimura and Ikeda as Managers on the part of the House at the conference on Senate Bill No. 313, S.D. 1, H.D. 2, was placed on file.

In accordance therewith, the President appointed Senators Holt, Chairman, Mizuguchi and Machida as Managers on the part of the Senate at such conference.

A communication from the House (Hse. Com. No. 544), informing the Senate that on April 13, 1983, the Speaker added Representatives Chun and Graulty as Managers on the part of the House at the conference on Senate Bill No. 241, S.D. 1, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 545), informing the Senate that on April 13, 1983, the Speaker added Representative Kiyabu as Co-Chairman together with Representative Stanley and added Representatives Graulty, Kawakami and Anderson as Managers on the part of the House at the conference on Senate Bill No. 1092, S.D. 1, H.D. 2, was placed on file.

A communication from the House (Hse. Com. No. 546), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 115, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Albano and Kawakami,

Co-Chairman, Chun, Grauly, Hayes, Tam, Yoshimura and Anderson as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 547), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 133, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Okamura, Chairman, Kiyabu-Saballa, Matsuura, Souki and Isbell as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 548), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 324, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Takamine and Kiyabu, Co-Chairman, Kawakami, Nakata, Say, Souki and Isbell as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 549), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 370, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Takamine and Kiyabu, Co-Chairman, Crozier, Kawakami, Matsuura, Nakata and Anderson as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 550), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 555, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Shito, Chairman, Hirono, Kim, Levin, Matsuura and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 551), informing the Senate that pursuant to the dis-

agreement of the Senate to the amendments proposed by the House to Senate Bill No. 742, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Shito and Taniguchi, Co-Chairman, Hayes, Kim, Nakasato and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 552), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 903, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 11, 1983, the Speaker appointed Representatives Say and Kiyabu, Co-Chairman, Kawakami, Kiyabu-Saballa, Matsuura, Menor, Morgado, Okamura, Yoshimura and Isbell as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 553), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 993, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Takamine and Andrews, Co-Chairman, Hashimoto, Hee, Morgado and Isbell as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 554), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1008, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Say and Andrews, Co-Chairman, Hagino, Kawakami, Kiyabu-Saballa, Souki and Isbell as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 555), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1050, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Hashimoto, Chairman,

Leong, Morgado, Okamura and Jones as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 556), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1082, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Say and Andrews, Co-Chairman, Bunda, Kawakami, Kiyabu, Matsuura, Morgado and Anderson as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 557), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1062, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Say and Kiyabu, Co-Chairman, Bunda, Hashimoto, Kawakami, Menor and Dang as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 558), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1075, S.D. 1, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Shito, Chairman, Crozier, Kim, Lardizabal, Levin, Matsuura and Ikeda as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 559), informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1122, S.D. 2, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Hashimoto, Chairman, Apo, Kawakami, Kiyabu, Yoshimura and Jones as Managers on the part of the House for the consideration of said amendments, was placed on file.

A communication from the House (Hse. Com. No. 560), informing the Senate that pursuant to the dis-

agreement of the Senate to the amendments proposed by the House to Senate Bill No. 1254, and the request for a conference on the subject matter of said amendments, on April 13, 1983, the Speaker appointed Representatives Hagino, Chairman, Apo, Kiyabu-Saballa, Menor, Okamura and Dang as Managers on the part of the House for the consideration of said amendments, was placed on file.

#### STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 879) informing the Senate that Standing Committee Report Nos. 880 and 896 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.

At 11:50 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.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 880) recommending that House Bill No. 431, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, seconded by Senator Chang and carried, the report of the Committee was adopted and H.B. No. 431, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 18, 1983.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 881) recommending that Senate Resolution No. 8, as amended in S.D. 1, be adopted.

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and S.R. No. 8, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING STATE AND COUNTY AGENCIES ISSUING PUBLIC CONTRACTS TO INFORM CONTRACTORS OF THE LAWS ALLOWING THE SUBSTITUTION OF

RETAINAGE WITH GENERAL OBLIGATION BONDS," was adopted.

Senator Kawasaki, for the Committee on Government Operations and County Relations, presented a report (Stand. Com. Rep. No. 882) recommending that Senate Concurrent Resolution No. 18, as amended in S.D. 1, be adopted.

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, the report of the Committee was adopted and S.C.R. No. 18, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STATE AND COUNTY AGENCIES ISSUING PUBLIC CONTRACTS TO INFORM CONTRACTORS OF THE LAWS ALLOWING THE SUBSTITUTION OF RETAINAGE WITH GENERAL OBLIGATION BONDS," was adopted.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 883) recommending that Senate Concurrent Resolution No. 92 be adopted.

At this time, Senator Kawasaki rose and stated:

"I have a few questions to ask the chairman of the subject matter committee regarding S.C.R. No. 92...."

Senator Soares then rose and stated:

"Point of order, Mr. President, I think if you are going to talk about S.C.R. No. 92, then you should also include in your discussion S.R. No. 110. It is the companion resolution listed under Standing Committee Report No. 895 on page 5 of the Order of the Day."

Senator Toguchi then rose and stated:

"Mr. President, could we defer this matter one day because we only have the committee report. We don't have the resolution as it just hit the floor this morning. Is it possible to defer this to the end of the calendar?"

By unanimous consent, action on Stand. Com. Rep. No. 883 and S.C.R. No. 92 was deferred to the end of the calendar.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 884) recommending that Senate Resolution No. 93 be adopted.

On motion by Senator Holt, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.R. No. 93, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE BOARD OF REGENTS TO SUBMIT A COMPREHENSIVE REPORT ON ITS CURRENT STUDENT REGISTRATION SYSTEM, CLASS REGISTRATION, AND COURSE SCHEDULING SYSTEM INCLUDING AN ASSESSMENT OF ANY DEFICIENCIES, AND RECOMMENDATIONS FOR IMPROVEMENT," was adopted.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 885) recommending that Senate Resolution No. 31 be adopted.

On motion by Senator Holt, seconded by Senator Uwaine and carried, the report of the Committee was adopted and S.R. No. 31, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A STUDY ON THE ADMINISTRATIVE, PHYSICAL, AND EDUCATIONAL INTEGRATION EXPERIENCE OF THE UNIVERSITY OF HAWAII AT HILO SINCE ITS INCEPTION IN JULY, 1970," was adopted.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 886) recommending that the Senate advise and consent to the nominations of Daniel M. Ishii and Gladys Ainoa Brandt, to the Board of Regents, University of Hawaii, in accordance with Governor's Message No. 239.

By unanimous consent, action on Stand. Com. Rep. No. 886 and Gov. Msg. No. 239 was deferred until Friday, April 15, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 887) recommending that the Senate advise and consent to the nomination of Dennis G. Aguiar, to the Civil Service Commission, in accordance with Governor's Message No. 197.

By unanimous consent, action on Stand. Com. Rep. No. 887 and Gov. Msg. No. 197 was deferred until Friday, April 15, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 888) recommending that the Senate advise and consent to the nominations of Tom

Foye, Joseph Jay Furfaro and William Y. Yamada, William F. Murray, Ed.D., Betty S.J. Chung and Rowena L. Blaisdell, to the Advisory Commission on Manpower and Full Employment, in accordance with Gov. Msg. No. 198.

By unanimous consent, action on Stand. Com. Rep. No. 888 and Gov. Msg. No. 198 was deferred until Friday, April 15, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 889) recommending that the Senate advise and consent to the nominations of Sally Ann Price, Richard Y. Suehiro and Bobby G. Smith, to the Board of Vocational Rehabilitation, in accordance with Governor's Message No. 200.

By unanimous consent, action on Stand. Com. Rep. No. 889 and Gov. Msg. No. 200 was deferred until Friday, April 15, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 890) recommending that the Senate advise and consent to the nomination of Joshua C. Aagsalud as Director of Labor and Industrial Relations, in accordance with Governor's Message No. 241.

By unanimous consent, action on Stand. Com. Rep. No. 890 and Gov. Msg. No. 241 was deferred until Friday, April 15, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 891) recommending that the Senate advise and consent to the nomination of Franklin Y.K. Sunn as Director of Social Services, in accordance with Governor's Message No. 242.

By unanimous consent, action on Stand. Com. Rep. No. 891 and Gov. Msg. No. 242 was deferred until Friday, April 15, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 892) recommending that the Senate advise and consent to the nomination of Peter T. Suemori, to the Board of Trustees, Employees' Retirement System, in accordance with Governor's Message No. 243.

By unanimous consent, action on Stand. Com. Rep. No. 892 and Gov. Msg. No. 243 was deferred until

Friday, April 15, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 893) recommending that the Senate advise and consent to the nominations of Justin Wong and J.N. Musto, to the Board of Trustees, Hawaii Public Employees Health Fund, in accordance to Governor's Message No. 244.

By unanimous consent, action on Stand. Com. Rep. No. 893 and Gov. Msg. No. 244 was deferred until Friday, April 15, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 894) recommending that the Senate advise and consent to the nominations of Robert E. Cooling and Valri Lei Kunimoto, to the Board of Trustees for Deferred Compensation Plan, in accordance with Governor's Message No. 268.

By unanimous consent, action on Stand. Com. Rep. No. 894 and Gov. Msg. No. 268 was deferred until Friday, April 15, 1983.

Senator Holt, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 895) recommending that Senate Resolution No. 110 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 895 and S.R. No. 110 was deferred to the end of the calendar.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 896) recommending that the Senate advise and consent to the nomination of Jack K. Suwa as Chairman, Board of Agriculture, in accordance with Governor's Message No. 219.

By unanimous consent, action on Stand. Com. Rep. No. 896 and Gov. Msg. No. 219 was deferred until Friday, April 15, 1983.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

#### ORDER OF THE DAY

MATTERS DEFERRED FROM  
APRIL 13, 1984

FINAL READING

S.B. No. 117, H.D. 1:

Senator Hagino moved that S.B. No. 117, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kuroda.

At this time, Senator Hagino rose and stated:

"Mr. President, I rise to speak in favor of Senate Bill No. 117, H.D. 1. This bill will allow for the calling out of the National Guard into active service for non-emergency situations. It would allow for such activities as helicopter rescue searches, color guards in state celebrations, welcoming of dignitaries, providing instructors and support for the Hawaii Military Academy, participate in Civil Defense disaster exercises, provide helicopter support to airlift generators and support to the Hawaii Volcano Observatory. Over the past ten years the average annual cost for these activities was about \$5,000.

"I would like to read a portion of Standing Committee Report No. 318 which accompanied this bill. 'Your committee finds that it has been a long standing practice to utilize National Guard personnel for special protocol assignments, support of state occasions and special departmental functions. This bill will legitimize this practice by providing statutory authority for utilizing National Guard personnel for these activities.'

"In recommending approval of this measure, it is the intent of your committee that the expanded authority granted to the Governor only be utilized to provide the services currently being performed and not to further expand non-emergency use of the National Guard.'

"I'm sure it will be pointed out that this is only a committee report and does not carry much weight. I am confident that concerns raised over the past two days and cited in the committee report are important expressions of legislative intent. I have often heard legislators quoting from standing committee reports to emphasize their arguments on the meaning of certain statutes.

"There was some concern that this bill would allow the Governor to utilize the National Guard as a strike breaking force. The Governor already has the authority to do this, to prevent forcible obstruction of the execution of the laws, or reasonable apprehension thereof and to protect the health and welfare of the

citizenry.

"This bill allows the National Guard to be called into active service in non-emergency situations for duty and training in addition to drill and instruction. I would like to emphasize that the non-emergency situations are for duty and training. While duty is not defined in this chapter, the word appears throughout this chapter in the context of military duty consistent with the regulations and customs of the armed forces of the United States.

"Mr. President, this matter was deferred for two days to address some of the concerns raised. I spent these two days talking to various members of the community and labor organizations. The consensus was that this bill will not open a Pandora's Box to abuse of the National Guard by any Governor. Thank you."

Senator Carpenter then rose and stated:

"Mr. President, the chairman of the committee was good enough to answer a question which I posed to him earlier today. And that is related to the question of whether or not for non-emergency situations, the Governor would be obliged to render the proclamation through an executive order and the chairman answered that for this particular situation, the executive order would not be required. Am I correct, Mr. Chairman?"

Senator Hagino answered in the affirmative and Senator Carpenter continued:

"Mr. President, I wanted to ask one more question relating to the number of individuals that could be ordered to active duty by this particular situation...whether or not that could be one, two, or several? Would the chairman yield to that question, please?"

The question was posed by the Chair and Senator Hagino replied:

"Yes, Mr. President, there is no limit as to the number of individuals that could be called back. I think the limiting factor would be that under this division or branch there is \$80,000 currently allocated for active military duty payment. A lot of this money is used for other services and currently, it is about \$7,000 that is used annually to fund such activities and I find it hard to find any justi-

fiction that this could be used entirely for such situations."

Senator Carpenter then replied:

"Thank you, Mr. Chairman. Mr. President, I must speak against this bill.

"Mr. President, it seems somewhat incongruous that under the present process, the Chief Executive would have to issue an executive order to carry out the activation of a portion of the National Guard which is not already in active service to come forth and render an emergency kind of service, (which is the present process,) and for a non-emergency, then, not to be required to come forth with a proclamation or executive order. That on its face, seems to be incongruous.

"Mr. President, I'd like to point out also that the bill basically has no time limit; that is to say, that the Governor, or a representative of the Governor, can call away an individual or perhaps several individuals for an indeterminate period of time. A possibility exists, I think, in the broad language existing here that individuals could possibly be allowed to finish out time in active service which would allow them, on a preferential basis, perhaps, to gain retirement benefits and could possibly be used as a political award system. I recognize that it certainly is not intended to do this, but I believe it could possibly be used for this purpose.

"Mr. President, I think the language is so broad and more to the point, the executive order is a very special device of the Governor. In light of the fact that it would not be required for a non-emergency type service activation as contrasted to being required for emergency service activation. I believe that the bill on its face is defective in that the language already existing in Section 121-30 allows the Governor to carry out all of the functions enumerated by the chairman of this committee and that would be for ceremonial purposes, as well. The language in the existing chapter already allows for the situation that is requested here to be accommodated. Thank you."

Senator Abercrombie then rose and queried:

"Mr. President, perhaps the chairman would be willing to answer a question?"

The question was posed and Senator

Hagino having answered in the negative, Senator Abercrombie continued:

"I don't blame the chairman after the answers that have been given to this point, and I will leave it to the chairman to deal with these issues. I will point out that this is a public body. The chairman has made his statement and he is now saying that he will not answer a question. Perhaps it is because he cannot answer the questions. And this is how we conduct business in the State Senate. We have to come down on the floor and ask the obvious questions that should have been handled and could have been handled by a little bit of inquiry ahead of time. And now, we are denied this exchange because the chairman is unwilling to answer a question.

"Whether he is able to answer the question will have to be decided by those who witness these circumstances and read the record. I think it is a sad day when we are in a position where there is a bill with such obvious defects. I can see what's coming and I think it's important that everybody understands what's going to happen is that a lousy bill, one that has implications, serious implications in terms of civil liberties, in terms of the rights of people, that are only too well exemplified in the removal of Mr. Walesa, for example, for a little questioning! Now, that wouldn't possibly happen in the State of Hawaii. Of course not! We all know one another; we'll never have a Governor who might want to take advantage of that, will we?

"You don't write laws this way, and everybody on this floor knows it! You don't put into the statutes those things that are dependent on personalities! When you put something into statute, you open the door for anyone and everyone who is able to establish their authority, their lawful authority, to do things. I submit to you, Mr. President, in speaking against this bill that under normal circumstances, this bill would never be on the floor! If this is just a question of seeing whether you have votes, well, it's already been established that you have votes. And if that's how we're going to pass legislation, simply whether the votes are there, then what are we going to produce as a product for this session?

"Let me just cite another example. The chairman could have answered a question as to whether or not if there is a discovery that there are chicken fights going on on the island,

whether or not the National Guard will be called out to patrol these areas. Can people in the National Guard expect to be called out every Saturday and Sunday now? There are some people in authority in this state at this time who would be perfectly happy to do exactly that.

"There have been court cases, have there not, Mr. President, of recent vintage in which at least one executive authority in this state, to wit the Prosecutor of the City and County of Honolulu, has decided that a route available through the courts should be one thing and the courts have decided another with respect to whether or not these areas where chicken fights take place can be patrolled, raided, invaded, whatever phrase you want to use.

"Now, I can read the English language, and even if the chairman is unwilling to discuss it, the English language or anything else, it is nonetheless his recommendation and his bill that is before us. And it states certain things. It says certain things quite specifically. It says that there need not be any kind of emergency. The previous speaker pointed out that if you have an emergency, you need a proclamation. Here, we're saying you don't have an emergency and you don't need a proclamation. You don't need anything!

"Inasmuch as there was no rebuttal, apparently Senator Carpenter's remarks can be used to take care of people; to give them time in service so that they can get their retirement benefit is a possibility. There was no denial. On the contrary, the chairman stated, 'yes' there was no limit to this. It could be one; it could be two; it could be for any reason; it doesn't have to be a good reason. Is there anything in this bill that says we can only do this for good reasons? Who's going to conduct it? Big Bird from Sesame Street? This is not the way you pass legislation!

"The fact of the matter remains that there's been no discussion by the Ways and Means Committee as to whether or not there are going to be ramifications beyond the \$7,000. But, that's before you passed this legislation. The second this legislation passes, you invite, then, the expenditure of a great deal more funds. According to the legislation before us, there's nothing we can do to prevent it. We can say, 'Oh, we can go to the budget,' but if it's legal, and we are saying to the

Governor or his representative that they can do this, how then are we to deny them the funds?

"The chairman says that it is not the intent to do further than what the committee report says, but intent is not what is in the language. You refer to intent only in terms and it must be expressed in the language of this statute, not in the language of the report. The intent in the language of the statute, should it pass, is quite clear. It says that the Governor or a representative of the Governor can do anything he or she pleases with respect to the things that have been outlined already. I find it very interesting that, for example, that the chairman does not consider a volcanic eruption a situation that might constitute an emergency. This is cited as an example of a non-emergency use or rescue.

"The plain fact of the matter is that this bill would never, under other circumstances, have gotten on to the floor. It would have had to have been reworked considerably, and if it passes now, in the absence of a repeal later on when the public might not be looking as closely, it could be utilized by a Governor whose motives may not be as pure as those of the chairman's for purposes other than the intent as exists in this committee report.

"Now, I would submit, and I would welcome any rebuttal that this bill would not stand a prayer of passing if this thing was being conducted on the level. And, for those unnamed unions or other people concerned, as mentioned by the chairman, who seemed to have no problem with it, it may be that it is no problem, we're trying to protect the chairman, but they're certainly not looking out for the membership either of the unions or any other working people in this state.

"Before you go and vote on this bill, please think about it. If you want to discount the fact that I'm talking about it or one of the previous speakers is talking about it, or we've had our difficulties, I hope you will. If you want to put it on a basis of 'well, we're going to pass it anyway,' you can do that too.

"I think in this instance, I can refer back to a bipartisan example. This can go right back to the wire-tapping bill, and I brought into the discussion the views of then Senator Hiram Fong with respect to the



invasion of privacy, with respect to the civil rights of people. People in Hawaii, regardless of party affiliation, regardless of their alliances at the moment, should be acutely aware, more than anyone else about what happens when you violate people's civil rights. When you give a sanction to the government, the only organ in our society capable of exercising organized violence, the power to do things to other people in an unlimited fashion...the whole history of the United States, and most particularly in California and the State of Hawaii with what happened in World War II with the incarceration of people in detention camps...with the civil rights movement responses in the South of the United States, with which the President of this Senate is personally familiar in terms of his participation in it. You see, it happens. It happens in other countries. It happens in other states. It's happened in this state when it was a territory, that legal authority, under cover of law, is able to do terrible things to the civil liberties of the citizens or the residents of that state, region, territory, nation or even region of the world.

"If you want to make this an issue, simply for partisan passage, in terms of the current structure of the Senate, or if you want to think that this discussion was merely a diverting situation, something to occupy the time, among other things, I think, the President knows full well that this is not the case, and that these kinds of questions, these kinds of issues would have been raised in any event. They are not desultory, they are not for that purpose.

"There is a serious piece of legislation here before us in terms of the abrogation of civil liberties, and to pass this bill is to fly in the face of the record of progress in terms of protection of our citizenry that has been the record in this state, regardless of party affiliation since the end of World War II.

"Mr. President, that statement and the contention that I am making is not overdrawn by any means. It is not a question of hyperbole. It is a fundamental question of philosophy of this body with respect to whether we're going to carry on the tradition and in fact to further commend and commit ourselves to that record of civil liberties protection in this state! It doesn't matter one whit that we have hopes that someone won't abuse it. What matters is what was our

intention when we did this and did we manifest that intention in the language of the law, and if those two things cannot be combined adequately, we have no business passing the legislation!

"Over and over again, I've learned in this body that when a doubt exists in that manner, take it back and work on it; come back with what you're sure you can stand with. There's no shame in that. Virtually everybody in this Senate has done this more than once; committed bills back into committee for review and come back afterwards when you're sure that you can stand with it and stand proudly. Not only is there no shame in that, Mr. President, but that shows an attitude of responsibility that no one can question, and, if people want to see this argument then in terms of victory or loss, and all the rest of it, they can do so. I don't view it that way, and I think you know me well enough in that respect.

"It would be a loss, yes, for our civil liberties, and a loss, I think, for the Senate to take it under these kinds of circumstances. But in terms of recommitment of the bill at this state, it would show that we had the good sense to be able to take each other's views into account and say, 'Let's go to work on it and let's see if we can clean it up; let's see if we can clear it up, and come back with something that we can all vote on in good, clear conscience.' Thank you."

The motion was put by the Chair and carried, and Roll Call vote having been requested, S.B. No. 117, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 7 (Abercrombie, Carpenter, Cayetano, Fernandes Salling, Henderson, Kawasaki and A. Kobayashi). Excused, 3 (George, Soares and Toguchi).

At this time, Senator Abercrombie rose and stated:

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

"With respect to the passage of S.B. No. 117, H.D. 1, I regret very much that I am forced to believe that the issue was settled on grounds other than the merits, per se. I wish I could think otherwise, but I

can't, so I'm not going to or pretend otherwise to you.

"I will say this, that the best that I can hope out of this bill is that we don't find ourselves in the same situation as we did with the Thrift Guaranty Corporation, and with some of the other bills that have passed here previously. Majorities, overwhelming majorities passed such legislation in the past and only brought people to grief. And what we have to hope now, here, is that as a result of the action today, at some point in the future the dangers that have been outlined here in the record do not bear fruition in the action of an irresponsible executive authority.

"What we have done, I am afraid, is to open up the door for just such activity should someone like that ever assume the reigns of executive power in this state."

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 Friday, April 15, 1983.

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

Senator Yamasaki moved that S.B. No. 1292, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator B. Kobayashi.

At this time, Senator Abercrombie rose and stated:

"Mr. President, I rise to speak in favor of this settlement.

"Mr. President, my only reservation is that this is so long in coming. The families in this case have suffered far beyond what should be expected of anyone. It is my great regret that at least one of the people involved, who should have shared in this settlement, has passed away and is unable at least to experience the knowledge that her family was vindicated in this settlement.

"The question still remains as to the propriety of the approach of having a member of the Attorney General's staff take the case, if you will, into the civilian area. I think this Legislature should deal with that question. We most certainly should deal with whether or not the approach

in this case was handled competently. I, for one, will not let this case slide under the rug. I think that there is a serious question as to whether competent counsel was received by the state in this case, inasmuch as this settlement, and actually even almost the exact amount could have been made years ago.

"So, I don't think we should delay the remuneration to the degree that that can compensate even remotely for the losses involved, but I do not think, as well, that this settles the case in terms of our responsibility in the Legislature that this kind of representation and this kind of so-called defense of the state does not take place again."

The motion was put by the Chair and carried and S.B. No. 1292, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF SETTLEMENT OF THE HOLO HOLO CASES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Cobb, George, Soares and Toguchi).

#### FINAL READING

Senate Bill No. 492, S.D. 1, H.D. 2:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 492, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 122, S.D. 1, H.D. 2:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 122, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL RECORDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1186, S.D. 1, H.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1186, S.D. 1,

H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS JURISDICTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 179, S.D. 1, H.D. 1:

On motion by Senator Cobb, seconded by Senator Chang and carried, S.B. No. 179, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 176, S.D. 1, H.D. 1:

Senator Cobb moved that S.B. No. 176, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chang.

At this time, Senator Carpenter rose and stated:

"Mr. President, on a point of inquiry to the chairman of the committee relating to Section 4 in Senate Bill 176, S.D. 1, H.D. 1. Section 4 states that this bill is contingent upon the passage of H.B. No. 657. I wonder if the chairman would enlighten us as to the disposition of that bill and how it relates to the impact of this bill?"

The question was posed and Senator Cobb replied:

"Mr. President, 657 is the House bill on the continuation of the Board of Electricians and Plumbers. The latest information I had is that the Board was continued for another six years with no problem."

Senator Carpenter then queried:

"Mr. President, if that is so, then, and this bill passes in this form, then it changes the language relating to full-time experience as contrasted to the original Senate position. Is that the position of the chair?"

Senator Cobb then replied:

"It was not the position of the chair. We had no objection to the matter and the bill on the matter of sunseting the Board of Electricians

and Plumbers involved only the sunset question; a separate bill."

The motion was put by the Chair and carried and S.B. No. 176, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (George).

### THIRD READING

House Bill No. 1380:

On motion by Senator Machida, seconded by Senator Young and carried, H.B. No. 1380, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (George).

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

House Bill No. 237:

Senator Machida moved that H.B. No. 237, having been read throughout, pass Third Reading, seconded by Senator Young.

At this time, Senator Cayetano rose and stated:

"Mr. President, I rise to speak against this bill. Mr. President, as I understand it, and let me quote from the committee report. It says, 'The purpose of this bill is to strengthen the Department of Health's capability to control the potential spread of tuberculosis.

"Presently the Department is hampered in its efforts to obtain medical information and x-rays because it must first be granted authorization by the patients, who are often hard to find, and because relevant information is not always reported by physicians in a timely manner.

"Your Committee finds that in order to increase its ability to evaluate and monitor patients and control the spread of tuberculosis,

the Department must have the authority to obtain all the records and x-rays it needs without delay.'

"Mr. President, I recognize the goal of the Department of Health is attempting to achieve with this bill, however, I think this is just another example of how government chips away at the privacy and civil liberties, if you will, of individuals. Most of us know that problems dealing with tuberculosis are primarily concentrated in the segments of our population which are made up of immigrants. We don't have this kind of bill, for example, to detect herpes, which is a more middle-class disease; we don't have this kind of bill to detect other kinds of diseases which affect the middle-class and people who vote. This bill infringes on the rights of these people because it allows the department to obtain records without the consent of the patient.

"I recognize, having been Health chairman before, that the bill also tries to get doctors to respond promptly to requests for information by the Department of Health; but where that falls, in my opinion, is that it authorizes the Department of Health to do so without obtaining the consent of the individual patients involved. I don't think anyone here, today, would stand for any state bureaucracy to be able to get our medical records without our consent. For that reason, I think that we should give the people who are affected by this bill, and as I say, most of them are immigrants, every consideration that we ourselves expect. If we don't want the State Government infringing on our privacy without permission, we should not let the State Government do this to other segments of the population who may not have the same kind of political power that we do. Thank you."

Senator Machida then rose and stated:

"Mr. President, just a few remarks in rebuttal. I've discussed this concern with the previous speaker and I understand why he is concerned about this particular piece of legislation. However, as all of us know, the problem of controlling tuberculosis has been primarily in the area of immigrants coming to the State of Hawaii, and this has been a big problem for the Department of Health in terms of obtaining records to substantiate if any person has the disease or not. And this bill just expedites this process and hopefully,

with the enactment of this bill, we would be able to control tuberculosis to a better degree. Thank you."

Senator Cayetano then stated:

"Mr. President, just a short rejoinder. The problem with this bill is the statement that is made in the committee report, that the patients are hard to find. Mr. President, if anyone is easy to find, it's an immigrant. He comes to the United States with more rules and regulations that he has to meet; he has to let the Department of Immigration Services know where the hell he is. I don't see why the Department of Health has such a hard time finding these people and asking for consent. That's my problem with this bill."

Senator Fernandes Salling then rose and stated:

"Mr. President, will the chairman of the committee yield to a question?"

Senator Machida replied:

"I'll listen to the question, Mr. President."

Senator Fernandes Salling continued:

"Okay, your bill states that the information will be released of any person suspected by the Department of Health to have tuberculosis. How would you determine when someone is suspected to have tuberculosis?"

Senator Machida then replied:

"Mr. President, I don't know what the actual process is, in terms of how the person is suspected of having the disease. However, the problem lies in the area of these immigrants having this disease upon entry into the State of Hawaii, and this bill just makes it possible for them to determine whether a patient is afflicted by this or not. As to the actual process of how a person is suspected of having this disease, I can't answer that particular question."

By unanimous consent, action on H.B. No. 237, entitled: "A BILL FOR AN ACT RELATING TO THE CONTROL OF TUBERCULOSIS," was deferred until Friday, April 15, 1983.

House Bill No. 240:

By unanimous consent, action on H.B. No. 240, entitled: "A BILL FOR AN ACT RELATING TO THE REQUIRED BLOOD SAMPLES OF

PREGNANT WOMEN," was deferred until Friday, April 15, 1983.

#### ADVISE AND CONSENT

Standing Committee Report No. 876 (Gov. Msg. Nos. 132 and 133):

Senator Holt moved that Stand. Com. Rep. No. 876 be received and placed on file, seconded by Senator Uwaine and carried.

Senator Holt then moved that the Senate advise and consent to the nominations of the following:

Walter R. Steiger, to the Board of Regents, University of Hawaii, term to expire December 31, 1984; and

Stanley Mukai and Stephen Bess, to the Board of Regents, University of Hawaii, terms to expire December 31, 1986,

seconded by Senator Uwaine.

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

Ayes, 24. Noes, none. Excused, 1 (George).

Senator Holt then moved that the Senate advise and consent to the nomination of J.W.A. Buyers, to the Board of Directors, Research Corporation University of Hawaii, term to expire December 31, 1986, seconded by Senator Uwaine.

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

Ayes, 24. Noes, none. Excused, 1 (George).

Standing Committee Report No. 878 (Gov. Msg. Nos. 148, 149, 150, 254 and 269):

Senator Solomon moved that Stand. Com. Rep. No. 878 be received and placed on file, seconded by Senator Toguchi.

Senator Solomon then moved that the Senate advise and consent to the nominations of the following:

Bruce Fujimoto, to the Advisory Council for Children and Youth, term to expire December 31, 1983; and

Vince G. Bagoyo, Jr., to the Advisory Council for Children and Youth, term to expire December 31,

1986,

seconded by Senator Toguchi.

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

Ayes, 24. Noes, none. Excused, 1 (George).

Senator Solomon then moved that the Senate advise and consent to the nomination of Conrad Hokama, to the Advisory Council for Children and Youth, term to expire December 31, 1986, seconded by Senator Toguchi.

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

Ayes, 24. Noes, none. Excused, 1 (George).

Senator Solomon then moved that the Senate advise and consent to the nominations of Isadora Tai and Erasmus Patacsil, to the Progressive Neighborhoods Task Force, terms to expire December 31, 1986, seconded by Senator Toguchi.

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

Ayes, 24. Noes, none. Excused, 1 (George).

Senator Solomon then moved that the Senate advise and consent to the nominations of the following:

Betty Ona, to the Advisory Council for Children and Youth, term to expire December 31, 1984; and

Samuel J. Luna, to the Advisory Council for Children and Youth, term to expire December 31, 1986,

seconded by Senator Toguchi.

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

Ayes, 24. Noes, none. Excused, 1 (George).

Senator Solomon then moved that the Senate advise and consent to the nominations of the following:

Leonard E. Mason and Shizuko Mukaida, to the Policy Advisory Board for Elderly Affairs, terms to expire December 31, 1983;

Colette V. Browne, to the Policy

Advisory Board for Elderly Affairs, term to expire December 31, 1984; and

Samuel S. Luke, Felicidad D. Habon, Tuala Sevaaetasi, Helen Wiegert, Edward T. Yamada, Nora M. Kurosu and Yoshiaki Fujitani, to the Policy Advisory Board for Elderly Affairs, terms to expire December 31, 1986,

seconded by Senator Toguchi.

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

Ayes, 24. Noes, none. Excused, 1 (George).

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o'clock p.m.

MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR

Standing Committee Report No. 893 (S.C.R. No. 92):

Senator Holt moved that Stand. Com. Rep. No. 893 be adopted and that S.C.R. No. 92 be adopted, seconded by Senator Cobb.

At this time, Senator Kawasaki rose and stated:

"Mr. President, at this point, I really don't know whether to vote for this resolution or not. Because of some of the concerns expressed in the resolution and the reasons for them...we have voiced these kinds of concerns for many years. Attending the committee hearings of the Higher Education Committee, I have some questions, first of all, on the cost implications. If the chairman of the Ways and Means Committee would yield to a question -- to which, probably, he alone would have the answer."

The question was posed by the Chair and Senator Yamasaki, having answered in the affirmative, Senator Kawasaki continued:

"This resolution requests that the study be conducted by the Legislative Auditor's office. What is the allocation that we have for the Auditor's office for such studies as mandated by both houses of the Legislature?"

Senator Yamasaki replied:

"Under Act I, we have \$150,000."

Senator Kawasaki then queried:

"\$150,000. Do we know how many studies are anticipated to be conducted by the Legislative Auditor's office with this kind of funding that we have provided in the Legislative expenses bill?"

Senator Yamasaki then replied:

"I believe that there is one workmen's compensation study that has been requested and this would then be the second one."

Senator Kawasaki then stated:

"I see. I think that there's another resolution requesting a study of the program of the pilots' association organization, as I recall."

Senator Yamasaki then replied:

"Yes, all of these studies would have to be upon the joint request of the President of the Senate and the Speaker of the House. They will be in charge of how the spending of the \$150,000 would be made."

Senator Kawasaki then stated:

"Fine, thank you very much. Mr. President, I notice in the 'whereas' clauses, it says, and let me read this: 'Whereas State funding for the Hawaii Program of the Western Interstate Commission on Higher Education has increased from \$30,000 for the 1959-61 biennium to a requested amount of \$2,326,709 for the 1983-85 biennium....' It appears to me, perhaps, we could require that a portion of this huge amount of \$2,236,000 be used to conduct this study instead of our tapping the Legislative Auditor's fund of the limited amount of \$150,000 with other studies anticipated for it.

"Further, let me read the 'Be it further resolved' clause, and I quote: 'BE IT FURTHER RESOLVED that the study and review include, but not be limited to, such areas as the past, present and future contribution of the Hawaii Program of the Western Interstate Commission on Higher Education to the state's higher education program, a comparative analysis of how the WICHE program is funded by each member state, an assessment of the criteria used by the Hawaii WICHE program for WICHE student certification, including priority consideration based on financial need, an assessment of the employment oppor-

tunities in Hawaii for WICHE students whose support fees to other WICHE receiver schools are funded by the State, and the impact and feasibility of implementing a repayment program for Hawaii WICHE students participating in the Professional Student Exchange Program and supported by support fees paid by the State to WICHE receiver schools;' and so forth.

"It just seems to me, perhaps, with the huge amounts of money we've been allocating to the WICHE program and to the administrators for the administration of the program, perhaps this kind of information is already on hand. Certainly some formula as to how these judgments are made should already be in existence and I just wonder whether we need to utilize the Legislative Auditor's staff to do this kind of study. I would assume that we could mandate a report by the WICHE program administrators to report back to us, addressing these concerns outlined in this resolution. And, perhaps, this is the way to go, rather than to have the Legislative Auditor be commissioned to do this study at a cost that's chargeable to the legislative expenses bill.

"So, I just wondered whether...and I noticed that there were four 'with reservations' signatures by the signatories to this...I just wondered whether we should not reassess the intent of this resolution asking the Auditor's office to do this. I think this kind of information could be mandated, or rather demanded of the administrators of the WICHE program and that we may not have to go to the cost implications intended here."

Senator Carpenter then rose and stated:

"Mr. President, just briefly, supporting the recommendation made by the previous speaker, and more in line with the fact that as indicated by the Ways and Means Committee chairman, the Legislative Auditor has \$150,000 to carry out a number of studies. I think we recently heard that the worker's compensation study alone would probably exceed \$100,000 and that doesn't leave too much, then, for other kinds of important studies. Thank you."

Senator Cobb then stated:

"Mr. President, speaking in favor of the resolution, the \$100,000 mentioned for the worker's compensation study was a ceiling, not a

minimum or floor that was discussed. Also, the fact that the study will be bifurcated; the preliminary report due prior to the 1984 session and the final report due prior to the 1985 session, so there will obviously be some supplemental funding in the 1984 legislative expenses bill to address precisely that point.

"Turning to the question of the resolution, Mr. President, having the WICHE Commission conduct a study on whether or not we would want to continue the WICHE program would hardly be an objective or impartial source to conduct such a study, and I think the Auditor or some other independent agency would better serve the job."

Senator Abercrombie then rose and stated:

"Mr. President, before I can say I'm one of those persons who signed 'W/R', and before I can say whether I would say I would speak for or against it, I would like to have a couple of questions answered by the chairman of the Higher Education Committee. If I may just address the questions to him?"

The question was posed and Senator Holt having answered in the affirmative, Senator Abercrombie continued:

"Thank you. My concern here, Mr. President is well known. I favor the loan program. I have in the past and I think, that is to say, I favor this program, the WICHE program, in terms of being a loan program that has been the stance of the Senate, I believe, this year. So this particular question to the chairman is, what is the effect on the Senate position of requiring this program to become a loan program if these resolutions pass; and is it still the position of the Senate that this program should become a loan program in this biennium budget?"

Senator Holt replied:

"Mr. President, the Senate position has not changed. It is our understanding, though, that the Senate bill which we passed out of the Senate over to the House for all intents and purposes is dead for this session. We propose this resolution, primarily because we feel that an in-depth study is necessary at this time. The bill we have in the House will carry over for next session, and at that time, we will look at the report by the Auditor and determine where to go from there."

Senator Abercrombie then rose and stated:

"Mr. President, if my understanding of the chairman's answer is correct, then, that for all intents and purposes, for this program to exist in the budget this year...may I reverse myself, please...and rather than ask the chairman of the Higher Education Committee, I would like to ask the chairman of the Ways and Means Committee a question as follows: Given the answer of the Higher Education chairman with respect to the bill that went from the Senate, is it still possible in the budget conference to sustain the position as enunciated by the chairman that this should be a loan program in the budget document to be determined in the conference?"

The question was posed and Senator Yamasaki replied:

"Yes, the budget contains an appropriation for WICHE. However, the loan portion is a separate matter and I guess that if the loan bill is passed, then this will be another consideration on the students who are in the WICHE program. But, however, the budget itself contains appropriations for the WICHE students."

Senator Abercrombie then queried:

"So, it would not be possible to try to require...what will be the legal import if a proviso was attached to the appropriation requiring it to be a loan?"

Senator Yamasaki then replied:

"If the proviso...."

Senator Abercrombie interjected:

"Excuse me, before the Senator answers, and I appreciate his willingness to do so, the reason I ask that question is that the previous speaker indicated that as far as he was concerned, it is still the Senate position to make it a loan program. That's why I'm asking the question. Is it possible to look at the appropriation as it exists now in the budget and attempt to make a suggestion to the House that approval of that be associated with the proviso that it be made a loan program?"

Senator Yamasaki then responded:

"The position that we have taken all along in proviso's is that a statutory change cannot be made with a proviso,

and therefore, in order to have a loan program instituted for the WICHE program we will need a statutory change, and the bill that's over in the House is for the purpose of making that change. If the bill doesn't go through, we cannot by proviso, change the law."

Senator Abercrombie then stated:

"Then I am afraid that I will have to direct my question to the Judiciary chairman. With respect to the law that the chairman just referred to, isn't the law silent in respect to a loan? My understanding of the law is that it doesn't make a comment one way or the other, so I'm not sure there has to be a statutory change."

At 12:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock p.m.

At this time, Senator Abercrombie rose and stated:

"Mr. President, as you no doubt noted from the podium, there has been a somewhat vigorous discussion taking place. I won't withdraw my question to the Judiciary chairman, so much as note that the question was asked, and make it a rhetorical question as part of my remarks and speak in favor then, of its passage.

"My reasons are as follows. I do have my reservations as to whether or not the Auditor should do it. It's not that I doubt the Auditor could do it, but I believe that the committee has ample resources, itself, to be able to do it. However, in deference to the fact that there is a substantial difference between the House and the Senate as to what to do with the program, both parties, I think, recognizing that to leave it as it is is unconscionable, actually, in one respect, and intolerable, from the budget point of view. To let it just ramble on would invite further expansion with no opportunity for other students in the state who might suffer under budget cuts and suffer possible tuition increases and all the rest of it, to have any surcease from that problem.

"It does bother me that the last part about feasibility in implementing a repayment program...at least, implies that there is some question as to whether that should be done at all. There may be some question on the part of the beneficiaries of this as to



whether they should do it. I assume that if somebody wanted to make sure that I was able to have, what in effect was a scholarship to be paid to a university on my behalf, which at the same time would guarantee my entrance into that university program, I too, would want to take everything I could get out of it, and be happy for it. I would hope that I would have sufficient character to feel that having had such an advantage, not only to what in effect is a scholarship, at the present time, not based on need, but also the guarantee of a place in a highly competitive graduate program, which is in certain respects almost more important than the first. It may be possible to scramble for funds in some fashion, but if you are not guaranteed a position in the school, in the first place, no matter how much money you have would do you no good. It's something like being very wealthy and not having good health. If you do not have good health and the money cannot buy the good health, what good is it to you?

"Well, in this instance, and this I think is not generally recognized by the public at large in some of the propaganda that's come out from some of the recipients, is that being placed in this program guarantees you a place in the graduate school. And those of us who have attended graduate school or have children or relatives who are desirous of attending graduate school know how difficult that process is and know what an occasion it is when one knows one's accepted. Therefore, it's vital to me and, I'm assured by the chairman that he will address this in his remarks in favor of the bill. It is vital to my support that it be clearly understood by the Auditor or whoever else is going to be involved in this study that we are not here in the process of inquiring as if this was virgin territory as to whether or not this program should continue. We all think it should continue, but that the basis for it at some point, and it has to be, I think, virtually immediately, perhaps as early as the next certification process.

"It has to be put on a pay-back basis. Otherwise, we will find the anomaly, especially over the next few years, if my understanding of the projections of a deficit are concerned, we will find ourselves in two years treating a certain class of people ...that is to say, those people who are able to get certified in WICHE ...in one way, in a way which is particularly, extraordinarily beneficial

to them, financially, and at the same time discriminating against the overwhelming majority of students in the state who must suffer the cost of living problems and all the rest of the things associated with getting their education, including paying back loans, including getting loans and financial aids where they will be required to pay back, upon, probably in some instances, if many things go through that I see in the offing now, graduation or being chased by one government body or another in order to see to it that they repay! And the reason for that is that these financial aids, and many of these loan funds need to be replenished in order to continue to give loans to those coming afterwards.

"It continues to be a source of no end of irritation to me that even after all the publicity surrounding this subject of WICHE and these guaranteed slots in professional schools with fees being paid to those schools by the taxpayers of this state that still, not a single student...not a single beneficiary of this program has come forward to say, 'Yes, I recognize the stupendous advantage that I'm getting and I'd like to, in some fashion, not just repay the state, but enable others to enjoy the same privilege that I had!' One would think that the people would be so happy to have this opportunity that their first thought after that sense of joy that they've been accepted would be, 'I hope that others can have the same opportunity I had.' Thank you."

Senator Holt then rose and stated:

"Mr. President, I rise to speak in favor of the resolution and to respond to some of the comments made earlier.

"I believe this is a good resolution. The Senate has not backed down to the House in any way. However, in view of the status of our bill in the House, this is the approach that we have to take right now.

"In response to Senator Kawasaki's comments about the subject matter committee having the resources available, or if some other agency's resource is available to conduct this study, it is the committee's intent to get as accurate a report from the Commission as possible and to come up with the kind of information that we want to have next year to make a thorough review of this program. We need to be provided with a lot of details.

"I think I'd like to inform Senator

Kawasaki, and I think, Senator Abercrombie, that it is our intent to do it most cost-efficiently. However, during the past few months, when we have been reviewing this WICHE program, your committee has experienced some difficulty in being provided information from the WICHE Commission and from the certifying people responsible, and without this information, it is very difficult for us to proceed. As such, we have taken this position that we'll have an independent body conduct the study.

"Just recently in the Wall Street Journal, Tuesday, April 12th, there is a nice article on WICHE. The title reads: 'Education Agreement in West Lets Colleges Specialize, Excel,' and you can read on, and I can provide all of you with a copy of this. It goes on and on talking about how great the program is and then, finally you read, 'Montana also extracts a promise from the veterinary students whose support is out of state, [that] upon graduation, the young animal doctors pledge to return home and practice for at least two years. Wyoming gets a five-year commitment from its subsidized veterinary students. Other state ask subsidized students to pay back some or all of the tuition aid.'

"This is the information we asked for and we did not receive. I had to read it in the Wall Street Journal! That is the reason why we are requesting the Legislative Auditor to do this study, and that is why I'm asking you for your support on this resolution. Thank you."

Senator Cayetano then rose and stated:

"Mr. President, I was going to support this resolution. The previous speaker just gave me good reason not to support it.

"Mr. President, the work called for in the 'BE IT RESOLVED' clause of this resolution is not beyond the resources of any subject matter committee of this body. I mean, some of the stuff we have done before, based on my past experience. For example, it says, 'BE IT FURTHER RESOLVED that the study and review include, but not be limited to, such areas as the past, present and future contribution of the Hawaii Program of the Western Interstate Commission on Higher Education to the state's higher education program, a comparative analysis of how the WICHE program is funded by each member state.' We've done that. The previous Higher

Education Committee has done that. They did it in '79 and in '80 and I think even after that, it was done. 'An assessment of the criteria used by the Hawaii WICHE student certification.' Now, that doesn't seem to be very difficult to get; and if the WICHE Commission doesn't want to give us the information, what makes you think the Legislative Auditor is going to have any more easier a time in getting the same information? It seems to me that if they don't want to give us the information, we shouldn't give them the money. It's as simple as that. We have the power of the purse and we should use it. If we don't know how to use the power of the purse then maybe we shouldn't be here.

"Take, for another example, 'An assessment of the employment opportunities in Hawaii for WICHE students whose support fees to other WICHE receiver schools are funded by the State.' I thought this was done. It was done in '79 and '80. The information is still available. It's a question of motivation, it seems to me. If the committee wants to do work in the interim, this is a good project.

"Mr. President, the Special Committee to investigate the heptachlor problem did the work in ten months and I believe it cost us \$15,000 in terms of staff. We worked day and night and we did the work, and I think it's a work of very high standard. This task in the 'BE IT RESOLVED' clause is really not much compared to that. I'm sure the Chair would grant the Senator a staff to do this work and the end result would be a work produce which would probably cost less than giving it to the Auditor's office."

Senator Holt then responded:

"Mr. President, I don't know if it's appropriate at this time, but if the Auditor can do the report for the same amount of money that the heptachlor study was done, I'd be happy with the results."

Senator Uwaine then rose and stated:

"Mr. President, I rise to speak in favor of this resolution. Just a few brief remarks in favor of the resolution concerning the fact that the Auditors will be doing this report.

"Mr. President, I have complete confidence in the staff of Senator Holt, as far as the Higher Education

Committee doing a very thorough and good job as far as investigating whether or not there should be a loan program.

"However, certain things are beyond the committee's control, and one of these is the attitude and cooperation of the House. And, as one of the previous speakers knows, a lot of times it's not so much the quality of the work, but the fact that there is this rivalry between the House and the Senate, between the subject matter committees, that there is this communication breakdown.

"So, I think having an independent body, such as the Auditors, to do this study brings some credibility back as far as the work that is the final product. And, I think in that light, the House will look at this Auditor's report and basically follow the recommendations set forth. Thank you."

Senator Kawasaki then rose and stated:

"Mr. President, perhaps there needs to be some clarification of my suggestion or my inquiries posed earlier. I did not ask that the subject matter committee look into this, although this is a possibility, and I think it can be done. But, I had suggested that these types of information that we're requesting in the Legislative Auditor's study be furnished to us by the staff, the administrators of this WICHE program; that is to say, the University of Hawaii. And, it just seems to me as a suggestion to the chairman of the Higher Education Committee, if the information requested by your committee regarding the WICHE program as specified in the resolution is not forthcoming, if I were the Higher Education chairman, I'd just call the Chairman of the Board of Regents or the President of the University of Hawaii and hold him accountable to make sure that the staff people administering this program would provide me with the information. I think it's just that simple.

"So, I still feel that the Legislative Auditor's office is not required to do this study. This is not something really abstruse or esoteric. It could be done, I think, within a reasonable time, with reasonable effort. Perhaps, maybe in fairness to the other point of view that the Auditor's office should do it, may I solicit an answer from the chairman of the Higher Education Committee relative to...did the chairman, perhaps, look into the

possibility of our funding the cost of the Auditors office doing this...the funding to be derived partly from the allocation made to this WICHE program, as I said for the next biennium, some \$2,326,000. Could a portion of that be allocated to the Legislative Auditor's office so we don't have to tap the legislative expenses' \$150,000 to conduct this study? Could a portion of the WICHE funding be allocated...whatever it's going to cost to do this study...to the Auditor's office? Could I have an answer to this question, please."

Senator Holt then responded:

"Mr. President, the funding for the WICHE program still hasn't been decided. We have yet to go into conference. Your suggestion will be taken into consideration."

Senator Kawasaki then continued:

"I know it hasn't been decided yet. As I recall, some \$926,000 is to be allocated in the Senate version of the budget for the WICHE program, if I am not mistaken. Senator Yamasaki could correct me. But, perhaps that's a question worth pursuing and I'd suggest that."

Senator Henderson then rose and expressed his concerns stating:

"Mr. President, I was going to vote for this resolution, but I've have some grave reservations and I wonder if the chairman of the Committee would yield to a question?"

The question was posed and Senator Holt having answered in the affirmative, Senator Henderson continued:

"My understanding was that this was going to be done in-house by the Legislative Auditor. Is that correct?"

Senator Holt replied:

"If the House approves and agrees to the resolution, yes."

Senator Henderson continued:

"This is the senate concurrent resolution?"

Senator Holt replied in the affirmative and Senator Henderson continued:

"Is there not a companion resolution?"

Senator Holt then replied:

"Yes, there is."

Senator Henderson then queried:

"Which one do we have under consideration now?"

The President then interjected:

"We have both under consideration, Senator Henderson, because they both deal with the same subject matter."

Senator Henderson then stated:

"Okay, if only the senate resolution is adopted, what would your response be then?"

Senator Holt then replied:

"I'm not sure what your question is. Do you mean if it's adopted by this body today?"

Senator Henderson then stated:

"Yes. What if we only pass the senate resolution asking the Legislative Auditor to do the study?"

Senator Uwaine then rose and stated:

"Mr. President, may I answer that question?"

The President replied:

"No, Senator Uwaine. I think the answer would be in-house, Senator Henderson. It would be a senate resolution."

Senator Henderson then continued:

"It would be an in-house study by the Legislative Auditor?"

The President then replied:

"Well, we could request it; I'm not sure exactly...."

Senator Henderson then interjected:

"Exactly what is the procedure, Mr. President?"

The President then replied:

"I think the procedure is, when you request a study by the Auditor, it requires the joint approval of the Speaker of the House and the President of the Senate to authorize that particular study. This resolution, which is a senate resolution, deals with the same subject matter as the senate concurrent resolution. If the concurrent resolution passes, then I

think that a formal request by both houses to do the study would be in order."

Senator Henderson then stated:

"Yes, my understanding from the chairman's remarks was that the House was giving us problems with this particular...."

The President then interjected:

"We have a problem with the original bill that makes it a loan. It involves a statutory change."

Senator Henderson then replied:

"If they have a problem with this, what is the alternative plan of the chairman of the committee?"

Senator Holt then stated:

"We still have to work on the WICHE budget in conference and until we find out what the House is going to do with the resolution, the Ways and Means Committee will be looking very carefully at the WICHE budget."

Senator Henderson then continued:

"So, does that mean that there might be a move to withhold the funding of the WICHE funds? Are they going to hold that hostage for this resolution?"

Senator Holt then replied:

"We're not holding anything hostage, Senator Henderson."

Senator Henderson then stated:

"Mr. President, may I ask the chairman another question? Have you asked the President of the University to help you get the information you need for your committee?"

Senator Holt responded in the affirmative and Senator Henderson continued:

"What was his response?"

Senator Holt then replied:

"Some of the information we have requested, the commissioners cannot answer, or cannot provide."

Senator Henderson then queried:

"What, for example, Mr. President, might be the information that was requested?"

Senator Holt responded:

"Specifically, some of the information that I provided earlier in terms of what other states are doing, how they are funding their programs, and so forth."

Senator Henderson then stated:

"Mr. President, has the chairman bothered writing to the other states to ask them what they are doing?"

Senator Holt replied in the negative and Senator Henderson continued:

"Well, Mr. President, I would suggest that before we start spending the taxpayer's money here, that the chairman and his members do their job. I think it's premature for us to pass resolutions without thorough work by the committee first. I'm going to vote 'no.' Thank you."

Senator Abercrombie then rose and stated:

"Mr. President, inasmuch as there has now been at least two mentions of the work of other committees, and I was the chairman of that at one time, I find myself in a very difficult position because the remarks made are true. And some of the answers that are now forthcoming leave me in a bit of a quandry. I think I must request that you defer this matter one day, unless it is the desire to move along at this state because it's very difficult for me to continue my support for this resolution under the present circumstances with the kind of information that now comes on to the floor.

"To do so, in essence, makes some of the work that has been accomplished seem as if it had never been done and it has been done. And the sources of the information are readily available. It creates a dilemma when one wants to support the idea involved here, but at the same time, then, especially with the responses to the questions just asked by the previous speaker, it undermines the process. It is available to us.

"So, perhaps someone else can enlighten me further as to what should be done before we take a vote. I would appreciate that. Otherwise, I'm going to find it very difficult not to withdraw my assent because I feel that it would reflect unfavorably on the work that's already been done and on the work that I know could be done under the circumstances outlined by the two

previous speakers."

At 12:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:55 o'clock p.m.

Senator Abercrombie then rose and stated:

"Mr. President, I'm not entirely sure of the order, relative to who had the microphone at the time. I believe I did at the time of the recess, and I would like to yield to the chairman of the Higher Education Committee."

Senator Holt then rose and stated:

"Thank you, Senator Abercrombie. I think there may be some misunderstanding here on the floor in terms of what is happening right now with this resolution, in reference to the questions asked by Senator Henderson.

"If the senate concurrent resolution is not adopted by the House, then we have the senate resolution to work with and if the Auditor decides at that time, that he does not want to conduct the study on WICHE, then the committee will have to do it. I think that's what we were getting into, and that's the answer that I wanted to share with you."

Senator Kawasaki then rose and stated:

"Mr. President, if the senate resolution passes, then the Auditor, however, will not be able to conduct the study because the Rules here provide that concurrence of both the Speaker of the House and the President of the Senate is required, so the senate resolution passing of itself, will not guarantee or not even enable the Auditor's office to conduct this study.

"Now, might I suggest, perhaps, that if the senate resolution does pass, and if the President of the Senate and the leadership of the Senate so agrees that perhaps an allocation for funding be granted out of the Senate legislative expenses budget. We did this, as you recall, with the Kohala Task Force study. The House did not, for good reasons...not good reasons...bad reasons...did not want to join us in the Senate to conduct the Kohala Task Force study, then I prevailed upon the leadership of the Senate at that time, to allocate \$10,000 primarily to

pay for a CPA to start auditing the Kohala Task Force projects. We did that; we came up with a good report. I think it resulted in the state saving a heck of a lot of money...millions of dollars...so we might go via that route.

"Also, I think, a precedent was set again, when Senator Cayetano conducted his heptachlor study without House concurrence. Many times, as I've always said, progress seems to take place in this body here. Senator Cayetano conducted that heptachlor study purely out of Senate funds. If the leadership sees fit to do that, spend a few thousand dollars to conduct this study, we could also take that route."

Senator Cayetano then stated:

"Mr. President, as you know, it wasn't a few thousand dollars. As we all know, most of that money went to pay for transcripts and it was done with a staff assigned to the Majority Research and also my committee.

"I think, Mr. President, the point that I'm trying to make, is that I really don't see why this information is not available, and I think that we have the tools in terms of the budget to bring on pressure that should make this information available to the committee and the task is, I think comparatively simple in comparison to the other kinds of tasks that we've given to the Auditor's office. Let's not waste the Auditor's time on that and get them to try and reinvent the wheel. That has already been done."

Senator Yamasaki then stated:

"Mr. President, I just wanted to clear a question that was raised by Senator Kawasaki as to whether we could provide some appropriation out of the WICHE program appropriation in the budget. We have a prior ruling from the Attorney General that executive budget funds cannot be used by the Legislative Reference Bureau or the Legislative Auditor to conduct any kind of study."

Senator Uwaine then rose and stated:

"Mr. President, just a point of clarification. There's seems to be some question as far as if the Auditors can do a study if just one House passes a resolution. The answer to the question is, yes, they can. Basically, right now, the way the Auditor conducts studies is that they go by priority; first they con-

sider concurrent resolutions, then resolutions.

"As some of you well know, there are some times when as late as now, on the 54th Day, we pass over concurrent resolutions. The other subject matter committee in the other house doesn't have sufficient time for consideration of a public hearing. It doesn't mean that that body does not favor the passage of that resolution. In that event, both the Speaker and the President, together, with the subject matter committees concurring, and the rest of the body input, can write and direct a letter to the Auditors, asking them to conduct a study based on the passage of just one house's resolution."

Senator Henderson then rose and stated:

"Mr. President, just to clarify the situation. In all cases, it takes the concurrence of the Speaker and the President. Is that not correct?"

The President answered in the affirmative and Senator Henderson concluded his remarks stating:

"Thank you, Mr. President."

The President then stated:

"The Chair would just like to make an overall observation. I wish we can find the money somewhere else, instead of using Senate funds."

Senator Abercrombie then stated:

"Mr. President, I'm sure you would agree that discussion back and forth like this is useful because it does in fact, illuminate the situation and that's the object here, in the end.

"Am I correct then, in my understanding that there is a commitment by this body, if these resolutions pass, that regardless of what the effect would be logistically after they pass, that this body is committed to examining this situation and coming up with a report on it and a recommendation on it clearly articulated, a clear stance taken one way or another, that, will be forthcoming. Would that be a fair assumption?"

The President then responded:

"Senator Abercrombie, if you are addressing that to the Chair, I think we would have to wait until the outcome of the fate of the resolutions and then act accordingly. I do not want to commit the Senate to a fixed

answer at this particular juncture."

Senator Abercrombie then replied:

"Perhaps I haven't stated myself clear enough. My understanding of the chairman of the committee's remarks is that he intends to come forward with a recommendation such as I've outlined regardless of what happens and will take such steps as are necessary to do just that. Is that a fair assessment of the chairman's remarks?"

The President answered in the affirmative and Senator Abercrombie concluded his remarks stating:

"Thank you, Mr. President."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 883 was adopted and S.C.R. No. 92, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A COMPREHENSIVE STUDY OF THE HAWAII PROGRAM OF THE WESTERN INTERSTATE COMMISSION ON HIGHER EDUCATION," was adopted.

Standing Committee Report No. 895 (S.R. No. 110):

On motion by Senator Holt, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 895 was

adopted and S.R. No. 110, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A COMPREHENSIVE STUDY OF THE HAWAII PROGRAM OF THE WESTERN INTERSTATE COMMISSION ON HIGHER EDUCATION," was adopted.

#### RE-REFERRAL OF SENATE RESOLUTIONS

The President made the following re-referral of resolutions that were offered on April 12, 1983:

Senate

Resolution Referred to:

No. 125 Committee on Consumer Protection and Commerce.

No. 126 Committee on Youth and Elderly Affairs.

At 1:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:29 o'clock p.m.

#### ADJOURNMENT

At 1:35 o'clock p.m., on motion by Senator Kuroda, seconded by Senator Henderson and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 15, 1983.