

FIFTY-NINTH DAY

Thursday, April 21, 1983

The Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, convened at 12:15 o'clock p.m., with the President in the Chair.

The Divine Blessing was invoked by the Reverend O.W. Efurd, Pastor of Mililani Baptist Church, after which the Roll was called showing all Senators present.

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

Senator Toguchi then made the following introduction to the members of the Senate:

"Mr. President, it's my pleasure and honor to extend, on behalf of the State Senate, our congratulations and best wishes to the Polynesian Cultural Center on its 20th anniversary celebration.

"Every year, more people visit the center than any other Hawaii attraction. The 42-acre living museum in Laie is not only Hawaii's top visitor attraction but a significant gathering place for all cultural exchanges which include Hawaii, Fiji, Tahiti, Samoa, Tonga, New Zealand, and the Marquesas. The center has provided employment to all ethnic groups and also to the students of the BYU campus.

"We would like to extend congratulations to the Polynesian Cultural Center on their 20th anniversary.

"Mr. President, at this time, I'd like to introduce our visitors: Mr. George Cannon, the vice president, board of directors of the center; Ms. Sharon Ishii, director of sales and marketing; and Mr. Cy Bridges, manager of the center.

"We also have in the audience, Mr. Reg Schwenke, the information officer.

"Before I ask for a short recess, I'd like to add that I am a graduate of BYU Hawaii."

Senators Fernandes Salling and George presented leis to Mr. Cannon and Mr. Bridges and Senator Toguchi presented the Senate Certificate.

At 12:28 o'clock p.m., the Senate

stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 673 to 721) were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 673) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 3, H.D. 1, and the Speaker on April 20, 1983, discharged the 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. 674) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 913, H.D. 1, and the Speaker on April 20, 1983, discharged the 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. 675) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 80, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 676) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 81, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 677) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 752, H.D. 1, was placed on file.

A communication from the House (Hse. Com. No. 678) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made

by the Senate to House Bill No. 765, was placed on file.

A communication from the House (Hse. Com. No. 679) informing the Senate that the House reconsidered its action taken on April 7, 1983 in disagreeing to the amendments made by the Senate to House Bill No. 1568, was placed on file.

A communication from the House (Hse. Com. No. 680), informing the Senate that the amendments proposed by the Senate to House Bill No. 34, H.D. 1, were agreed to by the House; and H.B. No. 34, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 681), informing the Senate that the amendments proposed by the Senate to House Bill No. 69, H.D. 2, were agreed to by the House; and H.B. No. 69, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 682), informing the Senate that the amendments proposed by the Senate to House Bill No. 114, H.D. 2, were agreed to by the House; and H.B. No. 114, H.D. 2, S.D. 2, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 683), informing the Senate that the amendments proposed by the Senate to House Bill No. 239, were agreed to by the House; and H.B. No. 239, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 684), informing the Senate that the amendments proposed by the Senate to House Bill No. 245, were agreed to by the House; and H.B. No. 245, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 685), informing the Senate that the amendments proposed by the Senate to House Bill No. 253, H.D. 1, were agreed to by the House; and H.B. No. 253, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 686), informing the Senate that the amendments proposed by the Senate to House Bill No. 269, were agreed to by the House; and H.B. No. 269, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 687), informing the Senate that the amendments proposed by the Senate to House Bill No. 272, H.D. 1, were agreed to by the House; and H.B. No. 272, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 688), informing the Senate that the amendments proposed by the Senate to House Bill No. 280, were agreed to by the House; and H.B. No. 280, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 689), informing the Senate that the amendments proposed by the Senate to House Bill No. 282, H.D. 1, were agreed to by the House; and H.B. No. 282, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 690), informing the Senate that the amendments proposed by the Senate to House Bill No. 287, H.D. 2, were agreed to by the House; and H.B. No. 287, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 691), informing the Senate that the amendments proposed by the Senate to House Bill No. 289, H.D. 1, were agreed to by the House; and H.B. No. 289, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 692), informing the Senate that the amendments proposed by the Senate to House Bill No. 304, were agreed to by the House; and H.B. No. 304, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 693), informing the Senate that the amendments proposed by the Senate to House Bill No. 311, H.D. 1, were agreed to by the House; and H.B. No. 311, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 694), informing the Senate that the amendments proposed by the Senate to House Bill No. 319, H.D. 1, were agreed to by the House; and H.B. No. 319, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 695), informing the Senate that the amendments proposed by the Senate to House Bill No. 322, H.D. 1, were agreed to by the House; and H.B. No. 322, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 696), informing the Senate that the amendments proposed by the Senate to House Bill No. 325, were agreed to by the House; and H.B. No. 325, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 697), informing the Senate that the amendments proposed by the Senate to House Bill No. 389, H.D. 1, were agreed to by the House; and H.B. No. 389, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 698), informing the Senate that the amendments proposed by the Senate to House Bill No. 497, H.D. 1, were agreed to by the House; and H.B. No. 497, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 699), informing the Senate that the amendments proposed by the Senate to House Bill No. 519, H.D. 1, were agreed to by the House; and H.B. No. 519, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 700), informing the Senate that the amendments proposed by the Senate to House Bill No. 708, H.D. 1, were agreed to by the House; and H.B. No. 708, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 701), informing the Senate that the amendments proposed by the Senate to House Bill No. 710, H.D. 1, were agreed to by the House; and H.B. No. 710, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 702), informing the Senate that the amendments proposed by the Senate to House Bill No. 713, H.D. 1, were agreed to by the House; and H.B. No. 713, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 703), informing the Senate that the amendments proposed by the Senate to House Bill No. 768, H.D. 1, were agreed to by the House; and H.B. No. 768, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 704), informing the Senate that the amendments proposed by the Senate to House Bill No. 810, H.D. 2, were agreed to by the House; and H.B. No. 810, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 705), informing the Senate that the amendments proposed by the Senate to House Bill No. 811, H.D. 1, were agreed to by the House; and H.B. No. 811, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 706), informing the Senate that the amendments proposed by the Senate to House Bill No. 812, H.D. 1, were agreed to by the House; and H.B. No. 812, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 707), informing the Senate that the amendments proposed by the Senate to House Bill No. 813, were agreed to by the House; and H.B. No. 813, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 708), informing the Senate that the amendments proposed by the Senate to House Bill No. 817, H.D. 1, were agreed to by the House; and H.B. No. 817, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 709), informing the Senate that the amendments proposed by the Senate to House Bill No. 866, H.D. 1, were agreed to by the House; and H.B. No. 866, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 710), informing the Senate that the amendments proposed by the Senate to House Bill No. 1028, H.D. 1, were agreed to by the House; and H.B. No. 1028, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 711), informing the Senate that the amendments proposed by the Senate to House Bill No. 1061, H.D. 1, were agreed to by the House; and H.B. No. 1061, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 712), informing the Senate that the amendments proposed by the Senate to House Bill No. 1087, H.D. 2, were agreed to by the House; and H.B. No. 1087, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 713), informing the Senate that the amendments proposed by the Senate to House Bill No. 1088, H.D. 1, were agreed to by the House; and H.B. No. 1088, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 714), informing the Senate that the amendments proposed by the Senate to House Bill No. 1090, were agreed to by the House; and H.B. No. 1090, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 715), informing the Senate that the amendments proposed by the Senate to House Bill No. 1115, H.D. 1, were agreed to by the House; and H.B. No. 1115, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 716), informing the Senate that the amendments proposed by the Senate to House Bill No. 1123, H.D. 2, were agreed to by the House; and H.B. No. 1123, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 717), informing the Senate that the amendments proposed by the Senate to House Bill No. 1231, H.D. 1, were agreed to by the House; and H.B. No. 1231, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 718), informing the Senate that the amendments proposed by the Senate to House Bill No. 1243, H.D. 1, were agreed to by the House; and H.B. No. 1243, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 719), informing the Senate that the amendments proposed by the Senate to House Bill No. 1402, H.D. 2, were agreed to by the House; and H.B. No. 1402, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 720), informing the Senate that the amendments proposed by the Senate to House Bill No. 1583, H.D. 2, were agreed to by the House; and H.B. No. 1583, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

A communication from the House (Hse. Com. No. 721), informing the Senate that the amendments proposed by the Senate to House Bill No. 1602, H.D. 1, were agreed to by the House; and H.B. No. 1602, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 20, 1983, was placed on file.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1007) informing the Senate that Conference Committee Report Nos. 63 to 78, Standing Committee Report Nos. 974 to 1049 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 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

Senators Hagino and Cobb, for the Committee on Agriculture and the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1008) recommending that Senate Concurrent Resolution No. 74 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1008 and S.C..R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE RAMIFICATIONS OF RELOCATING THE WEIGHTS AND MEASURES FUNCTION FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was deferred until Friday, April 22, 1983.

Senators Hagino and Cobb, for the Committee on Agriculture and the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1009) recommending that Senate Resolution No. 95 be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand Com. Rep. No. 1009 and S.R. No. 95, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE RAMIFICATION OF RELOCATING THE WEIGHTS AND MEASURES FUNCTION FROM THE DEPARTMENT OF AGRICULTURE TO

THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was deferred until Friday, April 22, 1983.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1010) recommending that Senate Concurrent Resolution No. 58, as amended in S.D. 1 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1010 and S.C..R. No. 58, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXEMPTION OF HAWAII FROM THE FEDERAL LAW ASSESSING DAIRY FARMERS MONEYS FROM THE GROSS PROCEEDS FOR EACH 100 POUNDS OF MILK MARKETED COMMERCIALY TO OFFSET THE NATIONWIDE MILK SURPLUS," was deferred until Friday, April 22, 1983.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1011) recommending that Senate Resolution No. 73, as amended in S.D. 1 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1011 and S.R. No. 73, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE EXEMPTION OF HAWAII FROM THE FEDERAL LAW ASSESSING DAIRY FARMERS MONEYS FROM THE GROSS PROCEEDS FOR EACH 100 POUNDS OF MILK MARKETED COMMERCIALY TO OFFSET THE NATIONWIDE MILK SURPLUS," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1012) recommending that Senate Concurrent Resolution No. 82 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1012 and 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 deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1013) recommending that Senate Resolution No. 107 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1013 and 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 deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1014) recommending that Senate Concurrent Resolution No. 68 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1014 and S.C.R. No. 68, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES ARMY TO REPORT ON THE PROGRESS OF FIRE HAZARD MANAGEMENT FOR THE POHAKULOLOA TRAINING AREA, ISLAND OF HAWAII," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1015) recommending that Senate Resolution No. 87 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1015 and S.R. No. 87, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES ARMY TO REPORT ON THE PROGRESS OF FIRE HAZARD MANAGEMENT FOR THE POHAKULOLOA TRAINING AREA, ISLAND OF HAWAII," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1016) recommending that Senate Concurrent Resolution No. 71 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1016 and S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A SPECIAL TASK FORCE TO CONDUCT A STUDY EVALUATING THE HISTORIC PRESERVATION PROGRAM," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1017) recommending that Senate Resolution No. 90 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1017 and S. R. No. 90, entitled: "SENATE RESOLUTION REQUESTING THE APPOINTMENT OF A SPECIAL TASK FORCE TO CONDUCT A STUDY EVALUATING THE HISTORIC PRESERVATION PROGRAM," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1018) recommending that Senate Concurrent Resolution No. 93, as amended in S.D. 1 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1018 and S.C.R. No. 93, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONCERNING MAKUA AND KAHANAHAIKI," was deferred until Friday, April 22, 1983.

Senators Chang and Young, for the Committee on Ecology, Environment and Recreation and the Committee on Hawaiian Programs, presented a joint report (Stand. Com. Rep. No. 1019) recommending that Senate Concurrent Resolution No. 56 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1019 and S.C.R. No. 56, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO HISTORIC PRESERVATION AND HAWAIIAN AFFAIRS," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1020) recommending that Senate Resolution No. 85, as amended in S.D. 1 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1020 and S.R. No. 85, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A BLUE RIBBON RISK ASSESSMENT TEAM TO CLINICALLY EVALUATE THE POTENTIAL HEALTH HAZARDS FACING HUMANS, AND INFANTS IN PARTICULAR, AS A RESULT OF RECENT HEPTACHLOR CONTAMINATION," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1021) recommending that Senate Resolution No. 89 be adopted.

By unanimous consent, action on

Stand Com. Rep. No. 1021 and S.R. No. 89, entitled: "SENATE RESOLUTION RELATING TO ESTABLISHING AN INFORMATION OFFICE IN THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1022) recommending that Senate Resolution No. 81 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1022 and S.R. No. 81, entitled: "SENATE RESOLUTION REQUESTING A REPORT ON CORRECTIVE MEASURES FOR DANGEROUS CONDITIONS AT WAIANAE BOAT HARBOR," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1023) recommending that Senate Resolution No. 41, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1023 and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE USE OF HERBICIDES, PESTICIDES, TOXIC SPRAYS, AND SIMILAR CHEMICALS," was deferred until Friday, April 22, 1983.

Senator Chang, for the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1024) recommending that Senate Resolution No. 141 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1024 and S.R. No. 141, entitled: "SENATE RESOLUTION REQUESTING THE CORPS OF ENGINEERS TO CONDUCT A STUDY ON THE NEIGHBOR ISLANDS BEACH EROSION," was deferred until Friday, April 22, 1983.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1025) recommending that Senate Resolution No. 102 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1025 and S.R. No. 102, entitled: "SENATE RESOLUTION RECOGNIZING THE FINANCIAL PLIGHT OF HAWAII'S FARMERS AND REQUESTING LENDING INSTITUTIONS TO IMPLEMENT

MEASURES TO DEFER OR REDUCE THE REPAYMENT AMOUNTS OF LOANS MADE TO CERTAIN FARMERS," was deferred until Friday, April 22, 1983.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1026) recommending that Senate Resolution No. 137 be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand Com. Rep. No. 1026 and S.R. No. 137, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON ECONOMIC DEVELOPMENT TO CONDUCT AN INTERIM STUDY ON SIGNIFICANT STATEWIDE INTEREST AFFECTED BY LAND USE RECLASSIFICATION," was deferred until Friday, April 22, 1983.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1027) recommending that House Concurrent Resolution No. 21 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1027 and H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF STRATEGIC PETROLEUM RESERVES IN HAWAII," was deferred until Friday, April 22, 1983.

Senator Aki, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1028) recommending that Senate Resolution No. 132 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1028 and S.R. No. 132, entitled: "SENATE RESOLUTION REQUESTING A DESIGN STUDY OF AN UNDERWATER CABLE SYSTEM FOR THE ELECTRICAL INTERCONNECTION OF THE ISLANDS OF MAUI AND MOLOKAI," was deferred until Friday, April 22, 1983.

Senator Young, for the Committee on Housing and Urban Development, presented a report (Stand. Com. Rep. No. 1029) recommending that House Concurrent Resolution No. 17 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1029 and H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY URGING THE PRESIDENT AND THE CONGRESS TO AUTHORIZE THE CONTINUED USE OF TAX-EXEMPT REVENUE BONDS AS THE PRIMARY SOURCE OF FUNDING

FOR HAWAII'S HULA MAE MORTGAGE LOAN PROGRAM," was deferred until Friday, April 22, 1983.

Senator Young, for the Committee on Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1030) recommending that Senate Concurrent Resolution No. 79 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1030 and 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 deferred until Friday, April 22, 1983.

Senator Young, for the Committee on Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1031) recommending that Senate Concurrent Resolution No. 108 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1031 and S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONTINUATION OF THE LEGISLATIVE AUDITOR'S INVENTORY OF LANDS IN THE PUBLIC TRUST AND THE POSSIBLE CONFLICTING CLAIMS MADE ON REVENUES DERIVED THEREFROM," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1032) recommending that S.R. No. 125, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1032 and S.R. No. 125, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII SMALL BUSINESS ADVISORY COMMITTEE AND OTHER BUSINESS GROUPS TO IDENTIFY SPECIFIC STATE ADMINISTRATIVE AGENCY RULES AND PROCEDURES WHICH ARE UNREASONABLY COSTLY OR BURDENSOME TO BUSINESS GENERALLY AND SMALL BUSINESS SPECIFICALLY," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1033) recommending that S.C.R. No. 60, as amended in S.D. 1, be adopted.

By unanimous consent, action on

Stand Com. Rep. No. 1033 and S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERIM STUDY COMMITTEE TO UNDERTAKE A REVIEW OF THE HAWAII LAW AND RULES RELATING TO THE PRACTICE OF PSYCHOLOGY AND TO RECOMMEND APPROPRIATE AMENDMENTS," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1034) recommending that Senate Resolution No. 75 be referred to the Committee on Legislative Management.

By unanimous consent, action on Stand Com. Rep. No. 1034 and S.R. No. 75, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERIM STUDY COMMITTEE TO UNDERTAKE A REVIEW OF THE HAWAII LAW AND RULES RELATING TO THE PRACTICE OF PSYCHOLOGY AND TO RECOMMEND APPROPRIATE AMENDMENTS," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1035) recommending that Senate Concurrent Resolution No. 51 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1035 and S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INTERIM STUDY ON DEFAULTS ON AGREEMENTS OF SALE," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1036) recommending that Senate Resolution No. 66 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1036 and S.R. No. 66, entitled: "SENATE RESOLUTION REQUESTING AN INTERIM STUDY ON DEFAULTS ON AGREEMENTS OF SALE," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1037) recommending that Senate Resolution No. 76, as amended in S.D. 1 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1037 and S.R.

No. 76, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DETERMINE HOW PRIVATE MEDICAL INSURANCE MAY BE USED TO PROVIDE LONG-TERM CARE BENEFITS TO HAWAII'S ELDERLY PEOPLE," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1038) recommending that Senate Resolution No. 57, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1038 and S.R. No. 57, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW THE GENERAL SERVICE PRACTICES OF T.V. SYSTEMS INC.," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1039) recommending that Senate Concurrent Resolution No. 45, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1039 and S.C.R. No. 45, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVIEW THE GENERAL SERVICE PRACTICES OF T.V. SYSTEMS INC.," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1040) recommending that Senate Resolution No. 145 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1040 and S.R. No. 145, entitled: "SENATE RESOLUTION REQUESTING COORDINATED EFFORTS IN ENSURING COMPLIANCE OF UNLICENSED CONTRACTORS WITH THE HAWAII REVISED STATUTES," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1041) recommending that Senate Concurrent Resolution No. 115 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1041 and

S.C.R. No. 115, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING COORDINATED EFFORTS IN ENSURING COMPLIANCE OF UNLICENSED CONTRACTORS WITH THE HAWAII REVISED STATUTES," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1042) recommending that Senate Resolution No. 51, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1042 and S.R. No. 51, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STUDY OF A RESIDENTIAL PROPERTY TRANSFER CODE," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1043) recommending that Senate Concurrent Resolution No. 33, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1043 and S.R. No. 33, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STUDY OF A RESIDENTIAL PROPERTY TRANSFER CODE," was deferred until Friday, April 22, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1044) recommending that House Concurrent Resolution No. 91 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1044 and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE NECESSITY AND FEASIBILITY OF A COMPREHENSIVE REVIEW OF THE HAWAII INSURANCE LAWS," was deferred until Friday, April 22, 1983.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1045) recommending that Senate Resolution No. 17, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1045 and S.R. No. 17, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY FOR CONSTRUCTION OF A CONVENTION CENTER," was deferred until Friday,

April 22, 1983.

Senator Kuroda, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1046) recommending that House Concurrent Resolution No. 57 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1046 and H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COMMERCIAL AND CABLE NETWORKS TO INCLUDE HAWAII IN THEIR DAILY NATIONAL WEATHER REPORTS,," was deferred until Friday, April 22, 1983.

Senators Cobb and Mizuguchi, for the Committee on Consumer Protection and Commerce and the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1047) recommending that House Concurrent Resolution No. 172, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1047 and H.C.R. No. 172, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE STUDY BY THE LEGISLATIVE AUDITOR OF ALL CAUSES AND OTHER MATTERS, EVENTS, ORGANIZATIONS, INCLUDING LABOR, EMPLOYERS, GOVERNMENT, MEDICAL CARE AND REHABILITATION AND THE INSURANCE INDUSTRY WHICH MAY AFFECT THE COST OF WORKERS' COMPENSATION IN HAWAII," was deferred until Friday, April 22, 1983.

Senator Solomon, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 1048) recommending that Senate Resolution No. 136 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1048 and S.R. No. 136, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO DETERMINE THE APPROPRIATE STATE AGENCY TO PROVIDE CHILD ABUSE AND NEGLECT PREVENTION SERVICES," was deferred until Friday, April 22, 1983.

Senators Hagino and Chang, for the Committee on Federal Relations and the Committee on Ecology, Environment and Recreation, presented a report (Stand. Com. Rep. No. 1049) recommending that Senate Resolution No. 61 be adopted.

By unanimous consent, action on Stand Com. Rep. No. 1049 and S.R. No. 61, entitled: "SENATE

RESOLUTION REQUESTING THE STATE TO AGGRESSIVELY PUSH FOR AN AGREEMENT WITH THE NAVY WHICH PROVIDES THAT THE STATE BE IMMEDIATELY NOTIFIED OF OCCURRENCES SUCH AS LEAKS OF RADIOACTIVE MATERIAL INTO PEARL HARBOR AND BE PERMITTED TO PERFORM INDEPENDENT MONITORING IMMEDIATELY AFTER SUCH RADIOLOGICAL ACCIDENTS OCCUR, AND ARRANGE TO PERFORM INDEPENDENT MONITORING ON A REGULAR BASIS," was deferred until Friday, April 22, 1983.

ORDER OF THE DAY

MATTERS DEFERRED
FROM APRIL 18, 1983

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 Friday, April 22, 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 Friday, April 22, 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 Friday, April 22, 1983.

THIRD READING

Standing Committee Report No. 917
(H.B. No. 1262, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 917 and H.B. No. 1262, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR CONSTRUCTION OF AN ETHANOL PLANT," was deferred until Friday, April 22, 1983.

FINAL READING

Conference Committee Report No. 1
(H.B. No. 274, H.D. 1, S.D. 1,

C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 1 was adopted and H.B. No. 274, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 6 (H.B. No. 502, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 6 was adopted and H.B. No. 502, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 7 (S.B. No. 236, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 7 was adopted and S.B. No. 236, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMED CONSENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 8 (S.B. No. 191, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 8 was adopted and S.B. No. 191, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 9 (S.B. No. 450, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Soares and carried, Conf. Com. Rep. No. 9 was adopted and S.B. No. 450, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Conference Committee Report No. 10 (H.B. No. 621, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 10 was adopted and H.B. No. 621, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conference Committee Report No. 12 (S.B. No. 55, S.D. 1, H.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 12 be adopted and S.B. No. 55, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Carpenter, in support of the measure, stated:

"Mr. President, I just want to commend the chairman of the committee for very tenaciously pursuing this bill over the last several years. I think he has done a pretty comprehensive job here.

"Recognizing that the bill does not take effect until 1986 ought to give this bill an opportunity, certainly, to be reviewed by some 33,000 corporations that exist in the State of Hawaii and then possibly be subject to amendment prior to fully being implemented. Thank you."

Senator Cobb also spoke for the measure and stated:

"Mr. President, I'd like to thank the Senator from the Big Island for his kind words and reflect his sentiments. As I understand, the Chamber (of Commerce) will be preparing a booklet outlining the changes in this law, as well as conducting a series of seminars, some of which I will be participating in, on the changes and I do expect amendments coming forth within the next three years to address not only the corporate law of Hawaii as it's been streamlined and modified, but also taking up the nonprofit area as well.

"In closing, I'd like to express my thanks also to the Law School of the State of Hawaii at the University, as well as the Bar Association for their valuable help in the preparation of this bill. Thank you."

Senator Abercrombie, also in support of the measure, said:

"Mr. President, speaking in favor of the bill and in doing so comment on the remarks of the previous speaker.

"Mr. President, there have been some journal reports, that is to say in the annals of the daily newspapers, with respect to so-called evaluations made of programs at the University, I might note that the Law School was cited in some of those reports as possibly not being rated sufficiently high to warrant continuation. The previous speaker just indicated the help that came from that area.

"My point, Mr. President, is that that kind of information gathering, the kind of assistance that the previous speaker just mentioned is available at a university precisely because it is a university. You must focus on the universal aspect of the work. In order to have a good university you must have a comprehensive program offering. To start dividing up, sectioning out, making boundaries, if you will, with respect to the University's programs is a dangerous and perilous course to undertake and I commend to the members' attention the previous speaker's remarks as we look at the University budget and we look at University philosophy, if you will, not only with the rest of this session, but in time to come."

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 12 was adopted and S.B. No. 55, S.D. 1, H.D. 1, C.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII BUSINESS CORPORATION ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 255, S.D. 1, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 255, S.D. 1, and S.B. No. 255, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS BROUGHT INTO THE STATE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 362, S.D. 1, and S.B. No. 362, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 418, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 418, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KONA AIRPORT," was deferred until Friday, April 22, 1983.

Senate Bill No. 742, S.D. 2, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 742, S.D. 1, and S.B. No. 742, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE; SALE OF ABANDONED VEHICLES BY TOWING COMPANIES; AND MOTOR VEHICLE REPAIR BUSINESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 756, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 756, and S.B. No. 756, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILM MAKING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 907, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 907, and S.B. No. 907, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 993, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 993, and S.B. No. 993, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1075, S.D. 1, and S.B. No. 1075, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1092, S.D. 1, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1092, and S.B. No. 1092, S.D. 1, H.D. 2, entitled: "A BILL

FOR AN ACT RELATING TO THE ATTORNEY GENERAL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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.

House Bill No. 1117:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1117, entitled: "A BILL FOR AN ACT RELATING TO STATE FAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 684:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 684, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 527, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 527, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Cayetano and Kawasaki).

House Bill No. 914, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 914, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1531, H.D. 1:

By unanimous consent, action on H.B. No. 1531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE," was deferred until Friday, April 22, 1983.

ADVISE AND CONSENT

Standing Committee Report No. 954 (Gov. Msg. No. 281):

Senator Cobb moved that Stand. Com. Rep. No. 954 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

Hoaliku Drake, term to expire December 31, 1985; and

Clarence K. Kamai and Linda K. Rosehill, terms to expire December 31, 1986,

seconded by Senator Soares.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 958 (Gov. Msg. Nos. 184, 185, and 186):

Senator Cobb moved that Stand. Com. Rep. No. 958 be received and placed on file, seconded by Senator Soares and carried.

Senator Cobb then moved that the Senate advise and consent to the nomination of the following:

Cecilia C. Villafuerte, Mary Anne Migan, and Hiroshi Yamashita to the Hawaii Education Council, terms to expire December 31, 1986;

John A. Thompson to the Education Commission of the States, term to expire December 31, 1983;

Betty Hemphill to the Library Advisory Commission, City and County of Honolulu, term to expire December 31, 1983;

Ethelreda R. Kahalewai to the Library Advisory Commission, City and County of Honolulu, term to expire December 31, 1985; and

Roy J. Hutchinson and K. Russell Ho to the Library Advisory Commission, City and County of Honolulu, terms to expire December 31, 1986,

seconded by Senator Soares.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 959 (Gov. Msg. Nos. 109, 182, 110, 111, 183, 112, and 229):

Senator Cobb moved that Stand. Com. Rep. No. 959 be received and placed on file, seconded by Senator Soares and carried.

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

Carl H. Okuyama to the Board of Planning and Economic Development, term to expire December 31, 1984;

Keith K. Crosson to the Board of Planning and Economic Development, term to expire December 31, 1986;

Donald M. Kuyper to the Board of Directors, Aloha Tower Development Corporation, term to expire December 31, 1986

Asahi Okamoto and Frank Goto to the Hawaii Fisheries Coordinating Council, terms to expire December 31, 1986;

Joseph 'Dolly' Makua to the Hawaii Fisheries Coordinating Council, term to expire December 31, 1986;

William W.L. Yuen to the Land Use Commission, term to expire December 31, 1986; and

Susumu Ono as Chairman, Board of Land and Natural Resources, term to expire December 31, 1986,

seconded by Senator Soares.

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

Ayes, 25. Noes, none.

Standing Committee Report No. 960 (Gov. Msg. Nos. 282, 283, 284 and 285):

Senator Cobb moved that Stand. Com. Rep. No. 960 be received and

placed on file, seconded by Senator Soares and carried.

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

Margaret P. Josiah, Peter Cabral, and James D. Williams to the Windward Oahu Subarea Health Planning Council, terms to expire December 31, 1986;

Richard Paul Bettini to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1984;

Glenn Fujihara, D.D.S., to the Waianae Coast Subarea Health Planning Council, term to expire December 31, 1986;

John Domen, Jr. and Melvin Dumancas to the Waianae Coast Subarea Health Planning Council, terms to expire December 31, 1985;

Agnes Jerome Murphy, Setsuo Furuno, Ph.D., and Myron W. Hatch to the State Planning Council on Developmental Disabilities, terms to expire December 31, 1986; and

Robert L. May, M.D., to the Board of Radiologic Technologists, term to expire December 1986,

seconded by Senator Soares.

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

Ayes, 25. Noes, none.

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.

RECONSIDERATION OF ACTION TAKEN

Senator Kawasaki moved that the Senate reconsider its action taken on April 20, 1983 on S.C.R. No. 90, S.D. 1, seconded by Senator Carpenter.

Senator Kawasaki, in support of the reconsideration of action, stated:

"Mr. President, as you know, yesterday by a single motion, we passed unanimously the adoption of about a dozen very important resolutions which have great impact. This happens to be one of them and

I'd like to reconsider action on that.

"I trust that what happened yesterday would not happen again in this body. What had happened, as you recall, was that by a single motion we passed our vote on a number of very important resolutions having impact, as I stated earlier, and there was no particular reason to do this because these resolutions were not those actions that required that we pass or we vote on it one way or the other before the midnight deadline. These are resolutions. We had the time to vote on these even today or tomorrow, for that matter.

"The resolution I'm talking about is Senate Concurrent Resolution 90 and let me just point out some concerns that I have. I'd like to read the second paragraph of the committee report, and this is a resolution that emanated from the Committee on Education, and let me read the second paragraph: 'Your Committee finds that teachers nearing retirement age and wishing to ease into retirement from working full-time are interested in the job sharing program,' that is to say, these teachers are part-time teachers, 'but are currently participating because the reduced salary earnings adversely affect their retirement benefits. Your Committee further finds that a possible solution to this problem would be to allow teachers to contribute an amount to the retirement system based on their full-time salary and to be given a full year's credit toward retirement with their retirement pay to be computed on the basis of their full-time salary.'

"I think the instruction to this effect to the Department of Education to do this study amounts to pressure being brought upon the Department of Education, who perhaps may be desirous of retiring some of these teachers who are not up to standard or perhaps are approaching retirement age, etc. But, I think the way to encourage retirement is to provide for a teacher evaluation system that would encourage some of these teachers who are not quite up to standard to retire because the benefits are quite generous in this state. But to give them full-time service credit which was not earned by these part-time teachers and then give them the opportunity to enjoy retirement benefits on their having served theoretically on a full-time basis, I think, opens the door and sets a bad precedent for other employees who seek this kind of method to liberalize their retirement benefits.

"I think we're setting a bad precedent and believe this resolution should be reconsidered."

At 12:59 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:02 o'clock p.m.

The motion to reconsider the action was put by the Chair on voice vote and the Chair ruled that the motion is carried.

Senator Abercrombie then moved to appeal the ruling of Chair.

Senator Abercrombie then said: "Mr. President, I appeal the ruling of the Chair on the 'ayes' and 'noes' and request that the vote be done by roll call."

The Chair answered: "Senator Abercrombie, the vote has already been taken and the 'ayes' have it."

Senator Abercrombie continued: "Yes, Mr. President, but I'm appealing your decision that the 'ayes' have it."

At 1:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:13 o'clock p.m.

The Chair then remarked: "Members of the Senate, there is a motion to appeal the ruling of the Chair. Those who favor ..."

Senator Uwaine rose on a point of order and said: "Mr. President, appeal of the ruling needs a second."

The Chair continued: "That is correct. I want to explain here where we're at at this particular time. My understanding is, if you vote in favor of the Chair, to sustain the Chair you vote aye. If you do not then you vote no."

Senator Toguchi then seconded the motion to appeal the ruling of Chair.

Senator Kawasaki then interjected: "Mr. President, I think a clarification is needed. To appeal the ruling of the Chair in this particular case is to say that the Chair has decided that there were majority votes to move the motion to reconsider, and that is the only matter that we're voting on right now."

The Chair answered: "The motion

is for an appeal to the ruling of the Chair. The Chair has ruled on a particular vote and it's been questioned by one of the members of the Senate, and if you support the Chair you vote aye, if not you vote no."

The motion to appeal the ruling of the Chair was then put by the Chair and Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Abercrombie and Toguchi). Excused, 2 (Cayetano and Fernandes Salling).

Senator Solomon then moved to recommit S.C.R. No. 90, S.D. 1, to the Committee on Education, seconded by Senator Kawasaki.

Senator Abercrombie rose to speak against the recommittal and said:

"Mr. President, I speak against the recommittal primarily because, first of all, I believe it's a perfectly reasonable resolution and I'd expected that the chair, having brought the resolution out, would defend the resolution. Also, it was indicated that this was something that I wanted. I put the resolution in.

"I presume the chair moved it out because the chair thought the resolution should come out. I never asked anybody to move it out or said what I wanted. I wanted it discussed and if it had sufficient votes, fine and dandy.

"It seems a little incongruous to me that on the one hand you bring a resolution out ostensibly because someone wants it, as opposed to whether it's any good or not, and on the other hand when someone says they don't want it after it's passed, you put it back in. The reasoning seems to me contradictory.

"As far as the substance of the resolution is concerned, if the members want to discuss it as to why it is a perfectly reasonable resolution to move forward to the DOE. Ordinarily, the chair does that. If the chair doesn't care to do it, I suppose that's the chair's privilege as well.

"Nonetheless, the resolution involves a study which is vitally important to dealing with the retirement questions inside the DOE which every member who was paying any attention here knows is very, very important when it comes to affirmative action, extremely important

when it comes to advancing employees in terms of promotion inside the DOE with respect to some of the historical factors that have manifested themselves over the years in the DOE. It does not involve liberalizing benefits, in my judgment, or to the degree that it might be construed that way it's certainly subject to question, which is one of the reasons why we make the study.

"If you recall some of the remarks of the speaker who brought up the question of whether it should be recalled, the people who might be in such a position of job-sharing which this Legislature has encouraged and we have encouraged innovative ways of finding out methods of making job-sharing to work, that they would have to pay from a reduced salary full benefit formula contributions.

"If you examine it, and I don't think probably that many of us have the resolution before us, I don't have the resolution before me, I'm dealing with it from memory ... so I'm saying that the representations of the movant with respect to bringing this resolution back are, I think, unwarranted in terms of his fears about opening doors to liberalizing benefits in a manner not conducive with good practice with respect to retirement in this state.

"One of the ways that we're going to be able to find out what we should do in this area is to have a reasonable study done by the department, or I should say by the Board of Education through the department. Perfectly reasonable, in line with all the elements that we have dealt with by way of resolution and by way of law.

"We have been encouraging job-sharing in this Legislature by passing laws not only to implement it but to increase job-sharing. This is an innovative use of job-sharing which may have a beneficial effect not only for those retiring, but for those who are already in the system.

"As I say, my presumption was that the resolution could stand on that basis and would be defended. I was shocked when the vote went the other way and which is why I appealed the Chair. I'm not sure that that was the intent.

"So I now have a copy of the resolution before me and I commend to the members' attention before they vote and I certainly hope that those of us who signed the committee report

bringing it out might in addition to the remarks that I make have something to say in favor of rejecting the call to bring this concurrent resolution back to us.

"I'll read the purpose again for the members' attention: 'The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a feasibility study regarding allowing retirement benefits for teachers who are job-sharing in the Department of Education and who are nearing retirement.'

"That's a perfectly reasonable thing to inquire into if you in fact are encouraging by law job-sharing and are in the process, as this Legislature has been, of discussing what kind of benefit ratio should accrue to those in job-sharing programs if we want to continue to encourage this process. A perfectly reasonable thing to do, in fact, it would be an enlightening thing to find out about it because it would help to reduce some of the areas of ignorance that we have at the moment as to what the effects are of job-sharing, and what the relationship might be in terms of collective bargaining with job-sharing retirement and benefits in general.

"The committee report then goes on to state perfectly straightforward commendation to the Senate as to why this purpose is fulfilled in the various 'whereas' clauses of the resolution, including, and I want to repeat for the members' benefit because it may not have been clear from previous remarks, 'that your committee further finds that a possible solution to this problem would be to allow teachers to contribute an amount to the retirement system based on their full-time salary.'

"Now that means that someone going into the job-sharing program would have to make a very careful equation as to what they would be contributing even though they would not be earning a full-time salary. That kind of question deserves some attention and we're asking the department to do that. They'd be given a full year's credit toward retirement with their retirement pay to be computed on the basis of their full-time salary.

"Now, what's needed and what's requested in the resolution merely is to see what that ratio may be. It might be that the department would come up with an answer that it is not cost-effective or it would not be a feasible thing to do. By no means in

passing this resolution are you telling the department that's what they should do. What we did when we passed the resolution is ask them to find out whether it's a good idea and leave it up to us to decide. The decision-making body with respect to this is not the Board of Education or the Department of Education but the Legislature.

"Now, this seems to me, again, of the hundreds I suppose by now resolutions that I've voted on in this Legislature in the last nine years, this is as far as I know the most usual manner in which the Legislature, unless it takes unto itself to study either through committee, interim committee, or its Legislative Auditor or Majority Research, this is the most common method by which we seek this information. That's all that's being asked for.

"The alternative if we defeat this is to put this off into limbo somewhere I suppose and then if we have an energetic enough Legislature in some manner or perhaps the board gets interested they might do it on their own. The same question will come up again next year except we won't have the information available to us.

"So, before we vote the thing down, I ask you to consider, was it a reasonable and prudent thing to pass this resolution. I would maintain that it is and it was a reasonable and prudent thing to pass this resolution and the information to be gleaned from it will be valuable to this Legislature, to any committee in the Legislature and to the members as a whole in making the determination on these issues such as benefits, job-sharing, retirement, their interrelationships, and what the possibilities might be to utilize this information in an effective legislative manner.

"Thank you."

Senator Solomon then responded and stated:

"Mr. President, I'd just like to refer to the remarks made by the previous speaker.

"I would like to remind him that it was just a few days ago that he informed all of us, his colleagues, that there really is no embarrassment in reconsidering a commitment on the part of the chairman. After taking into consideration the remarks that were shared today by Senator

Kawasaki, I feel ..."

Senator Toguchi then interjected: "Point of order, Mr. President. I'd like to know if the speaker is speaking for the motion or against the motion?"

Senator Solomon replied: "I'm speaking for the motion."

Senator Cobb added: "Mr. President, she's the movant; therefore, by definition speaking in favor of."

The Chair answered: "That is correct."

Senator Solomon continued: "I guess because of all this emotion that has occurred on the floor, I'm forgetting my parliamentary procedures. Excuse me, Mr. President.

"As I was saying, as to what Senator Kawasaki has brought to my attention, I really feel that perhaps I must reconsider and recommit the resolution at this time and I'd like to think that my fellow colleagues would give me that consideration as the chairman. Thank you very much."

Senator Toguchi then rose to speak against the motion and stated:

"Mr. President, I rise to speak against the motion and I do so because I've still not heard the reason, based on this resolution, the reason for the recommittal. And I'd like to just express a few points against the recommittal.

"This is only a study and I'd like to say that during the past few years, I have also worked quite extensively with the job-sharing bill, the extensions that we have put on the bill making it a permanent program. I have been a co-sponsor of several of the bills that extended the job-sharing program and more recently also extended this into the library system.

"If you look at the resolution and I question how many of you have the resolution before you now, if you look at the resolution, the resolution calls for a study. And I think it's a resolution that has been carefully worded because in the 'Be it resolved' section it talks about 'the Department of Education is requested to conduct a study on the feasibility' and it goes on about the benefits.

"In another 'Be it resolved' section,

'Be it further resolved the study include the possibility' and I can tell you that whether it's settled this year or next year, the question will have to be settled in order for the job-sharing program to become a successful program.

"I think it's presently a good program but every year the department struggles with this question.

"I think that, also, the committee report points out that there are people not presently or not currently participating because these questions have not been cleared up. And I think this is a good study; I think, originally, the resolution called for the Legislative Auditor to do the study but I felt also and I concurred with the changes that were made. It's not a study of that kind of magnitude that we need a Legislative Auditor's report. The Department of Education can come out with some suggestions to this body next year if this resolution goes through.

"I would also like to add that if there was a statute before me making changes to the job-sharing program, dealing with benefits, I would be very, very concerned also, myself. It's only looking at the feasibility, looking at possibility, and I think that if the study comes through, next year a bill can be introduced taking into account some of the recommendations that the department could come through with. And it is on that basis that I would like to speak against the recommittal, and I hope that some of you will take some of the arguments that we have presented into account when you make that decision."

Senator Abercrombie then added:

"Mr. President, I would like to speak again against the recommittal and with respect to some previous remarks, perhaps, make some clarification for the benefit of the members.

"If the originator, the Senator originating the move for this recall, this reconsideration, his reasoning was to be taken into account with every resolution that we pass, the assumption would have to be that merely by passing a resolution we are telling whatever department or entity we are addressing the resolution to do that they are to do something. And I believe if I am correct in my recollection, we were pressuring them to do something. We aren't

pressuring the Department of Education to do something with this resolution; that is to say determine the feasibility and make a recommendation. This is the usual practice. It's the usual practice in not hundred but thousands of resolutions that have passed through this Legislature, and for good reason.

"If we reconsider this resolution on the basis of the Senator's reasoning, we can't pass any resolutions requesting departments or other entities to give us their recommendations based on their assumptions of feasibility and to outline for us and articulate for us what those assumptions are, what their presumptions are, and what their conclusions are.

"The previous speaker is correct. If we do not do this this year then we will come into next year having to deal with it minus the information, unless we happen to glean it on our own. Now, if this is again to be some kind of contest, believe me, the two people who have spoken so far against the recommittal are not going to be the losers in this situation. It's going to be all the people who are still waiting for answers to the questions. And that's what we're supposed to do in here. We're supposed to facilitate the catalyst in finding these answers.

"So, I think on that basis that no harm is done. I suppose it's like basketball in that sense, no harm, no foul. No harm is done by getting the feasibility study done. It's not a question of whether or not one can or cannot recommit a bill. The question is whether it's an advisable thing to do. And so the argument against recommittal, to vote no, is that on balance it is better for us to have the information and judge the worth of the information than to have no information at all and continue to operate on the same basis as we have with the questions unanswered. Thank you."

Senator Kawasaki, in support of the recommittal, stated:

"Mr. President, I speak in favor of the recommittal, and I suppose what's taken place here in the way of dialogue is an example of the independence for which this Senate is either famous or infamous according to whatever perspective you want to put it in.

"First of all, I think clarification is needed on this term 'job-sharing'

category of teachers. This is euphemism which actually means job-sharing is part-time teachers and why are they part-time teachers? Primarily because according to some standard that's been established, I suppose, or by voluntary action on the part of teachers themselves they are not going to teach full-time for reasons known to themselves or reasons known only to the Department of Education.

"Now, what this resolution is asking is for us to have the Department of Education (a body less than disinterested, primarily because this is a department that would like to retire some of these job-sharing category teachers, who in my judgment are perhaps not up to standard as full-time teachers teaching full-time. The department would like to retire these people) make some judgments.

"Now, it just seems to me having a department that wants to make these people retire to make a study whether we should retire these teachers under some formula is bad. I object to the formula. The formula is these part-time teachers are going to be asked to contribute to the retirement system as if they were full-time teachers, which means they put out a little more every month out of their salary for their retirement benefits ... let them put out a little more as if they were full-time teachers and then let's give them retirement credits for a year's duration as if they were full-time teachers, this I think puts these categories of employees under a different kind of formula eventually when they retire. We are setting a precedent which perhaps would open the door for other employees who are perhaps job-sharing in their own way or part-time.

"We're asking them to contribute to the retirement system as if they're full-time employees and then give them one year's credit which they have not earned as full-time employees, even if they are part-time employees, give them one year's credit as full-time employees, and then eventually what results, the bottom line result is that they are going to be retired and given pension benefits as if they were full-time employees. This is the kind of precedent we're setting and this is my concern.

"Now, if this resolution went to the Legislative Auditor, who would be an objective organization to make this study, that'd be fine; but it's going

to the Department of Education who as I said are anxious to retire these people. Now this could be less than objective, less than disinterested, as I said, and this is another reason why I think this whole resolution issue should be recommitted and perhaps worded in a more presentable fashion that would be acceptable to us. And for that reason, I urge the vote for the recommittal."

Senator Abercrombie then asked: "Mr. President, would you allow me to speak again although I've spoken twice on this matter?"

The Chair permitted Senator Abercrombie to proceed.

Senator Abercrombie continued: "Mr. President, thank you.

"The remarks of the previous speaker are as good an argument as I can think of to have this study move forward. To say that the job-sharing program is vague or what constitutes job-sharing is vague is to fly in the face of the laws that we have passed to finding exactly what job-sharing is, exactly who can participate and how it is to work. We already have a law. This body passed it. Most of the members on this floor right now have been members of the Legislature when we passed the legislation and have been enthusiastic supporters of it.

"As for the remarks concerning getting rid of teachers because they are not up to par, there has not been a word of testimony to that effect. There has not been any discussion of that kind of thing. This is a conjecture on the part of the previous speaker. It is the assumption that because someone is near retirement age by definition they are not any good. If that's the case, then there are several members on this floor, I suppose, that might find themselves in some sort of difficulty. That's not an argument. As a matter of fact that casts an assertion on the intent of the study. If we say that a department has a vested interest and therefore is incapable of doing the study, then why do we ask any department to give us any information about anything?

"It doesn't make any sense to do any resolution that would have any kind of implication for any department to give us any information on the basis that if the previous speaker's logic is to be followed out, that whatever comes into the Legislature, number one, would be biased beyond

our capacity to recognize it; number two, that we don't have minds of our own and would not make an adequate judgment as to the efficacy of the argument or the basis upon which the argument is made in terms of the recommendations in the study that comes to us.

"How many times have we gone to the Health Department, the Department of Transportation, to the Agriculture Department, to numerous departments, including the Department of Education? I dare say, given the time and the opportunity, I could come fore just over the last four years let's say, and come up with numerous resolutions directed at the Department of Education to give us just this kind of information.

"What the previous speaker wants, he says he's against doing this. Now, that's perfectly fine if that's what he wants to do, but because he's against doing it does that mean that we should not inquire here in the first place as to what the basis of doing it or not doing it might be or what some of the elements might be involved.

"The key thing that I want to express to you, Mr. President, and to the members is the remark of Senator Toguchi that the only area that is unclear there at the moment is precisely what we're going to do with job-sharing in terms of benefits, and that's a legitimate question. The previous speaker indicates these are part-time jobs. They are not part-time jobs. Job-sharing is not a part-time job. It is a specific element of time, generally, half-time job which you work at fully. It's not some kind of a job in the sense that it's something you do casually for employment. It is a method of dealing with the realities of life today when people have to work in order to support their families by having the whole family work.

"Not everybody is capable of having 40 hours or better a week available to them to work. Many jobs are susceptible to being shared so that the full-time, in the sense of the time that's available to people who must work in order to survive ... not all of us are fortunate enough to have the kind of incomes where one person can work in the family in order to survive that that person has to work in a job-sharing program. There are some jobs, especially in public employment and some areas of private employment that are particularly conducive to this kind of work.

"The problem comes when you try to figure out what kind of benefits are you going to be able to put forward in that if it's deemed in the public interest to do so. We have deemed it in the public interest because this is the only way that many of our families can put food on the table. This is not a casual question. This is not people trying to rob this state. We're trying to make a determination what to do here.

"We've got problems right now as I'm sure the Health chairman would attest to and the Human Resources chairman would attest to with respect to how we handle medical costs. If we're going to encourage people on to job-sharing, we have to come to grips with those questions and what kind of money is involved. So, that's the reason for the resolution.

"Now, if you don't like what comes out of that and you think that that's going to be too costly or you think that that's not going to be in the public interest, then we shouldn't vote to handle whatever recommendations come out that we don't feel are proper ... but, not to try and get the information in the first place because we aren't going to like it is to fly in the face of what the Legislature is supposed to do in accumulating information so that it can make a reasonable decision based on what we have determined to be good public policy, to wit, job-sharing. Thank you."

Senator Toguchi then added:

"Mr. President, I'd like to rise again to speak against the recommittal and I'd like to just respond to some of the remarks of the previous speaker.

"Job-sharing, I have here with me the Session Laws of 1978 and the Session Law, Act 150, it's very detailed out as to what job-sharing is. There's also a very clear definition as to what constitutes job-sharing and it's not as vague as indicated by the previous speaker. In fact, subsequent Session Laws clarified further the Act 150 passed in 1978.

"It's very clear in Act 150 as the definition, the purpose, the requirements that the department would have to meet in order to implement this program. And if you look only at the resolution it might be unclear but legislation in three sessions have clarified very clearly many of the concerns that were raised

in the early years of the job-sharing program. I think what has not been resolved and what this resolution is trying to correct is the area of benefits and although it's a very good program, unless as I pointed out earlier this question of benefits is cleared ... a study is done, and until we address that question in subsequent amendments to the statutes, it's going to be a hindrance to the program.

"Thank you."

The motion was then put by the Chair and carried on voice vote and S.C.R. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A STUDY REGARDING THE FEASIBILITY OF ALLOWING RETIREMENT BENEFITS FOR JOB-SHARING TEACHERS NEARING RETIREMENT AGE IN THE DEPARTMENT OF EDUCATION," was recommitted to the Committee on Education.

At 1:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:48 o'clock p.m.

The Chair, at this time, made the following announcement.

"Beginning, probably after tomorrow morning's session, there will be discussions on the budget and I'm asking individuals to please be prepared to begin the debate on the budget."

Senator Abercrombie then inquired: "Mr. President, an inquiry based on your remark, please. I presume that if you are to start the debate after the session ... I'm not quite sure I understand ... is the session to begin tomorrow at whatever time is designated and then continue through the day into the evening?"

The Chair answered: "That's correct."

Senator Abercrombie continued: "If the members wish to debate the budget, my presumption is, and am I correct in my presumption, that for the purposes of actually considering the vote on the budget, that will not commence until 9:07?"

The Chair answered: "That's correct."

Senator Abercrombie continued:

"And there will be discussion that will be available to any member at that time at 9:07?"

The Chair answered: "Certainly."

Senator Kawasaki then inquired: "Mr. President, it seems to me anytime we allow discussion it has got to be based on a motion on the floor. Now, what would the motion be if we are to discuss the budget? I suppose you could allow a point of personal privilege and someone speaking his opinions about the budget, but it seems to me the propriety on this from the parliamentary standpoint would be that there'd be a motion to adopt or to defeat ... motion to adopt and then discussion allowed on that point."

The Chair answered: "The motion is already inherent in the fact that the bill is up for final reading. The 48-hour notice has been given and discussion can take place but there'd be no voting that can take place prior to the lapsing of the 48 hours."

Senator Carpenter then asked: "Mr. President, on a point of inquiry, what was the motion that you alluded to?"

The Chair explained: "The bill was decked for 48 hours. The rules indicate and the precedent has been set in the past -- that you can have debate on the measure at any time once the conference draft is here on the desks but you cannot take a vote on that matter until such time when the 48 hours time has elapsed. Then you may begin the voting process if that is the choice of the Senators; if not, debate continues."

Senator Carpenter continued: "I think I can understand, Mr. President, the prior practice ... it happened, as I understand, in the House sometime back.

"But the motion, as I see it, was really the Clerk of the Senate announcing to this body that certain bills were on deck and required 48 hours. Is that a motion?"

The Chair answered: "That is correct. The 48 hours notice was so ordered at that time."

Senator Cobb on a point of order stated: "Mr. President, if there is any doubt, rising on a point of order, the chairman can always state the motion for the record. That motion, of course, being fully debatable. It's just that the actual

vote could not take place until 9:07 or later Friday evening."

The Chair responded: "It will take place at 9:07."

Senator Abercrombie inquired: "Mr. President, will a motion be made at 9:07 to pass the budget on final reading?"

The Chair answered: "For a vote, the motion can be made for a vote."

Senator Abercrombie further inquired: "Will such a motion be in order?"

The Chair answered: "I have no idea. It depends on how long the debates will take place ... the time required for debate. But, it's the Chair's position that I'd like to give everyone a full range of opportunity to debate the budget and not that there were time constraints relative."

Senator Abercrombie continued: "I agree with what you just said. I'm inquiring, rather, is a motion in order, is a motion necessary at 9:07 to pass the budget? Will a motion have to be made to pass the budget?"

Senator Cobb on a point of order said: "Mr. President, if there is a previous motion made on the floor at any time during the legislative day and as long as there is no intervening business by adoption of any other bill, resolution or other business conducted by the Senate and the prior motion is still standing on the floor, it need not be restated at 9:07 p.m."

Senator Abercrombie continued: "Yes, I understand, Mr. President. That's not my question as to whether there was a motion made to place the bill for 48 hours notice. That was passed, I believe, shortly before midnight in recent days ... it's hard for me to remember exactly, I think yesterday, prior to today's session."

The Chair responded: "In the interest of clarification on your

questions, I'm certain that tomorrow we will take up all matters on consent calendar."

Senator Abercrombie interjected: "And at that point you intend to commence debate?"

The Chair answered: "Well not necessarily ..."

Senator Abercrombie interjected: "At some point thereafter you intend to commence debate?"

The Chair answered: "Right, because in the morning when we meet we will make a motion which will carry through the whole evening, that motion being that all matters brought before the Senate will be taken on consent."

Senator Abercrombie responded: "I see. Very good, thank you."

Senator Kawasaki then asked: "Mr. President, point of inquiry again. I think I heard you correctly when you said that you intend fully to allow every member who wants to speak on the budget a chance on the floor to speak on the budget for or against the budget."

The Chair answered: "Certainly."

Senator Kawasaki responded: "Fine."

The Chair then said: "We have a little problem this afternoon that we hope to resolve. We'll find out when we can commence with the scheduling for the budget debate. Perhaps it might all be straightened out by this afternoon. We may not need any kind of discussion over the budget. I'm hopeful, anyway."

ADJOURNMENT

At 1:55 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:00 o'clock a.m., Friday, April 22, 1983.