

THIRTEENTH DAY

Tuesday, February 4, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Frank Walton, Hauula Seventh-Day Adventist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twelfth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 127 to 138) were read by the Clerk and were placed on file:

Gov. Msg. No. 127, dated January 14, 1997, transmitting the "Report to the Foreign-Trade Zones Board on General-Purpose Zone and Special-Purpose Subzone Activity in the State of Hawaii for Federal Fiscal Year 1996 (October 1, 1995 - September 30, 1996)," prepared by the Department of Business, Economic Development and Tourism pursuant to the Foreign-Trade Zones Act and the regulations of the Foreign-Trade Zones Board.

Gov. Msg. No. 128, dated January 21, 1997, transmitting the 1994 and 1995 Annual Reports prepared by the Department of Human Services.

Gov. Msg. No. 129, dated January 22, 1997, transmitting a report, "Relating to Controlled Substances," prepared by the Department of Public Safety pursuant to Section 329-11, HRS.

Gov. Msg. No. 130, dated January 22, 1997, transmitting a report on Federal Fund Reimbursements Received, prepared by the Department of Public Safety pursuant to Section 329-11, HRS.

Gov. Msg. No. 131, dated January 22, 1997, transmitting the 1996 Annual Report prepared by the Non-Government Members of the Marine and Coastal Zone Management Advisory Group pursuant to Section 205A-3.5, HRS.

Gov. Msg. No. 132, dated January 24, 1997, transmitting a report, "Tax Credits Claimed by Hawaii Residents, 1994," prepared by the Department of Taxation.

Gov. Msg. No. 133, dated January 24, 1997, transmitting the "1997 Report to the Governor on Employment and Tourism Training," prepared by the Department of Labor and Industrial Relations, Commission on Employment and Human Resources and the Tourism Training Council, pursuant to Sections 202-2 and 373F-6, HRS.

Gov. Msg. No. 134, dated January 28, 1997, transmitting a report "1994 Hawaii Income Patterns; Individuals," prepared by the Department of Taxation.

Gov. Msg. No. 135, dated January 31, 1997, transmitting the "Comprehensive Annual Financial Report of the State of Hawaii for Fiscal Year Ended June 30, 1996," prepared by the Comptroller pursuant to Section 40-5, HRS.

Gov. Msg. No. 136, letter dated January 28, 1997, requesting that S.B. No. 1443 be amended to reflect appropriations and authorizations required for the four-year Unit 7 (University of Hawaii Professional Assembly) Agreement which was ratified by the employees concerned.

Gov. Msg. No. 137, letter dated January 30, 1997, as provided in Section 9, Article VII of the Constitution of the

State of Hawaii, requesting the immediate consideration and passage of Administration Proposal HTH-30 (97), introduced as S.B. No. 1582, which appropriates a designated sum to the Department of Health for the provision of child and adolescent mental health programs.

Gov. Msg. No. 138, letter dated January 31, 1997, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of the Administration Proposal introduced as S.B. No. 1323, which makes an emergency appropriation for an automated tax systems acquisition by the Department of Taxation.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 14, from the State Auditor dated February 3, 1997, transmitting a report, "Financial Audit of the Harbors Division," (Report No. 97-5), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 7 to 9) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 7, transmitting H.B. No. 106, H.D. 1, which passed Third Reading in the House of Representatives on February 3, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 106, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 8, transmitting H.B. No. 111, H.D. 1, which passed Third Reading in the House of Representatives on February 3, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 111, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 9, transmitting H.B. No. 214, which passed Third Reading in the House of Representatives on February 3, 1997, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 214, entitled: "A BILL FOR AN ACT RELATING TO KEAHOLE AIRPORT," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

SENATE COMMUNICATION

Sen. Com. No. 1, notice to the Governor dated February 4, 1997, transmitting H.B. No. 117, S.D. 1, which proposes amendments to the Hawaii State Constitution.

By unanimous consent, the following notice was sent to the Governor:

"February 4, 1997

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii
State Capitol

Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bill, a copy of which is attached hereto:

H.B. 117, S.D. 1
 'PROPOSING A CONSTITUTIONAL AMENDMENT
 RELATING TO MARRIAGE'

Respectfully,

/s/ Paul T. Kawaguchi
 Paul T. Kawaguchi
 Clerk of the Senate"

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 8 to 17) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 8 "SENATE CONCURRENT RESOLUTION URGING PROTECTION OF THE SACRED POHAKU OF WAIKIKI."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 9 "SENATE CONCURRENT RESOLUTION URGING FULL INSURANCE COVERAGE FOR DIAGNOSTIC EXAMINATIONS FOR PROSTATE CANCER."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 10 "SENATE CONCURRENT RESOLUTION URGING THAT PUA KA'ILIMA 'O KAWAIHAE BE DESIGNATED A SITE FOR RECREATIONAL OCEAN ACTIVITIES."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON NATIVE HAWAIIAN CULTURAL FOOD RESOURCES."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 12 "SENATE CONCURRENT RESOLUTION URGING THE PROTECTION AND PRESERVATION OF THE HAWAIIAN HISTORIC, CULTURAL, AND SPIRITUAL RESOURCES IN THE CORRIDOR AND AREAS ADJACENT TO THE PROPOSED ALI'I HIGHWAY IN KONA."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 13 "SENATE CONCURRENT RESOLUTION REQUESTING SUPPORT FOR NATIVE HAWAIIAN NUTRITION EDUCATION."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 14 "SENATE CONCURRENT RESOLUTION URGING THE AWARD OF THE CLEANUP AND RESTORATION OF KAHO'OLAWA PRIME CONTRACT TO A NATIVE HAWAIIAN OWNED COMPANY."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 15 "SENATE CONCURRENT RESOLUTION OPPOSING THE AMENDED ALIGNMENT OF MAMALAHOA HIGHWAY BYPASS."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 16 "SENATE CONCURRENT RESOLUTION URGING INCREASED LEASE RENTS FOR MILITARY RANGES."

Offered by: Senators Solomon, Aki, Anderson, Fernandes Salling.

No. 17 "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF YOUTH SERVICES TO DEVELOP A PROGRAM THAT PAIRS COLLEGE STUDENTS WITH DELINQUENT YOUTHS TO TRACK THEIR PROGRESS AND SERVE AS MENTORS AND ROLE MODELS."

Offered by: Senator Chun Oakland.

STANDING COMMITTEE REPORTS

Senators Kawamoto and Sakamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 7) recommending that S.B. No. 447, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 447, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 8) recommending that S.B. No. 129, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 129, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 9) recommending that S.B. No. 202, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 10) recommending that H.B. No. 117, as amended in S.D.

1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 117, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 6, 1997.

Senators Chumbley and Matsunaga, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 11) recommending that H.B. No. 118, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 118, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNMARRIED COUPLES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 6, 1997.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3 (Jud. Com. No. 2):

Senator Matsunaga moved that Stand. Com. Rep. No. 3 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nomination of KENNETH E. ENRIGHT for Judge of the District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chumbley.

Senator Matsunaga rose in support of the nominee and said:

"Mr. President, Kenneth E. Enright holds a Bachelor of Science degree from Boston College and a J.D. from St. John's University Law School. Mr. Enright presently serves as a Deputy Attorney General in the Family Law Division and has been with the Department of the Attorney General since 1980. Mr. Enright has participated in numerous committees regarding policy development in the area of child abuse and neglect. He has co-authored Chapter 587, the Child Protective Act, and he also received the Governor's Award for Distinguished State Service to the Department of the Attorney General in 1985.

"Testimony was submitted to your Committee in support of the nominee which indicated that throughout his experience in the Department of the Attorney General, Mr. Enright has consistently demonstrated commitment, compassion, and vision in regard to the needs of families. Testifiers further acknowledged his sensitivity, fairness, and wisdom which have prepared him to deal with the complexity of the problems that bring people into the family court.

"Mr. President, Mr. Enright also testified that he could be tough when necessary.

"I urge my colleagues to vote in favor of this nomination. Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Chun Oakland).

At this time, Senator Matsunaga introduced Judge Enright to the members of the Senate. (Judge Enright, who was seated in the gallery with his wife, Amy, then rose to be recognized.)

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 132	Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means
No. 263	Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 1262	Committee on Judiciary

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

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

"Mr. President, yesterday in the Judiciary Committee hearing on the issue of same-sex marriage, after hours of public testimony and just prior to decision-making, both chairs handed over to the committee members a draft proposal of a new bill for members to digest in just a matter of minutes. Mr. President, I objected to the way it was handled, and specifically, Mr. President, the chairs gutted H.B. No. 117 and replaced the text with S.B. No. 1800. House bill 118 was amended by adding an array of language taken from other bills and sources regarding rights and benefits of non-traditional marriage partners.

"Mr. President, I think you know what the problem is. The problem is that it was a shot-gun approach which I thought we had done away with. Are we not supposed to be working in the spirit of cooperation and collaboration, Mr. President? I really thought openness and public review was the order of the day.

"Mr. President, the chairs' response to my request for time to digest the contents of the proposal was that we had discussed all of the elements of the bill so there was no need for further review by members of the committee and by the public. And you'd only need to read this morning's newspaper to learn that at least some people feel that the whole procedure was a scam. I ask you, Mr. President, is this the spirit of cooperation? And I know that all of us are under tremendous pressure of deadlines and time constraints, but that is no, no excuse for sidetracking the issue. Members should have had the copy of the draft at least a day in advance to review its contents.

"The committee's majority decision, yesterday, was made well in advance of five hours of testimony presented to the committee. I ask you, Mr. President, does that raise the level of public confidence in government?

"In your memo dated December 4, 1996, to the members, it was included in the 1997 Senate Legislative Reform Package and specifically on Item F, it says: Proposed drafts of measures in which the entire contents of the bill would be replaced must be available to members of the committee and the public for review at the time the notice of hearing on the proposed draft is to be posted.

"Mr. President, are we still operating under the spirit of reform or have we dispensed with reform when it is convenient to do so? Mr. President, I ask for your ruling on this matter. Thank you."

The Chair replied:

"Thank you. The Chair will take that under advisement."

Senator Sakamoto then rose and said:

"Mr. President, I concur with Senator Bunda's remarks. I'm glad that we started this session in that spirit of collaboration and working together and I would hope that we can return to that. The public had a very short time, two minutes, to testify. Most of their testimony was based on being for or against a constitutional amendment -- not really specific to the proposed legislation. I think we clearly owe the public the ability to respond to measures that we propose to pass.

"Thank you."

Senator Bunda rose again and said:

"Mr. President, I just wanted to ask the Chair a question.

"You had said that you would take that under advisement. When could we expect some advice from you?"

The Chair responded:

"I will give you that answer as soon as I confer with the co-chairs of the committee."

Senator Bunda then said:

"Thank you, Mr. President.

Senator Anderson also rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege, and I'd like to say that I'd like to follow up and I think this is a non-partisan issue. It's an issue of the people.

"Yesterday, if you remember, I asked for a recess, and I went over and asked the chairman. In his statement he said that he was going to have decision-making, and I went over during the recess and said, 'Is that decision-making,' and he said, no, it was going to be recommendations. And then when we went back to the auditorium at 12:30 and listened to the balance of those 150-some-odd people, they then said we're going to have decision-making. And that's not fair and equitable; that's not keeping your word to your own colleague. And that's what the biggest disappointment is.

"Also, on our wall outside of the Judiciary Committee there is a statement there for everybody to read: Publicly, we will have hearings to receive testimony on measures that will be held Monday through Thursday mornings, 8:30 to 11:00 a.m. Public decision-making measures will be held each Friday morning from 9:30 upon completion of the following week's public hearing. That's in our own words! You break your own rules!

"And yesterday, when I walked out, Mr. President, by no means was I supposed to be excused. I told them I didn't care what they did; that I voted 'no' on every measure because all of those people that came were from neighboring islands; they were from here; some were even from the mainland. And I don't think that's fair that we sit down and within a half-hour we go back in and then we come up with 'we met over the weekend and this is what we came up with.' I think it's unfair and unjust to every person that was there.

"And I'd like to know if I can ask the chairman a question, Mr. President. Will he yield to a question? I know you have co-chairs, so I'll take Senator Chumbley."

The Chair posed the question and Senator Chumbley replied:

"Yes, Mr. President, I'll yield to a question."

Senator Anderson continued:

"I went to Senator Chumbley because he's the one I asked. Did I not ask you yesterday if there was going to be decision-making or not?"

Senator Chumbley responded:

"Mr. President, I'd like to read my comments that were in the Journal from yesterday."

Senator Anderson interjected:

"I am not asking for that, sir"

Senator Chumbley continued:

"Mr. President, your Committee on Judiciary is currently standing in recess with the intention of reconvening at 12:30 this afternoon for the purpose of hearing the rest of the testimony on the same-sex marriage issue. We've listened to over 100 testifiers and we have about 50 left.' Now this is the important part, Mr. President. 'We would ask the committee members to please attend because it is the intention of the chairs to be making recommendations for decision-making right after the public testimony was completed. Thank you.'

"And that is a record of the Journal, Mr. President."

Senator Anderson then said:

"Mr. President, when I went to his desk I said, 'Is that decision-making or just plain recommendations?' That's why I went over. If he had said it's going to be also to have decision-making, I would have damn well said, no way. I would not have gone back. I would have let everybody here know that we don't follow our rules! Those are not really recommendations -- they're what we are going to do. It's a decision. How can you take all of those bills? When we were in the committee hearings, Mr. President, we bundled them together. When somebody said I like this bill better than that, we may have asked a question on that particular bill. We didn't know which bills were going to be killed and which ones were going to be considered. And that's where it's not fair. Take anybody, one side or the other.

"Thank you very much, Mr. President."

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

Senator Chumbley rose again on a point of personal privilege as follows:

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

"Mr. President, it is unfortunate that some of my colleagues are dissatisfied with the content when they claim it to be the process. I want you to know that the hearing notice that is posted outside of the Judiciary room, in fact, deals with our normal hearings in room 229 which are a Monday through Friday block. On Tuesday, January 28, when this hearing notice was posted for the Monday, February 3, hearing which included all the measures on the same-sex issue, it said: 'If necessary, the hearing will reconvene at 12:30,' which we did, Mr. President. 'Decision-making to follow.'

"We provided the public, we provided the members, we provided everyone, with very clear, very honest information on what our intentions were. It was the intention of the chairs to make recommendations for decision-making right after the public testimony is completed. It's in the Journal, Mr. President. We followed the rules under which the Senate

adopted and we ran the hearing with the opportunity for the public to present testimony and for the members to ask questions. We were straight-forward in all of our intentions and all of our actions, Mr. President."

Senator Matsunaga also rose on a point of personal privilege as follows:

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

"I concur that it is indeed unfortunate that some members feel that they did not have enough time to fully study and digest the many issues that were raised during yesterday's hearing. And yes, in an ideal, in a perfect world, each of us would have a greater opportunity to study these issues, to take the bills home overnight and to review them before making an informed decision. However, we are on a timetable. The public has made its voice known that they want action on this issue. They don't want more debate -- they want action. We made a commitment at the beginning of this session and we identified this issue as one that we would move forward quickly and promptly.

"Those that are complaining about what occurred yesterday have no basis for their complaint. We complied with every single rule that this Senate has adopted. We posted the notice; we notified members that decision-making will be held. For those that are complaining about what happened, the proper redress is to change the rules. If you don't like what happened, change the rules. But it is simply wrong, wrong, wrong to complain when you don't get what you want and when the rules were indeed followed.

"I will be more specific. On H.B. No. 117, which we passed out, we voted on the content of S.B. No. 1800. This was one of the measures we heard. Members should have had adequate opportunity to study this measure. The public provided testimony on it. Its content was no big surprise.

"House bill 118, which we revised, followed the guideposts set forth in H.B. No. 118 and S.B. No. 98, a measure that ten of our colleagues introduced, including three members of our Judiciary Committee, and we added to that. You should also consider the fact that, at yesterday's hearing, we also heard S.B. No. 795, which is a measure that this Senate passed out last session, and which provides for approximately 350 or so marital rights to domestic partners. House bill 118, as we received it, provided for four of those rights. Senate bill 98 also provided for an additional four of those rights.

"Our measure took an intermediary approach between S.B. No. 795 and the other two measures and provided for approximately 200 of the 350 or so rights that were identified by the Commission on Sexual Orientation and the Law.

"Mr. President, we have heard this issue for four or five years. We have had countless, countless hearings and hours and hours of testimony. It is time for action, Mr. President. Thank you."

Senator Solomon rose on a point of order and stated:

"Mr. President, point of order.

"Mr. President, I am getting confused here. I thought that we had one of the members of this body stand and ask for your opinion on a question. You stated to this body that you need time to check with the chairmen. You took it under advisement. Why are you continuing, Mr. President, on a point of personal privilege, to debate this issue?"

The Chair replied:

"The debate is over. That was the last speaker, I believe, to speak on this issue. Let us continue with the Order of the Day."

Senator Solomon stated:

"Yes, I would appreciate that, Mr. President. Unless you are prepared at this moment to give us your recommendation to the question that was posed by the previous speaker."

The President responded:

"I believe I addressed the Senator from Wahiawa, what my intentions were, and those intentions still stand."

Senator Solomon then said:

"Thank you very much, Mr. President."

Senator Anderson rose and said:

"Mr. President, I'd like to have a point of clarification from my learned colleague across the aisle."

The President interjected:

"Do you have a question for him?"

Senator Anderson replied:

"Yes, I do."

The President posed the question and Senator Matsunaga having answered in the affirmative, Senator Anderson queried:

"Thank you very much. Since I am not an attorney I'd like to know, with all of the changes that were on there, and since it is openness that we are talking about and we followed all of the rules, and I've been hanging around this place for some 17 years, you tell me how, with all of those changes, and we didn't get it until after it was finished -- it wasn't handed to any of my colleagues -- how we were supposed to understand if that bill was going to clarify anything for any one group. Was it going to be instrumental to and of benefit to Hawaii; was there any cost effect to Hawaii? There was nothing.

"And all we asked for or all I would have asked for is if we could have had some time to look at the recommendations before you made a decision so that we could have had that document, looked it over, and been given a couple of hours. That's what I'd like to know."

Senator Solomon then said:

"May we have a short recess, Mr. President, please."

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

ADJOURNMENT

At 12:08 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 5, 1997.