

EIGHTH DAY

Friday, January 30, 1981

The Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, convened at 11:30 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Reverend Herman Gomes, Director, Sacred Hearts Seminary, after which the Roll was called showing all Senators present.

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

SENATE RESOLUTION

A resolution (S.R. No. 7), entitled: "SENATE RESOLUTION CONGRATULATING THE 1981 MISS MCKINLEY QUEEN, JANICE LYNN WHITE, AND HER COURT," was jointly offered by Senators Yee, Kobayashi, Uwaine, Abercrombie, Young, Toyofuku, Cobb, Holt, Machida, Kuroda, Soares, Henderson, Ajifu, Yamasaki, Campbell, Mizuguchi, George, Carpenter and Cayetano, and was read by the Clerk.

On motion by Senator Yee, seconded by Senator Kobayashi and carried, S.R. No. 7 was adopted.

At this time, Senator Yee, on behalf of the Senators from the 6th Senatorial District, introduced to the members of the Senate the 1981 Miss McKinley Queen, Janice Lynn White, and her Court: Miss Colleen Izumi, first runner-up; Miss Kathy Tamura, second runner-up; Miss Shannon Miyoi, third runner-up; Miss Suzette Ono, fourth runner-up; Miss Maria Aurelio, Miss Congeniality; who were accompanied by Toby the Tiger and Miss Gayle Sykes of McKinley.

Senator Carpenter then moved that the Rules of the Tenth Legislature be the Temporary Rules of the Eleventh Legislature, seconded by Senator George and carried.

Senator Cobb then nominated Senator Richard S.H. Wong as President of the Senate, seconded by Senator Yee.

On motion by Senator Cobb, seconded by Senator Yee and carried, nominations were closed, and Roll Call vote having been requested, Senator Richard S.H. Wong was elected to the office of President of the Senate on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 1 (Kuroda).

The ballot having been so cast, Senator Richard S.H. Wong was declared as President of the Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981.

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock a.m.

Senator Cayetano then nominated Senator Duke Kawasaki as Vice President of the Senate, seconded by Senator Anderson.

Senator Uwaine moved that the nominations be closed, seconded by Senator Soares and carried.

On motion by Senator Cayetano, seconded by Senator Anderson and carried, and Roll Call vote having been requested, Senator Duke Kawasaki was elected to the office of Vice President of the Senate on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku and Ushijima). Excused, 1 (Kuroda).

The ballot having been so cast, Senator Duke Kawasaki was declared as Vice President of the Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

The President addressed the members as follows:

"Before announcing the committees and chairmen, I would like to say a few words.

"I am grateful for the honor and trust which you have placed in me by electing me as your President. I promise to do my best to serve you well.

"The organization of the Senate has been a long and arduous one. What has finally emerged is a bipartisan coalition--a free and open one between Democrats and Republicans. All the details have still to be worked out.

"I will be working hard with my friend, the Minority Leader, to make this Senate

organization a success. All of us involved have a stake in making this legislative session a productive and a creative one.

"I ask you all for your support."

At this time, the President announced the Committees and chairmen as follows:

COMMITTEE ON AGRICULTURE

Senator Ralph K. Ajifu

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Senator Steve Cobb

COMMITTEE ON ECOLOGY, ENVIRONMENT AND RECREATION

Senator Ann Kobayashi

COMMITTEE ON ECONOMIC DEVELOPMENT

Senator Richard Henderson

COMMITTEE ON EDUCATION

Senator Neil Abercrombie

COMMITTEE ON GOVERNMENT OPERATIONS AND INTERGOVERNMENTAL RELATIONS

Senator Duke T. Kawasaki

COMMITTEE ON HEALTH

Senator Benjamin J. Cayetano

COMMITTEE ON HIGHER EDUCATION

Senator Patricia Saiki

COMMITTEE ON HUMAN RESOURCES

Senator Clifford T. Uwaine

COMMITTEE ON HOUSING AND HAWAIIAN HOMES

Senator Patsy K. Young

COMMITTEE ON JUDICIARY

Senator Dante Carpenter

COMMITTEE ON LEGISLATIVE MANAGEMENT

Senator Patsy K. Young

COMMITTEE ON PUBLIC UTILITIES

Senator W. Buddy Soares

COMMITTEE ON TOURISM

Senator Joseph T. Kuroda

COMMITTEE ON TRANSPORTATION

Senator Mary George

COMMITTEE ON WAYS AND MEANS

Senator Mamoru Yamasaki

Senator O'Connor then made the following remarks:

"Mr. President, I rise in response to the introductory remarks which you made earlier.

"In every legislative body, there is obviously a Majority, and you have described the Majority of this legislative body as a free and open bipartisan coalition. Every Majority deserves a cheerful but striving Minority and I am pleased to check in with you this morning as your cheerful, striving Minority.

"Your Minority will this year consist of the Democrats who have not joined you this morning. We will be putting our own Democratic legislative package before this body and acting as a firm but inquisitive Democratic Minority to the free and open bipartisan coalition which we have cheerfully dubbed the Andy-Wong party. We will keep you straight and do those things necessary in order to have a Minority voice in your Majority group. Thank you."

Senator Ushijima then stated:

"Mr. President, I too would like to respond to your short acceptance speech.

"Being in these chambers for over 20 years, to me this is a historic moment, so I thought I'd take the floor just to offer my congratulations to the proper parties.

"Before I do that, will the President yield to several questions?"

The President replied that he would.

Senator Ushijima continued as follows:

"You announced the committee makeup and I see that the former Minority Party, now part of the Majority, has six committee chairmanships. I also heard, that insofar as the committee membership is concerned, it is going to be on a 5-5-1 basis--five for you, five for them, one for us. Is that correct?"

The President replied that that was correct.

Senator Ushijima continued as follows:

"Well, if that is correct, then, I would

like to offer my congratulations to the former members of the Minority, especially to Senator Anderson. For over 20 years that I've been in these chambers, I think this is one of the greatest things that has happened to the Minority--one of the great robberies. I congratulate you. I think you did well.

"Now, we've heard a great deal about the 'hostages' being released not too long ago. Yesterday, I think we wore yellow ribbons. I think the former Minority Party, now, are the 'captors' and the group of Democrats that joined in the coalition, to me, are the 'hostages.' So all I ask right now, in order that we have a very smooth sailing as far as the session is concerned, is that the 'captors' will treat the 'hostages' considerately. Don't exert any kind of physical punishment so that we can see the end of the session. I hope that you will treat your 'hostages' pretty well.

"To you, Mr. President, I sincerely hope, with the kind of arrangement that we have, that as an elected Senator, I truly hope this coalition will be productive and at the end we can be very proud of the accomplishments here.

"I think this is a sincere wish on my part, and I think I also express the sentiments of the seven that I belong to. Henceforth, it seems as if we are going to be the loyal, I hope, opposition. I wish you well.

"In closing, again Andy, congratulations, you did a great job. I think you did very well for the members of your party. Please treat your 'hostages' well. Thank you."

Senator Cayetano then remarked as follows:

"Mr. President, I would like to add a few remarks to this occasion--this very historic occasion.

"I thank the previous speaker for his remarks. I think, however, if the attitude he displayed continues through the session we will continue to have these historic occasions every two years.

"I think the people of this State are less concerned today about party lines and party loyalties than they are about their elected officials getting to work and getting the job done. No Senator here, on our side, Mr. President, is a 'hostage' of any organization or party.

In fact, I think, if there was one common thread running through the coalition, it was that this Senate be kept independent and free and that this Senate operate as a check on the other two branches of government.

"I hope the Minority, in this case, will step back and reflect about what has happened and join us in a very constructive approach to doing the best we can for our people."

Senator Holt then rose and stated as follows:

"Mr. President, I rise to respond to your acceptance speech.

"Earlier this week, the meaning of being an American was driven home to many of us in the nationwide celebration of the return of the former hostages held by Iran.

"If this is Friday, can we be in America?

"Coalitions are routine in parliamentary governments, where several political parties exist and none has a clear-cut majority. It then becomes necessary for two or more parties to coalesce to form a government and begin work. But our two-party system evolves to pinpoint responsibility so that the electorate can make a clear distinction between two sets of programs and policies.

"I mean nothing personal in opposing what has happened today. I have a lot of Aloha for the Minority members. I expect to continue the personal friendships I enjoy with them. And I can only congratulate them for pulling off the biggest political hold-up of modern times. Their leaders have made Butch Cassidy and the Sundance Kid look like pikers.

"Coming from a family deeply rooted in the history of Hawaii's Democratic Party, I cannot accept the kind of organization proposed before us today.

"To the Majority members of this coalition, I pose some questions. Do you realize what you have given away?

"Under what banner will you seek re-election--Republicrat, Demopublican? Did you seek office under our party's banner merely as a label of convenience? How will you present yourselves to your constituents the next time you seek office?

"How will you account for your obligation to party responsibility when you attend the next party convention? Perhaps you may find it easier to switch than to fight.

"Will we next repeal our progressive

income tax law, for example, and replace it with the good old Republican 2 percent compensation tax?

"How about a poll tax based on wealth? The wealthier you are the bigger your vote.

"Will we re-impose certain unwritten policies on home ownership or in some club memberships?

"Will we be passing a 'right-to-work' law, or perhaps take away the right of workers to organize at all?

"A coalition vote to organize is one thing, so long as the Majority retains leadership and chairmanships of all committees. Responsibility remains fixed with one party. But a true coalition such as this which we have put together today completely obscures party lines and party responsibility. Where, oh where, is the 'loyal opposition'?

"This organizational set up will render our party affiliations meaningless. If that is the intent--and I can appreciate the Minority's role in this--then the proposed coalition organization will have achieved it.

"For my part, having sought office as a Democrat--a true Democrat, and proudly so--I cannot be party to it."

At this time, Senator Kuroda rose on a point of personal privilege as follows:

"Mr. President, I'd like to explain my absence. I felt it was important for the titular head of this Democratic Party, the Governor, to be informed about the formation procedure of this coalition. He didn't have time other than just before the session--that's the reason I was absent.

"I explained to him the movement resulting in this coalition and that although I am a Democrat and tried to get the Democrats together to organize, that I support the coalition.

"I realize that I am too late for the vote, but I want you to know, Mr. President, that my vote would have been 'aye,' for the coalition.

"This is the explanation for my absence. Thank you very much."

Senator Cobb then stated:

"Mr. President, I rise to speak in response to some of the remarks made today.

"The decision to combine two parties and two groups of people was indeed a very historic one. I find it ironic that those who have not prevailed today would complain about such a coalition, after negotiating themselves for almost two and a half months to achieve exactly the same thing. But they happened to be short of votes and therefore we hear complaints.

"I find it ironic that individuals will complain about party loyalty or party label when in the most recent election many Democrats, including Democratic Party officials, openly supported people and candidates of the opposite party, and yet no action was taken. I find it ironic that some people would place the party above the interest of the people in getting the business of this State done. We have made a conscious decision today, albeit a historic one, to put people above party and to get on with the business of the State.

"I think, Mr. President, we're all aware of the long negotiations that have taken place over the past few months where both sides have attempted to put together a coalition. The difference may be, perhaps, in degree, but both sides have made a conscious effort.

"I think, however, there is one fitting epitaph to this entire episode that might be added as a postscript to history, and that is, after months of arduous struggle in an effort to retain the independence of this body, statesmanship finally prevailed over gamesmanship."

Senator Abercrombie then stated:

"In respect of some of the previous remarks, I think it is important for the benefit of the public who have observed the proceedings up to this point--in many instances finding it difficult to understand why it is that 25, presumably reasonable people, found it so difficult to put together a combination that will allow the Senate to be organized and to conduct business--that they know the reasoning behind it. This has been referred to so often this morning and on other occasions.

"The reason, Mr. President, is a simple one. All of us have special interests; every man and woman on this floor has a special interest. The difference is that when that special interest becomes a private interest at the expense of the public interest, and all the high-flying rhetoric about parties and people's business cannot obscure for a moment that when power-brokers gather together to try to turn their special interest into private interest at the expense of the public interest, it is the public that loses.

"It is far better to go 60 hours, 60 days, 60 years to protect and defend one's fidelity to the Constitution that requires us to conduct ourselves in a manner befitting public policy, than it is to compromise to the point where that public policy in turn finds itself in a disastrous situation.

"We have succeeded with this coalition in protecting the public interest. Each of us with our special interest has subsumed those special interests to the public interest. It is no secret that many of us would have preferred one committee to another committee, but we were asked to look at the big picture--look at the broader consequences; to consider making moves and sharing committee assignments in order that we be able to protect the independence of this body from the power-brokers that seek to subvert that independence.

"The people of this State benefit, therefore, by having a legislative body which is issue-oriented and where the particular desires of individual Senators are submerged in a picture that allows us to see what the public interest is. That's what we're striving to do.

"To that extent, a message has gone forward today and it will require the talent of all of us because this is just the beginning. A message has gone forward that as far as this Senate organization is concerned, each and every group will have to present its point of view and trust that it can prevail on its merits. That is what we are striving to do. If we are able to assume fidelity to that purpose and carry through on it to the end of the 60 days, we will have succeeded.

"I for one will be more than happy, in the upcoming election, to explain my role and to defend my role, which in turn has defended the independence of this body so that the taxpayers and citizens of this State can be assured that constitutional government, on their behalf, has taken place rather than a sell-out to power-brokers who would subvert and destroy everything that the people of our State have worked so hard to put together for their lives. Thank you."

Senator Toyofuku then rose to offer the President congratulations and best wishes.

The President thanked Senator Toyofuku and remarked as follows:

"In response to all the discussion

that has taken place involving this particular coalition, 'a rose is a rose, is a rose,' and I seek not to run away from that term.

"I think we will have a productive Senate, and I hope the general public, outside of all the rhetoric that was heard this morning about party and other considerations, will judge this Senate by its final product. I am willing to assume the consequences of my particular involvement in this coalition and I will not, in the future days, ever feel that it is a bad deal.

"I think you will be very surprised with the amount of cooperation and talent in this coalition. The word talent was often heard in the negotiations.

"Again, I mention to you, the final product will be the basis of judgment as to whether or not we have done the right thing. As far as elections are concerned, the people have the final say and they will determine whether or not the action taken in this body is proper and correct for the good of all the people of this State."

Senator Young then rose on a point of personal privilege as follows:

"Mr. President, yesterday's Star-Bulletin contained an article, 'Isle Senate Fight Is Near Solution' written by Gregg K. Kakesako. Of course, the cliché or saying at the Capitol is--don't believe all you read in the paper.

"Although I was very upset on reading that article, I intended to shrug it off as irresponsible journalism, but upon returning home I got numerous calls from my campaign workers and constituents regarding this article which stated that I had expressed a willingness to join a coalition between the Toyofuku faction and the Republicans. I did not make such statement.

"I saw Mr. Kakesako on the second floor yesterday. He could have easily checked with me about my position. He chose not to do so. Instead, what he did was write false statements about me which raised questions about me and my credibility among my Senate colleagues and the general public.

"I don't think this is fair. This type of irresponsible reporting only serves to create misunderstanding and ill-feelings among us senators, especially at this time.

"Mr. President, I for one do not appreciate it."

At this time, Senator Holt offered the President his congratulations.

ADJOURNMENT

At 12:09 o'clock p.m., on motion by Senator Cobb, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 2, 1981.