

FORTY-SECOND DAY

Monday, March 28, 1983

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

The Divine Blessing was invoked by Father Robert Connor, United States Navy, Barbers Point, after which the Roll was called showing all Senators present with the exception of Senator Cayetano who was excused.

The Chair announced that he had read and approved the Journal of the Forty-First Day.

At this time, the following introductions were made to the members of the Senate:

Senator Toguchi introduced Mrs. Gary Goeas, Mrs. Mary Goeas and Mr. Daniel Goeas, and their guests, Mrs. Joyce Lee and Mrs. Donna Bowers of Oregon, and Mrs. Sharon Wheeler and Mrs. Shirley Gott of Missouri.

Senator Chang then introduced the Executive Director of Common Cause, Mr. Ian Lind.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 255 to 270) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 255) advising the Senate of the withdrawal of the nomination to the Board of Trustees for the Deferred Compensation Plan, dated February 25, 1983, of Valri Lei Kunimoto, term to expire October 27, 1986, under Gov. Msg. No. 199, was placed on file.

In compliance with Gov. Msg. No. 255, the nomination listed under Gov. Msg. No. 199 was returned.

A message from the Governor (Gov. Msg. No. 256) transmitting a report prepared by the Department of Planning and Economic Development, entitled: "Hawaii Coastal Zone Management Program, 1982 Annual Report," February 1983, was referred jointly to the Committee on Ecology, Environment and Recreation and the Committee on Economic Development.

A message from the Governor (Gov. Msg. No. 257) submitting for consid-

eration and confirmation to the Advisory Committee on Pesticides, the nominations of the following:

Charles Y. Nagamine, term to expire December 31, 1986;

Darryl K.H. Choy, term to expire December 31, 1984; and

James K. Ikeda, term to expire December 31, 1986,

was referred to the Committee on Agriculture.

A message from the Governor (Gov. Msg. No. 258) submitting for consideration and confirmation to the Board of Barbers, the nomination of Victor J. Elizalde, term to expire December 31, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 259) submitting for consideration and confirmation to the Board of Chiropractic Examiners, the nomination of Nathalie Davies Tucker, D.C., term to expire December 31, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 260) submitting for consideration and confirmation to the Board of Nursing, the nominations of Adele D.S. Mitchell, Dorothy Ann Park and Violet L. Nakamura, terms to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 261) submitting for consideration and confirmation to the Board of Dispensing Opticians, the nominations of the following:

Lorraine Shirai, term to expire December 31, 1984; and

Ted H. Yamada, term to expire December 31, 1986,

was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 262) submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of Rod G. Bjordahl, D.O., term to expire December 31, 1986, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 263) submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nomination of Stella Satake, term to expire December 31, 1985, was referred to the Committee on Consumer Protection and Commerce.

A message from the Governor (Gov. Msg. No. 264) submitting for consideration and confirmation to the Library Advisory Commission, County of Maui, the nominations of the following:

Edwin T. Silva, term to expire December 31, 1986;

Penny Lou Endo, term to expire December 31, 1986;

Kerry Yukio Ogawa, term to expire December 31, 1983; and

Harriet Anne Borton, term to expire December 31, 1986,

was referred to the Committee on Education.

A message from the Governor (Gov. Msg. No. 265) submitting for consideration and confirmation to the Board of Health, the nominations of the following:

Roger B. Brault, M.D., term to expire December 31, 1985;

Ralph M. Beddow, M.D., term to expire December 31, 1986;

Patricia Ann Roberti, term to expire December 31, 1986; and

Rosalina S. Domondon, term to expire December 31, 1986,

was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 266) submitting for consideration and confirmation to the West Honolulu Subarea Health Planning Council, the nominations of Arvid Tadao Youngquist and Nora L. Tejero, terms to expire December 31, 1986, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 267) submitting for consideration and confirmation to the Central Oahu Subarea Health Planning Council, the nomination of Merl W. Hawthorne, term to expire December 31, 1986, was referred to the Committee on Health.

A message from the Governor (Gov. Msg. No. 268) submitting for consideration and confirmation to the Board of Trustees for Deferred Compensation Plan, the nominations of the following:

Robert E. Cooling, term to expire December 31, 1986; and

Valri Lei Kunimoto, term to expire December 31, 1985,

was referred to the Committee on Human Resources.

A message from the Governor (Gov. Msg. No. 269) submitting for consideration and confirmation to the Policy Advisory Board for Elderly Affairs, the nominations of the following:

Leonard E. Mason, term to expire December 31, 1983;

Samuel S. Luke, term to expire December 31, 1986;

Felicidad D. Habon, term to expire December 31, 1986;

Shizuko Mukaida, term to expire December 31, 1983;

Tuala Sevaaetasi, term to expire December 31, 1986;

Helen Wiegert, term to expire December 31, 1986;

Edward T. Yamada, term to expire December 31, 1986;

Nora M. Kurosu, term to expire December 31, 1986;

Yoshiaki Fujitani, term to expire December 31, 1986; and

Colette V. Browne, term to expire December 31, 1984,

was referred to the Committee on Youth and Elderly Affairs.

A message from the Governor (Gov. Msg. No. 270) transmitting the 1982 Annual Report of the Natural Energy Laboratory of Hawaii, submitted pursuant to Section 227-3 (9), HRS, was referred to the Committee on Economic Development.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 294 to 306), were read by the Clerk and were disposed of as follows:

A communication from the House (Hse. Com. No. 294) transmitting House Concurrent Resolution No. 24, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 24, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATEWIDE FARM ORGANIZATIONS TO PROVIDE ADVICE AND ASSISTANCE TO EXISTING AND NEW COOPERATIVES AND COMMODITY ASSOCIATIONS," was referred to the Committee on Agriculture.

A communication from the House (Hse. Com. No. 295) transmitting House Concurrent Resolution No. 2, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 2, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HIGHER EDUCATION FUNCTIONAL PLAN," was referred to the Committee on Higher Education, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 296) transmitting House Concurrent Resolution No. 3, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 3, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TRANSPORTATION FUNCTIONAL PLAN," was referred to the Committee on Transportation, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 297) transmitting House Concurrent Resolution No. 4, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 4, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HOUSING FUNCTIONAL PLAN," was referred to the Committee on Housing and Urban Development, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 298) transmitting House Concurrent Resolution No. 5,

H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 5, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE ENERGY FUNCTIONAL PLAN," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 299) transmitting House Concurrent Resolution No. 6, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 6, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE TOURISM FUNCTIONAL PLAN," was referred to the Committee on Tourism, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 300) transmitting House Concurrent Resolution No. 7, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE WATER RESOURCES DEVELOPMENT FUNCTIONAL PLAN," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 301) transmitting House Concurrent Resolution No. 8, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 8, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HEALTH FUNCTIONAL PLAN," was referred to the Committee on Health, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 302) transmitting House Concurrent Resolution No. 9, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No.

9, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE EDUCATION FUNCTIONAL PLAN," was referred to the Committee on Education, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 303) transmitting House Concurrent Resolution No. 10, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 10, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE AGRICULTURE FUNCTIONAL PLAN," was referred to the Committee on Agriculture, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 304) transmitting House Concurrent Resolution No. 11, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE HISTORIC PRESERVATION FUNCTIONAL PLAN," was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 305) transmitting House Concurrent Resolution No. 12, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 12, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE STATE CONSERVATION LANDS FUNCTIONAL PLAN," was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Economic Development, then to the Committee on Ways and Means.

A communication from the House (Hse. Com. No. 306) transmitting House Concurrent Resolution No. 13, H.D. 1, which was adopted by the House of Representatives on March 23, 1983, was placed on file.

By unanimous consent, H.C.R. No. 13, H.D. 1, entitled: "HOUSE CON-

CURRENT RESOLUTION RELATING TO THE STATE RECREATION FUNCTIONAL PLAN," was referred to the Committee on Ecology, Environment and Recreation, then to the Committee on Economic Development, then to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 51 and 52) were read by the Clerk and were disposed of as follows:

A concurrent resolution (S.C.R. No. 51), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INTERIM STUDY ON DEFAULTS ON AGREEMENTS OF SALE," was offered by Senators Cobb, B. Kobayashi, Carpenter, Holt, Toguchi, Uwaine, Soares, Henderson and Cayetano.

By unanimous consent, S.C.R. No. 51 was referred to the Committee on Consumer Protection and Commerce.

A concurrent resolution (S.C.R. No. 52), entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT AMENDMENTS TO HAWAII'S WORKER'S COMPENSATION LAWS BE RECOMMENDED TO MODERATE RAPIDLY RISING WORKERS' COMPENSATION PREMIUM COSTS," was offered by Senators Cobb, Chang, B. Kobayashi, Carpenter, Cayetano, Henderson and Soares.

By unanimous consent, S.C.R. No. 52 was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 64 to 67) were read by the Clerk and were disposed of as follows:

A resolution (S.R. No. 64), entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF LAWS BASED ON AGE," was offered by Senators Carpenter, A. Kobayashi, George, Machida, Holt, Abercrombie, Cobb, Kawasaki, Uwaine, Henderson, Cayetano, Fernandes Salling, Yamasaki, Wong, Hagino, Chang, Young, Ajifu, Toguchi, Aki, Soares, Kuroda, Solomon, Mizuguchi and B. Kobayashi.

By unanimous consent, S.R. No. 64 was referred to the Committee on

Judiciary, then to the Committee on Legislative Management.

A resolution (S.R. No. 65), entitled: "SENATE RESOLUTION REQUESTING FURTHER ACTION ON THE DESIGNATION OF A STATE NATURAL RECREATIONAL AND HISTORIC PARK AT KAPUA, HONOLULU, OKOE, KAULANAMAUNA, AND MANUKA DISTRICTS IN SOUTH KONA AND KA'U, ISLAND OF HAWAII," was offered by Senators Carpenter, Henderson and Solomon.

By unanimous consent, S.R. No. 65 was referred to the Committee on Ecology, Environment and Recreation.

A resolution (S.R. No. 66), entitled: "SENATE RESOLUTION REQUESTING AN INTERIM STUDY ON DEFAULTS ON AGREEMENTS OF SALE," was offered by Senators Cobb, Chang, B. Kobayashi, Carpenter, Holt, Yamasaki, Toguchi, Uwaine, Soares, Henderson and Cayetano.

By unanimous consent, S.R. No. 66 was referred to the Committee on Consumer Protection and Commerce.

A resolution (S.R. No. 67), entitled: "SENATE RESOLUTION REQUESTING THAT AMENDMENTS TO HAWAII'S WORKER'S COMPENSATION LAWS BE RECOMMENDED TO MODERATE RAPIDLY RISING WORKERS' COMPENSATION PREMIUM COSTS," was offered by Senators Cobb, Chang, B. Kobayashi, Yamasaki, Carpenter, Cayetano, Henderson, Soares and Toguchi.

By unanimous consent, S.R. No. 67 was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Human Resources.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 677) informing the Senate that Governor's Message Nos. 257 to 269, Senate Concurrent Resolution Nos. 51 and 52, Senate Resolution Nos. 64 to 67 and Standing Committee Report Nos. 678 to 682 have been printed and have been distributed to the members of the Senate.

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

Senator Abercrombie, for the

Committee on Education, presented a report (Stand. Com. Rep. No. 678) recommending that Senate Resolution No. 22 be adopted.

On motion by Senator Mizuguchi, seconded by Senator Toguchi and carried, the report of the Committee was adopted and S.R. No. 22, entitled: "SENATE RESOLUTION ENCOURAGING CITIZENSHIP AND ETHICS TRAINING IN THE SCHOOLS," was adopted.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 679) recommending that the Senate advise and consent to the nominations of the following:

Frank K. Hamada to the Board of Taxation Review, First Taxation District, in accordance with Governor's Message No. 204;

Herbert A.B. Chang to the Board of Taxation Review, First Taxation District, in accordance with Governor's Message No. 205;

Victor I. Endo to the Board of Taxation Review, Second Taxation District, in accordance with Governor's Message No. 206; and

Brian J. Ikawa to the Board of Taxation Review, Third Taxation District, in accordance with Governor's Message No. 207.

By unanimous consent, action on Stand. Com. Rep. No. 679 and Gov. Msg. Nos. 204, 205, 206 and 207 was deferred until Tuesday, March 29, 1983.

Senator Mizuguchi, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 680) recommending that the Senate advise and consent to the nomination of Eduardo Malapit to the Labor and Industrial Relations Appeals Board, in accordance with Governor's Message No. 157.

By unanimous consent, action on Stand. Com. Rep. No. 680 and Gov. Msg. No. 157 was deferred until Tuesday, March 29, 1983.

Senator Cobb, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 681) recommending that House Bill No. 658, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Cobb, sec-

ended by Senator Chang and carried, the report of the Committee was adopted and H.B. No. 658, entitled: "A BILL FOR AN ACT RELATING TO ENGINEERS, ARCHITECTS, AND SURVEYORS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 30, 1983.

Senator Abercrombie, for the Committee on Education, presented a report (Stand. Com. Rep. No. 682) recommending that the Senate advise and consent to the nominations of the following:

Ramona H. Hao to the Hawaii Education Council, in accordance with Governor's Message No. 113;

Grace Kekaulike Basque and Katherine S. Hanley to the Library Advisory Commission, County of Hawaii, in accordance with Governor's Message No. 114; and

By unanimous consent, action on Stand. Com. Rep. No. 682 and Gov. Msg. Nos. 113 and 114 was deferred until Tuesday, March 29, 1983.

ORDER OF THE DAY

THIRD READING

House Bill No. 276, H.D. 1:

By unanimous consent, action on H.B. No. 276, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 29, 1983.

House Bill No. 275:

By unanimous consent, action on H.B. No. 275, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 29, 1983.

House Bill No. 278, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. NO. 278, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 29, 1983.

House Bill No. 757, S.D. 1:

By unanimous consent, action on H.B. No. 757, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," was deferred until Tuesday, March 29, 1983.

RE-REFERRAL OF GOVERNOR'S MESSAGE

The President re-referred Governor's Message No. 218, received on March 24, 1983, jointly to the Committee on Health and the Committee on Youth and Elderly Affairs.

At this time, Senator Abercrombie, for the Committee on Economic Development, requested a waiver of the 48-hour notice of a Public Hearing on House Bill No. 703, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY," and the President granted the waiver.

Senator Uwayne then rose and stated:

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

"Mr. President, on Saturday, I was very disturbed when I went home and I saw the news, both on three television stations as well as in the daily newspapers. Actually, I shouldn't have been disturbed because I was there when this incident was occurring.

"What I'm referring to, Mr. President, is that in front of the Ways and Means Committee Room, there was a press conference held by Common Cause and the reference was made that decisions were being made behind closed doors. In fact, on several occasions in the TV broadcast the news reporter walked up to the door and shook the door to emphasize the fact that the doors were locked. The thing that he failed to mention was that he was shaking the wrong door!

"Apparently, Mr. President, the point that I'm trying to make is that I'd like to commend Senator Yamasaki, who is the chairman of Ways and Means, for the way that he's been conducting the briefing meeting as well as the public hearings and the decision-making process of the budget.

"In particular, what I'm making reference to is that on Thursday, I think Senator Yamasaki was approached by the president of Common Cause and in regards to the fact that there were some questionable facts, maybe certain things were going to be decided on the days of Friday, Saturday and Sunday, which at that time Common Cause had some concerns that maybe this meeting should be

opened up.

"I think it was expressed by Senator Yamasaki, as chairman of the committee, to this individual who represented Common Cause that he should go back to his board of directors and have a thorough discussion on the matter and then having come to a decision with his board of directors of Common Cause, to come back to Senator Yamasaki and they would have a discussion of whether or not the meeting should be opened. This was on Thursday.

"Apparently, the next thing that happened was, on Saturday, there was a press conference being held. Fortunately, I was out there and I saw this occurring and I was approached by one of the newscasters to ask Senator Yamasaki if he would like to make a statement.

"Senator Yamasaki proceeded to make a statement, but apparently, I think that it was like how most things are in the news, not everything can be shown on the air and apparently, they just showed certain parts of statements!

"I think what Senator Yamasaki expressed at that point was that there was no decision-making being made behind closed doors. And, I resent the fact that this individual representing Common Cause made that statement because I was part of that group, in that group, and I can say very honestly, right now that as far as in that room, basically what we were doing was getting briefed by the Ways and Means staff as well as the various different subject matter committees as far as what is in the budget recommendations -- both subject matter as well as Ways and Means staff. There were no decisions being made!

"Basically, as a Senator and as the chairman of Transportation, I may be very familiar with the transportation budget. However, unfortunately, I cannot be an expert on all different areas. So, it was a good opportunity for the staff of Ways and Means, which I also commend for doing their homework and explaining to me the various items in various subject matter committees.

"On those three days, there were no decisions made. Basically, and fortunately for the Senators like myself, I think now, on Monday, I'm very familiar with the budget, and I think it was shown this morning that

when the Ways and Means Committee met at 9:00 o'clock there was very thorough discussion and decision-making being made in front of the public.

"I think that it can be shown on the record that between 9:00 o'clock and 11:00 o'clock, when we took a recess, of a document that is about a thousand pages long, they just covered up to page 30. And there was thorough discussion and decision-making being made in front of the public.

"I think it was really unfortunate that this individual took advantage of the situation by not communicating back to Senator Yamasaki, and took advantage of Senator Yamasaki's not being able to explain very thoroughly what was being discussed behind the doors on Friday, Saturday and Sunday, which was just a briefing.

"At this time, I'd like to commend Senator Yamasaki and the members of his staff on a job well done as far as providing us with the basic information so that we can have intelligent decision-making this afternoon.

"I think the end-product will show that the Senate is very open. We do follow our rules and we do follow the laws that we pass pertaining to sunshine.

"In closing, I just hope that Common Cause, if they have any further questions or things that they'd like to discuss, I would at least expect them to talk to Senator Yamasaki, and if they're going to make a decision, at least have the courtesy of coming back to Senator Yamasaki prior to calling a press conference.

"Thank you."

Senator Wong then rose and stated:

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

"Mr. Vice-President, with reference to the previous speaker, I just want to make several comments. One is that I want to make it very clear to the members of the Senate and the general public that Senator Yamasaki called me on the question of whether or not the committee briefing was an open meeting because Common Cause wanted to sit in. I arrived upstairs on Saturday and made the decision that Common Cause should not be allowed to sit in on the briefing by

the Senate.

"At that time - via the media, all three television stations - I articulated three positions. First, that the meeting was not a meeting but a briefing; second, that decisions would be made at 9:00 a.m. on Monday morning in Senate Conference Room 1; and third, that when it came to a matter of discussing strategy between the House and the Senate, I did not feel that this should be opened to the public (and thus to the House) because, as you and I know, the ball game is really in the conference committee where the two sides work out their differences.

"During the past three years, the conference committee has been an open conference committee with every single item in every program area being discussed in open discussion. I feel very comfortable, Mr. Vice-President, with my decision. I want to make it clear, for the record, that Senator Yamasaki asked me for an opinion and I told him, 'The answer is, "I'm sorry, at this time, no, because it is a closed meeting in the sense that it is for planning strategy. Also in the process of briefing the Senators the question of personalities always arise in the course of discussion on various budgetary item.'" And, as you know, Mr. Vice-President, we have a few problems with some of the members of the cabinet here before this Senate for confirmation. I don't think that's in the best interest of the individuals who are being discussed for some of those personal remarks to be made public nor do I think that the public interest would really be served.

"Therefore, as President of the Senate, I made my ruling. Perhaps, Mr. Vice-President, this may be a good time to consider where we can separate the issues that are being discussed behind closed doors versus those that are in open hearings, because evidently, there is no clear delineation of what is really a closed meeting with secret decision-making as opposed to the budget-making process as we have it in operation today, which is in an open conference committee meeting. I think the line is very, very gray in the particular area of whether one can say that all discussions leading up to the conference are decision-making.

"But perhaps, if Common Cause feels very strongly about the issue, they should seek some kind of adjudication by our judicial system as to

what constitutes a meeting or a decision-making meeting. But, as long as I am President of the Senate, I will use the best judgment at my command to make these kinds of decisions. I do not wish to cast any disparity on Senator Yamasaki.

"In fact, I happened to overhear on the media Mr. Lind saying that he thought that Senator Yamasaki was one of the fairest, the most open chairman that they have dealt with over the years. And I think any implication that Senator Yamasaki was intentionally trying to keep people away from a closed, decision-making meeting is, as far as I'm concerned, very irresponsible. To all of you who've known Senator Yamasaki, you know the kind of guy he is.

"Thank you very much, Mr. Vice-President."

Senator Soares then rose and stated:

"Mr. President, I would be remiss if I didn't rise on a point of personal privilege, because I too, was at the hearing on Friday and Saturday, and I too am an admirer of the chairman.

"The Senate President was there. However, for the record, (and I'm sure the other members will vouch for what I say) all we had was a visitor who wanted to come in and make some noise. My recommendation was, let the guy in, put him in the corner, and keep on going with what we were discussing, and if my guess was right, he would leave within an hour or an hour-and-a-half because we were just briefing ourselves on the budget.

"Senator Yamasaki did a heck of a good job, in my opinion, of trying to make things as clear as possible. I had predicted that if the lobbyist didn't come in Friday, he'd be here Saturday with the TV cameras and there'd be a lot of noise about the fact that we had had a closed meeting.

"The committee did discuss allowing the person in. It was judged that we were going through a briefing session only. The chairman talked to him; the Senate President talked to him. I was there during the entire two days, and I should correct Senator Uwayne because it was Friday that the lobbyist came, not Thursday. My feeling was that there was nothing to be gained or lost from letting him in because we were not making decisions! This morning's session

should prove that: we made decisions just this morning on the early part of the budget.

"The committee worked long and hard, trying to be as fair as possible in discussions over the weekend. I again support the Senate President and the chairman for the way they handled the situation."

Senator Cobb then rose and stated:

"One additional point, Mr. President, in reference to the remarks of the Senate President, that I think that it should be determined, if necessary, by litigation that a

strategy session or briefing is not decision-making. If it is to be so interpreted, the Constitution needs to be amended. Otherwise, I would think that the actions of the Ways and Means Committee are entirely in accordance with the provisions of the sunshine law.

"Thank you."

ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 29, 1983.