



COMMON CAUSE / HAWAII

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COMMON CAUSE/HAWAII IN THE NEWS

1 9 8 3

Dave Donnelly's Hawaii

AT a going-away party yesterday for Bob Dye, who is leaving Hawaii to be administrative aide to Rep. Cec Heftel in Washington D.C., the honoree told Columbia Inn boss Gene Kaneshiro, "I'm going to open a branch of this place in Washington and call it the District of Columbia Inn."



Sorry to learn of the death by heart attack of Don Costa, who helped so many Isle singers with their recording efforts when he wasn't arranging for Frank Sinatra and the biggies. Just before he died, Costa was working with Jeff Apaka on an album . . . State Sen. Neil Abernethy got a taste of the "sunshine law" in action during the opening day of the legislature when he witnessed Amber Starr (great stage name!) doing her Peel-o-Gram routine in his office . . .

AFTER meeting with Luciano Pavarotti, Italy's vice consul Guido Salmaggi can hardly wait for his next trip to Italy. Salmaggi told the reknowned tenor that he had visited Pavarotti's hometown, Modena, during his latest trip to Italy, and

Luciano told him the next time he got there to call and he'd prepare his favorite dish—stand by for a world scoop—*fettucini verdi al pesto* . . . Marriott Corp. honcho J. Willard Marriott Jr. dropped by the offices of his public relations reps locally, David McNeil and David Wilson, and found both of the Englishmen dressed to the nines. "How come the suits?" he asked. "We thought we'd impress you," they replied as



Marriott

one. "And I," Marriott responded, "wore an aloha shirt because I wanted to impress you." Marriott is now off to Maui to look over his hotel property at Kaanapali . . . Ian Lind of the American Friends Service Committee will be the new exec director of Common Cause in Hawaii . . .

SPEAKING of Pavarotti—we were a moment ago, remember?—he and soprano Joan Sutherland can be heard together on KHPR, the local affiliate of National Public Radio, Sunday at noon. The delayed broadcast will originate from the Sydney Opera House . . . Stopping by the Easter Seals headquarters today is Pat Boone, national chairman of the Easter Seals telethon. While

here, he'll tape some promotional announcements and meet local fundraisers. His daughter, singer Debbie Boone, is also visiting in Hawaii independently of dad . . . Sometime Londoner Ed Sheehan recalls that Roger Rees, who was so magnificent as "Nicholas Nickleby" on stage, was a bellhop at the London Hilton just before his leap to fame . . . Aloha Airlines' reservations director Toni Peris is proud of two former agents who've gone on to other things. Valerie King, publisher of *Posh* magazine, and Nalani Wilson, beauty editor and model in the publication, stopped by to present Toni with a copy of their new magazine . . .

OVER 700 people have signed up for the "Kilauea Volcano Wilderness Marathon" on Jan. 29 along the smoking flanks of the Big Isle. There'll be shorter races as well, with all events timed to end around noon at National Park headquarters. One of the top prizes is two round trips to the Mainland, courtesy of World Airways and Sheraton Hotels . . . It began as a country and western club, but Rodeo on Lewers has dropped that format and is now called Rodeo Drive, with the emphasis on Beverly Hills rock and roll, whatever that is. And bossman Bill Walton has obtained a cabaret license, so the club is now rocking until 4 a.m. nightly . . . Dr. Wizardwise, otherwise known as magician Bob Markwood, didn't

*Common
Cause picks
Ian Lind*

Common Cause/
Hawaii has named
Ian Lind as execu-
tive director of the
citizens' lobbying
group.

He was formerly
program director of
the American
Friends Service
Committee and was
active in a number
of community
issues. He succeeds
Bob Dixon.

From Religion to Political Activism

New Leader for Common Cause

Ian Lind, the new director of Common Cause, is a soft-spoken intellectual who has made himself heard loud and clear for the past seven years as spokesman for some in the Quaker community.

He was program director of the American Friends Service Committee, this 35-year-old pacifist who opposed the Vietnam War 15 years ago and who most recently worked for prison reform.

He's no stranger to picket lines. He has prepared and circulated slides, films and transcripts against draft registration, corporate involvement in Central America, and other national issues; he has even sued the Navy to seek disclosure of nuclear weapons accidents.

During the past year he continued his graduate studies in political science at the University of Hawaii, researching the impact of militarism on areas such as Hawaii. He was looking for work when the job at Common Cause opened up.

NOW HE'S making the transition from the religious base to the political, aware that it's a new ball game. "I didn't deal in the legislative arena because of the 'tax laws' which, he felt, limited religious participation in government. "If you want to deal with social issues from a religious perspective, you do it in different ways."

Earlier this week he attended the first meeting of the Sunshine Coalition and one of the members said, "Here I am, already sur-

rounded by radicals."

He admits "people are very gun shy of someone like myself. Locals stay back and shy away from being public. It's perfectly all right to be public when you are trying to get elected to office, or when you are enhancing your own pocketbook, but not on public interest issues."

In the office at the Armed Services YMCA, "one of the first things I did was check the overlapping of constituents" in Common Cause and the Quaker community. He was pleased to find "not more than 20 percent overlap, which raises all sorts of possibilities for showing each group how much they have in common in making change."

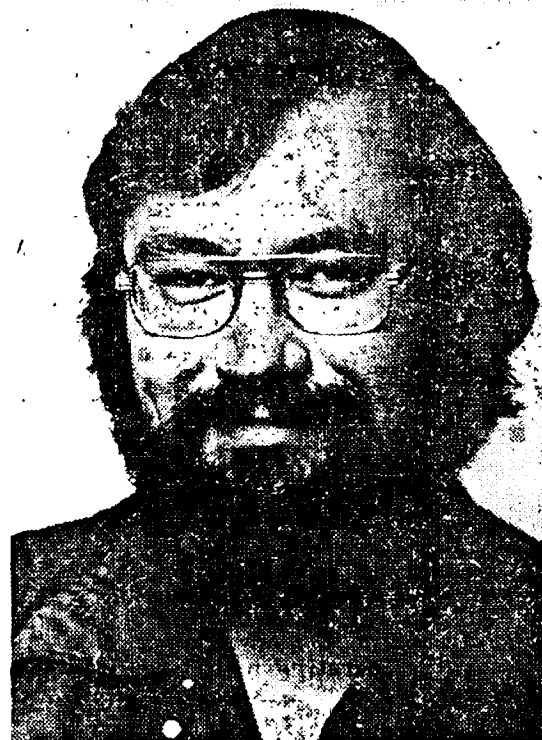
AND HE'S excited personally to see how well the skills he learned "in a different context" will carry through in the legislative arena.

"I'm looking forward to being able to challenge state agencies that have gotten used to closing themselves off from public scrutiny."

Even before he officially started his work, he had been boning up on sunshine legislation. "The Campaign Spending Commission was going into closed executive session and I tried to get them to state precisely why they were doing so. They couldn't state the reasons."

He said he may have some trouble with the process of initiative — the American Friends operate solely from consensus.

—By Nadine W. Scott



Ian Lind

'Sunshine' rule concern cancels closed meeting

A closed meeting between state senators and hotel industry representatives was canceled yesterday after questions were raised about possible violations of open-meeting "sunshine" rules.

"There was some concern about the matter of open or closed meetings," said Senate Majority Leader Joe Kuroda, who had set up the meeting and made it private out of deference to hotel industry representatives.

Since the industry is opposed to a hotel room tax and some senators are strong supporters of the idea, there could have been some "embarrassing" questions, Kuroda said. "There were no secrets. It was just an informational meeting where the discussion would have been much livelier."

Earlier in the day, during the regular Senate floor session, Sen. Neil Abercrombie questioned the propriety of the closed

legislature '83

meeting. Vowing he would not attend, Abercrombie said, "The hotel industry has no more reason to be in a closed meeting with us than I have to be in a Politburo meeting in the Soviet Union."

Later in the day, Common Cause/Hawaii wrote Senate President Richard Wong to protest the meeting.

Shortly before the meeting was to begin, Wong asked that it be canceled. An open meeting on the topic would not be possible, Wong reasoned, since adequate public notice had not been published.

Kuroda said there may be no need to reschedule the meeting since his Tourism Committee will hold a public hearing Feb. 23 on three hotel tax bills, and all sides will be heard at that hearing.

Common Cause Complaint Blocks Hotel Tax Discussion

By Gregg K. Kakesako
and Stirling Morita
Star-Bulletin Writers

State senators yesterday abruptly canceled a closed-door meeting with hotel industry representatives about a tourist tax after Common Cause/Hawaii complained that such a session would violate the spirit of the state Constitution and law providing for open government.

Sen. Majority Leader Joseph Kuroda told reporters that hotel industry representatives had agreed to open the meeting, but that Senate President Richard Wong said such a move would not provide adequate notice to the interested public.

Kuroda, D-17th Dist. (Pearl City-Old Waipahu), said senators probably would not have an informal meeting with the hotel industry because the Tourism Committee has scheduled a public hearing on various hotel room tax measures for Feb. 23.

Intending to have a closed-door session with the hotel industry, Kuroda invited all 25 senators to the 5 p.m. meeting. He said he believed that a closed session would allow the industry representatives to speak "candidly" on the controversial subject.

DAN LIND, Common Cause's executive director, said in a letter: "Insofar as at least three bills related to a hotel room tax are currently before the Senate, and this meeting will involve the majority of the Senate in addition to hotel industry representatives, it will necessarily be more than an informal meeting or party caucus.

"Such a meeting may, by its very structure, involve serious discussion and active deliberations which will move the Senate towards a decision on the pending bills. Under these circumstances, the spirit of the constitution, Sunshine laws and rules of the Senate require that the meeting be opened to the public," Lind's letter said.

Kuroda said he was just trying to provide a forum in which his colleagues could learn more details. Kuroda initially asked the hotel lobby whether they preferred an open session or a closed one. The lobby said it preferred a closed session, so Kuroda scheduled it.



COMMON CAUSE wasn't the only one to complain about the closed session.

Democratic state Sen. Neil Abercrombie called on his colleagues to abandon their plans for a meeting with members of the Hawaii Hotel Association.

In a floor speech Abercrombie, D-11th Dist. (Tantalus-Makiki-

Downtown), said: "The hotel industry has no more reason to be in a closed meeting with us than I have to be in a closed meeting with the politburo of the Soviet Union."

"These people (hotel lobby) don't own the state," Abercrombie said.

Abercrombie said he doesn't

want to be a party to such actions and dismissed arguments raised by Kuroda that similar closed-door meetings were held in the House several weeks ago.

But Senate Vice President Duke Kawasaki told Abercrombie that the closed meeting in the Democratic caucus room was not one called by the leadership of the Senate or a committee chairman and therefore, was not technically in violation of the state's sunshine laws.

Kawasaki, D-14th Dist. (Kalihi Valley-Moanalua), said the meeting barring members of the press and the public was not an official gathering of the Senate.

After several recesses during which lawmakers conferred on the floor to determine whether the meeting was permissible under Senate rules, Abercrombie appeared satisfied with Kawasaki's explanation and dropped the matter.

5 Senators, Hotel Men in Meeting

By Stirling Morita
Star-Bulletin Writer

Five Democratic senators met secretly with the influential hotel lobby Tuesday night shortly after Sen. Joseph Kuroda told news reporters and the public he had canceled a closed-door session on the controversial hotel room tax.

Majority Leader Kuroda, D-17th Dist. (Pearl City-Old Waipahu), said yesterday that after canceling the meeting, he invited hotel industry representatives up to his legislative office to "finish off the kau'kau."

It turned out that four other senators dropped into Kuroda's second-floor office at the State Capitol, Kuroda acknowledged, saying there was a discussion of the visitor industry and about the hotel room tax.

"Some of the information would not have been shared openly," Kuroda said.

"If you ask if I consider it a problem, I'd say, 'No.' If you ask me if I did anything wrong, I'd say, 'No.' But if you ask me if someone could look at it suspiciously, I'd say, 'Yes,'" Kuroda said.

He originally had scheduled a closed-door session for 5 p.m. Tuesday so all the senators could meet with hotel industry officials and hear their comments about a tourist tax — which the industry has vigorously opposed for years.

BUT SEN. Neil Abercrombie and Common Cause/Hawaii protested the closed-door meeting, saying it violated the spirit of the law and Senate rules calling for open government.

Kuroda then said he was going to open up the meeting, but Senate President Richard S.H. Wong said it should be canceled because not enough notice had been given to the public.

At that time, Kuroda said he did not know whether another meeting would be scheduled because the hotel room tax issue would come up in a committee hearing soon.

After the news media and Common Cause left the foyer outside the Senate caucus room in the State Capitol basement where the meeting was to have been held, food and beer — provided by the hotel industry — were taken up to Kuroda's legislative office.

"I invited them all up to the gathering. We took part in refreshments and they shared information to questions that we asked," Kuroda said.

The intent "originally was to consume the goodies," he said. He said some of the information "was revealing."

Ian Lind, executive director of Common Cause, said he was disappointed to learn that the meeting actually took place without the knowledge of the public, "especially since the Senate leadership recognized the problems with holding that kind of meeting."

Senators argue with opponents of state lottery

By Jerry Burris
Advertiser Politics Editor

A parade of churchmen, police vice officers, civic officials and others yesterday urged state senators not to approve a state-operated lottery in Hawaii.

The occasion was a Senate Judiciary Committee hearing on a plan pushed by Senate President Richard Wong for a state-backed lottery similar to that operated in other states.

Although many committee members indicated by their questions that they favor establishing a lottery here, the reaction they received from the public was uniformly to the contrary.

The committee also received testimony on proposals for an indirect initiative measure under which citizens could propose law. The idea drew strong support from church groups and individuals associated with the initia-

tive movement, but it was roundly opposed by labor unions and Chamber of Commerce representatives who said initiative is not needed in Hawaii's political climate.

The public hearing on these high-visibility issues took most of the day for Sen. Dante Carpenter's Judiciary Committee. The lottery bill, designed to raise money to aid the elderly, drew the strongest testimony.

"The history of legalized gambling in our country and abroad shows a pattern of communities being penalized by an influx of the undesirable and unlawful elements that are often associated with gambling interests," said the Hawaii Council of Churches.

"The by-products may include under-cover (illegal) gambling, syndicated prostitution, accelerated drug traffic, increased violence, growth of personal indebtedness, alcoholism, domestic disorders, government corruption and

in some places, rising rates of suicides," the group said.

This drew a surprised reaction from committee members, who argued that gambling is already woven into the fabric of life in Hawaii. The state lottery, they argued, would be no more harmful than a church bingo game (also illegal today in the Islands).

Committee member Neil Abercrombie asked the opponents whether it wasn't "hypocritical" to oppose a state lottery when supermarket drawings and mail-order magazine sweepstakes are commonly allowed.

Added Sen. Ben Cayetano: "This bringing in the so-called morality question. . . . Why is it any more moral to patronize the supermarket sweepstakes or a Publisher's Clearinghouse contest than this thing we are talking about?"

Police Lt. Michael Joy of the Narcotics/Vice Division said the difference is that a lottery would be illegal gam-

bling because it combines "consideration" with chance. You don't have to pay to win a supermarket sweepstake, he said.

If a state lottery is legalized, Joy argued, other forms of gambling will follow.

"Legal gambling such as off-track betting, state-run lotteries and numbers games contribute to the growth of illegal gambling because it educates bettors about wagering," Joy said. "Bettors then go out and obtain a better deal from illegal bookmakers with bigger payoffs."

The Hawaii Crime Commission also opposed the bill, saying there is no assurance of a payoff worth the potential social ills.

On initiative, strong support came from such groups as the League of Women Voters and Common Cause. Initiative, said Common Cause Director Ian Lind, is not a substitute for the

Legislature but "the last resort of the citizenry. It is a mistake to say initiative will undermine representative government," he said.

Although actual cases of laws proposed through initiative will be rare, "the potential to use it will bring people into closer contact with the Legislature," he said.

"I consider it simply an extension of the voter's franchise."

But groups such as the HGEA, the ILWU, the Chamber of Commerce and the Retail Merchants of Hawaii all argued against it. Said Chamber spokesman Ben Bond:

"Our elected officials should not avoid their responsibilities by waiting for legislation to be proposed by the people through initiative, nor should our elected representatives evade controversial issues by passing the buck to voters through referendum."

The Honolulu Advertiser

Aloha!

Today is Saturday,
Feb 19 1983

In Senate Judiciary Committee *Lines Drawn on Initiative*

By Stirling Morita
Star-Bulletin Writer

Politicians could remove themselves from the political hot seat by letting voters initiate and approve controversial issues. Mary-Jane McMurdo, an initiative backer, told state senators yesterday:

McMurdo, who played a principal role in getting initiative into the City Charter last year, said a City Council member asked her Thursday night: "When are you people going to get us off the hook and run a fireworks initiative?"

The banning or limiting of fireworks has been a controversial political question for the City Council, and the obvious meaning of the question posed to McMurdo was that Council members would face less political heat if the issue were put to the voters.

McMurdo used the example to illustrate that there are other reasons for granting citizens statewide the right to propose and adopt state laws or constitutional amendments.

The testimony before the Sen-

ate Judiciary Committee on a bill proposing a constitutional privilege of initiative was split between community activists, and the business community and unions.

COMMITTEE Chairman Dante Carpenter, D-1st Dist. (Hilo), said he would attempt to move the measure out of his committee, but that he did not know how the rest of the committee members felt about it.

In two previous legislative sessions, the Senate passed such a measure only to see it die in the House.

Although each of Hawaii's four counties permits citizens to propose and approve ordinances and charter amendments, the state has steadfastly blocked efforts to give the same powers on the state level.

Initiative opponents say there will be additional costs with initiative issues, which sometime appeal to emotional attempts to change the laws. They say they prefer the Legislature, as an example of the representative form of government, to make the decisions.

Opponents include the Chamber of Commerce of Hawaii, Retail Merchants of Hawaii, Hawaii Government Employees Association and the ILWU Local 142.

Supporters say initiative is the purest form of democracy and enables those who are frustrated with the legislative system to get changes enacted.

BACKERS include Common Cause/Hawaii, the Initiative Committee, League of Women Voters of Hawaii and the Hawaii Council of Churches.

Carpenter's bill proposes that supporters of an issue get signatures equal to 10 percent of the number of votes cast for governor in the previous election to initiate a law and 12 percent to initiate a constitutional amendment.

The state elections officer would check the validity of the signatures and refer the petitions to the clerks of both legislative houses. If the Legislature adopts a measure similar to the petitioners' proposal, then the process would end.

If the Legislature does not act, then the proposal would go on the next general election ballot. But if the Legislature makes a major change in the proposal, both the Legislature's and peti-

tioners' proposals would be on the ballot. The state Supreme Court would decide if there is a major change involved.

The bill specifies that an initiative proposal could not involve finances or collective-bargaining agreements.

Before Carpenter's bill can be placed on the ballot to amend the state Constitution, both legislative houses must approve it by a two-thirds vote in one year or majority vote in two consecutive years.

Thursday, February 24, 1983 The Honolulu Advertiser

Keep campaign spending law, legislators urged

By Jerry Burris
Advertiser Politics Editor

State lawmakers were urged by citizens' groups yesterday not to repeal the Hawaii campaign spending law.

The appeal came during a Senate Judiciary Committee hearing on a variety of measures designed to strengthen or rewrite the law, which governs the money side of politics in Hawaii.

Most of the bills heard yesterday were proposed by committee chairman Monte Carpenter, D-1st District (Hilo).

They range from one that makes today's voluntary spending rules mandatory through another that would abolish the campaign spending law as unworkable.

In the middle was a proposal to keep the voluntary spending limits but make them so acceptable that most candidates would go along.

While there was disagreement with the bills that would tinker with the existing law, everyone argued against outright appeal.

"Rather than repeal the law because

of its faults, we recommend amending the law to deal with them," said League of Women Voters vice president Marian Wilkins.

"I agree (the current law) is not doing the whole job it should be doing," she said, "but to repeal the law is like burning down Capitol because of termites."

Common Cause director Ian Lind warned that "if we do away with the law, we are just issuing an invitation to those who want to buy elections and buy candidates."

Jack Gonzales, executive director of the state Campaign Spending Commission, said the commission is "absolutely opposed" to repeal of the law.

"The disclosure of financial resources, expenditures and campaign rhetoric are the only means the public has to measure a candidate before he or she is elected to office," he said.

The committee heard support for the idea of making voluntary limits mandatory, although they all acknowledged that mandatory limits would conflict with Supreme Court rulings that up-

hold free speech.

Common Cause also argued forcefully against a "housekeeping" proposal that would raise the minimum amount under which contributions should be reported by name.

Today all contributions of \$100 or more must be identified with the contributor's name and occupation. The bill would raise that reporting limit to \$500.

This change would eliminate up to 90 percent of information currently disclosed, the group said.

Legislators Considering Some Basic Changes

Helen Altom
Star-Bulletin Writer

House and Senate leaders are considering possible state constitutional amendments on the legislature's structure, according to House Majority Leader Russell Blair.

Blair said he feels the 60-day legislative session should be extended another five to 10 days to avoid a "compression of time" at this stage of the session to consider bills for a cross-over between the two bodies.

"The way the constitution constructs the Legislature may be a factor in poor notice provided to

the general public," Blair said. "We have been discussing it in (House) leadership and have even had some preliminary discussions with the Senate leadership about some possible amendments."

Blair related some of the Legislature's problems in conducting its business in an interview Wednesday regarding a complaint from Common Cause/Hawaii about inadequate public notice on recent House Finance Committee hearings.

He said the committee was asked to try to meet a 48-hour notice requirement for hearings, "but realizing the time constraints it was given a blanket

waiver. So, I don't think it would be a violation."

COMMON CAUSE executive director Ian Lind expressed the group's concerns about the Finance Committee in a letter to House Speaker Henry Peters citing deviations from the notice requirement.

"Such lack of advance notice makes it difficult, if not impossible, for the public to prepare or participate," Lind said.

"The current press of legislation before the Finance Committee is an admittedly difficult, but not unexpected, part of the legislative process and should not

justify a wholesale exemption from public notice requirements."

The House leadership also was confronted Wednesday with other procedural problems outlined by House Minority Leader Fred Rohlfsing regarding activities of the House Committee on Employment Opportunities and Labor Relations.

Blair said he hadn't had a chance to check into incidents in which Rohlfsing said the employment committee had broken House rules on methods of handling bills.

BUT HE said "it is a legitimate concern" that Common Cause ex-

pressed. "It's a structural problem, rather than the fault of any chairman," he said. "It's not like we were trying to sneak a bill through."

He said part of the Finance Committee's difficulty "is due to constitutional constraints on the Legislature which need to be addressed. Specifically, the prohibition on cutting off bill introduction earlier than the 20th day."

An earlier cutoff date would allow more time for the primary committees to hear the bills and get them to the Finance Committee earlier, he said.

The constitutionally mandated

five-day recess is another problem, Blair said, because the Legislature can't transact any business during that period.

He said he doesn't believe the recess should be eliminated but believes the 60-day session should be extended to 65 days or longer.

"When you take off 20 days for bill introduction and seven to 10 days at the end for conference committees, we have to get through six readings (on a bill) in a relatively small period of time."

He said, "One of the biggest benefits of changes would be to make it possible for us to abide by notice requirements or even improve them."

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Campaign law caution

The state Senate today will consider proposed changes in the campaign spending and disclosure law. Ever since the U.S. Supreme Court ruled mandatory spending limits for candidates an unconstitutional violation of the right of free expression, Hawaii and other states have been struggling with this problem.

The amounts raised and spent by all candidates in last year's election — more than \$5 million in the gubernatorial race alone, for example — make a compelling argument for a change in the present disorderly, doubt-raising system.

But the bills now being considered would seem to water down present safeguards too much without offering a realistic way to limit total spending.

ONE PROPOSAL would raise the amount a person could give a candidate during an election campaign from the present limit of \$2,000 in the primary and \$2,000 in the general to a total of \$10,000. This would mean a bigger role for major contributors.

At present all those who contribute more than \$100 must be listed by name in the candidate's disclosure statements. The proposed bill would raise that threshold to \$500. Research by the watchdog organization Common Cause indicates that would eliminate more than 80 percent of present disclosures, effectively hiding much of a candidate's support.

Finally, a proposal would eliminate the present interim reports that must be filed and made public before the election and require only an all-inclusive

report after the election. Thus on election day the voter would have no way of knowing where the candidates' financial support comes from.

Another, somewhat contradictory, proposal would make campaign spending limits "mandatory" in the sense that candidates who say they do not intend to abide by them would have their names publicized. They would thus theoretically face the political wrath of the electorate, though there would be no other sanctions.

HAWAII'S constitution calls for campaign spending limits for non-federal elections, and there is a growing feeling the state should "challenge" the Supreme Court ruling by passing a new law and facing the constitutional test.

But the proposed bills, should they pass the Senate and House of Representatives (where there seems to be more caution about change this year), do not appear to be the vehicle for that challenge.

One worst case scenario is that "mandatory" limits in the proposed campaign spending law could be ruled unconstitutional by the U.S. Supreme Court. That situation would leave the people of Hawaii with contribution limits and requirements for disclosure and reporting weakened to the point of meaninglessness.

Until a more effective way to strengthen the existing less-than-satisfactory law can be found, the Legislature should hold off on attempts to challenge the Supreme Court by changing it.

Probe of Lobbyist Registrations Asked

Common Cause/Hawaii has asked the state Ethics Commission to investigate 54 organizations whose lobbyists may have been required to file registration statements but apparently haven't complied.

In a letter yesterday to the Ethics Commission, Ian Lind, Common Cause executive director, noted the large decline in the number of 1983 registrations by organizations represented by lobbyists.

Lind submitted a list of 54 groups which filed registrations during the last legislative session but did not indicate representation by registered lobbyists this year.

"The presence of an organization on this list does not necessarily indicate a current requirement to register," Lind said in the letter. "Certain of these organizations may not be required to register under the amended law while others may have ceased their lobbying activities."

UNDER A LAW PASSED last year, lobbying organizations are no longer required to file registration statements, but the individual lobbyists must register, disclosing which groups they work for. The Ethics Commission keeps a cross-index file showing the groups represented by registered lobbyists.

Catherine Chang, Ethics Commission executive director, said her office will have to check with

the groups to see if they have lobbyists that aren't registered with the commission.

At least one of the groups on the list had lobbyists who have registered with the commission for 1983.

Chang said the commission will hold a workshop for lobbyists on regulations and changes in the law from 9 a.m. to noon Tuesday in Conference Room 312 of the new Department of Personnel Services building at Punchbowl and Halekauwila streets.

Campaign spending bill gets Senate OK

By Jerry Burris
Advertiser Politics Editor

Despite charges that it would "draw a veil of secrecy" over the money side of politics in Hawaii, the state Senate has approved a bill that revamps the state's campaign spending law.

The proposal boosts the amount anyone can contribute to a campaign. The current limit is \$4,000 per election (primary and general election combined); the proposed limit is \$10,000 per election.

The proposal also requires disclosure of contributors only when they give \$500 or more. The current disclosure limit is \$100.

Senators also approved by an 18-7 vote a related bill that would make today's voluntary spending limits "mandatory" — but without legal sanctions.

That change was described by Windward Republican Mary George as meaningless since it provides "no real sanctions" other than public disclosure.

Further, she said, since the measure would eliminate all but post-election reporting, "how's the public going to find out?"

Bill sponsor Dante Carpenter

contended, however, that the Hawaii Constitution mandates spending limits and, since lawmakers are sworn to uphold the Constitution, "as good citizens we have to pass it."

Carpenter said the bill boosting contribution and reporting limits brings the existing campaign spending law in line with reality. Many contributors today "hide" their political donations by using proxies, Carpenter said.

But George said the bill, if enacted, would "draw a veil of secrecy" over campaign spending and contributions. It also would strengthen the influence of big-money interests over the political process, she said.

George noted that the citizen lobbying group Common Cause estimates that as much as 85 percent of the contributions disclosed today would not be revealed under the proposed law.

Sen. Neil Abercrombie backed the measure. He pointed out that a "millionaire" can spend as much as he wants on his own campaign. The proposal would even the odds a bit for those who are not wealthy.

The bill passed the Senate 14 to 9. Both measures now face scrutiny by the House.

Campaign Spending Bills Scored

By Stirling Morita
Star-Bulletin Writer

Common Cause/Hawaii yesterday said that state Senate passage Wednesday of two bills amending the campaign spending law "would appear to be almost an invitation to those who would seek to buy candidates and elections."

Jack Gonzales, executive director of the state Campaign Spending Commission, isn't too happy about the bills either.

The measures, sent to the House, would:

—Eliminate campaign spending reports before the primary and general elections and only require a candidate to disclose his finances after the general election. The bill also would set mandatory spending ceilings — something the U.S. Supreme Court has ruled unconstitutional.

—Permit a politician to hold unlimited fund-raisers in a year if the ticket price is \$100-per-person or less; allow a candidate to receive up to \$5,000 from one person for each election; and increase from \$100 to \$500 the amount a person can donate without having to disclose his identity.

GONZALES said one measure guts the public disclosure provisions of the campaign spending law, adding that it also sets mandatory ceilings without the means to enforce them.

Under existing law, the public can learn about a candidate's finances before and after each election. If the bill becomes law, the public wouldn't find out about such finances until after a person was elected.

Ian Lind, Common Cause's executive director, said, "We believe that the Senate's action was shortsighted and self-ish, and not in the public interest."

"If passed into law, these bills would appear to be almost an invitation to those who would seek to buy candidates and elections and would reinforce the public belief that politics is the exclusive domain of the rich."

Persons now contributing more than \$100 must be identified in a candidate's campaign spending report, but under the measure, the public would only learn of a donor's identity if he contributes more than \$500.

THE Senate Judiciary Committee said increases in the various limits were needed "to more realistically reflect the high costs of campaigning." Senators noted that the costs of political campaigns have steadily increased.

The other bill was supported "to prevent the political process from becoming the exclusive domain of the rich" by requiring limited spending by candidates, according to the committee's report. The current spending limits are voluntary.

Measure on sentencing guidelines put on hold

By Sandra S. Oshiro
Advertiser Government Bureau

The House Judiciary and Corrections committees last night shelved a Senate measure aimed at establishing sentencing guidelines for judges along the lines suggested by a panel two years ago.

Judiciary Chairwoman Kathleen Stanley said that although the committees appreciated the

work that went into the bill, it would be held until the House has more time to review the proposal's impact on the state's sentencing policies.

The committee also will rewrite a Senate elections bill which the League of Women Voters called a "cynical attempt to do away with the campaign spending law without doing it openly."

Stanley said she will come up

with a House draft of a measure today that would provide for mandatory spending ceilings and fewer reporting requirements.

League Vice President Marian Wilkins urged the Senate bill's defeat in strong terms, saying it would do away with campaign-contribution reporting requirements on one hand while imposing mandatory spending limits on the other. Without reporting

requirements, no one would know if the limits were reached, she said.

Wilkins also opposed a bill that would sharply raise contribution limits to allow anyone to contribute as much as \$10,000 to a candidate in an election year. The limit now is \$4,000.

Ian Lind of Common Cause/Hawaii said there is no compelling reason to raise the contribution limit, "especially since such a change would increase the risk of corruption and undue influence of money in the electoral process."

Jack Gonzales, executive director of the state Campaign Spending Commission, also opposed both bills.

The sentencing guideline measure was strongly supported by the Chamber of Commerce of Hawaii. Spokesman Peter Aurand said the bill was based on the philosophy expressed by former Circuit Judge Masato Doi's panel in a 1981 report on statewide sentencing.

The panel called on the state to move toward uniform, certain punishment and away from the rehabilitative, "open ended" sentencing that has marked the state's 11-year-old penal code.

Aurand said the bill would

make "an internally consistent, fair and just package out of what is now a discredited patchwork" of sentencing laws.

State corrections officials and the state judiciary recommended that the measure be set aside for the time being.

Franklin Sunn, state social services and housing director, said that although his department favors the concept of sentencing guidelines, the bill might require judges to more send defendants to prison and to impose longer terms.

Sunn urged lawmakers to study what impact the bill would have on the state's already overcrowded prison facilities.

That shouldn't be a worry, according to Donald Bremner, Waikiki Improvement Association spokesman and one of the bill's supporters. He said a "safety valve" built into the proposal would allow the paroling authority to grant early paroles to selected inmates when the prison is overcrowded.

Thomas Hugo Jr., paroling authority chairman, said the bill was a "valiant effort to improve our criminal justice system," but he suggested that the bill might have some impacts that crime victims would not like.

The House committee also shelved a measure aimed at speeding up court trials. Aurand favored the measure, although the Honolulu prosecutor's office and the state judiciary branch testified against it.

According to the chamber's figures, felony trials are now being routinely scheduled for 1985. About a third of those in prison are there awaiting trial. Some have been there as long as a year.

"The judiciary's solution is more judges and staff," said Aurand. But he said he has reason to believe that the problem could be handled by better administration of the courts, including clamping down on requests to delay legal proceedings.

Honolulu Deputy Prosecutor Arthur Ross said the "speedy trial" bill would make the problem worse since it would provide no additional prosecutors or judges to handle the existing backlog of cases.

Aurand said in response, "They (prosecutors) might have to dump a few of their less promising cases to keep up, but at least they would reduce their problems of keeping track of witnesses, fading memories etc."

For Political Campaigns

Stanley Backing Spending Limits

By Pat Guy
Star-Bulletin Writer

House Judiciary Chairman Kathleen Stanley wants to reinstate mandatory campaign spending limits that would not conflict with a 1974 U.S. Supreme Court ruling that struck down such laws.

But both Stanley and her colleague in the Senate, Judiciary Chairman Dante Carpenter, point to a 1978 amendment to Hawaii's Constitution that requires the enactment of mandatory spending ceilings for political campaigns.

At the close of a lengthy House Judiciary public hearing last night on the subject, Stanley said that she would like to see the passage of a mandatory spending limit that could withstand a court challenge. The U.S. Supreme Court in 1974 ruled that mandatory campaign spending limit laws were unconstitutional, saying they violate freedom of expression.

Hawaii, however, in 1978 passed a constitutional amendment requiring spending limits.

"Our elections are too expensive," said Stanley, who favors limits on campaign spending. She said the Senate "is very interested in this bill and we want to keep it alive."

The current spending limits are voluntary.

ALTHOUGH the bill puts a mandatory lid on expenditures, the only "penalty" would be public disclosure that a candidate is not abiding by the limits.

Stanley's committee, however, killed another Senate bill that would have raised the contribution limits substantially and increased the amount a person can donate without having to disclose his identity.

Stanley has recommended that her committee approve spending ceilings of \$16,000 for legislators.

For the governor's race, the ceiling would be about \$800,000 if the limit were 80 cents per registered voter. Figures are somewhat lower in the Senate version.

Gov. George Ariyoshi spent \$2.5 million and GOP D.G. "Andy" Anderson \$797,837 last year.

Independent Democrat Frank Fasi and Democratic gubernatorial candidate Jean King, both of whom had trouble raising money in the race against Ariyoshi last year, opted to abide with the state's voluntary limits and spent \$555,044 and \$262,948. In return they received state funds for their campaigns.

STANLEY TOLD her committee she intends to amend the Senate bill to consolidate two expenditure reports into one covering post-primary and pre-general election reports. The Senate version eliminates all pre-election reports, which opponents say undermines the purpose of the law.

Common Cause executive director Ian Lind testified against both bills, saying the term mandatory was a "misnomer" because of the absence of penalties.

Lind said a recent survey of various state campaign spending laws show Hawaii's law is "not very restrictive."

Lind also said he was concerned that a successful court challenge "would leave us with no effective campaign spending controls at all."

THE COMMITTEE did act on

several other bills that have already received Senate approval. It killed a bill that would have revamped Hawaii's criminal sentencing laws, established sentencing guidelines and called for more frequent but shorter prison sentences.

The proposal was supported by the Chamber of Commerce and, with some reservations, by the City Prosecutor's Office. The corrections division was concerned about the potential impact of the bill on the already overcrowded prisons.

Also locked in committee is a speedy trial act supported by the Hawaii Crime Commission and the Chamber of Commerce.

Deputy City Prosecutor Art Ross opposed the bill that would have set strict time limits on steps in the criminal justice system. He said the bill would "not provide swiftness of punishment" but would mean the release of about 2,000 defendants in Honolulu because of inability to meet the time limits in the bill which leads to dismissal of charges.

In Hawaii...

• Thursday, March 24, 1983 Honolulu Star-Bulletin A-3

Ways & Means meet may stir legal challenge

By Jerry Burris

Advertiser Politics Editor

A closed-door "strategy session" by the state Senate Ways and Means Committee this weekend may have cast a legal cloud over the proposed new two-year state budget, the citizen group Common Cause warned yesterday.

Common Cause executive director Ian Lind was turned away when he tried to sit in on the money committee's weekend meetings. Other groups had the same experience, he said.

"There is no way they can say these are a minor series of meetings," Lind said. "These are the heart of the decision-making in the Senate."

Since Senate rules and the state Constitution require publicly open decision-making, Lind said, the strategy sessions could be in violation of the law.

As a result, he said, Common Cause and/or other groups may mount a legal challenge on the validity of the budget that finally results.

Senate President Richard Wong said, however, that the weekend sessions were strictly to provide Ways and Means Committee members with in-house background information. It was in preparation for a formal decision-making session tomorrow and then the all-important budget conference with the House, which is to follow, Wong said.

"The real decision-making will be at conference when everybody will know what the two budgets contain," Wong said.

"It will be open and each subject matter will be discussed."

In addition, Wong said, the Senate version of the budget will be decided in public by Ways and Means at a meeting beginning at 9 a.m. tomorrow.

Since the Senate has proposed a stand-by tax increase, while the House has not, Wong said, Ways and Means members had to prepare two financial scenarios — one that assumes a tax increase and one that does not.

But Lind said since information on decisions reached this weekend will inevitably flavor the final budget product, he believes the public should have been allowed to attend the strategy sessions.

Senators Question Revamp of Budget

By Gregg K. Kakesako
Star-Bulletin Writer

Several senators today questioned the way the Senate's money committee is redrafting the administration's nearly \$3 billion budget proposal, noting that the budget bill now is dependent on House passage of an increase from 4 percent to 4.5 percent in Hawaii's general excise tax.

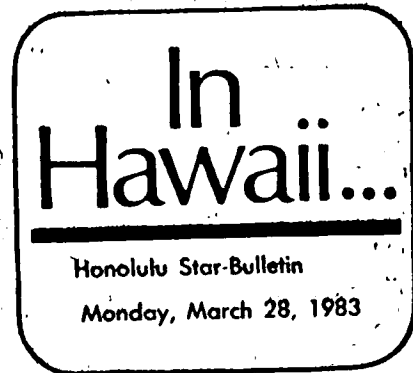
Senate Ways and Means Chairman Mamoru Yamasaki today said the budget is divided into two parts — the first containing priority items and the second sec-

tion listing programs and services which only can be funded if the Legislature and Gov. George Ariyoshi approve the Senate's recommendation to increase the percent general excise tax.

Listed in that section are about \$40 million worth of programs the House deleted from the governor's budget. The cuts were necessary to balance the budget in the face of falling revenues.

THE SENATE two weeks ago approved by a 14-11 vote a temporary two-year increase in the

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Budget Revamp Questioned

Continued from Page One

state's general excise tax to 4.5 percent designed to raise \$95 million. To make it more palatable to the House, the tax bill includes a \$50 tax credit to bring some relief to beleaguered Island taxpayers.

But Senate Republican Leader Richard Henderson pointed out during this morning's Ways and Means meeting that 11 senators voted against the bill when it passed several weeks ago, showing their displeasure with the tax levy.

The temporary two-year increase is now before the House Finance Committee where it faces almost certain death.

Both Senate Education Chairman Neil Abercrombie and Senate Hawaiian Programs Chairman Lehua Fernandes Salling said today that they do not agree with Yamasaki's actions.

DURING THIS morning's hearing Salling said that the budget was redrafted without consulting the major committee chairmen in the Senate. "It was all done by the staff and I take exception to that," Salling said.

During a break in the hearing, Abercrombie said that he would have liked the opportunity to discuss the changes with the committee before they were finalized. Abercrombie said that his recommendation on how much money should be spent on lower education over the next two years was based on the current uncertain revenue picture. He said he cut \$24 million out of the governor's budget to help prevent a \$255

million deficit two years from now.

Yamasaki said that his committee has until Thursday to "finish its deliberations on the budget." The following day is Good Friday — a legislative holiday — so the earliest a floor vote can be taken is next Monday.

Yamasaki's committee also has been criticized by Common Cause/Hawaii for holding "a members only" meeting this weekend behind closed doors. Common Cause maintains that this violates the state law which says that all decision-making sessions of the Legislature must be open to the public.

But Senate President Richard S.H. Wong and other Democrats maintain the meeting was closed because it was a strategy session and was held to prepare committee members for pending budget sessions with the House.

Court Decision May Settle Issues

Secret Senate Budget Talks Challenged

By Gregg K. Kakesako
Star-Bulletin Writer

Senate President Richard S.H. Wong yesterday suggested that the courts may have to be the final arbiter to determine which meetings of the Legislature must be open to the public.

At issue is last weekend's budget briefing sessions held by the Senate Ways and Means Committee behind closed doors.

Common Cause/Hawaii, the self-proclaimed citizen's lobbying group, believes that the public should be allowed to attend all meetings of the committee. A spokesman yesterday said a decision on whether to challenge the Senate's committee action will be made before the end of the week.

Wong said the decision to close the Ways and Means Committee briefings was his. "There is no clear delineation (in the law) between closed and secret meetings and budget sessions," he said.

Although Wong believes the Legislature can bar the public from strategy budget briefings, he suggested that Common Cause should ask the courts to clarify which meetings can be closed under the state's sunshine law.

SENATE Republican Floor Leader W. Buddy Soares said that as a Ways and Means Committee member he suggested that "nothing would have been gained or lost" by letting Ian Lind, Common Cause's executive director, into the meeting because "we weren't making decisions."

He said that Lind would have

soon grown bored with the discussion between senators and would have left after "a few hours."

But in a floor speech Wong said that "no decisions were made" during the three-day-long "members only" meetings.

"It also was a strategy session to prepare the Senate for conference meetings with the House," Wong said. "The real ballgame is in the conference committee."

Wong was referring to a series of meetings planned for next week between House and Senate members over differences in the nearly \$3 billion budget.

The House already has cut nearly \$43 million from Gov. George Ariyoshi's budget although the governor has indicated that nearly double that

amount must be trimmed to prevent a \$255 million deficit two years from now.

RATHER THAN trim the budget, Senate Ways and Means Chairman Mamoru Yamasaki has proposed raising the state's 4 percent general excise tax to 4.5 percent, but that proposal doesn't sit too well with all senators.

Senate Education Chairman Neil Abercrombie and other committee chairmen said the tax increase never was considered when he rewrote the Department of Education's budget, slashing it by \$24 million.

As it stands now, both the House and Ariyoshi oppose the tax increase and Abercrombie maintains the Senate would be giving the governor carte blanche

to fund whatever projects he desires under the current Senate proposal.

This is because the Senate's version of the budget now is divided into two parts with priority items in one section and the governor's programs in a second part. The governor's programs would only be funded if tax collections increase next year or if the Legislature passes the increase in the general excise tax.

For instance, the Senate has proposed that funding for the Hawaii Visitors Bureau's operations would be included in the second part of the budget and cut to \$2 million.

The House already has agreed to give the HVB \$6 million, \$2 million more than it had requested.

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Tuesday, March 29, 1983

Keeping Legislative Committee Sessions Open

As if there weren't enough complications to the process of producing a state budget in a time of fiscal austerity, the Senate has run the risk of having the final product thrown out by holding a closed-door "strategy session" for the Ways and Means Committee.

Senate President Richard Wong contended that the weekend sessions merely provided committee members with background information in preparation for a formal decision-making session and the budget conference with the House.

But the executive director of Common Cause, who was turned away when he tried to sit in on the meetings, argued that they could violate Senate rules and the state Constitution. The Constitution, as amended in 1978, states that "Every meeting of a committee in either house or of a committee comprised of a member or members of both houses held for the purpose of making decisions on matters referred to the committee shall be open to the public."

The difficulty, of course, concerns the issue of decision-making. The purpose of the constitutional amendment was to end the practice of informal, secret meetings at which political deals were worked out, to be followed by public meetings at which legislators merely went through the motions of considering issues.

And although the Senate president contends that no decisions were reached at the budget sessions, who knows? Common Cause is skeptical, to say the least, and might mount a legal challenge to the budget as a result. In 1981 similar objections forced the Legislature into a special session to repass the budget.

To its credit, the Legislature kept the budget conference committee sessions open last year to avoid a similar problem. But the Senate's "strategy session" indicates that full openness in legislative proceedings is still a goal to be attained.

Senate has 2 plans to balance budget

By Jerry Burris
Advertiser Politics Editor

The fate of \$40 million to \$50 million in state projects and programs may hang on a sudden turnaround in the economy or a substantial local tax boost by the Legislature.

That's the picture that emerged yesterday as the Senate Ways and Means Committee began deciding on its version of the new two-year \$2.9 billion state budget.

It has become apparent that the House and Senate will take into conference substantially different approaches to legally balancing the budget.

The House spending proposal falls \$42 million short of the official estimate of the state's two-year tax take. The House plan is based on "optimism" that the economy will turn around and the shortfall will disappear.

If there is no turnaround, the House wants to leave the cutting to the governor, with perhaps some advice from the Legislature.

The Senate, however, feels that lawmakers cannot legally balance the budget on optimism. Ways and Means' solution is to have a two-part budget.

The first part, "A," would be critical spending that can be handled even if there is no economic improvement or additional tax revenue.

The second part, "B," contains \$40 million to \$50 million worth of programs that won't proceed unless, as Chairman Mamoru Yamasaki put it, "we have sufficient revenues to cover it."

By that, the Senate means its proposal would boost the general excise tax by around \$50 million a year.

The plan to stake the full budget on the hope that the

House will agree to a tax increase was criticized by Sens. Richard Henderson and Duke Kawasaki.

Henderson, GOP Minority Leader, noted that the tax bill passed the Senate by a narrow margin. The House appears hostile to the idea, he added.

Said Kawasaki: "A budget predicated on a possible tax passing in the House is a very tenuous position. I don't mind predicting it won't pass the House."

One example of spending that may end up in the chancy "B" section, is tourism promotion. The Hawaii Visitors Bureau would like some \$4 million a year for the next two years. The Senate appears ready to throw nearly \$2 million into the "B" portion, where it might only emerge if the state boosts its tax take.

The Senate's decision-making on the budget came after a weekend closed-door briefing session that drew criticism from the citizen lobbying group Common Cause.

Common Cause is considering a legal challenge to the budget's validity on grounds the closed sessions violated legal "sunshine" requirements.

That court challenge, Senate President Richard Wong said yesterday, might be a good idea.

Wong said it was his decision to allow the closed briefing sessions. While Wong said he feels comfortable with the decision, he acknowledged there is no clear delineation on what can be closed in the budget process.

"I think the line is very gray," he said, suggesting it might be worth a court ruling on what constitutes a legislative meeting.

Wong also said he would seek an attorney general's opinion on the legality of closed-door strategy sessions by a committee.

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A-14

State Mandatory Limits on Campaign Spending

In a 1976 decision, the U.S. Supreme Court ruled that mandatory limits on campaign spending in the Federal Election Campaign Act were an unconstitutional infringement of the guarantee of free political expression embodied in the First Amendment to the U.S. Constitution.

Nevertheless the 1978 Hawaii Constitutional Convention proposed, and the voters approved, an amendment to the state Constitution stating: "The Legislature shall provide a limit on the campaign spending of candidates."

When state constitutions conflict with the U.S. Constitution, it is the federal constitutional provisions that prevail. Presumably the same principle that was held to prohibit mandatory campaign spending limits on the national level would also apply to state elections. It would therefore appear that the Hawaii state constitutional provision directing the Legislature to limit campaign spending is a dead letter.

The Legislature, however, has now gotten around to following the state Constitution's directive. The Senate has passed a bill providing for campaign spending limits — but with no penalties for violations. The House Judiciary Committee has passed a similar measure and forwarded it to the Finance Committee.

Hawaii of course already has a system of voluntary spending limits, with counterpart public funds provided for the candidates who choose to comply. But the system has failed to bring the campaign spending binge under control, because the funds provided by law are insufficient to offset spending by rivals in major races, particularly for governor and mayor of Honolulu. By contrast, at the federal level, a similar system for presidential candidates has produced a high degree of compliance because the funds provided are more nearly adequate.

The chairman of the House Judiciary Committee, Kathleen Stanley, says she hopes the Legislature will produce a mandatory limit on campaign spending that can survive a court challenge based on the 1976 U.S. Supreme Court ruling.

But a spokesman for Common Cause opposes the bill because he fears that a successful court challenge "would leave us with no effective campaign spending controls at all."

A law that provides no penalties for violations seems ridiculous. If the Legislature is serious about a limit, it should correct this defect.

Having done that, it should proceed to final passage. For the state Constitution's directive is clear, and the Legislature is bound to follow it. There seems no room for equivocation on this point.

That is not to say that such a law would survive a court test. Probably it would not, although we can't be sure.

If the law was struck down, the Legislature would at least have fulfilled its duty to implement the state Constitution. Perhaps then the legislators could take on the job of increasing the amount of public funds offered for voluntary compliance with spending limits to more realistic levels.

Campaign Spending Bill Faces House Deadline

By Helen Altonn
Star-Bulletin Writer

House Finance Chairman Ken Kiyabu believes state laws concerning spending limits and disclosure requirements for elected candidates should be primarily for "big fishes" rather than "grass-roots candidates" who depend on small donations from family and friends.

He said yesterday that he understands the need for tight control over campaign spending by gubernatorial, mayoral or congressional candidates and possibly City Council members who wield a lot of power.

But he said legislators generally receive small donations and can't easily dispense favors because of the number of votes needed to approve anything.

"It seems like there is suspicion about those running for office that we're unethical. Are we going to do something unethical for \$150?" he asked.

"Why are we making it hard for ourselves? If I tell you how much money I've got and how I spent it, that should suffice."

Kiyabu was expected to convert his philosophy into recommendations to his committee today on a House-amended Senate bill calling for mandatory campaign spending limits and making 19 other changes in the present law.

THE BILL must reach the House floor by midnight tonight

to meet a legislative deadline for a final vote Monday on all Senate measures with House amendments.

Jack Gonzales, executive director of the state Campaign Spending Commission, and Ian Lind, executive director of Common Cause/Hawaii, both advocated holding the bill for further study at yesterday's hearing.

Gonzales said it would clarify problems that cropped up during the last election but it appears to be unconstitutional and if it were struck down by the courts other provisions in the law might be affected.

The U.S. Supreme Court ruled in 1974 that mandatory campaign spending limits violate freedom of speech, but a 1978 state constitutional amendment calls for spending limits.

Lind said Common Cause favors changes that would hold down "out of control" election expenses but "these aren't really mandatory limits. These are only on paper — words — with no sanctions."

The only penalty for candidates not complying with the law is to refund money received above campaign limits and to have their names published.

Lind cited other concerns with the bill, including elimination of a requirement to list the occupation of those who donate more than \$100. He said this requirement is intended to show citizens the kind of support a candidate

receives.

HE SAID the bill also has contradictory provisions — setting mandatory spending limits on races while "deregulating fundraisers" through a new definition.

The bill also would reduce record-keeping by the Campaign Spending Commission from five to two years, which Lind said would deny the public important information.

Republican Rep. Whitney Anderson echoed Kiyabu's feelings about the cumbersome reporting processes and paperwork required under the campaign spending law for candidates receiving \$5 to \$20 donations from constituents.

"I'm sure everyone is interested where the big bucks come from" in the top races, Anderson said. "But it does make it so bad for

us. We feel like a bunch of crooks and we're really just trying to represent our district."

Kiyabu asked what effect the law has when some candidates still spend more than \$1 million. (Gov. George Ariyoshi spent \$2.5 million last year to win his third term in office.) "What do we go through this charade for?" Kiyabu asked.

"The only way to show that

politics isn't a corrupt business is to lay it all open," Lind said.

Gonzales said Hawaii has about 99 percent compliance with the campaign contribution reporting requirements, which provide the public with disclosure and avoid the "mere appearance of impropriety."

He said the law also protects candidates against accusations made in the heat of a race. "The record is there for all to see."

Lobby Girds for Battle with Senate

By Gregg K. Kakesako
Star-Bulletin Writer

Common Cause/Hawaii, a citizens' lobby, wants to take legal action against the state Senate to determine whether budgetary sessions held by its money committee were in violation of the state's sunshine law.

However, the final decision must be made by Common Cause's parent organization in Washington, D.C., according to its local executive director, Ian Lind. "It will take at least a week to 10 days before that decision is made," he said Thursday.

Lind said he is confident that the local watchdog organization will be given the green light to proceed.

He said he wants to expand the legal challenge to include the state House because similar problems exist there, especially with the budgetary deliberations of its Finance Committee, chaired by Democrat Ken Kiyabu.

But Common Cause needs to find someone who was barred from closed-door sessions of the Finance Committee, Lind said.

COMMON CAUSE already has complained to House Speaker Henry Peters that some committees weren't giving adequate hearing notices. "But we never got a response from the speaker," Lind said.

In a six-page summary, he outlined what Common Cause believes are "sunshine problems" at the 1983 Legislature.

He pointed out that he was barred from the March 25 and 26 meetings of the Senate Ways and Means Committee, chaired by Maui Democrat Mamoru Yamasaki. Lind said representatives of various human service agencies also were barred or "told by committee staff that no meetings were taking place."

He maintains that barring the public from these meetings, which Senate President Richard S.H. Wong has described as strategy sessions, was "a violation of the rules of the Senate, the Constitution of the state of Hawaii, and the state's sunshine law."

Senate rules require open meetings of standing committees and the State Constitution requires that "decision-making meetings be open," Lind said. He also said, "The state's sunshine law, if it applies to the Legislature, would prohibit most closed sessions."

IN A FLOOR speech Monday, Wong acknowledged that a court case would finally settle the issue of closed meetings.

It was Wong who decided to close last weekend's sessions of the Ways and Means Committee because he said they were "strategy" meetings on the budget bill.

Campaign Spending Bills Get Legislative Attention

By Pat Guy
Star-Bulletin Writer

Both the House and Senate have proposed radical changes to Hawaii's campaign spending law — changes which Common Cause/Hawaii, the citizen's lobby, believes reflects an attitude that the right of a politician to raise as much money as he can takes precedence over controlling the high cost of political campaigns.

Although Common Cause "believes the House bill is the superior bill," spokesman Ian Lind said, it is "two and a half steps backward."

The House bill would raise the limit a candidate can spend in any election to more than three times the current limit.

But Lind said the new spending limits "will encourage a higher level of campaign expenditures." And with the higher limits, a candidate "has to spend more to look bad," Lind said.

What perturbs Lind most about the bills is the attitude that he said lies behind them. "There seems to be a clear feeling that a candidate's 'right' to raise as much money as he can, in any way he can, takes precedence over any possible public good that will come from limiting spending."

LAWMAKERS NOW have two weeks to try to draft a compromise campaign spending bill incorporating the changes recommended by both houses.

Although both bills set mandatory limits on the amount that political candidates can spend, "the limits are only 5 percent of what the bill does and clouds all the other changes they are making," Lind said of the House bill.

Setting spending limits, which are now voluntary, is designed to bring the state in compliance with a 1978 state constitutional amendment requiring mandatory limits. But that provision could be challenged in court because of a U.S. Supreme Court ruling that mandatory limits violate guarantees of freedom of expression.

When passing out the House version last month, House Judiciary Chairman Kathleen Stanley said she hopes a court challenge will be mounted to test the mandatory limits.

Stanley is a strong supporter of reporting and disclosure provisions of the present law that the Senate bill eliminates. The Senate's new Judiciary Chairman Tony Chang, who voted against the Senate bill earlier this year, said he also sees the requirement to disclose campaign contributions as a vital part of the law.

LIND OF Common Cause believes the mandatory limits in ei-

ther the House or Senate bill would pass a court test "because the limits are not really mandatory."

Lind says neither bill has any penalty provision for candidates who go over the limit other than publication in the newspaper.

Jack Gonzales, executive director of the Campaign Spending Commission, believes "publication of names prior to election still has some impact. When you publish their names they don't like it."

The Senate bill is the simpler of the two bills. It merely makes current voluntary limits mandatory and eliminates all requirements to report contributions with the commission. It also eliminates the tax deduction which allows contributors to deduct up to five separate \$100 contributions to different candidates.

The House bill makes at least 20 changes in the current law, including raising the spending limits about threefold, but it does not alter the reporting requirements which call for pre- and post-election reports, a year-end report and two reports a year in non-election years.

GONZALES NOTES that the commission in its annual reports has said the present spending limits should be more realistic but said "it is in the hands of the Legislature to make the changes. As to whether this is too high or not, we really can't say."

In the 1982 election, 215 candidates voluntarily complied with the spending limits, and 115 did not comply. Of the candidates who complied with the limit, 28 received public campaign funds obtained through a check-off system on state income tax forms.

Under the voluntary compliance system now in effect, the spending limit for a representative is about \$8,300 and for governor the limit is \$390,000. In the last election, Gov. George Ariyoshi spent \$2.5 million and the Republican candidate D.G. "Andy" Anderson spent \$797,000.

By raising the limits, the House bill "makes it very easy to comply" because each representative can spend about \$20,000 per race, Gonzales said.

Lind said one objection raised to the reporting requirement is that it discourages good people from becoming candidates.

"IT IS NOT the bookkeeping. It is the money (needed) that prevents people from seeking elective office," he said. "To claim the contrary is another smoke-screen, a diversion."

Another aspect of the House bill that displeases Common Cause, which is a supporter of effective mandatory campaign

limits, is what Lind describes as the "deregulation of fund-raising activities."

Under current law, a candidate may have only one fund-raiser, which is defined as an event costing more than \$25 a ticket. The House amends the definition of fund-raiser to mean any function for which a price is charged and for which the sole purpose is to raise funds. The bill also exempts the costs of fund-raising events from the spending limit calculation.

The law now prevents people from "being squeezed to buy tickets," Lind said, but the House bill "unleashes a fund-raising race" because it would mean a candidate can have "as many fund-raisers as he wants." Lind predicts this will mean "fewer stew and rice dinners and many more \$100-a-plate dinners."

Common Cause also opposes a provision in the House bill that requires spending records to be held for two years instead of the current five years. This means records might not be available the next time a candidate runs for office, Lind said. But Gonzales said the reports will be available after the two-year period in the state archives.

THE OCCUPATION of a contributor would no longer have to be listed on campaign reports according to the House bill, a requirement that now makes it very difficult for some candidates to comply, Gonzales said, because they "have a difficult time tracking it down."

One item Common Cause likes in the House bill is the requirement that major corporate contributors also register as a committee with the commission.

"This gives the public a clearer picture of special-interest financing," Lind said.

Gonzales describes the House bill as "progressive but not entirely to our liking," adding that it "clarifies" some portions of the statute that have been confusing.

He believes the present law, if left intact, "is still very workable and meets the needs of the public to know."

Lind is thankful for provisions that did not make it this far in the legislative process.

"It could have been a lot worse," he said. One proposal would have totally repealed the campaign spending act, another would have raised the amount a person could give before it had to be reported to the commission and a third would have increased the amount a person could contribute to a candidate.

Budget Conferees Are Racing the Clock

By Helen Altom
Star-Bulletin Writer

Lawmakers continued slow negotiations on the state budget today after night-long meetings — mostly behind closed doors — to consider compromise proposals on controversial items.

Because of the delicate balance of the House-Senate budget talks, it was difficult to get any detailed information on the progress or nature of the proposals and counter-proposals.

Common Cause/Hawaii, the citizen's lobby, today said in a letter to Senate Ways and Means Chairman Mamoru Yamasaki and House Finance Chairman Ken Kiyabu that the process of "passing papers from one side of the table to the other" thwarts "the public's right to know how and why decisions are being made...."

Ian Lind, Common Cause executive director, said the actions of the budget conferees in deliberating on the budget through memos appears to be "little more than an attempt to evade the spirit and intent of Hawaii's constitutional mandate for open-decision making."

Yamasaki and Kiyabu, the conference leaders, also were operating under an agreement not to make any public statements unless they were together. And with either the House or Senate conferees closeted most of the night, the chairmen were together for

only brief moments at the bargaining table.

THE CONFEREES also were under orders not to discuss the negotiations.

They appeared in public for a total of about 11 minutes between 9:15 last night and 8 this morning, exchanging work sheets narrowing areas of disagreement. Then they went into extended recesses to try and reduce the list.

Budget conferees agreed on state grants to 154 private organizations early last night — the only action discussed openly. Private agency representatives who had been attending the conference meetings since Thursday night waiting for action on their grants went home disappointed and angry.

The Senate accepted a House funding plan that incorporated features of both the House and Senate positions, pending figures to be drawn up by the staff and reported back to the conference.

The agencies had hoped to see an increase in their state funding to help cope with federal cut-backs.

However, those that received state money last year will obtain the same amount this year, with no increases for inflation, and new grants approved by the state Budget and Finance Department will be cut by 10 percent under the conferees' settlement.

Die-hard lobbyists, spectators and staff members huddled under blankets, coats and news-

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papers through the chilly night in the third-floor conference room, reading or napping, while the conferees did their budget huddling.

A COMPROMISE package covering about 90 areas of disagreement in the budget was presented by the Senate conferees to House conferees.

After reviewing the Senate package for more than four hours, the House responded with a counterproposal to Senate conferees early this morning, with Kiyabu commenting, "We're getting close."

Aside from his remark, the conference leaders revealed nothing about the progress of the proceedings or the compromise proposals.

Some conferees thought there was a chance of wrapping up the budget later this morning while others said the bargaining showed "little give and mostly take."

"There is nothing either side can buy," said one source, indicating that the strategy was to get the other side to knuckle under in the fight against time to get the money bills to the House and Senate floors by midnight tomorrow.

That's the deadline for all measures to go to the full chambers to comply with a 48-hour wait before a final vote Friday when the Legislature is scheduled to adjourn.

Staff members said the budget had to be completed by midafternoon or earlier today to allow time for the logistical work and printing.

After wrapping up the operating budget, the conferees still had to tackle a mandatory tax credit for residents, a \$250,000 loan to Molokai Hospital, \$1.1 million for the Office of Hawaiian Affairs, \$2 million in Hurricane Iwa relief funds for Kauai, a \$74 million Judiciary budget and the state capital improvements bill, including a controversial \$70 million sought for a new state prison.

THE HOUSE reduced the prison construction figure in its budget while the Senate didn't provide any money for it.

The conferees hit a block yesterday over the state Department of Education and University of Hawaii budgets. Five of 13 pages listing areas of disagreement concern education items.

The Ways and Means Committee reportedly dropped a House-opposed \$6,000 appropriation for

a special education program on Lanai in its compromise plan.

But it cut in half the funding for a high school computer awareness program backed strongly by the House while retaining and expanding a Senate-backed Hawaiian studies program using "kupunas" or Hawaiian elders.

Senate President Richard Wong said yesterday that those two programs represented a major philosophical disagreement between the House and Senate budget negotiators.

The largest budget item in dispute concerns the Medicaid program.

The House called for a 15 percent cut in physicians' fees to help the state Department of Social Services and Housing achieve a \$25 million budget cut for the program next year.

The Senate reduced the 15 percent to 5 percent and provided an additional \$5.3 million in state funds for the program, to be matched by \$5.5 million in federal dollars.

Because of acoustical problems in the conference room and soft voices of the two money chairman, some of the conferees were as much in the dark as to the goings on as the onlookers.

House members at the far end of the table particularly had a hard time hearing, which caused a few humorous moments, such as when the conferees agreed on a \$2,000 appropriation for a clock in the Capitol security office. One House member thought it was for a truck and another thought it was for a duck.