

## SEVENTEENTH DAY

Wednesday, February 13, 1991

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:48 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Ted Robinson, Central Union Church, after which the Roll was called showing all Senators present with the exception of Senators Chang, Holt and Nakasato who were excused.

The Chair announced that he had read and approved the Journal of the Sixteenth Day.

Senator Koki then introduced to the members of the Senate Ms. Daphne Underwood, a good friend and associate director of material support and hospital purchasing of Duke University in Durham, North Carolina, seated in the gallery, accompanied by Mr. Ken Carlson.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 11) was read by the Clerk and was referred to committee:

Senate  
Concurrent  
Resolution

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE ONE WEEK EACH YEAR TO CALL ATTENTION TO THE PROBLEM OF SUBSTANCE ABUSE IN HAWAII."

Offered by: Senators Levin, Aki, Blair, Chang, Cobb, George, Hagino, Holt, Ikeda, Iwase, Kobayashi, A., Kobayashi, B., Matsuura, McMurdo, Mizuguchi, Reed, Solomon, Tungpalan, Yamasaki.

Referred to: Committee on Health and Human Services

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 14 and 15) were read by the Clerk and were referred to committees:

Senate  
Resolution

No. 14 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE ONE WEEK EACH YEAR TO CALL ATTENTION TO THE PROBLEM OF SUBSTANCE ABUSE IN HAWAII."

Offered by: Senators Levin, Aki, Blair, Chang, Cobb, George, Hagino, Holt, Ikeda, Iwase, Kobayashi, A., Kobayashi, B., Matsuura, McMurdo, Mizuguchi, Reed, Solomon, Tungpalan, Yamasaki.

Referred to: Committee on Health and Human Services

No. 15 "SENATE RESOLUTION REQUESTING THE STATE OF HAWAII TO SUPPORT EPA WAIVERS OF SECONDARY TREATMENT FOR THE SAND ISLAND AND HONOULIULI WASTEWATER TREATMENT PLANTS."

Offered by: Senators George, Matsuura.

Referred to: Committee on Agriculture and Environmental Protection

## STANDING COMMITTEE REPORTS

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 9) recommending that S.B. No. 10 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tungpalan, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.B. No. 10, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MANAGEMENT AND PRESERVATION OF THE HULA PLATFORM AT KE'E, KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 10) recommending that S.B. No. 308 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Tungpalan, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.B. No. 308, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 15, 1991.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 11) recommending that S.B. No. 413 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tungpalan, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.B. No. 413, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VERY SPECIAL ARTS HAWAII PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 12) recommending that S.B. No. 412, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Tungpalan, seconded by Senator B. Kobayashi and carried, the report of the Committee was adopted and S.B. No. 412, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR CONSTRUCTION OF SPECIAL FACILITIES AT MAUNA 'ALA," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

## ADVISE AND CONSENT

Ldr. Com. Rep. No. 8 (Gov. Msg. No. 55):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 8 be received and placed on file, seconded by Senator Hagino and carried.

Senator A. Kobayashi then moved that the Senate consent to the nomination of Virginia Lea Crandall for

Judge of the Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 55, seconded by Senator Hagino.

Senator A. Kobayashi then rose to speak in support of the nomination as follows:

"Mr. President, your Committee on Executive Appointments held a hearing on January 30th to review the qualifications of Mrs. Crandall. Forty-eight persons submitted testimony, all of which favored her confirmation.

"Mrs. Crandall has served two years in private practice and five years as hearings officer for the Department of Commerce and Consumer Affairs. For the past three years, Mrs. Crandall has served as Commissioner of Securities and overseen the Business Registration Division of the DCCA.

"Comments consistently emphasized Mrs. Crandall's personal and professional demeanor and high ethical standards, judicial temperament and manner, competence, keen intelligence, thoroughness, fairness, patience and timeliness, and consensus-building abilities.

"Mrs. Crandall has committed herself to public service, and may continue that service with honor and distinction as a judge on the Circuit Court.

"Your committee on Executive Appointments has reviewed her qualifications, heard entirely favorable public testimony, and recommends confirmation of this appointment by the full Senate.

"Thank you, Mr. President."

Senator Cobb added his support of the nomination and said:

"Mr. President, I've had the opportunity to work with Ms. Crandall for many years while she's been a member of the Department of Commerce and Consumer Affairs, and found her to be an outstanding representative of the department.

"In addition, I might point out this nomination is possible due in large part to the wisdom of women voters who in the last election rejected a proposed amendment which would have required ten years of legal practice or experience prior to elevation to the circuit court. That was an issue that came out only during the course of the 1990 election. And I think this particular nomination and confirmation by the Senate demonstrates the wisdom of not imposing artificial requirements for members of the legal profession just based on gender. I commend this action to the members of the Senate because had that amendment passed there might have been some difficulty in moving this nomination forward. But we have an opportunity today to vote on an outstanding nominee for the circuit court without that kind of hindrance.

"I urge an 'aye' vote by every member of the Senate. Thank you."

Senator Blair also supported the nomination and remarked:

"Mr. President, I'd like to correct the record, the nominee meets the ten-year licensure requirement for a circuit court judgeship. I know because when I started practicing law in 1981 she had the office next to mine. Secondly, the bill that we passed last year, Senate Bill 103, dealt with district court judgeships. It proposed that

the five-year licensure requirement for district court judgeships under Article VI, Section 3, be raised to ten years. It wouldn't have affected this nomination, even if it had been ratified. I want to be sure the record is clear on those points."

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

Ayes, 20. Noes, none. Excused, 5 (Chang, Holt, Ikeda, Nakasato, Wong, R.)

At this time, Senator A. Kobayashi introduced to the members of the Senate Mrs. Virginia Lea Crandall and extended congratulations and good wishes to the newly-elected judge of the Circuit Court of the First Circuit. Mrs. Crandall was seated in the gallery with Mr. Robert Alm and staff members of the Department of Commerce and Consumer Affairs.

Senator Cobb then added:

"Mr. President, the Judiciary's gain is now Robbie Alm's loss, and she will be very hard to replace. Congratulations!"

### THIRD READING

S.B. No. 124:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 124, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC DEFENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Holt, Ikeda, Nakasato, Wong, R.)

S.B. No. 135:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 135, entitled: "A BILL FOR AN ACT RELATING TO WRITS OF NE EXEAT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Holt, Ikeda, Nakasato, Wong, R.)

S.B. No. 83:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 83, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Chang, Holt, Ikeda, Nakasato, Wong, R.)

### RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
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No. 356	Committee on Health and Human Services, then to the Committee on Ways and Means
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No. 1156	Committee on Consumer Protection and Business Regulation
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No. 1232 Jointly to the Committee on Consumer Protection and Business Regulation and the Committee on Ways and Means

No. 1757 Committee on Consumer Protection and Business Regulation

No. 1758 Committee on Consumer Protection and Business Regulation

No. 1759 Committee on Consumer Protection and Business Regulation

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

Senator Matsuura rose to speak on a point of personal privilege as follows:

"Mr. President, I hate to sound like a broken record, but I've always admonished the news media to report the news as it happens. Walter Cronkite had established his reputation on this point. He never created the news.

"There is an article this morning in the Advertiser and it's titled 'Bill calls for Oahu N-Plant. Considered as alternative to geothermal.'

"I'm just going to read the beginning portion of that article so that I can point out my objections to the article. The news article reads:

'Just when you thought geothermal power was the alternate-energy hot potato, state Sen. Tony Chang has introduced a bill to authorize development of a nuclear power plant on Oahu.

'While some snicker and dismiss it as a way-out idea, Sen. Richard Matsuura said he'll give Chang's bill a public hearing (and this is where the objectionable part comes in) and suggested it might be used to leverage support for geothermal in a lesser-of-two-evils choice for environmentalists.'

"I never said that and I even never suggested that because a statement like that will create an atmosphere of furor and that's exactly what happened! I've been getting a lot of phone calls.

"The intent of hearing this bill is to hear the pros and cons of the nuclear plant as a source of electrical power. Many of you know that countries like France produce 95 percent of its electrical energy from nuclear power. France also provides electrical power to adjoining countries like Italy. As far as the United States is concerned, one of the major sources for increase in electrical power has been nuclear. When it comes to firm power, one must understand that there are pluses and minuses for each of the energy sources. If you are talking firm power, you're looking basically at four fuels. One is nuclear; second is coal; third is oil; and fourth is geothermal.

"Some of the people are concerned about the global warming. If you're concerned about global warming, nuclear and geothermal are answers to that problem because they don't burn. However, it has some negative aspects. I want to make it very clear to the public that it was never my intent, as expressed in the paper, to 'leverage' one against the other. I have always been a proponent and supporter for geothermal energy because I firmly believe that of the four fuel sources geothermal has the least impact on the environment.

"I hope that in the future when the news media report news that they report the news as accurately as they can, and never create news to create confrontation. Thank you very much."

### ADJOURNMENT

At 12:07 o'clock p.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 14, 1991.