

## FORTY-FIFTH DAY

## Wednesday, April 7, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend George Scott, Central Union Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Fourth Day.

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

The Senate reconvened at 12:11 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 337 to 339) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 337, transmitting H.C.R. No. 98, which was adopted by the House of Representatives on April 6, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP INCREASED EXPERTISE TO ASSIST HAWAII BUSINESSES WITH PROCUREMENT OPPORTUNITIES WITH THE FEDERAL GOVERNMENT AND OTHER STATE GOVERNMENTS AND TERRITORIES," was deferred until Thursday, April 8, 2004.

Hse. Com. No. 338, transmitting H.C.R. No. 150, which was adopted by the House of Representatives on April 6, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," was deferred until Thursday, April 8, 2004.

Hse. Com. No. 399, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2397 H.D. 1 (S.D. 1); and  
H.B. No. 2511 (S.D. 1),

was placed on file.

## STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3153) recommending that the Senate advise and consent to the nomination of ELAINE MARIE HEIBY to the Board of Psychology, in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3153 and Gov. Msg. No. 279 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3154) recommending that the Senate advise and consent to the nominations to the Health Planning Council, West Oahu Subarea of the following:

JOYCE M. O'BRIEN, in accordance with Gov. Msg. No. 238; and

INAM UR RAHMAN MD, in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3154 and Gov. Msg. Nos. 238 and 239 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3155) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Maui County Subarea of the following:

GLENN S. IZAWA, in accordance with Gov. Msg. No. 235;

JOHN ORNELLAS, in accordance with Gov. Msg. No. 236; and

ELAINE J. SLAVINSKY, in accordance with Gov. Msg. No. 237.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3155 and Gov. Msg. Nos. 235, 236 and 237 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3156) recommending that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

JENNIE A. PANG, in accordance with Gov. Msg. No. 213;

JAMES PAPAYOANOU, in accordance with Gov. Msg. No. 214;

ANDY SCHWARTZ MD, in accordance with Gov. Msg. No. 215; and

CRAIG THOMAS MD, in accordance with Gov. Msg. No. 216.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3156 and Gov. Msg. Nos. 213, 214, 215 and 216 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3157) recommending that the Senate advise and consent to the nomination of STANLEY G. YATES to the Health Planning Council, Kaua'i County Subarea, in accordance with Gov. Msg. No. 227.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3157 and Gov. Msg. No. 227 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3158) recommending that the

Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

WILLIAM GERALD CHUNG, in accordance with Gov. Msg. No. 222;

PATTY FOLEY, in accordance with Gov. Msg. No. 223;

DAVID W. HEYWOOD, in accordance with Gov. Msg. No. 224;

CLYDE SMITH MD, in accordance with Gov. Msg. No. 225; and

LOIS E. WEISS, in accordance with Gov. Msg. No. 226.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3158 and Gov. Msg. Nos. 222, 223, 224, 225 and 226 was deferred until Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3159) recommending that the Senate advise and consent to the nomination of WILLES LEE to the State Boxing Commission of Hawai'i, in accordance with Gov. Msg. No. 376.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3159 and Gov. Msg. No. 376 was deferred until Thursday, April 8, 2004.

Senators Menor, Baker and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3160) recommending that S.C.R. No. 56 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3160 and S.C.R. No. 56, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS," was deferred until Thursday, April 8, 2004.

Senators Menor, Baker and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3161) recommending that S.R. No. 24 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3161 and S.R. No. 24, entitled: "SENATE RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS," was deferred until Thursday, April 8, 2004.

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3162) recommending that S.C.R. No. 29 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3162 and S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC

POPUP ADVERTISEMENTS," was deferred until Thursday, April 8, 2004.

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3163) recommending that S.R. No. 17 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3163 and S.R. No. 17, entitled: "SENATE RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS," was deferred until Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3164) recommending that S.C.R. No. 93 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3164 and S.C.R. No. 93, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was deferred until Thursday, April 8, 2004.

Senators Menor and Baker, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3165) recommending that S.C.R. No. 105 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3165 and S.C.R. No. 105, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING EQUITABLE REIMBURSEMENT UNDER HEALTH INSURANCE PLANS FOR PHYSICIANS WITH A NUTRITION SUBSPECIALTY," was deferred until Thursday, April 8, 2004.

Senators Baker and Kawamoto, for the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3166) recommending that S.C.R. No. 40 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Baker and Kawamoto, for the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3167) recommending that S.R. No. 20, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 20, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Menor and Hanabusa, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3168) recommending that H.B. No. 2558, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2558, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION PLANS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3169) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Health Systems Corporation of the following:

ANDREW DON MD, in accordance with Gov. Msg. No. 154; and

RUSSELL T. STODD MD, in accordance with Gov. Msg. No. 155.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3169 and Gov. Msg. Nos. 154 and 155 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3170) recommending that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

ARCHIE HAPAI III, in accordance with Gov. Msg. No. 200;

JAMES Y.T. KAM, in accordance with Gov. Msg. No. 201;

LAURA E. MILLMAN, in accordance with Gov. Msg. No. 202;

CHARLENE SUMIDA, in accordance with Gov. Msg. No. 203; and

DANIEL VARGAS, in accordance with Gov. Msg. No. 205.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3170 and Gov. Msg. Nos. 200, 201, 202, 203 and 205 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3171) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

THOMAS O. BROWN, in accordance with Gov. Msg. No. 228;

ROBERTA CARTWRIGHT, in accordance with Gov. Msg. No. 229;

SUSAN B. HUNT, in accordance with Gov. Msg. No. 230; and

IRENE A. NAGAO, in accordance with Gov. Msg. No. 231.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3171 and Gov. Msg. Nos. 228, 229, 230 and 231 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3172) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Honolulu Subarea of the following:

KATHLEEN E. DELAHANTY, in accordance with Gov. Msg. No. 232;

PAMELA HINSDALE, in accordance with Gov. Msg. No. 233; and

EMMET WHITE, in accordance with Gov. Msg. No. 234.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3172 and Gov. Msg. Nos. 232, 233 and 234 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3173) recommending that the Senate advise and consent to the nominations to the Radiologic Technology Board of the following:

LORI H.O. KAMIKAWA, in accordance with Gov. Msg. No. 280;

MICHAEL MEAGHER MD, in accordance with Gov. Msg. No. 281;

STEIN ERIK RAFTO MD, in accordance with Gov. Msg. No. 282; and

DANIEL W. RICKENBACHER, in accordance with Gov. Msg. No. 283.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3173 and Gov. Msg. Nos. 280, 281, 282 and 283 was deferred until Thursday, April 8, 2004.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3174) recommending that S.C.R. No. 193 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.C.R. No. 193, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3175) recommending that S.R. No. 107 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.R. No. 107, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT," was referred to the Committee on Commerce, Consumer Protection and Housing.

**ORDER OF THE DAY**

**REFERRAL OF  
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM  
TUESDAY, APRIL 6, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Tuesday, April 6, 2004:

House Concurrent Resolution	Referred to:
No. 86, H.D. 1	Jointly to the Committee on Economic Development and the Committee on Tourism, then to the Committee on Ways and Means
No. 121	Committee on Tourism
No. 133	Jointly to the Committee on Health, the Committee on Human Services and the Committee on Education
No. 154	Jointly to the Committee on Health and the Committee on Human Services
No. 159	Committee on Health
No. 161	Jointly to the Committee on Tourism and the Committee on Economic Development

**ADVISE AND CONSENT**

Stand. Com. Rep. No. 3148 (Gov. Msg. No. 258):

Senator Kawamoto moved that Stand. Com. Rep. No. 3148 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of DAVID M. SAITO MD to the Medical Advisory Board, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3149 (Gov. Msg. No. 278):

Senator Menor moved that Stand. Com. Rep. No. 3149 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of WARREN J. FERREIRA MA CPP to the Board of Private Detectives and Guards, term to expire June 30, 2005, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3150 (Gov. Msg. No. 300):

Senator Menor moved that Stand. Com. Rep. No. 3150 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JAMIE W. FURUTANI DVM to the Board of Veterinary Examiners, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3151 (Jud. Com. No. 4):

Senator Hanabusa moved that Stand. Com. Rep. No. 3151 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of BARBARA T. TAKASE to the Office of Judge, District Court of the Third Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in favor of the nominee and stated:

"Mr. President, I rise in favor of Jud. Com. No. 4.

"Mr. President, Jud. Com. No. 4 submits for consideration and confirmation to the District Court of the Third Circuit, State of Hawaii, judicial nominee Barbara Takase. Ms. Takase's education background completely shows her to be born and raised on the Big Island. She is a Ka'u High School graduate, and that's apparently located in Pahala, Hawaii. She's a University of Hawaii Hilo graduate with a Bachelor's of Art in psychology and a teaching certificate. In addition, she received a law degree from the University of Hawaii William S. Richardson School of Law.

"It is her experience, Mr. President, that makes her so well qualified for this position. She began as a pre-trial or pre-sentence investigator for the Hawaii Correctional Center. She did employment counseling. She did victim witness counseling for the County of Hawaii Prosecuting Attorney's Office. Then she went on to law school and returned as a deputy prosecuting attorney for the County of Hawaii. She has served, for my good colleague from Hawaii Kai, as a hearings officer for Felix due process matters, as well as being a per diem judge for the district and family courts for the third circuit for the past five years. Mr. President, that's almost as long as a term for a district court judge.

"The Hawaii State Bar Association found her qualified, with five voting highly qualified and six voting qualified. The Hawaii County Bar reported her basically highly qualified with 24 of her colleagues voting her as such and seven voting her as qualified.

"Mr. President, the most telling statement about Ms. Takase is the fact that she admitted that she has never had any ambitions to be a judge but it was having been provided the

opportunity to serve as a per diem judge and sitting on a regular basis between three to four days a week that made her decision to be a judge. She found the work to be challenging, the people appearing before her interesting and stimulating, because this is where (this is what Ms. Takase says as to the district court) most everyday people may have their only exposure to the judicial system either through something like traffic tickets or small claims. She felt it was so important to give them their day in court.

“The person that she replaces, Sandra Schutte, who retired in June, flew from the Big Island to testify on her behalf and she felt that Ms. Takase is highly competent because she has watched her handle difficult calendars, she has a great demeanor, the strength and the courage to make the hard decisions.

“Another attorney was impressed with how Ms. Takase managed the courtroom. Mr. President, when you look at her background, you can understand how someone who has had such diverse experience in the criminal justice system would be able to handle this courtroom. Someone said she has the humility and she serves in the courtroom like she did as a victim’s counselor – with compassion and really understanding, which is what you really need in that district courtroom.

“I ask that you join me to basically put into the position, someone who as almost served a full term as a per diem judge, someone who clearly deserves the appointment. Mr. President and colleagues, I ask that you join me in consenting to Ms. Takase to the Third Circuit, State of Hawaii, District Court.

“Thank you very much.”

Senator Inouye rose to speak in support of the nomination as follows:

“Mr. President and colleagues, I speak in support of the appointment of Barbara K. Takase to serve as a District Court Judge of the Third Circuit. Ms. Takase is highly qualified for this post, as has been described by the good Senator from Waianae, the Chair of Judiciary, with her impressive background that should prepare her well for the task ahead of her.

“Barbara has been, as well, an attorney in private practice working in the areas of real property, wills and trusts, and business law, including the formation of limited liability companies, nonprofit corporations, and S corporations as well. Since 1999, as we’ve heard, she has been a per diem judge in both district and family courts. Due to the vacancies in both courts, she often hears three cases or four days a week.

“Mr. President and colleagues, it is important that we have high expectations from the people we appoint to the bench, and I speak to you today with the assurance that Barbara Takase justifies that high expectation. It is also important that a judicial appointee understand the perspective of both sides of the cases she hears, and she should have the appropriate background to reflect that understanding.

“As an aside, Mr. President and colleagues, Barbara and her husband Gerald, who also is a deputy corporation counsel for Hawaii County, are proud parents of four children – an older daughter and triplets. When I was Mayor, in my recollection, and I think Barbara if you can remember, in the early ’90s at the orders of her doctor, she had to be bedridden for months before the triplets were delivered. She exhausted her sick leave and only the Mayor had the powers to extend her sick leave. And because of the hardship put upon the family, I extended the additional benefit of her sick leave in her case. So, I have a

personal interest whenever I see the triplets and a personal love for the family.

“As a former deputy prosecuting attorney for Hawaii County, an attorney in private practice, a per diem judge, and an active and concerned member of the Big Island community, Barbara certainly has demonstrated both through her words and actions that she is well prepared to assume the responsibilities of a district court judge of the third circuit.

“Mr. President and colleagues, I urge confirmation of Barbara Takase to this important post. Thank you.”

Senator Hogue rose in support of the nominee and said:

“Mr. President, I also rise in favor of this nominee, Barbara Takase, and I do it as a member of the Minority, also a member of the Judiciary Committee, and as a father of four. So, hats off to you. If you can judiciously do your job as a mother of four, I know that you will do a great job on the bench.

“She does, colleagues, have impressive experience, intelligence, compassion. There’s a serious side to her and I was very impressed with how seriously she takes this nomination and she does it with great humility as well.

“There is something that I think that we haven’t spoken about today and it really struck me when I met Barbara Takase for the first time. There is an aura of fairness about her, and I think that is so very important when you go before a judge. Many of the people that will stand in her courtroom will be doing so for the first time and I think it’s important that you have that kind of an aura.

“So, Barbara, you’ve got it. You’ve got my vote, and colleagues, I hope you have great consideration for her as well and I hope you will favor her with this advise and consent – Barbara Takase to the District Court of the Third Circuit, State of Hawaii.

“Thank you, Mr. President.”

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

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Takase and her family to the members of the Senate.

Stand. Com. Rep. No. 3152 (Gov. Msg. No. 411):

Senator Hanabusa moved that Stand. Com. Rep. No. 3152 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of GLENN S. HARA to the office of Judge, Circuit Court of the Third Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in support of the nominee as follows:

“Mr. President, I rise to speak in favor of Gov. Msg. No. 411.

“Mr. President, Gov. Msg. No. 411, submitting for consideration and confirmation to the Circuit Court of the Third Circuit, State of Hawaii, Glenn Hara for a term of 10 years.

“Mr. President, Mr. Hara is Hilo grown. He is an honor grad and class president of Hilo High School, and I won’t tell you what year. He received his Bachelor’s in Economics from Stanford University and his Juris Doctorate from Stanford University Law School.

“His experience is as follows: he was a Judge Advocate General, a JAG, basically, in the US Army, and he was a law clerk for Kazuhisa Abe, also someone from Hilo.

“Mr. President, I didn’t realize this when I first met Mr. Hara because I would have made a comment to him. After Judge Abe stepped down from the Hawaii Supreme Court, I had a case with him, and at that time he was very proud of the fact that he had equivalent to two bound versions of Hawaii Reports – us lawyers know what the Hawaii Reports are – and it contained all of his dissents. I just hate to believe that Glenn Hara had something to do with all of those dissents.

“Glenn Hara also served as an attorney general and as a prosecuting attorney. He entered private practice and was a civil practitioner for part of the time. He served as a Grand Jury Counsel. He also served as a per diem judge for five years, an arbitrator, and after serving in solo practice for about eight years, he then joined about seven years ago the law firm of Roehrig, Roehrig, Wilson and Hara. This law firm, by the way, seems to have some kind of monopoly on the Big Island. Everybody seems to be connected to them.

“The Hawaii State Bar Association found him highly qualified, with ten voting highly qualified, six qualified, and one abstention. They did make a comment that they had to make some statement about his temperament. One of the issues raised was that he was much too aggressive as a soccer coach, but somehow that didn’t fall into judicial temperament. The Hawaii County Bar found him to be highly qualified. Basically, 22 of his colleagues voting as such; four qualified; one, basically, not qualified; and three blank votes.

“Many came from the Big Island to show their support for Mr. Hara. When asked why he wanted to serve, he basically said that he grew up in a family where citizenship and service was very important. He said that he found that this would be the way he could serve, short of elected office. That’s the one thing I guess he didn’t want to do. So, as 32 years as a lawyer, he felt that it was now time to serve and return to the Big Island community as a judge if we would confirm him.

“One of the most interesting people testifying on his behalf was Lincoln Ashida. Lincoln is, of course, the corporation counsel for the County of Hawaii now. He said that what he recalls the most about Glenn Hara is that after a case was pau, Glenn Hara will take him aside and tell him what he did right and what he did wrong and what he could do better. So, Lincoln Ashida basically said that the lawyer he is today is because of Glenn Hara. So if anyone has any problems with that, you can blame Glenn Hara.

“Glenn Hara is the son of Senator Stanley Hara, a Democrat, I may add, who served in this Legislature for 25 years. You can see that Mr. Hara’s desire to serve the community, the Big Island, is genuine and it is something that flows in his blood.

“Mr. President, members, I ask that you join me in consenting to Mr. Hara as the Circuit Court Judge for the Third Circuit of the State of Hawaii. Thank you.”

Senator Inouye rose in support of the nomination and said:

“Mr. President, I rise to speak in support of the appointment of Glenn S. Hara to serve as a Circuit Court Judge of the Third Circuit.

“Mr. President, as you know, it is very important that judicial appointments be filled by highly qualified persons with a wide range of judicial experience. Mr. Hara is just such a nominee as referenced by the good Senator from Waianae, the Chair of Judiciary.

“Mr. President, this is the range of experience we expect from a judicial appointee, and the people of Hawaii deserve nothing less. Mr. Hara brings an impressive educational background to his work as well. As we heard, he was an honors graduate of Hilo High School, which we’re all proud of, and was his senior class president, as well as our Senator from Waipahu who was our senior class president. I can say the year – 1958. (Laughter.)

“Mr. Hara worked hard to achieve these goals and his hard work has prepared him well for a life of public service. I wanted to add to Glenn that your friends have called and they all wish you well. Glenn S. Hara has sought challenges all his life and has met them with grace and skill. Mr. President, being a circuit court judge will be his greatest challenge to date, and he, as well as his wife Janet, is well prepared to meet it.

“I offer my wholehearted support to his nomination for this important post. Thank you, Mr. President.”

Senator Hogue rose to speak in support of the nominee and stated:

“Mr. President, I rise in support of this nominee.

“Colleagues, this nominee to the Circuit Court of the Third Circuit on the Big Island does have great experience and great intelligence. I was very impressed with him as I met with him in my office and also in his testimony before the Judiciary.

“He has a great commitment to the community and I wanted to talk just a little bit about that because he and I had a wonderful conversation about coaching girls athletic teams. I coach basketball and many years ago coached softball, and Glenn coaches soccer. We have learned that coaching girls can be one of the most satisfying, absolutely satisfying experiences of one’s life – the way that they listen, the way that they learn. Coaching boys is nice, but coaching girls is very, very special. Glenn and I not only had a great conversation but then he sent me some articles about coaching girls, which I really, really enjoyed. So, thank you very, very much.

“As a coach of a girls athletic team, you not only have to talk about the skills on the court or on the field, but life skills as well, and so it’s an absolutely perfect proving ground for being a judge. I know that Glenn has had wonderful experiences as a coach and I know he will be a wonderful judge, so I urge all my colleagues to vote ‘yes’ for Glenn Hara.

“Thank you very much.”

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

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Hara and his family to the members of the Senate.

At 12:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 o'clock p.m.

### THIRD READING

H.B. No. 1259, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 1259, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

H.B. No. 2408, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2408, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3108 (H.B. No. 2013, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3108 was adopted and H.B. No. 2013, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3109 (H.B. No. 2223, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3109 was adopted and H.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3110 (H.B. No. 1765, H.D. 1, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3110 was adopted and H.B. No. 1765, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3111 (H.B. No. 1859, H.D. 2, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3111 was adopted and H.B. No. 1859, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3112 (H.B. No. 1926):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3112 was adopted and H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3113 (H.B. No. 1987, H.D. 1, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 3113 be adopted and H.B. No. 1987, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition.

"The Department of Transportation testified that if this bill passes it would be in conflict with federal law. A portion of the bill that holds installers responsible needs to be removed in order not to be in conflict with federal law. So, for that reason, I'll be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3113 was adopted and H.B. No. 1987, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Aduja).

Stand. Com. Rep. No. 3114 (H.B. No. 1991, H.D. 1, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3114 was adopted and H.B. No. 1991, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3115 (H.B. No. 2020, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3115 be adopted and H.B. No. 2020, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose on a point of inquiry as follows:

"Mr. President, I rise on a point of inquiry.

"Current law says that profiting from prostitution is a misdemeanor. H.B. No. 2020 provides that promoting travel services for prostitution is a felon. My question is not really the difference in the penalty, but rather how an overzealous prosecutor will interpret promoting transportation services. Is a cab driver that takes a John or a Jane on a trip, could he be charged with a felony?"

The President then inquired:

“Are you directing your question to the Chair of the Judiciary Committee?”

Senator Trimble replied:

“That seems like the best place in the House.”

Senator Hanabusa responded as follows:

“Mr. President, the intent of this bill was not to cab drivers. It is the promotion of travel to developing countries in particular, and that’s the travel agencies that were looked upon as being class C felons if in fact they are promoting sex tours. This is the intent of this bill.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3115 was adopted and H.B. No. 2020, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROSTITUTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3116 (H.B. No. 2098, H.D. 1, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3116 was adopted and H.B. No. 2098, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MEDICAL RECORDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3117 (H.B. No. 2142, H.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3117 be adopted and H.B. No. 2142, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose with reservations as follows:

“Mr. President, I rise with reservations.

“You know, I think the appropriate place, if there is a problem with confidential information, is to change the law relating to the Office of Information Practices. There are a variety of departments, branches, and agencies that deal with confidential information, and instead of doing it one department, one agency at a time, I think it’s more appropriate to do it as it relates to the Office of Information Practices.

“Thank you.”

Senator Ihara rose to speak in favor of the measure with reservations as follows:

“Mr. President, I rise in favor of this bill with reservations.

“Mr. President, this bill would keep from public disclosure business trade secrets and proprietary records at one of the state agencies. Testimony from the Office of Information Practices says that this information that is sought to be kept secret is already protected from disclosure, and I have the same concern that the previous speaker mentioned in that it may encourage

other agencies to start coming in one after the other asking that their records be kept secret that’s already protected.

“The reason that they want to have their information not be, well, to put it in their law is that they want to have some degree of certainty that their records – this proprietary information and business trade secret information – are not made public, which is already the case. So, those are my concerns, Mr. President.

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition for much of the reasons that were brought up before us by the previous two speakers.

“This bill is unnecessary. This information is already protected. I think that we really need to be concerned about going this way. If we start protecting certain entities . . . for example, we had a bill come forward in Judiciary about protecting business disclosure for the convention center, for example, and there was a lot of concern there and so the bill ended up getting held.

“I think that we need to really look at this as a slippery slope here. Many times, as a Legislative Body, we are kind of dissed by those in the media and sometimes by the public that we don’t disclose everything and we need to make everything as open as we possibly can.

“So, I really think that this is problematic, especially since it’s unnecessary. Why even go down this road at all? Let’s make the Office of Information Practices be the place that makes certain that things should be or not be open.

“Thank you very much, Mr. President.”

Senator Slom rose to speak in opposition to the measure and stated:

“Mr. President, I, too, rise in opposition to this bill.

“As I’ve said on the Senate Floor this Session previously on other measures, I’m concerned because we seem to be moving in a direction to turn off the sunshine for meetings and information. The good Senator from Kaneohe just mentioned about the convention center bill, and we did discuss that earlier.

“Let me be clear – I’m all for protecting actual trade secrets and proprietary information. But as the good Senator from Kaimuki had mentioned, we already have a law in place and the proper agency for that is the OIP. In recent years we saw that the OIP had become a political football. I think that most of us are very enthusiastic about the new direction of the OIP and that in fact this is the direction and this is the location for these kinds of questions.

“I’m concerned when there is existing law against and yet someone comes in with a law to change that for their specific situation. So, I would urge caution on this. Actually, I urge my colleagues to vote ‘no.’

“I would also, if I may, direct a question specifically to the Chair of Judiciary because this had come up again in the issue about the convention center, and my question would be, the information would be sealed but would the Legislature or Legislative Committees under this law be able to find out the nature of that information?”

Senator Hanabusa rose and replied:



“Mr. President, the question from the good Senator from Hawaii Kai I think is referencing the convention center provision which had an exemption if it was the Legislature that made the inquiry. In this particular bill it is my recollection that there is no such exemption nor is it anticipated as far as the NELHA contracts are concerned.

“Thank you.”

Senator Slom responded:

“Thank you, Judiciary Chair. That was my understanding as well, and I think that makes this more of a difficult bill because here is the Legislature that is funding this agency but the Legislature itself would not be able to get any information. Apparently, others would not be able to get the information too.

“So, if we have a law already on the books, I would urge my colleagues, as I said, to vote ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3117 was adopted and H.B. No. 2142, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS PRACTICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hogue, Slom, Trimble). Excused, 1 (Aduja).

Stand. Com. Rep. No. 3118 (H.B. No. 2290, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3118 be adopted and H.B. No. 2290, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against H.B. No. 2290 in its final draft.

“Mr. President, if this bill is in response to racing and speeding on the highways, I would submit to my colleagues that it’s a non sequitur. It doesn’t fit the occasion. There’s considerable evidence that most of the speeding is being done by drivers who are young adults, and not 16- or 17-year-olds.

“The other principle that I think applies here is that we are penalizing the many for the sins of a few. The viable alternative is to implement swifter, surer traffic violation laws with genuinely strong penalties. And there’s another remedy to 16 and 17-year-olds’ accountability on the road with cars, and that is to do something that we used to do, Mr. President, when we were young kids – parents were held accountable. As we all know, parents have to sign for their children to get their license, and if more parents were held accountable for their children’s traffic violations, possibly there’d be more parental guidance in this area.

“I don’t believe it’s fair to all the young people that for years have been expecting to get their licenses to have to go through this particular process in order to attain it, especially when the vast majority of them – 99 percent of them – are good young kids that will use their license conscientiously possibly for work, school and other worthwhile endeavors. Therefore, I would urge my colleagues to reconsider this bill and vote ‘no’ against it and try to implement laws that are really going to penalize the people that are creating the problems.

“Thank you, Mr. President.”

Senator Kawamoto rose to speak in favor of the measure and said:

“Mr. President, I rise in favor of this bill.

“Mr. President, this is not to answer the racing concerns. This is not to answer the questions about speeding. This answer is about the fact that currently, right now, the number one killer for young people from ages 3 to 19 is accidents and situations that was brought in by young people.

“Again, Mr. President, we are one of six states that don’t have any sort of graduated license in the country. This is about young people’s lives. I had the unfortunate opportunity to attend funeral services for three young people who got killed in accidents. Again, we need to insure, and we tried to do that three years back with the education portion, but we still continue to have accidents and concerns about the process in which our young people get their license.

“Like the good Senator from Waimanalo has said, we need to get the parents involved. One of the stages that we have in this graduating license, we have 50 hours of supervised time in which the parents or guardian must sign off their supervised time. So, we’re getting people involved. We’re getting agencies involved. We’re getting the police involved, and we’re getting the young people involved.

“This bill was not instigated by adults. It was instigated by young people trying to save young people’s lives. This graduated license was started three years ago by the Youth In Action group throughout the state, and this is why we brought it up.

“Thank you, Mr. President. I urge my colleagues to vote ‘aye’ on this bill.”

Senator Hogue rose to speak in favor of the measure as follows:

“Mr. President, I rise in favor of this particular measure.

“As a parent of four teenagers, I think this measure is very, very important. I think that we have seen success with the graduated licensure in other states, so the proof really is in the pudding. It saves teenagers’ lives.

“In other areas we talked about apprenticeships and we had apprenticeships written into the law. This is kind of almost an apprenticeship for driving a very large vehicle. I think it’s important when we’re talking about maturity or sometimes lack of maturity of teenagers that we have this period so that they get the proper supervision and that we do get parents involved. I do agree with my colleague from Waimanalo that parents should be involved, absolutely they should be involved.

“This is a bill that makes you essentially earn your final licensure to become an adult. So, I encourage all my colleagues to vote ‘yes.’ Thank you.”

Senator Hemmings rose in rebuttal and said:

“Mr. President, in rebuttal.

“If parents really want to get involved, all they have to do is not sign the applications for driver’s licenses. Thank you, Mr. President.”

Senator Hooser rose to speak in support of the measure and stated:

"Mr. President, I rise in support.

"Yesterday I had my daughter here, 16-year-old daughter, as my shadow on the Floor. I'm very proud of her as a young lady, and I think there are few 16-year-olds as mature and as together as my own child, if I do say so. But she's not ready to drive. She doesn't have the experience. I thank the Legislature in prior years for passing the laws requiring raising it to 16 and requiring the forms to be signed. We're going through that process right now and she is clearly not ready to drive as mature and as together as she is because it takes experience. And no matter how good a parent you are, no matter how mature the child is, without experience, you can't really learn to drive safely. Certainly she's not ready to drive between the hours of 11:00 and 5:00 in the morning in my opinion.

"I have a couple of regrets. I support the bill 100 percent. My one regret I have is that this is being televised today, and if my daughter sees me testifying in support of this, she's liable not to talk to me for a while. (Laughter.) She thinks this is a terrible bill, but I'm speaking in support of it 100 percent. I like to think I'm a good parent and I try my best. This will give me and other parents a powerful tool. When the teenager says 'I want to go here, I want to go there, I want to drive, I know how to drive,' we can simply say it's the law, you cannot do that. And you prevent 16-year-olds from driving late at night with cars full of teenagers in dangerous kinds of conditions.

"I think it's a good bill and I'm going to be supporting it enthusiastically. My only other regret is that every other parent, except the parents in this room, when the child points at them arguing, they can say don't blame me, I don't make the laws. But unfortunately today, I do not have that excuse to offer to my daughter once this becomes law.

"Thank you."

Senator English rose in support with reservations and stated:

"Mr. President, I rise in support with reservations, and that way I can get on the Conference Committee.

"My particular district – the islands of Moloka'i, Lana'i, and rural East Maui – has a bit of a problem with this, and the problem is that a lot of times the great distances involved traveling in these very rural areas gets caught up in this particular bill. For example, there are people that live in an area called Kaupo in Hana and it would take them about an hour-and-a-half to two hours to drive into Hana where the school is. There is one bus that brings a few of the kids from that very remote area into Hana High School, but a few of them drive as well. And the problem with it, of course, is that if they can't leave home between 5 a.m. in the morning, it becomes difficult.

"I can support a lot of the provisions in here but I just have to find that delicate line between balancing out the greater interest of safety and welfare of the people on the highways and the people of Hawaii with the need for some of the people in our rural areas to travel during these hours and to travel outside of this. There has been some movement in the bill to accommodate that.

"So, in Committee I voted 'no,' but I've learned from the Senator from Waipahu to vote 'yes, with reservations' and you'll end up on the Conference Committee where you can actually change the things you want to change. So that's why I'm voting 'yes, with reservations.'

"A final point, Mr. President. This bill, while some kids like it, most of the kids that I've talked to don't. And I can tell you

that I'm torn between it because on the island of Moloka'i we have an exceptionally high rate of accidents with children. Usually this happens at graduations, proms, these types of events, and for some reason we have a huge proportion of accidents there.

So, I understand the rationale behind the bill and that's why I'll be supporting it 'with reservations.' Thank you, Mr. President."

Senator Slom rose to oppose the measure and said:

"Mr. President, I rise in opposition to the bill.

"I appreciate some of the struggles that the good Senator from Maui has gone through, and I learned a lesson a long time ago too – and that was, even if you sit on the Conference Committee, your chances of influencing anything are about 1/10 of 1/2 of 1 percent. So, I think it's important that when we debate bills that we give it our best shot and our best arguments.

"The issue really is not safety and welfare, because all of us are in favor of safety and welfare not only for everyone's kids, including our own, but also for everyone else's on the highway.

"The problem here is, though, again, and it was enunciated a few minutes ago, we as parents can continue to duck our responsibilities by saying it's the law, or somebody else did it, or you have to abide by this, rather than taking our full responsibility and accountability. I think that's what it really comes down to, that plus the fact that 99 percent of these youthful drivers, 98 percent, are drivers without problems, without records, without accidents, without incident. And as usual in government, the only remedy we ever had is using the broad brush to make it apply to everyone, and I think that's a disservice and that's the message we send to our young people as well.

"So, I would say that we certainly want to increase options for safety and for welfare, but it begins with each and every one of us who are parents and we do have the responsibility to do that even if our children don't agree with our decisions. But it's a lot better to do that than say government did it.

"Thank you."

Senator Kim rose to speak with reservations and said:

"Mr. President, I rise with reservations.

"Mr. President, it's interesting because more adults get into more accidents. And so, if that's happening, then perhaps adults need to have a graduated license. I'm not sure, but to say that because you go through a graduated license when you're 16 that you're not going to get into an accident and while children or young people are getting killed, I trust some of them are getting killed because adults over the age of 17 are driving. And because of that, Mr. President, I will be voting with reservations.

"Thank you."

Senator Ihara rose and said:

"Please note my reservations on this bill."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3118 was adopted and H.B. No. 2290, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER

LICENSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hemmings, Slom). Excused, 3 (Aduja, Taniguchi, Whalen).

Stand. Com. Rep. No. 3119 (H.B. No. 2472, H.D. 2, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 3119 be adopted and H.B. No. 2472, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak in opposition to the measure as follows:

“Mr. President, I rise in opposition to this bill.

“I note that there is overwhelming testimony in support of the bill. Many of these groups over the years have fought to continue to expand this program of giving sterile needles and syringes to those who are using drugs.

“You know, we should be conflicted. We’ve spent most of this Session so far and we’ll spend the rest of it talking about the drug problem. And in this bill, I see as a problem, as I saw when it was first proposed, that basically we’re saying your behavior and what you do is okay, and in fact we’re going to facilitate it by making the needles available.

“The converse argument to that is, well, we’ll protect disease as long as we give them clean needles on a regular basis. But this Body has shown its reluctance to have any strong punishment or incarceration going for treatment, and yet we’re not talking about treatment in a bill like this.

“What this bill specifically does is take away the sunset provision for Act 292, but more importantly, at least under Act 292 there is a requirement that the director of health implement a disposal and tracking system and report to the Legislature. This bill has in its current form right now, S.D. 1, would remove that so that there’s no tracking whatsoever.

“Now, we talk everyday about the growing crisis in the use of drugs and so we can expect that there’s going to be more and more people that are using drugs if we don’t find effective means, and yet what we’re saying is let’s make sure the needles are clean. I think we’ve lost focus, and I think we’ve lost perspective and I, for one, am voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3119 was adopted and H.B. No. 2472, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Slom, Trimble). Excused, 2 (Aduja, Whalen).

At 1:16 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:18 o’clock p.m.

**ADOPTION OF RESOLUTION**

**MATTER DEFERRED FROM TUESDAY, APRIL 6, 2004**

Stand. Com. Rep. No. 3147 (S.C.R. No. 3):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 3, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR OF THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS,” was adopted.

**RE-REFERRAL OF GOVERNOR’S MESSAGE**

The Chair re-referred the following governor’s messages that were received:

Governor’s Message	Referred to:
No. 395 Technology	Committee on Science, Arts, and
No. 396 Technology	Committee on Science, Arts, and
No. 397 Technology	Committee on Science, Arts, and
No. 398 Technology	Committee on Science, Arts, and
No. 399 Technology	Committee on Science, Arts, and
No. 400 Technology	Committee on Science, Arts, and

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 118	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means
No. 120	Jointly to the Committee on Water, Land, and Agriculture, the Committee on Education and the Committee on Science, Arts, and Technology
No. 153 Affairs	Committee on Judiciary and Hawaiian
No. 157 Agriculture	Committee on Water, Land, and
No. 175	Committee on Energy and Environment

**RE-REFERRAL OF  
SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered:

Senate Resolution	Referred to:
No. 94	Committee on Energy and Environment

Senator Baker, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 159, and the Chair granted the waiver.

**APPOINTMENT OF CONFEREES**

S.B. No. 2529 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2529, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2004, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2004, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2280 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2280, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Slom as managers on the part of the Senate at such conference.

H.B. No. 2743, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2743, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Tsutsui as managers on the part of the Senate at such conference.

**ADJOURNMENT**

At 1:20 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 8, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate