

TWENTY-EIGHTH DAY

Wednesday, March 3, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Ron Arnold, Kaimuki Christian Church, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

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

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 39 and 40) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT."

Offered by: Senator Chun Oakland.

No. 40 "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."

Offered by: Senators Kawamoto, Ige.

SENATE RESOLUTION

The following resolution (S.R. No. 20) was read by the Clerk and was deferred:

Senate Resolution

No. 20 "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."

Offered by: Senators Kawamoto, Ige.

STANDING COMMITTEE REPORTS

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. 2542) recommending that S.B. No. 2678, as amended in S.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 S.B. No. 2678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2543) recommending that S.B. No. 2905 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2905, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL BOARD DISCIPLINARY ACTION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2544) recommending that S.B. No. 3031, as amended in S.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 report of the Committee was adopted and S.B. No. 3031, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 2004.

ORDER OF THE DAY**THIRD READING**

S.B. No. 2892:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2892, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Fukunaga).

S.B. No. 2893:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2893, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Fukunaga).

S.B. No. 2898:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2898, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Fukunaga).

S.B. No. 2901:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Fukunaga).

S.B. No. 3204:

Senator Menor moved that S.B. No. 3204, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Trimble rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure.

"Currently, there are three options available for activity desks – one is trust funds; one is an irrevocable letter of credit; and the third one is a bond. This bill would seek to remove options B and C, and my sense is that if this bill passes, it will not correct the problem that was experienced in the past. I don't think that reducing these two options will do anything but make it more expensive to operate travel desks. I view this as an anti-business, anti-small business measure.

"I do note, in closing, that the position I'm taking is consistent with that of the Department of Commerce and Consumer Affairs, as they oppose this bill also.

"Thank you."

Senator Baker rose in support of the measure and said:

"Mr. President, I rise in support of this measure.

"Mr. President, quite to the contrary, this is actually a pro-small business bill because it came from some of the smallest businesses throughout the islands, from the Island of Maui, particularly from my district as well. This is a measure that I have a lot of history with.

"Several years ago we tried to provide the activity desks with various options, but as the activity desks have gotten bigger and bigger, some of them have gone just to a revocable letter of credit or to the bond, and now the bonds are not being issued in as large an amount as the dollar volume of activities done at some of these desks. When American Hawaii Cruises and several others went out, not only were consumers left in the lurch, but the providers of these activities were left in the lurch as well. Many of them went ahead and provided or had already provided the activities to the consumers but were never paid for them.

"This is a measure that perhaps we could consider a work in progress, but it is clearly one that benefits small businesses and

consumers. If all activity desks, and some of the largest ones on Maui do use client trust accounts, had been required to use client trust accounts as originally enacted, then consumers would be protected and the providers would be protected. And these providers are indeed some of our very smallest businesses in the State.

"Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 3204, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Fukunaga).

S.B. No. 2260, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARD NONFORFEITURE FOR INDIVIDUAL DEFERRED ANNUITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM TUESDAY, MARCH 2, 2004

H.B. No. 1820, H.D. 1 (Hse. Com. No. 29):

By unanimous consent, action on H.B. No. 1820, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Thursday, March 4, 2004.

H.B. No. 2020, H.D. 1 (Hse. Com. No. 30):

By unanimous consent, action on H.B. No. 2020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred until Thursday, March 4, 2004.

H.B. No. 2049, H.D. 1 (Hse. Com. No. 31):

By unanimous consent, action on H.B. No. 2049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred until Thursday, March 4, 2004.

H.B. No. 2139, H.D. 1 (Hse. Com. No. 32):

By unanimous consent, action on H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Thursday, March 4, 2004.

H.B. No. 2140, H.D. 1 (Hse. Com. No. 33):

By unanimous consent, action on H.B. No. 2140, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," was deferred until Thursday, March 4, 2004.

H.B. No. 2147, H.D. 1 (Hse. Com. No. 34):

By unanimous consent, action on H.B. No. 2147, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

UNIFORM COMMERCIAL CODE,” was deferred until Thursday, March 4, 2004.

H.B. No. 2569, H.D. 1 (Hse. Com. No. 35):

By unanimous consent, action on H.B. No. 2569, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS,” was deferred until Thursday, March 4, 2004.

H.B. No. 1737, H.D. 1 (Hse. Com. No. 36):

By unanimous consent, action on H.B. No. 1737, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS,” was deferred until Thursday, March 4, 2004.

H.B. No. 1824 (Hse. Com. No. 37):

By unanimous consent, action on H.B. No. 1824, entitled: “A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS,” was deferred until Thursday, March 4, 2004.

H.B. No. 2003, H.D. 1 (Hse. Com. No. 38):

By unanimous consent, action on H.B. No. 2003, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” was deferred until Thursday, March 4, 2004.

H.B. No. 2004, H.D. 1 (Hse. Com. No. 39):

By unanimous consent, action on H.B. No. 2004, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” was deferred until Thursday, March 4, 2004.

H.B. No. 2013 (Hse. Com. No. 40):

By unanimous consent, action on H.B. No. 2013, entitled: “A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS,” was deferred until Thursday, March 4, 2004.

H.B. No. 2064 (Hse. Com. No. 41):

By unanimous consent, action on H.B. No. 2064, entitled: “A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE,” was deferred until Thursday, March 4, 2004.

H.B. No. 2166, H.D. 1 (Hse. Com. No. 42):

By unanimous consent, action on H.B. No. 2166, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND USE COMMISSION,” was deferred until Thursday, March 4, 2004.

H.B. No. 2363, H.D. 1 (Hse. Com. No. 43):

By unanimous consent, action on H.B. No. 2363, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS,” was deferred until Thursday, March 4, 2004.

H.B. No. 2558, H.D. 1 (Hse. Com. No. 44):

By unanimous consent, action on H.B. No. 2558, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PENSION PLANS,” was deferred until Thursday, March 4, 2004.

H.B. No. 2630, H.D. 2 (Hse. Com. No. 45):

By unanimous consent, action on H.B. No. 2630, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY,” was deferred until Thursday, March 4, 2004.

H.B. No. 2844, H.D. 1 (Hse. Com. No. 46):

By unanimous consent, action on H.B. No. 2844, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE,” was deferred until Thursday, March 4, 2004.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 2076.

Senator Menor noted:

“Mr. President, this bill proposes to exempt reciprocal insurers that insure military members, veterans, and their dependents from maintaining a claims and sales office in the State.”

The Chair then granted the waiver.

ADJOURNMENT

At 12:09 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, March 4, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate