STAND. COM. REP. NO. 3007

Honolulu, Hawaii

MAR 1 9 2008

RE: H.B. No. 2347

H.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Madam:

Your Committee on Commerce, Consumer Protection, and Affordable Housing, to which was referred H.B. No. 2347, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO METAL,"

begs leave to report as follows:

The purpose of this measure is to ensure that law enforcement efforts to crack down on metal theft are not hampered by what appears to be an ambiguity in the law by affirming that a scrap dealer can be punished for violations involving either being unlicensed or by failing to keep or falsifying records.

Testimony in support of this measure was submitted by the Department of the Attorney General; the Department of the Prosecuting Attorney, City and County of Honolulu; and the Honolulu Police Department, City and County of Honolulu.

Your Committee finds that in its current form, section 445-235, Hawaii Revised Statutes, can be construed to mean that a person must violate both, the licensing requirements under section 445-232, Hawaii Revised Statutes, and the documentation requirements under section 445-233, Hawaii Revised Statutes, before a penalty can be imposed. Legislative history indicates the necessity for documentation of sales to combat fencing of stolen goods, and the necessity of licensing to ensure appropriate regulation of persons who buy scrap metal. Thus, amending section 445-235, Hawaii Revised Statutes, will affirm the Legislature's intent that a scrap dealer can be punished for violations

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involving either being unlicensed or by failing to keep or falsifying records.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Affordable Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2347, H.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committee on Commerce, Consumer Protection, and Affordable Housing,

RUSSELL S. KOKUBUN, Chair

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Commerce, Consumer Protection and Affordable Housing CPH

Bill / Resolution No.:*	Committee Referral:		Date:			
HB 2347 HDI	CPH, UDL			3/13/08		
The committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (W	R)	Nay	Excused
KOKUBUN, Russell S. (C)						
IGE, David Y. (VC)		7				
ESPERO, Will						~
IHARA, Jr., Les		ade ac (selection)				
SAKAMOTO, Norman						1
TANIGUCHI, BRIAN T.		7				
TRIMBLE, Gordon		\checkmark				
			Asar Tarrini brakl			
				10.11 10.00		
TOTAL		4				3
Recommendation: Adopted Not Adopted						
Chairle or Decianoe's Signature:						
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy						

^{*}Only one measure per Record of Votes