STAND. COM. REP. NO. 2996

Honolulu, Hawaii

MAR 2 1 2006

RE:

H.B. No. 2708

H.D. 2 S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006

State of Hawaii

Sir:

Your Committees on Transportation and Government Operations and Intergovernmental Affairs, to which was referred H.B. No. 2708, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ADVERTISING,"

beg leave to report as follows:

The purpose of this measure is to prohibit a person, for consideration, from operating or parking a vehicle or trailer carrying a vehicular advertising device for consideration or any other economic benefit.

Your Committees received testimony in support of this measure from the Sierra Club Hawaii Chapter, Conservation Council for Hawaii, Na Leo Pohai, and the Outdoor Circle. Testimony in opposition was received from the Hawaii Ship Agents Association. Comments were received from the Attorney General.

This measure is intended to address the situation of commercial billboard vehicles that roam the highways and streets with advertisements on the sides and back of the vehicle. These vehicles are for hire and the ads are not related to any business of the owner of those vehicles. Advertising in this fashion is the effective equivalent of moving billboards, which are restricted by chapter 445, Hawaii Revised Statutes. The majestic beauty and lovely scenery of Oahu is no less marred by mobile billboards and signage, which should also be prohibited.

Your Committees find that this measure does not regulate expressive speech or political advertising. However, your Committees are cognizant that any measure attempting to regulate advertising may be fraught with constitutional issues. The testimony of constitutional law Professor Jon M. Van Dyke of the William S. Richardson School of Law on behalf of The Outdoor Circle indicates that this measure will pass constitutional muster.

Your Committees have amended this measure by:

- (1) Deleting the definition of "person" which is defined in section 1-19, Hawaii Revised Statutes; and
- (2) Providing for a graduated monetary penalty for the first, second, and third offenses.

Your Committees defer to the discretion of the Committee on Judiciary and Hawaiian Affairs concerning the severity of the penalty. Your Committees believe that the penalty should serve as a deterrent.

As affirmed by the records of votes of the members of your Committees on Transportation and Government Operations and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2708, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2708, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committees on Transportation and Government Operations and Intergovernmental Affairs,

DAVID Y. ICE, Chair

LORRAINE R. INOUYE, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Transportation and Government Operations (Bills and Resolutions)

Measure:* Committee Referral: Date: 760 V6A THW 3/16/06									
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:									
The Recommendation is to:									
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)									
Members	Ayes	Ayes(WR)	Nays	Excused					
INOUYE, Lorraine R. (C)									
ESPERO, Will (VC)									
BAKER, Rosalyn H.				TANKER SERVICE AND A STATE OF THE					
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KANNO, Brian									
MENOR, Ron									
WHALEN, Paul									
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TOTAL	3	1		3					
Recommendation: Adopted Not Adopted									
Chair's or Designee's Signature:									
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy									

^{*}Do <u>not</u> list more than one measure per Record of Votes.

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Intergovernmental Affairs (Bills and Resolutions)

Measure:*	Committee Referral:			Date:					
HB 2708 HD2	TGO/IGA, JHW			3-16-06					
The committee is reconsidering its previous decision on this measure.									
If so, then the previous decision was to:									
The Recommendation is to:									
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)									
Members		Ayes	Aye	s(WR)	Nays	Excused			
IGE, David Y. (C)		1							
KIM, Donna Mercado (VC)									
BAKER, Rosalyn H.					Control of the Contro				
ENGLISH, J. Kalani									
INOUYE, Lorraine R.	· · · · · · · · · · · · · · · · · · ·								
NISHIHARA, Clarence K.									
SLOM, Sam						/			
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TOTAL		4				3			
Recommendation:									
Adopted Not Adopted									
Chair's or Designee's Signature:									
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy									

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