STAND. COM. REP. NO. 1113 -08

Honolulu, Hawaii

March 14 , 2008

RE: S.B. I

S.B. No. 2782

S.D. 2

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2782, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO METAL,"

begs leave to report as follows:

The purpose of this bill is to deter scrap metal theft by including metal beer kegs in the scope of laws intended to prevent copper theft.

Anheuser Busch Companies testified in support of this bill. The Honolulu Police Department opposed this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu submitted comments.

According to testimony received by your Committee, metal beer kegs are being stolen at escalating rates, in large part because they can be redeemed for fast cash at scrap dealerships.

Act 197, Session Laws of Hawaii 2007, made copper theft a Class C felony and strengthened documentation requirements for scrap dealers purchasing copper. These provisions are in effect until July 1, 2009. By including beer kegs in these provisions, this bill will help deter another rising form of scrap metal theft.

SB2782 HD1 HSCR CPC HMS 2008-2921

However, there are concerns from law enforcement that this bill would be difficult to enforce because it applies to beer kegs that are iron-carbon alloy products with at least ten percent chromium content. It may be arduous and time-consuming for police to determine whether a beer keg meets this standard.

Accordingly, your Committee has amended this bill by:

- Changing the definition of beer kegs to mean metal (1)containers marked as the property of a brewery manufacturer, including kegs on which the markings have been rendered illegible, but excluding beverage containers falling under the Deposit Beverage Container Program in Part VIII of Chapter 342G, Hawaii Revised Statutes;
- (2) Changing the references to beer kegs, from "stainless steel beverage containers" to "stainless steel beer kegs"; and
- (3) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2782, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2782, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ROBERT N. HERKES, Chair

## **Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.:	Committee Referral:	Date	الما الما	
SB2782,SD2 (SSCR2607)	CPC, JUD 63(10/08			
☐ The committee is reconsidering its previous	ious decision on the measure.			
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	Y			
2. McKELVEY, Angus L.K. (VC)	Υ			
3. EVANS, Cindy	Ψ			
4. GREEN, Josh, M.D.				×
5. ITO, Ken				<b> </b>
6. LUKE, Sylvia	٧			
7. MORITA, Hermina M.	<b>                                     </b>			
8. SONSON, Alex M.				X
9. SOUKI, Joseph M.	***			
10. TSUJI, Clift	Y			
11. YAMANE, Ryan I.	<b>×</b>			
12. YAMASHITA, Kyle T.	Υ			
13. MARUMOTO, Barbara C.	Ψ			
14. THIELEN, Cynthia	*			
	/			
TOTAL (14)		0	0	3
The recommendation is: Adoption If joint r	S	did not suppo	rt recommendation	1.
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				