STAND. COM. REP. NO. 33 \$1

Honolulu, Hawaii

APR 0 4 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 Judiciary and Labor, 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 clarify that any person who violates the law on requiring scrap dealers to obtain a license or the law on requiring scrap dealers to obtain a written statement from the seller, is guilty of a misdemeanor.

Your Committee received testimony in support of this measure from the State Attorney General and the Honolulu Prosecuting Attorney.

Current law may be read to require that both section 445-232 (scrap dealer licensing) and section 445-233 (written statement), Hawaii Revised Statutes, be violated before a penalty can be imposed for violation of either of them. This concern arises from the fact that the reference to these two sections in section 445-235, Hawaii Revised Statutes, is separated by the conjunctive "and" instead of the disjunctive "or." This measure remedies that ambiguity by changing the "and" to "or". In addition, this measure declares that it was never the Legislature's intent to require that both sections be violated before a penalty can be imposed for violation of either of them.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor 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 Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

BRIAN T. TANIGUCHI, Chair

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* HB 2347 HD1	Committee Referral: ハAいDL		Da	3-25-08	
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 (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)		V			
HEE, Clayton (VC)					
GABBARD, Mike					
KOKUBUN, Russell S.		V			
NISHIHARA, Clarence K.	011 - 0.2 H., H. H. H. S. S. H. H. S. S. M. S.				
SLOM, Sam		······································			
TOTAL		5	1. September 1. Sep		/
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					

*Only one measure per Record of Votes