

Honolulu, Hawaii

Ag-126, 2007

RE: H.B. No. 1246
H.D. 1
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1246, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO METAL,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to deter the theft of copper by:

- (1) Establishing theft of copper as a felony offense; and
- (2) Imposing additional requirements for, and establishing additional penalties for violations relating to, the sale of copper to scrap dealers.

Your Committee on Conference has amended this bill by:



- (1) Allowing a scrap dealer to only accept the seller's, and not the seller's agent's, written statement that the seller has the lawful right to sell and dispose the copper;
- (2) Requiring a scrap dealer to report to the police not only suspicious attempted sales but all instances of attempted sales in which the seller does not provide a receipt or notarized declaration;
- (3) Imposing mandatory minimum sentencing for violations of the scrap dealer licensing and statement requirements;
- (4) Clarifying that the mandatory minimum fine of \$5,000 and six-month suspension of the scrap dealer's license applies not only to the third offense but to all subsequent offenses;
- (5) Providing that a scrap dealer is subject to license revocation if the third or subsequent offense occurs within a five-year period from the occurrence of two prior offenses;
- (6) Clarifying that the offense of theft of copper applies only to copper that weighs a pound or more, instead of any property that weighs a pound or more and contains copper in whole or in part;
- (7) Including a sunset date of July 1, 2009; and
- (8) Making technical, nonsubstantive changes for style, clarity, and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1246, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1246, H.D. 1, S.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



CLAYTON FEE, Chair



TOMMY WATERS, Chair



Hawaii State Legislature
Record of Votes of a
Conference Committee

CCR 70

Bill / Concurrent Resolution No.: HB 1246, HD 1, SD 1	Date/Time: 4/26/07 1:30pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				WATERS, Tommy, Chr.	✓			
KOKUBUN, Russell S.	✓				OSHIRO, Blake K.	✓			
NISHIHARA, Clarence K.	✓				MARUMOTO, Barbara C.	✓			
GABBARD, Mike	✓								
TOTAL	4				TOTAL	3			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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