

Honolulu, Hawaii

March 14, 2008

RE: 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.



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:

- (1) Changing the definition of beer kegs to mean metal 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,

  
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ROBERT N. HERKES, Chair



