

STAND. COM. REP. NO.

3381

Honolulu, Hawaii

APR 04 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,

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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



