

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE ROBERT HERKES, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

March 10, 2008

RE: S.B. 2782, S.D. 2; RELATING TO METAL.

Chair Herkes and members of the House Committee on Consumer Protection and Commerce, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following comments on S.B. 2782, S.D. 2.

The purpose of this bill is to amend provisions relating to theft of copper and documentation requirements that are mandated when a scrap dealer purchases copper. The amendments would expand the scope of these sections to include the theft of a "stainless steel beverage container" and the sale of a "stainless steel beverage" container to a scrap dealer.

We do have some concerns about the definition of "stainless steel beverage containers" as defined in S.B. 2782, S.D. 2 which would require the police crime lab verify the level of chromium in each beer keg. Quantifying the exact levels of chromium will be time consuming and somewhat difficult especially if a number of beer kegs are involved. However, at this time we are working with the proponents and the police department to come up with a definition which is specific enough but does not require proof of the levels of any particular element. We would respectfully request some additional time to work the definitional language out among the affected parties.

Thank you for this opportunity to testify.

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POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE KK-MK

March 10, 2008

The Honorable Robert N. Herkes, Chair
and Members
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Herkes and Members:

Subject: Senate Bill No. 2782, S.D. 2, Relating to Metal

I am Major Kurt Kendro of District 5 (Kalihi) of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department does not support Senate Bill No. 2782, S.D. 2, Relating to Metal. This bill would amend sections 445-233 and 708-835.7 of the Hawaii Revised Statutes to include stainless steel beverage containers. A "stainless steel beverage container" is further defined as "an iron-carbon alloy product with a minimum of ten per cent chromium content."

It would be very difficult for officers to enforce these laws, if not impossible, because of the strict definition of a "stainless steel beverage container." It would be unreasonable to expect an officer to know whether an item is an "iron-carbon alloy product with a minimum of ten percent chromium content."

We urge you not to pass Senate Bill No. 2782, S.D.2.

Thank you for the opportunity to testify.

Sincerely,


KURT KENDRO, Major
District 5

APPROVED:


For BOISSE P. CORREA
Chief of Police

Serving and Protecting With Aloha

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March 10, 2008

Testimony To: House Committee on Consumer Protection & Commerce
Representative Robert N. Herkes, Chair

Presented By: Tim Lyons, Legislative Liaison
Anheuser Busch Companies

SUPPORT

Subject: S.B. 2782, SD 2 – RELATING TO METAL.

Chair Herkes and Members of the Committee:

I am Tim Lyons, Legislative Liaison for Anheuser Busch Companies and we support this bill.

This bill would include theft of stainless steel beverage containers (beer kegs) in the recently passed metal theft bill which is limited only to copper.

This is a huge problem. In fact, a problem that represents about a \$15,000,000 a year loss to the industry with over 300,000 stainless steel containers a year lost. Our local wholesaler here has gone from losing approximately 30 in 2006 to over 350 in 2007. In other words, it has just escalated beyond any reasonable proportion.

We are asking this Committee to assist because stainless steel beer kegs are one of the things that are positive for our environment. They are 100% recyclable. In fact, in the manufacturing process,

only 35% of the material represents new material; all the rest is recycled material. Additionally, most metal kegs last at least twenty (20) years.

We have been working with retailers and others to have them place the containers in more secure positions as they rotate them between empty and full however, with the very tight space that many restaurants and facilities have, sometimes this is impossible.

Based on the above, we highly recommend passage and we respectfully request your assistance in this problem. We know that the passage of this bill will help to act as a deterrent and bring the numbers back down to a manageable area.

Based on the above, we request your support.

Thank you.