

STAND. COM. REP. NO. 2161

Honolulu, Hawaii

FEB 10 2010

RE: S.B. No. 2276
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Education and Housing and Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 2276 entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,"

beg leave to report as follows:

The purpose of this measure is to prohibit the possession of open liquor containers in public housing common areas and on public streets and sidewalks.

Testimony in support of this measure was submitted by one state agency, one county agency, and four individuals. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that some non-residents and visitors to public housing projects consume intoxicating liquor on the grounds, sidewalks, common areas, and other sections of the housing projects, contributing to crime and undesirable behaviors. Your Committees also find that police are often unable to arrest these individuals unless observed actually consuming liquor or unless a witness is willing to testify that the individuals were consuming liquor. This measure provides police with a means to arrest individuals based on the possession of an open liquor container as prima facie evidence of consumption of liquor.

Your Committees find that applying the prima facie evidence provision to all public sidewalks would be an overly broad



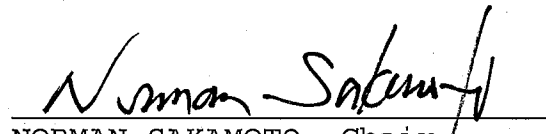
solution that may have unintended impacts. Accordingly, your Committees have amended this measure by narrowing the scope of the provision to apply only to sidewalks and common areas within public housing projects.

As affirmed by the records of votes of the members of your Committees on Education and Housing and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2276, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2276, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Housing and Transportation,
International and
Intergovernmental Affairs,



J. KALANI ENGLISH, Chair



NORMAN SAKAMOTO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Education and Housing
EDH

Bill / Resolution No.:* SB 2276	Committee Referral: EDH/TIA, JGO	Date: 2-8-2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.				✓
HEMMINGS, Fred	✓			
TOTAL	5			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:right; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:* SB 2276	Committee Referral: EDH/TIA, JGO	Date: 2/8/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)				✓
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Fishburne</i>				
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