

Honolulu, Hawaii

APR 25 2013

RE: S.B. No. 88
S.D. 1
H.D. 2
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 88, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS IN PUBLIC HOUSING,"

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 measure is to prohibit the possessing or keeping open liquor containers in the common areas in state and federal public housing projects, with certain exceptions.

Your Committee on Conference finds that state law prohibits the consumption of intoxicating liquors on public sidewalks, including any sidewalk within a public housing project as defined in sections 356D-1 and 356D-91, Hawaii Revised Statutes, and in common areas of public housing projects. However, this prohibition can be difficult to enforce since it is limited by the word "consumption", requiring that either a law enforcement officer visibly observe a perpetrator



in the action of imbibing intoxicating liquor or a witness be willing to testify to visibly observing a perpetrator in the action of imbibing intoxicating liquor. By broadening the prohibition to possession of open intoxicating liquor containers, the requirement of physically observing a perpetrator in the act of imbibing in order to support prosecution is removed, making violations easier to report and enforce.

Your Committee on Conference has amended this measure by:

- (1) Removing exemptions that would have allowed possession of a liquor container within a public housing project if the container was being transported to or from certain locations and was sealed or closed with a cork or lid; and
- (2) Changing the effective date to upon approval.

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 S.B. No. 88, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 88, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


RIDA T.R. CABANILLA, Co-Chair


SUZANNE CHUN OAKLAND, Chair


KARL RHOADS, Co-Chair


WILL ESPERO, Co-Chair



Hawaii State Legislature

CCR 47

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 88, SD 1, HD 2	Date/Time: 4/23/13 3:42pm
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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.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				CABANILLA, Rida T.R., Co-Chr.	✓			
ESPERO, Will, Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
KIDANI, Michelle N.	✓				JORDAN, Jo	✓			
TANIGUCHI, Brian T.	✓				WARD, Gene	✓			
SLOM, Sam	✓								
TOTAL	5	0	0	0	TOTAL	4	0	0	0

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: <i>Suzanne Chun Oakland</i>	House Lead Chair's or Designee's Signature: <i>Rida Cabanilla</i>
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