

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 46  
H.D. 2  
S.D. 2

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 46, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,"

begs leave to report as follows:

The purpose and intent of this measure is to improve the living environment in public housing projects and state low-income housing projects by providing the Hawaii Public Housing Authority the discretion to adopt rules to prohibit smoking throughout any public housing project or state low-income housing project.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Public Housing Authority, Coalition for a Tobacco-Free Hawaii, and three private individuals. Testimony in opposition to this measure was submitted by three private individuals.

Your Committee finds that according to the United States Surgeon General, there is no safe level of secondhand smoke and breathing even a little secondhand smoke can be dangerous. However, Hawaii's existing smoke-free workplace and public places law pursuant to chapter 328J, Hawaii Revised Statutes, excludes private residences, including public housing projects and state low-income housing projects. This measure is intended to address this exclusion by providing the Hawaii Public Housing Authority the discretion to adopt rules to prohibit smoking throughout any public housing project or state low-income housing project.



However, your Committee believes that providing the Hawaii Public Housing Authority the discretion to adopt no smoking rules is an insufficient means to improve the living environment in public housing and state low-income housing projects. Your Committee notes that S.B. No. 908, Regular Session of 2011, a companion to this measure, better effectuates the intent of this measure to improve the living environment for residents of public housing and state low-income housing projects. Specifically, S.B. No. 908:

- (1) Prohibits smoking within:
  - (A) Individual housing units;
  - (B) Hallways;
  - (C) Enclosed or partially enclosed common areas; and
  - (D) Twenty feet from each individual building,  
of a public housing project or state low-income housing project;
- (2) Requires the Hawaii Public Housing Authority to designate one or more permissible smoking areas not less than twenty feet from any residential building or community facility within the public housing project or state low-income housing project;
- (3) Permits the eviction of a resident upon a third violation of the smoking prohibition; and
- (4) Provides that a smoking violation committed by a non-resident who is visiting a resident shall be deemed a violation by that resident only if the resident is within twenty feet of the visitor at the time of the violation.

Accordingly, your Committee has amended this measure by:

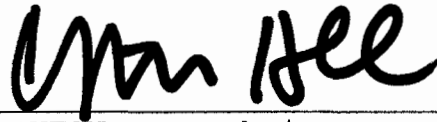
- (1) Deleting its contents and inserting language from S.B. No. 908;
- (2) Changing the effective date to upon approval; and



- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 46, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 46, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




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CLAYTON HEE, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

|  |   |                                       |
|--|---|---------------------------------------|
| Bill / Resolution No.:*  | Committee Referral:   | Date:                                 |
| HB 46, HD 2, SD 1  | HMS, JDL  | 4/2/12                                |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |   |                                       |
| The Recommendation is:   |   |                                       |
| <input type="checkbox"/> Pass, unamended<br>2312   | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |
| <input type="checkbox"/> Recommit<br>2313  |   |                                       |
| Members  | Aye   | Aye (WR)                              |
| Nay  | Excused   |                                       |
| HEE, Clayton (C)   | ✓   |                                       |
| SHIMABUKURO, Maile (VC)  | ✓   |                                       |
| GABBARD, Mike  | ✓   |                                       |
| IHARA, Jr., Les  | ✓   |                                       |
| SLOM, Sam  |   | ✓                                     |
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| <b>TOTAL</b>   | 4   | 1                                     |
| Recommendation:  |   |                                       |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |   |                                       |
| Chair's or Designee's Signature:    |   |                                       |
| <b>Distribution:</b> <span style="margin-left: 40px;">Original</span> <span style="margin-left: 40px;">Yellow</span> <span style="margin-left: 40px;">Pink</span> <span style="margin-left: 40px;">Goldenrod</span><br><span style="margin-left: 40px;">File with Committee Report</span> <span style="margin-left: 40px;">Clerk's Office</span> <span style="margin-left: 40px;">Drafting Agency</span> <span style="margin-left: 40px;">Committee File Copy</span> |   |                                       |

\*Only one measure per Record of Votes