

STAND. COM. REP. NO.

3455

Honolulu, Hawaii

APR 13 2012

RE: S.C.R. No. 102
S.D. 1

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 S.C.R. No. 102 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ESTABLISH A TASK FORCE TO STUDY THE FEASIBILITY OF THE COUNTIES ADOPTING RULES THAT REGULATE CLEAN AND SOBER HOUSING AND COMPLY WITH FEDERAL AND STATE LAWS, "

begs leave to report as follows:

The purpose and intent of this measure is to request the Attorney General to establish a task force to determine the feasibility of the counties adopting rules to govern clean and sober housing that comply with federal and state laws.

Your Committee received testimony in support of this measure from the Hawaii Substance Abuse Coalition. The Department of the Attorney General submitted comments.

Your Committee finds that clean and sober housing offers the help and support individuals need to make positive life choices to solidify long-term recovery from drug and alcohol abuse. Your Committee also finds that despite support for clean and sober houses, a few poorly managed clean and sober houses create negative public relations with neighborhoods and communities for other clean and sober houses. This measure requests the Attorney General to establish a task force made up of various representatives from the relevant executive agencies, social services community, and stakeholders to determine the feasibility



of adopting rules that govern clean and sober housing that comply with federal and state laws.

However, your Committee notes the comments submitted by the Department of the Attorney General indicating several concerns regarding this measure, including using the term "clean and sober housing", and the listed representation on the task force. The Department identified S.B. No. 2536, H.D. 2 (Regular Session of 2012), which establishes a clean and sober homes and halfway houses task force, and indicated its preference for this measure.

Your Committee further finds that the purpose and intent of the S.B. No. 2536, H.D. 2, is substantially similar to the purpose and intent of this measure. If S.B. No. 2536, H.D. 2, does not become law, then your Committee strongly urges that this measure prevail and a task force be established. However, if S.B. No. 2536, H.D. 2, becomes law, your Committee believes that this measure will no longer be necessary.

Accordingly, your Committee has amended this measure by:


- (1) Deleting its contents and adding language from S.B. No. 2536, H.D. 2, to request the Department of Health to establish a clean and sober homes and halfway houses task force to:
 - (A) Establish a clear definition of a "clean and sober home" and clear occupancy requirements for clean and sober homes and halfway houses;
 - (B) Develop a plan of accountability for clean and sober homes and halfway houses to ensure compliance with occupancy and other requirements;
 - (C) Conduct an inventory of clean and sober homes statewide, identify current occupancy levels, and determine compliance with county zoning laws and tax requirements;
 - (D) Promote community and advocacy education;
 - (E) Balance community concerns with the needs of individuals requiring clean and sober homes and halfway houses; and



- (F) Report to the Legislature its plan of accountability and other findings and recommendations, including any proposed legislation;
- (2) Changing the title to reflect the amended language; 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 concurs with the intent and purpose of S.C.R. No. 102, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 102, S.D. 1.

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



CLAYTON HEE, Chair
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