

Honolulu, Hawaii

APR 24 2014RE: S.B. No. 651
S.D. 2
H.D. 2
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
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. 651, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

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:

- (1) Prohibit the Hawaii Public Housing Authority from entering into or renewing any lease, rental agreement, permit, or license, including month-to-month tenancy, effective July 1, 2014, unless the lease, rental agreement, permit, or license prohibits smoking in the public housing project; and
- (2) Authorize the Hawaii Public Housing Authority to terminate any lease, rental agreement, permit, or license for smoking anywhere other than within a designated smoking



area of the public housing project when smoking is prohibited.

Your Committee on Conference finds that there are many hazards caused by involuntary exposure to tobacco smoke. The United States Surgeon General has found that there is no safe level or amount of exposure to secondhand smoke.

Your Committee on Conference has amended this measure by:

- (1) Deleting language prohibiting the Hawaii Public Housing Authority from entering into or renewing any lease, rental agreement, permit, or license, including month-to-month tenancy, effective July 1, 2014, unless the lease, rental agreement, permit, or license prohibits smoking in the public housing project;
- (2) Inserting language prohibiting smoking in any public housing project, elder or elderly household, or state low-income housing project, including individual housing units, common areas, community facilities, and areas within twenty feet from each building, entrance, exit, window, and ventilation intake that serves an enclosed or partially enclosed area;
- (3) Requiring that designated smoking areas be at least twenty feet, rather than twenty-five feet, from any building, or any greater distance that would ensure the secondhand smoke does not infiltrate any dwelling unit;
- (4) Inserting language requiring the Authority to place and maintain "No smoking" signage at all entrances and exits of the property and allowing the Authority to display additional signage for the purpose of conspicuous notice;
- (5) Inserting a definition of "common areas";
- (6) Inserting a definition of "smoking";
- (7) Removing the notice provision requiring the Authority to notify a tenant in writing of noncompliance with the smoking prohibition;
- (8) Removing language providing for termination of a lease, rental agreement, permit, or license, including a month-



to-month tenancy, and eviction from the dwelling unit if a tenant fails to comply with the smoking prohibition;

- (9) Authorizing termination of the lease, rental agreement, permit, or license and the eviction of a tenant upon a third violation, rather than the first violation, of the smoking prohibition by a resident, a guest who is visiting a resident, or any member of the resident's household; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 651, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 651, S.D. 2, 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



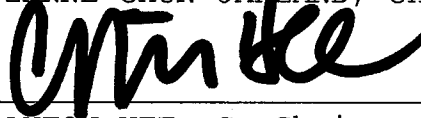
MARK J. HASHEM, Co-Chair



KARL RHOADS, Co-Chair




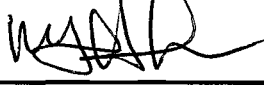
SUZANNE CHUN OAKLAND, Chair



CLAYTON HEE, Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 651, SD 2, HD 2					Date/Time: 4/22/14, 10:42 a.m.				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> 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.	✓				HASHEM, Mark J., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
GREEN, Josh	✓				ING, Kaniela				✓
IHARA, Les, Jr.	✓				THIELEN, Cynthia	✓			
SLOM, Sam	✓								
TOTAL	5	0	0	0	TOTAL	3	0	0	1
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				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution:		Original File with Conference Committee Report			Yellow House Clerk's Office		Pink Senate Clerk's Office		Goldenrod Drafting Agency