

Honolulu, Hawaii

APR 25 2013

RE: S.B. No. 1209
S.D. 1
H.D. 1
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. 1209, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAYS,"

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 and intent of this measure is to:

- (1) Repeal language prohibiting persons from parking or placing a vehicle on a structure on any highway to sell from the vehicle certain items, thereby creating a hazardous condition or public nuisance;
- (2) Insert language prohibiting persons from occupying any highway or parking or placing a vehicle on a structure on any highway to sell any product, service, merchandise, food, or solicitation; and



- (3) Authorize the Director of Transportation, in the case of state highways, to issue a written permit, subject to any terms and conditions imposed by the Director, authorizing the applicant to vend in the airspace, as that term is defined in federal law, of the State's interstate highway system.

Your Committee on Conference finds that this measure allows the Department of Transportation flexibility to ensure that enforcement of the statute against unauthorized vending activities in the airspace is consistent with federal law, because federal law regulates this matter.

Your Committee on Conference has amended this measure by:


- (1) Reinstating language that prohibits persons from parking or placing a vehicle on a structure on any highway to sell from the vehicle certain items, thereby creating a hazardous condition or public nuisance; and
- (2) Deleting language that prohibits persons from occupying any highway or parking or placing a vehicle on a structure on any highway to sell any product, service, merchandise, food, or solicitation.

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. 1209, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1209, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



 RYAN I. YAMANE, Co-Chair



 J. KALANI ENGLISH, Chair



 KYLE T. YAMASHITA, Co-Chair




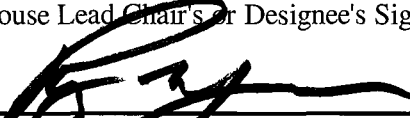
 ROSALYN H. BAKER, Co-Chair



Hawaii State Legislature

CCR 40

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1209, SD 1, HD 1					Date/Time: <i>April 24, 2013 2:21pm</i>						
<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
ENGLISH, J. Kalani, Chr.		X				YAMANE, Ryan I., Co-Chr.		X			
BAKER, Rosalyn H., Co-Chr.		X				YAMASHITA, Kyle T., Co-Chr.		X			
DELA CRUZ, Donovan M.		X				ICHIYAMA, Linda		X			
KAHELE, Gilbert		X									
SLOM, Sam					X						
TOTAL		4	-	-	1	TOTAL		3	-	-	-
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
		<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted				<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			Yellow		Pink		Goldenrod		
		File with Conference Committee Report			House Clerk's Office		Senate Clerk's Office		Drafting Agency		