

Honolulu, Hawaii

FEB 07 2013

RE: S.B. No. 1209

S.D. 1

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

Madam:

Your Committee on Transportation and International Affairs,  
to which was referred S.B. No. 1209 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAYS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify the types of vending activities that are prohibited on state highways; and
- (2) Authorize the Director of Transportation to issue a written permit authorizing an applicant to vend in the airspace above a highway.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that the amendments proposed by this measure to section 264-101(a), Hawaii Revised Statutes, go too far and could possibly interfere with the selling of articles and food along the highways, streets, and roads of the State, especially on the neighbor islands where it is typical for vendors to regularly sell food and crafts along streets and roads.

Your Committee has been informed by the Department of Transportation that the amendments proposed by this measure to section 264-101(b), Hawaii Revised Statutes, are intended to address the peculiar situation of the United States post office

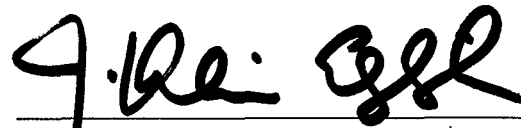


station situated under Lunalilo Freeway in Makiki. Apparently federal law prohibits such vending in the airspace under the Lunalilo Freeway unless a state permit is issued.

Your Committee has amended this measure by deleting all amendments to section 264-101(a), Hawaii Revised Statutes, leaving that subsection unamended.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1209, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1209, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
International Affairs,

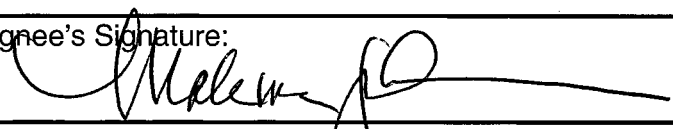


J. KALANI ENGLISH, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Transportation and International Affairs**  
**TIA**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1209	TIA, CPN	02-04-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
DELA CRUZ, Donovan M. (VC)				✓
ESPERO, Will	✓			
GABBARD, Mike				✓
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
SOLOMON, Malama	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>5</b>			<b>4</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes