

Honolulu, Hawaii

March 17, 2006

RE: S.B. No. 2049
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 2049, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DERELICT VEHICLE,"

begs leave to report as follows:

The purpose of this measure is to streamline procedures for removing derelict vehicles.

This bill repeals the criterion of "ten model years or older" from the definition of derelict vehicle to ensure that the due process rights of the owners of those vehicles are protected.

This bill also changes references to the Housing and Community Development Corporation of Hawaii to the Hawaii Public Housing Administration in conformity with Act 196, Session Laws of Hawaii 2005.

The City and County of Honolulu, the Mayor of Maui County, and the Windward Ahupuaa Alliance submitted testimony in support of this measure. The Attorney General commented on this measure.

Your Committee has amended this measure by:

- (1) Inserting a purpose section to clarify the intent of this measure;



- (2) Deleting the references to previous registration from the definition of derelict vehicle;
- (3) Clarifying that the head of the Hawaii Public Housing Administration is the Executive Director, and not the Director; and
- (4) Making technical nonsubstantive amendments for clarity, consistency, and style.

Your Committee also notes that the procedural due process concerns raised by the Attorney General merit further discussion by your Committee on Judiciary. However, by retaining references to previous registration from the definition of derelict vehicle, it places an undue burden on the counties, as the county would have to store the derelict vehicle until notification of the previous registered owner. This results in incursion of additional and often unnecessary costs. It was clarified by testifiers that these vehicles are inoperable, stripped of substantial parts, and usually located in public areas. Your Committee finds that it therefore is unlikely that due process issues would be raised.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2049, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2049, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



