

STAND. COM. REP. NO. 1870

Honolulu, Hawaii

Ay-05, 2007

RE: S.B. No. 1515
S.D. 2
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1515, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF
TRANSPORTATION,"

begs leave to report as follows:

The purpose of this bill is to protect the environment and state harbors by:

- (1) Making any commercial harbor tenant or user, including shippers and shipping agents, who violate any federal, state, or county environmental law or rule, to be liable to the Department of Transportation (DOT) for the amount of a fine, up to the maximum amount specified by the appropriate law or rule, if the violation results in an environmental fine being levied against DOT; and
- (2) Allows DOT to take legal action against a harbor tenant or user to collect the fines and any costs or expenses incurred.

DOT testified in support of this bill.

SB1515 HD2 HSCR JUD HMS 2007-3545



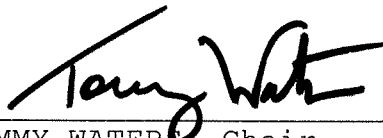
Your Committee has amended this bill by:

- (1) Specifying that a harbor user or tenant who is responsible for a violation of applicable environmental protection laws that result in a fine being assessed against DOT reimburse the entire amount of the fine to DOT;
- (2) Allowing DOT to take any action necessary to collect any amount of money that is reimbursable under this measure; and
- (3) Changing the effective date to January 1, 2112, to promote further discussion.

Your Committee has also made non-substantive, stylistic revisions to the language of this bill, including to the proposed Hawaii Revised Statutes section heading, to clarify that the laws or rules giving rise to a fine reimbursement obligation must all relate to environmental protection. Your Committee further requests that DOT clarify to the Legislature, specifically and by example, those statutes or rules for which it wishes to impose a reimbursement obligation.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1515, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1515, S.D. 2, H.D. 2.

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



TOMMY WATERS, Chair



