

Honolulu, Hawaii

April 27, 2007

RE: S.B. No. 1515
S.D. 2
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
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. 1515, S.D. 2, H.D. 2, entitled:

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

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 require any commercial harbor tenant or user to reimburse the Department of Transportation for the entire amount of a fine levied upon the department by reason of the tenant or user's violation of any federal, state, or county law or rule.

Your Committee on Conference finds that as the landowner of harbor facilities and lands, the Department of Transportation may be held liable by the federal government for the violation of federal environmental laws committed by harbor users or tenants. Your Committee also finds that the measure will allow for a full recovery



of fines imposed on the Department of Transportation, as the landowner, for violations of federal and state air and water pollution laws committed by harbor users and tenants.

Your Committee on Conference has amended this measure by:

- (1) Clarifying the language in the purpose section for purpose of style;
- (2) Making a conforming statutory amendment to section 266-25, Hawaii Revised Statutes, relating to penalties for violation of rules, for the purpose of reconciling a possible statutory conflict in interpretation; and
- (3) Changing the effective date from January 1, 2112, to upon its approval.

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. 1515, 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. 1515, S.D. 2, H.D. 2, C.D. 1.

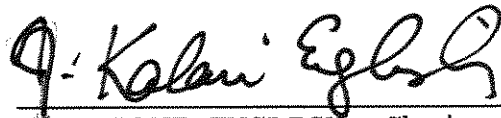
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



JOSEPH M. SOUKI, Co-Chair



J. KALANI ENGLISH, Chair



BLAKE K. OSHIRO, Co-Chair



ROSALYN H. BAKER, Co-Chair



MARCUS R. OSHIRO, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1515, SD 2, HD 2	Date/Time: <i>April 27, 2007 11:47pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

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				SOUKI, Joseph M., Co-Chr.	X			
BAKER, Rosalyn H., Co-Chr.	X				OSHIRO, Blake K., Co-Chr.	X			
GABBARD, Mike	X				OSHIRO, Marcus R., Co-Chr.	X			
					PINE, Kymberly Marcos	X			
TOTAL	3				TOTAL	4			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted Not Adopted

Senate Lead Chair's or Designee's Signature:


House Lead Chair's or Designee's Signature:


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