

Honolulu, Hawaii

Feb 14 , 2012

RE: H.B. No. 2614

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2614, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE COMMERCIAL HARBORS,"

begs leave to report as follows:

The purpose of this measure is to assist the Department of Transportation's Harbors Division in addressing the management and operations of its commercial harbor facilities by, among other things:

- (1) Establishing that citations for non-criminal violations issued by enforcement officers or harbor agents shall be adjudicated through an administrative hearing process;
- (2) Stipulating that fines and penalties for non-criminal matters are to be deposited into the Harbor Special Fund;
- (3) Removing jurisdictional references to recreational properties, properties used for the landing of fish, and Kewalo Basin as Kewalo Basin is currently under the jurisdiction of the Hawaii Community Development Authority;



- (4) Clarifying that citations and violations for traffic code and other criminal statutes shall be issued by law enforcement officers conferred with police powers by the Director of Transportation; and
- (5) Requiring commercial harbor tenants and users who violate any federal maritime transportation security law or rule that results in the Department of Transportation being assessed a fine by the United States Coast Guard to reimburse the Department of Transportation for the fine.

The Department of Transportation testified in support of this measure.

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 H.B. No. 2614, H.D. 1, and recommends that it be referred to the Committee on Finance.

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

  
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GILBERT KEITH-AGARAN, Chair



