

Honolulu, Hawaii

Feb 3, 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 Transportation, to which was referred H.B. No. 2614 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 hearings process;
- (2) Stipulating that fines and penalties for noncriminal matters are to be deposited into the Harbors Special Fund;
- (3) Removing jurisdictional references to recreational properties, properties used for the landing of fish, and Kewalo Basin, as that facility 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.

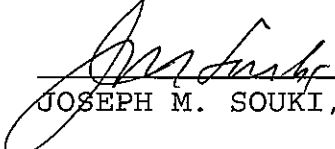
The Department of Transportation testified in support of this measure.

The Director of Transportation currently has the authority to adopt rules to regulate vessels, passengers, freight, carriers, shippers, and consignees; can adopt rules for the safety of docks, wharves, piers, quays, bulkheads, and landings within commercial harbors; and has the explicit authority to regulate traffic and other activities in the State's commercial harbors, including the waters of the commercial harbors. However, according to the Department of Transportation, violations of laws and rules, occurring in areas under the jurisdiction of the Department of Transportation's Harbors Division are currently adjudicated in the courts, even for non-criminal violations. Also, penalties and fines assessed for these violations are not deposited into the Harbor Special Fund. This measure addresses these issues.

Your Committee has amended this measure by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2614, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2614, H.D. 1, and be referred to the Committee on Judiciary.

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



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 70

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 2614	Committee Referral: TRN, JUD, FIN	Date: 1/30/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. OKAMURA, Tom	/			
8. SAIKI, Scott K.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	12			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Linda Ichiyama</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				