

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2614
H.D. 2

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

Sir:

Your Committee on Finance, 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 the administrative hearings process, rather than District Court;
- (2) Stipulating that fines and penalties for non-criminal violations 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 the Hawaii Community Development Authority currently has jurisdiction over that facility;
- (4) Clarifying that law enforcement officers conferred with police powers by the Director of Transportation shall



issue citations and notices of violations for traffic code and other criminal statutes; and

- (5) Requiring commercial harbor tenants and users whose violation of any federal maritime transportation security law or rule results in a fine assessed by the United States Coast Guard to reimburse the Department of Transportation for the fine.

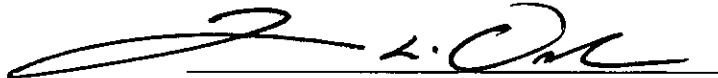
The Department of Transportation supported this measure.

Your Committee has amended this measure by:

- (1) Requiring that a purported violator:
 - (A) Remit a fee to the Harbor Special Fund in lieu of appearing at an administrative hearing to contest the charges and forfeit the opportunity to appear at the administrative hearing; or
 - (B) Appear before an administrative hearing and answer to the charge against the purported violator; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2614, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2614, H.D. 2.

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


MARCUS R. OSHIRO, Chair



HSCR 758-12

Record of Votes of the Committee on Finance

Bill/Resolution No.: **HB 2614, HDI** Committee Referral: **TRN, JUD, FIN** Date: **2/24/12**

The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	✓			
2. LEE, Marilyn B. (VC)	✓			
3. CHOY, Isaac W.	✓			
4. CULLEN, Ty	✓			
5. GIUGNI, Heather	✓			
6. HAR, Sharon E.	✓			
7. HASHEM, Mark J.	✓			
8. ICHIYAMA, Linda	✓			
9. JORDAN, Jo	✓			
10. KAWAKAMI, Derek S.K.	✓			
11. LEE, Chris	✓			
12. MORIKAWA, Dee	✓			
13. TOKIOKA, James Kunane				✓
14. YAMASHITA, Kyle T.	✓			
15. MARUMOTO, Barbara C.	✓			
16. RIVIERE, Gil	✓			
17. WARD, Gene	✓			
TOTAL (17)	16	0	0	1

The recommendation is: Adopted Not Adopted
If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: *Marilyn B. Lee*