

STAND. COM. REP. NO. **243B**

Honolulu, Hawaii

**FEB 16 2018**

RE: S.B. No. 2619  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Transportation and Energy and Judiciary,  
to which was referred S.B. No. 2619 entitled:

"A BILL FOR AN ACT RELATING TO AERONAUTICS,"

beg leave to report as follows:

The purpose and intent of this measure is to replace the  
criminal penalties for certain airport offenses with civil  
penalties.

Your Committees received testimony in support of this measure  
from the Department of Transportation, General Aviation Council of  
Hawaii, and four individuals. Your Committees received comments  
on this measure from the Aircraft Owners and Pilots Association  
and one individual.

Your Committees find that the punishment for certain airport  
offenses are excessive and disproportionate compared to the  
seriousness of the offense. Infractions that would otherwise be  
considered no more severe than a civil violation if it occurred at  
any location in the State other than an airport are charged as  
full criminal misdemeanor offenses because the infraction occurred  
at an airport. The criminal misdemeanor offense could mean the  
loss of security clearance or a professional license, sometimes  
for life. Your Committees received testimony noting that Hawaii is  
the only state that issues citations for hangar infractions that  
result in a permanent criminal record.



While there was broad support for the intent of this measure, your Committees heard concerns from the Aircraft Owners and Pilots Association regarding the need to remove all criminal penalties from this measure and to narrow the types of violations subject to a civil penalty.

Accordingly, your Committees have amended this measure by:

- (1) Inserting language to specify that violating Federal Aviation Administration acceptable hangar use practices constitutes a violation subject to a civil penalty;
- (2) Removing language making violations related to airport security measures or requirements a misdemeanor;
- (3) Removing the power of the Governor to modify the provisions of this measure, as prescribed in section 3; and
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2619, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2619, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Transportation  
and Energy and Judiciary,

  
BRIAN T. TANIGUCHI, Chair

  
LORRAINE R. INOUE, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Transportation and Energy**  
**TRE**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2019	TRE/JDL, WAM	2/13/2018		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			✓
ESPERO, Will (VC)	✓			
ENGLISH, J. Kalani				✓
HARIMOTO, Breene	✓			
SHIMABUKURO, Maile S.L.	✓			
<b>TOTAL</b>	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
<i>Breene Harit</i>				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 2619</b>	Committee Referral: <b>TRE/JDC, WAM</b>	Date: <b>2/13/18</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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