STAND. COM. REP. NO. 1870

Honolulu, Hawaii

A-45 , 2007

RE: S.B. No. 1515

S.D. 2 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1515, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect the environment and state harbors by:

- (1) Making any commercial harbor tenant or user, including shippers and shipping agents, who violate any federal, state, or county environmental law or rule, to be liable to the Department of Transportation (DOT) for the amount of a fine, up to the maximum amount specified by the appropriate law or rule, if the violation results in an environmental fine being levied against DOT; and
- (2) Allows DOT to take legal action against a harbor tenant or user to collect the fines and any costs or expenses incurred.

DOT testified in support of this bill.

Your Committee has amended this bill by:

- (1) Specifying that a harbor user or tenant who is responsible for a violation of applicable environmental protection laws that result in a fine being assessed against DOT reimburse the entire amount of the fine to DOT;
- (2) Allowing DOT to take any action necessary to collect any amount of money that is reimbursable under this measure; and
- (3) Changing the effective date to January 1, 2112, to promote further discussion.

Your Committee has also made non-substantive, stylistic revisions to the language of this bill, including to the proposed Hawaii Revised Statutes section heading, to clarify that the laws or rules giving rise to a fine reimbursement obligation must all relate to environmental protection. Your Committee further requests that DOT clarify to the Legislature, specifically and by example, those statutes or rules for which it wishes to impose a reimbursement obligation.

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 S.B. No. 1515, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1515, S.D. 2, H.D. 2.

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

TOMMY WATER Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 1515, SD2, HD1, (HSCR 143	Date:	3/29/07			
Committee Referral: JUD	☐ The com	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended	Pass, with amendments				
☐ Hold	Pass, with amendments, for recommittal for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. WATERS, Tommy (C)	1				
2. OSHIRO, Blake K. (VC)	~				
3. CALDWELL, Kirk					
4. EVANS, Cindy	~				
5. GREEN, Josh, M.D.					
6. ITO, Ken				_	
7. LUKE, Sylvia					
8. McKELVEY, Angus L.K.				/	
9. MORITA, Hermina M.					
10. SONSON, Alex M.					
11. SOUKI, Joseph M.	'				
12. TSUJI, Clift					
13. YAMANE, Ryan I.					
14. YAMASHITA, Kyle T.					
15. MARUMOTO, Barbara C.					
16. PINE, Kymberly Marcos	/				
17. THIELEN, Cynthia					
TOTAL	13			4	
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
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