

JAN 25 2006

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# A BILL FOR AN ACT

RELATING TO DAMAGED VESSELS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 200, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§200-     Damaged vessel; assessment; response. (a)

5 Within twenty-four hours after any vessel runs aground, the  
6 department shall conduct an assessment to determine whether the  
7 vessel presents an imminent risk of harm to public health and  
8 safety, the environment, natural resources, or irreplaceable  
9 property. If at the time of the assessment the department  
10 concludes that there is such a risk, the department shall take  
11 immediate control of the vessel and may remove it or take any  
12 action reasonably necessary to protect public health and safety,  
13 the environment, natural resources, or the endangered property.

14           (b) If the department is required to take action under  
15 this section, the removal shall be deemed an emergency and not  
16 subject to chapter 103D.

17           (c) The cost of taking action under this section shall be  
18 paid by the boating special fund, and the registered owner of



1 the vessel shall be responsible for reimbursing the department  
2 for its costs. Funds collected under this section shall be  
3 deposited in the boating special fund.

4 (d) The department shall adopt rules pursuant to chapter  
5 91 to implement this section.

6 For purposes of this section:

7 "Environment" shall have the same meaning as in section  
8 128D-1.

9 "Natural resources" shall have the same meaning as in  
10 section 128D-1."

11 SECTION 2. Section 103D-307, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) The head of a purchasing agency may obtain a good,  
14 service, or construction essential to meet an emergency by means  
15 other than specified in this chapter when the following  
16 conditions exist:

17 (1) A situation of an unusual or compelling urgency  
18 creates a threat to life, public health, welfare, or  
19 safety by reason of major natural disaster, epidemic,  
20 riot, fire, or such other reason as may be determined  
21 by the head of that purchasing agency;



1           (2) The emergency condition generates an immediate and  
 2           serious need for goods, services, or construction that  
 3           cannot be met through normal procurement methods and  
 4           the government would be seriously injured if the  
 5           purchasing agency is not permitted to employ the means  
 6           it proposes to use to obtain the goods, services, or  
 7           construction; and

8           (3) Without the needed good, service, or construction, the  
 9           continued functioning of government, the preservation  
 10          or protection of irreplaceable property, [~~or~~] the  
 11          health and safety of any person, or protection of the  
 12          environment or natural resources under section 200-  
 13          will be seriously threatened."

14          SECTION 3. There is appropriated out of the general  
 15 revenues of the State of Hawaii the sum of \$                   , or so  
 16 much thereof as may be necessary for fiscal year 2006-2007, to  
 17 be deposited in the boating special fund for the emergency  
 18 assessment and response to vessels that run aground.

19          SECTION 4. The sum appropriated shall be expended by the  
 20 department of land and natural resources for the purposes of  
 21 this Act.

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1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2006.

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**Report Title:**

Vessels Aground; Immediate Assessment; Expedited Removal

**Description:**

Requires DLNR to evaluate vessels that run aground and assess the risk to property, health and safety, environment, or natural resources. Requires DLNR to take control the vessel if there are significant risks. Exempts emergency removal from the procurement process. Makes appropriation.

