

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2360  
S.D. 2

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2360, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GROUNDED VESSELS,"

begs leave to report as follows:

The purpose of this measure is to require the owner or operator of a vessel to remove the vessel, at the owner's expense, if the vessel goes aground on submerged lands, shorelines, or coral reefs of the State.

This measure also:

- (1) Allows the Department of Land and Natural Resources to take immediate action to remove the vessel if it is grounded on a coral reef or is in imminent danger of breaking up;
- (2) Requires the owner of the vessel to pay for the cost of removal by the Department of Land and Natural Resources and for damage done by the vessel;
- (3) Allows the Department of Land and Natural Resources to take legal action to recover the cost of removal and requires the recovered funds to be deposited in the boating special fund; and



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- (4) Exempts from liability persons who, in good faith, render assistance at the scene of a vessel grounded on a coral reef or in imminent danger of breaking up.

Your Committee finds that current law does not allow the Department of Land and Natural Resources to take quick action to remove vessels grounded on coral reefs or in imminent danger of breaking up. Wind and even one tidal cycle can drive a boat hard aground and compound both the costs of removal and damage to the environment. This measure allows the Department of Land and Natural Resources to take immediate action when a vessel is grounded on a coral reef or is in imminent danger of breaking up and to recover costs for removal of the vessel.

Your Committee has amended this measure by:

- (1) Clarifying that the cost of removal and environmental damage must be borne by the owner or operator of the vessel; and
- (2) Making technical nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2360, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2360, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

**Record of Votes of the  
Committee on Ways and Means  
(Bills and Resolutions)**

Measure:* SB 2360 SD1	Committee Referral: WLA, WAM	Date: 2/27/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <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	Ayes	Ayes(WR)	Nays	Excused
TANIGUCHI, Brian T. (C)	/			
TSUTSUI, Shan S. (VC)	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
HOOSER, Gary L.	/			
INOUE, Lorraine R.	/			
KANNO, Brian	/			
KIM, Donna Mercado	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.	/			
SAKAMOTO, Norman	/			
HEMMINGS, Fred				/
SLOM, Sam	/			
TRIMBLE, Gordon	/			
TOTAL	14	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Do not list more than one measure per Record of Votes.