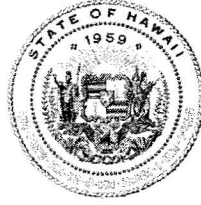


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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LAURA H. THIELEN
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CONSERVATION AND RESOURCES ENFORCEMENT
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Department of Land and Natural Resources
Testimony Transmittal Cover Sheet

Date Submitted: February 8, 2010

Testifier's Name/Title: Ed Underwood, Division of Boating and Ocean Recreation
Administrator

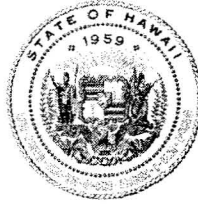
Committee Name: HOUSE COMMITTEE ON JUDICIARY (JUD)

Day and Date: Tuesday, February 9, 2010
Time/Location: 2:30 PM, Conference, Room 325

Measure Number: HB 2583 RELATING TO IMPOUNDED VESSELS

Number of Copies: 1 (including original) to Room 302 in the State Capitol

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
JUDICIARY**

**Tuesday, February 9, 2010
2:30 p.m.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2583
RELATING TO IMPOUNDED VESSELS**

House Bill 2583 proposes to authorize the Department of Land and Natural Resources (Department) to hold the vessel owner responsible for absorbing the costs and expenses related to the disposition of impounded unauthorized vessels within state small boat harbors and offshore mooring areas and for all mooring fees incurred prior to impoundment. The Department strongly supports this Administrative measure.

Currently, Section 200-16, Hawaii Revised Statutes, as interpreted by *Brown v. Thompson*, 91 Haw. 1, 979 P.2d 586 (1999), places the burden, along with the costs and expenses of disposal of all impounded unauthorized vessels, on the Department when the vessel owner does not repossess the impounded vessel prior to disposition. The process is both costly and time-consuming for the Department. Under *Brown v. Thompson*, 91 Haw. 1, 979 P.2d 586 (1999), the State is also not entitled to recover mooring fees incurred by the vessel owner prior to impoundment. The Department believes that in the case of a vessel owner who is in violation of mooring within a state small boat harbor or offshore mooring area without a valid use permit, the vessel owner should have a continuing obligation to pay for all fees incurred.

This bill clarifies that the vessel owner shall be responsible for absorbing the costs and expenses related to the disposition of impounded unauthorized vessels within state small boat harbors and offshore mooring areas and for all mooring fees incurred prior to impoundment.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

karamatsu1-Kenji

From: rawcohi@cs.com
Sent: Monday, February 08, 2010 5:07 PM
To: JUDtestimony
Subject: HB2583 in 325 at 1430 on Tuesday, 9 February 2010
Attachments: HB2583 Impounded JUD.doc

Tuesday, 9 February, 2010 in room 325 at 1430

The House Committee on Judiciary

In Strong Support of HB2583 Relating to impounded Vessels

Chair Karamatsu and Respected Members of the Committee,

House Bill 2583 has long been needed by our state boating facilities managers and the boaters of Hawaii who must pay the bill for disposal of all abandoned vessels in the state, even though they never had any interest in the vessel involved. Please pass this much needed bill.

Thank you,

Reg White
Recreational Boater and resident of Ala Wai Boat Harbor
Commercial boater in Hawaii as vp, Paradise Cruise, Ltd.
(808) 222-9794
RawcoHI@cs.com