

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, February 23, 2010
1:30 p.m.
State Capitol, Conference Room 308**

**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
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