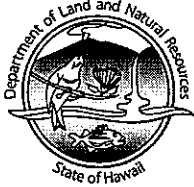


SB2851

Clarifies responsibility for disposing of vessels and amends the description of an abandoned vessel.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the Senate Committees on
WATER, LAND & HOUSING
and
JUDICIARY AND LABOR

Wednesday, February 15, 2012
10:00 A.M.
State Capitol, Conference Room 16

In consideration of
SENATE BILL 2851
RELATING TO VESSELS

Senate Bill 2851 seeks to clarify responsibility for disposing of abandoned vessels within the State and amend the description of an abandoned vessel. The Department of Land and Natural Resources (Department) strongly supports this Administration measure.

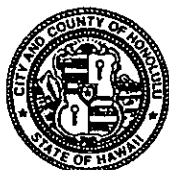
Generally, current statutes place the burden of disposal of all abandoned vessels on the Department, regardless of whether the vessels lie abandoned on public lands under another agency's jurisdiction or on private lands. The Department has the ability to take boats off reefs, but has no equipment or expertise to remove abandoned boats on public streets or other fast lands. The disposition is both costly and time-consuming for the Department. This bill clarifies that the Department shall only be responsible for the disposition of vessels abandoned on lands and waters under its jurisdiction and release the Department from having to pay for the disposing of abandoned vessels on lands and waters not under its jurisdiction.

Section 200-51, Hawaii Revised Statutes (HRS), specifically provides that when any person abandons a vessel upon the premises of a vessel repair business, a private marina, or a yacht club, the owner of the business or private marina, or the owner's representative, or the designated representative of the yacht club, may sell or dispose of the vessel in accordance with Part IV of Chapter 200, HRS. This bill proposes to expand the authority to sell or dispose of a vessel abandoned on other private property to the owners of the other private property.

Thank you for the opportunity to comment.

DEPARTMENT OF CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P.O. BOX 30300
HONOLULU, HAWAII 96820-0300

PETER B. CARLISLE
MAYOR



GAIL Y. HARAGUCHI
DIRECTOR

DENNIS A KAMIMURA
LICENSING ADMINISTRATOR

February 13, 2012

The Honorable Donovan M. Dela Cruz, Chair
And Committee Members
Committee on Water, Land and Housing
The Honorable Clayton Hee, Chair
and Committee Members
Committee on Judiciary and Labor
The Senate
State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Chair Delz Cruz, Chair Hee and Committee Members:

Subject: S.B. No. 2851, Relating to Vessels

The City and County of Honolulu is strongly opposed to S.B. No. 2851, which will remove the Department of Land and Natural Resources' responsibility and cost for towing abandoned vessels from public streets and transfer that responsibility and cost to the counties.

The counties are responsible for investigation and removal of abandoned and derelict vehicles from public roadways. Since the counties have access to the registered owner information of all such vehicles, we are able to complete the legally required notification and disposal of such towed vehicles pursuant to Chapter 290, HRS. The cost for removal and disposal of abandoned and derelict vehicles is funded through the collection of the Highway Beautification fee that is collected together with the annual motor vehicle registration taxes and fees. If the vessel removal responsibility is transferred to the counties, the Highway Beautification fee cannot be used for removal of vessels unless Section 286-51(b), HRS, is amended.

There is no specific statutory authority for the counties to obtain vessel information that is maintained by the DLNR and United States Coast Guard to declare a vessel as being abandoned. If this bill passes, we recommend that the bill be amended to provide online access to DLNR's vessel registration information and authorize access to the United States Coast Guard on behalf of the State of Hawaii. We require online access to meet the notice requirement pursuant to Section 200-42, HRS.

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Clayton Hee, Chair
and Committee Members
February 13, 2012
Page 2

Since this is a new mandate that was previously the responsibility of the State, we recommend the bill be further amended with the addition of an unspecified amount for the counties to administer this new program and a source of revenue for the funding of continuing future abandoned vessel removal operations.

Lastly, we recommend that the effective date of the bill be amended to July 1, 2013 so that the counties will have sufficient time to negotiate abandoned and derelict vessel tow contracts, establish online connectivity to retrieve vessel registration information, and for training of county inspectors.

Sincerely,



Dennis A. Kamimura
Licensing Administrator

~~Document~~

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 2:30 PM
To: WLH Testimony
Cc: wchun@honolulu.gov
Subject: Testimony for SB2851 on 2/15/2012 10:00:00 AM

Testimony for WLH/JDL 2/15/2012 10:00:00 AM SB2851

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Westley K.C. Chun
Organization: City and County Department of Facility Maintenance
E-mail: wchun@honolulu.gov
Submitted on: 2/13/2012

Comments:

~~Da~~

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 2:28 PM
To: WLH Testimony
Cc: ulukoa.kealapon@gmail.com
Subject: Testimony for SB3056 on 2/14/2012 1:45:00 PM

Testimony for WLH 2/14/2012 1:45:00 PM SB3056

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dietrix Jon Ulukoa Duhaylonsod
Organization: Halau Kiawekupono O Ka Ua
E-mail: ulukoa.kealapon@gmail.com
Submitted on: 2/13/2012

Comments:

Aloha,

Please do not dissolve the special trusteeship of the KIR over the island of Kaho'olawe. I have witnessed the special care first-hand that the KIRC has given to nurture Kaho'olawe on the road of recovery. To take away KIRC's personal control & management of the island's future would be detrimental to assuring the island of good physical and spiritual health. If you have any questions as to how KIRC has demonstrated an unfaltering commitment to Kaho'olawe's well-being and/or how they are better suited to this role than the DLNR, please feel free to contact me.

Mahalo for letting me state my thoughts, Ulukoa