

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Friday, February 8, 2013
10:00 A.M.
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 930
RELATING TO VESSELS

House Bill 930 proposes to clarify that all costs and expenses associated with the impoundment and disposal of an unauthorized vessel by the Department of Land and Natural Resources (Department) shall be borne by the vessel owner and clarifies circumstances when no vessel registration shall be renewed or transferred. **The Department strongly supports this Administration 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 and 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.

The bill also clarifies that vessel registrations shall not be renewed or transferred unless the registered owner of the vessel is current on all fees owed to the Department that include citations, fines, mooring, as well as fees associated with the impoundment of a vessel.

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

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
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AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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