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

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**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Friday, February 22, 2013
9:00 A.M.
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 1161, SENATE DRAFT 1
RELATING TO VESSELS**

Senate Bill 1161, Senate Draft 1 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.