

SR93

Measure Title: REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO APPOINT VOLUNTEER PERSONNEL AND ENFORCEMENT OFFICERS OF THE CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM TO HELP ENHANCE WATER SAFETY WITH CANOE AND YACHT RACES.

Report Title: Division of Conservation and Resources; Volunteer Enforcement Officers; Canoe and Yacht Races

Description:

Companion:

Package: None

Current Referral: WTL/JDL

Introducer(s): SOLOMON, Galuteria

| <u>Sort by</u> <u>Date</u> | | Status Text |
|-------------------------------|---|---|
| 3/13/2013 | S | Offered. |
| 3/19/2013 | S | Referred to WTL, JDL. |
| 3/25/2013 | S | Re-Referred to WTL/JDL. |
| 3/27/2013 | S | The committee(s) on WTL/JDL has scheduled a public hearing on 04-02-13 1:15PM in conference room 225. |

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the Senate Committees on
WATER AND LAND
and
JUDICIARY AND LABOR

Tuesday, April 2, 2013
1:15 P.M.
State Capitol, Conference Room 225

In consideration of
SENATE CONCURRENT RESOLUTION 131/SENATE RESOLUTION 93
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
APPOINT VOLUNTEER PERSONNEL AND ENFORCEMENT OFFICERS OF THE
CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM TO HELP
ENHANCE WATER SAFETY WITH CANOE AND YACHT RACES.

Senate Concurrent Resolution 131/Senate Resolution 93 requests the Department of Land and Natural Resources (Department) appoint volunteer personnel and enforcement officers of the Conservation and Resource Enforcement Program to help enhance water safety with canoe and yacht races. **While the Department appreciates the overall concept of these resolutions as it is supportive of the Department's goal of promoting ocean safety, the Department is nonetheless concerned about the implications it will have on the Department's budget and the possibility of increased liability.**

Section 199-3, Hawaii Revised Statutes (HRS), codifies the duties of the Department's Conservation and Resources Enforcement Officers to: (1) Enforce Title 12, Chapters 6D, 6E, and 6K, HRS, and rules adopted thereunder; (2) Investigate complaints, gather evidence, conduct investigations, and conduct field observations and inspections as required or assigned; (3) Cooperate with enforcement authorities of the State, counties, and federal government in development of programs and mutual aid agreements for conservation and resources enforcement activities within the State; (4) Cooperate with established search and rescue agencies of the counties and the federal government in developing plans and programs and mutual aid agreements for search and rescue activities within the State; (5) Check and verify all leases, permits, and licenses issued by the Department; (6) Enforce the laws relating to firearms, ammunition, and dangerous weapons contained in Chapter 134, HRS; (7) Enforce the laws in Chapter 291E, HRS, relating to operating a vessel on or in the waters of the State while using

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

ESTHER KIA'AINA
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

intoxicants; whether through a specifically designated marine patrol or otherwise, enforce the rules in the areas of boating safety, conservation, and search and rescue relative to the control and management of boating facilities owned or controlled by the State, ocean waters, and navigable streams and any activities thereon or therein, and beaches encumbered with easements in favor of the public, and the rules regulating vessels and their use in the waters of the State; and (8) Carry out other duties and responsibilities as the Board of Land and Natural Resources (Board) from time to time may direct.

Due to the specialized nature of conservation and resources law enforcement work as mentioned above, the Department requires all personnel who are commissioned by the Board as paid or volunteer conservation and resources enforcement officers to undergo investigations of their personal background and criminal histories to insure officers have the appropriate character and level of integrity. Such investigations are costly and laborious and will divert resources and staff from completing other crucial administrative tasks. In addition, all officers must undergo extensive law enforcement training which include strong emphasis on principles of investigation, report writing and particularly on the use of force. Maintaining these levels of training provide an officer with the basic skills necessary for field work, thus the Department opposes any lowering of the current training standards that are necessary prior to commissioning as it may increase the Department's liability.

The Department is also concerned by the cost implications of these resolutions. The Department has determined that the initial costs of properly equipping and training a conservation and resources enforcement officer is approximately \$60,000 per officer. Due to limited funds, the Department simply cannot afford to equip and train additional personnel at this time.

The issue of liability stemming from personal injury and/or damage to the equipment of the volunteers is also difficult to resolve. The Department does not want to bear the liability of the either personal injury of the volunteers and/or damage to the equipment of the volunteers.

The Department would suggest that the event organizer provide volunteer personnel to enhance water safety. This would be stipulated as a condition of the marine event permit and the liability would be bourn by the permittee.

Piikea Tomczyk

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 3:01 PM
To: WTLTestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SR93 on Apr 2, 2013 13:15PM*

SR93

Submitted on: 3/27/2013

Testimony for WTL/JDL on Apr 2, 2013 13:15PM in Conference Room 225

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Javier Mendez-Alvarez | Individual | Support | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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