

Honolulu, Hawaii

**FEB 16 2017**

RE: S.B. No. 992  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committees on Water and Land and Judiciary and Labor, to which was referred S.B. No. 992 entitled:

"A BILL FOR AN ACT RELATING TO VESSELS AGROUND,"

beg leave to report as follows:

The purpose and intent of this measure is to clarify that the Department of Land and Natural Resources (DLNR) may assume immediate control of:

- (1) A vessel that is grounded on state submerged lands or a shoreline that cannot be removed by the owner within twenty-four hours of grounding; and
- (2) A vessel not in imminent danger of breaking up that is grounded on a sand beach, sandbar, or mudflat that is not removed by the owner within seventy-two hours of the owner or owner's representative receiving notice from DLNR.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and Office of Hawaiian Affairs. Your Committees received testimony in opposition to this measure from Maui Dive Shop and Quicksilver Charters. Your Committees received comments on this measure from the Ocean Tourism Coalition and Trilogy Corporation.

Your Committees find that DLNR's current authority to assume control of vessels grounded on state submerged lands or a



shoreline, or vessels grounded on a sand beach, sandbar, or mudflat and not in imminent danger of breaking up, is unclear. Clarifying and expanding DLNR's control of removing grounded vessels is necessary as a public safety measure that will significantly reduce avoidable impacts to Hawaii's nearshore and coastal environment.

Your Committees have amended this measure by:

- (1) Clarifying that if the owner or owner's representative has received notice from DLNR and commenced effective salvage operations, then DLNR does not have authority to assume control of vessels grounded on state submerged lands, shorelines, or a coral reef, or in imminent danger of breaking up;
- (2) Clarifying that if DLNR assumes control over a vessel, the vessel shall be removed by conventional salvage methods if possible, but if not possible by any means necessary; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 992, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 992, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Judiciary and Labor,

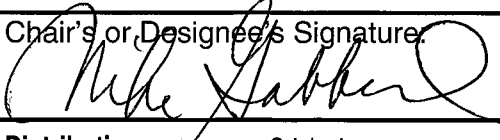
  
GILBERT S.C. KEITH-AGARAN, Chair

  
KARL RHOADS, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i


**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <i>SB 992</i>	Committee Referral: <i>WTL/JDL/WAM</i>	Date: <i>02-06-2017</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUYE, Lorraine R.				✓
KIM, Donna Mercado	✓			✓
THIELEN, Laura H.				
<b>TOTAL</b>	<i>3</i>	<i>—</i>	<i>—</i>	<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 992</b>	Committee Referral: <b>WTL/JDL, WAM</b>	Date: <b>2/6/17</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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