

Honolulu, Hawaii

FEB 07 2020

RE: S.B. No. 2953
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 2953 entitled:

"A BILL FOR AN ACT RELATING TO VESSELS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make clarifications regarding removal of unauthorized vessels on state property;
- (2) Make clarifications regarding the definition of an abandoned vessel;
- (3) Change the time limit to claim an unauthorized vessel that is impounded by the Department of Land and Natural Resources from thirty days to ten working days;
- (4) Change the time limit to claim an abandoned vessel that is impounded by a state or county agency from twenty days to ten working days;
- (5) Make abandonment of a vessel on waters of the State or public property a petty misdemeanor;
- (6) Make clarifications to auction requirements regarding abandoned vessels;



- (7) Set the time limit for a vessel owner or operator to remove unauthorized, abandoned, and grounded vessels at twenty-four hours; and
- (8) Allow the Department of Land and Natural Resources to charge an impound storage fee.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that vessel ownership and operation come with many responsibilities and that vessels likewise pose significant threats to natural resources and to public health and safety if abandoned, neglected, or left in disrepair. Your Committee further finds that unauthorized, abandoned, grounded, and derelict vessels on state property and in waters of the State must be removed as soon as possible to minimize the hazards they pose to the public while balancing the vessel owner's right to due process.

Your Committee also finds that since 2002, the Department of Land and Natural Resources, Division of Boating and Ocean Recreation has expended in excess of \$2,340,000 from the Boating Special Fund to address vessels unauthorized, abandoned, grounded, and derelict vessel on state property or in the waters of the State. However, under existing law, in many instances, by the time the Department of Land and Natural Resources can begin removing an unauthorized, abandoned, grounded, or derelict vessel, the condition of the vessel has deteriorated, further complicating removal efforts and increasing the potential to create health, safety, and natural resource threats. This measure amends provisions regarding designation, impoundment, and disposal of unauthorized, abandoned, grounded, and derelict vessels on state property or in the waters of the State to facilitate faster responses for these types of incidents.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and



- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2953, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2953, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,

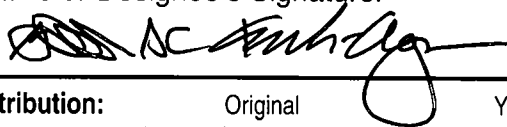


KALI'I P. HELE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2953	WTL, JDL	2/3/2020		
<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
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes