

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2953
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 2953, S.D. 1, 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 the removal of unauthorized vessels on state property and the definition of an abandoned vessel;
- (2) 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;
- (3) 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;
- (4) Make abandonment of a vessel on waters of the State or public property a petty misdemeanor;
- (5) Make clarifications to auction requirements regarding abandoned vessels;



- (6) Set the time limit for a vessel owner or operator to remove unauthorized, abandoned, and grounded vessels at twenty-four hours;
- (7) Allow the Department of Land and Natural Resources to charge an impound storage fee; and
- (8) Provide that the owner, lienholder, or operator of an impounded vessel shall have five working days to request an administrative hearing.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Waikiki Neighborhood Board, and two individuals. Your Committee received testimony in opposition to this measure from the Ocean Tourism Coalition, 'Au'au Kai Inc., Calypso Charters, Trilogy Corporation, and four individuals.

Your Committee 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 unauthorized, abandoned, grounded, and derelict vessels on state property or on waters of the State. Existing law prevents the Department of Land and Natural Resources to begin removing an unauthorized, abandoned, grounded, or derelict vessel until certain conditions are met. In many instances, the delay results in a deteriorated condition of the vessel, further complicating removal efforts and increasing the potential to create health, safety, and natural resource hazards. This measure amends provisions regarding such vessels on state property or on waters of the State to facilitate faster responses by the Department of Land and Natural Resources.

Your Committee has amended this measure by:

- (1) Inserting language to stipulate that the vessel must be removed within seventy-two hours from the time the notice was posted; provided that if the vessel is in imminent danger of breaking up or poses a hazard to public health or safety, the notice shall indicate that the vessel must be removed within twenty-four hours from the time the notice was posted;



- (2) Providing that impound storage fees shall be equal to the rate set by the Department of Land and Natural Resources for vessels moored without a valid permit;
- (3) Setting payment of proceeds to the general fund as last in the list of payee priorities;
- (4) Restoring the time limit for a vessel owner or operator to remove unauthorized, abandoned, and grounded vessels to seventy-two hours;
- (5) Requiring that all criminal fines be deposited into the general fund;
- (6) Specifying when the Department of Land and Natural Resources may immediately remove certain vessels from state submerged land, shorelines, coral reef, sand beaches, sandbars, or mudflats;
- (7) Making it effective upon its approval; and
- (8) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2953, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2953, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,




KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2953 SDI	Committee Referral: WTL, JDC	Date: 2/27/2020		
<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
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
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