H.B. NO. 3173

A BILL FOR AN ACT

RELATING TO GROUNDED VESSELS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 200-47.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Solely for the purposes of removal and with no liability to the department, the department may assume control of any vessel that:

(1) Is grounded on a coral reef or in imminent danger of breaking up; and

(2) Cannot be immediately removed by the owner in a manner that is reasonably safe, as determined by the department.

Once the department assumes control over the vessel, the vessel shall be [~~directed to a safer location.~~] removed by any means necessary in order to minimize damages to the natural resources and not become a hazard to navigation. All costs and expenses of removing the vessel and damages to state or private property shall be the sole responsibility of the vessel's owner or operator. This section shall apply whether the vessel is attended or deemed derelict under section 200-48."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: Calvin K Y Say

BY REQUEST

JAN 22 2008

H.B. NO. 3173

Report Title:
Grounded Vessels

Description:
Authorizes the Department of Land and Natural Resources to remove a grounded vessel under its control, by any means necessary, in order to minimize damages to the natural resources and not become a hazard to navigation.

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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO GROUNDED VESSELS.

PURPOSE: To clarify that, upon assuming control over a grounded vessel, the Department shall remove the vessel by any means necessary in order to minimize damages to the natural resources and not become a hazard to navigation.

MEANS: Amend section 200-47.5(b), Hawaii Revised Statutes.

JUSTIFICATION: Presently, when the Department assumes control of a vessel that has been grounded on a coral reef or in imminent danger of breaking up and that cannot be removed immediately by the owner in a manner that is reasonably safe, the statutes require the Department to direct the vessel to a safer location. When encountering situations where the vessel is breaking up or damaged beyond repair and becomes a threat to the natural resource, or a hazard to navigation, total removal of the vessel may not always be practical. As an example, there are vessels aground at the Kure Atoll and off the Honolulu International Airport reef runway that need to be removed in pieces because it has been determined that to remove them whole would cause extensive damage to the natural resources.

This bill would authorize the Department to remove a grounded vessel under its control, by any means necessary, in order to minimize damages to the natural resources and not become a hazard to navigation.

Impact on the public: Would allow the Department to take action in timely manner

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to remove a grounded vessel that has been determined to be a public safety hazard.

Impact on the department and other agencies: Would allow the Department to take immediate action and reduce the cost to remove a grounded vessel that has been determined to be a threat to natural resources or a hazard to navigation.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LNR 801.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.