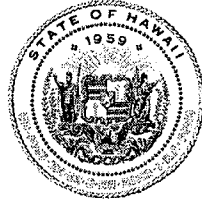
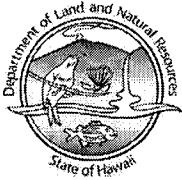


TESTIMONY
HB 2583

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committee on
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Monday, March 15, 2010
3:15 p.m.
State Capitol, Conference Room 229**

**In consideration of
HOUSE BILL 2583
RELATING TO IMPOUNDED VESSELS**

House Bill 2583 proposes to authorize the Department of Land and Natural Resources (Department) to hold the vessel owner responsible for absorbing the costs and expenses related to the disposition of impounded unauthorized vessels within state small boat harbors and offshore mooring areas and for all mooring fees incurred prior to impoundment. The Department strongly supports this Administrative measure.

Currently, Section 200-16, Hawaii Revised Statutes, as interpreted by *Brown v. Thompson*, 91 Haw. 1, 979 P.2d 586 (1999), places the burden, along with the costs and expenses of disposal of all impounded unauthorized vessels, on the Department when the vessel owner does not repossess the impounded vessel prior to disposition. The process is both costly and time-consuming for the Department. Under *Brown v. Thompson*, 91 Haw. 1, 979 P.2d 586 (1999), the State is also not entitled to recover mooring fees incurred by the vessel owner prior to impoundment. The Department believes that in the case of a vessel owner who is in violation of mooring within a state small boat harbor or offshore mooring area without a valid use permit, the vessel owner should have a continuing obligation to pay for all fees incurred.

This bill clarifies that the vessel owner shall be responsible for absorbing the costs and expenses related to the disposition of impounded unauthorized vessels within state small boat harbors and offshore mooring areas and for all mooring fees incurred prior to impoundment.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 12, 2010 12:44 PM
To: WTLTestimony
Cc: RawcoHI@cs.com
Subject: Testimony for HB2583 on 3/15/2010 3:15:00 PM
Attachments: HB2583 Impounded.doc

Testimony for WTL 3/15/2010 3:15:00 PM HB2583

Conference room: 229
Testifier position: support
Testifier will be present: Yes
Submitted by: Reg White
Organization: Individual
Address: 1540 S. King St. Honolulu, HI
Phone: 808-222-9794
E-mail: RawcoHI@cs.com
Submitted on: 3/12/2010

Comments:
March 12, 2010

In Vigorous Support of HB 2583
Senate Committee on Water, Land, Agriculture & Hawaiian Affairs In Room 229 on Monday, 15
March 2009 at 1515

Senator Hee and Respected Members of the Committee;

I speak in firm support of this much needed bill, HB 2583.

Thank you,

Reg White
Vp, project development
Paradise Cruise, Ltd.
1540 S. King St.
Honolulu, HI 96826-1919
808-222-9794
RawcoHI@cs.com

~~Tuesday, 23 February, 2010 in room 308 at 1330~~

~~The House Committee on Finance~~

In Strong Support of HB2583 Relating to impounded Vessels

~~Chair Oshiro~~ and Respected Members of the Committee,

House Bill 2583 has long been needed by our state boating facilities managers and the boaters of Hawaii who must pay the bill for disposal of all abandoned vessels in the state, even though they never had any interest in the vessel involved. Please pass this much needed bill.

Thank you,

Reg White

Recreational Boater and resident of Ala Wai Boat Harbor

Commercial boater in Hawaii as vp, Paradise Cruise, Ltd.

(808) 222-9794

RawcoHI@cs.com

TESTIMONY

HB 2583

(END)