

Honolulu, Hawaii

APR 27 2017

RE: S.B. No. 992
S.D. 2
H.D. 1
C.D. 1

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

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 992, S.D. 2, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose 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 land, a shoreline, or a coral reef, or in imminent danger of breaking up, if the vessel 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 in a manner that is reasonably safe



within seventy-two hours of the owner or owner's representative receiving notice from DLNR;

provided that the foregoing shall not apply if the owner or owner's representative has received notice from DLNR and has commenced effective salvage operations.

Your Committee on Conference finds that DLNR is currently authorized to assume control of and remove a vessel that is grounded on a coral reef or in imminent danger of breaking up once the owner of the vessel has been given notice and an opportunity to safely remove the vessel in accordance with DLNR guidelines, pursuant to section 200-47.5, Hawaii Revised Statutes. However, your Committee on Conference notes that DLNR's current authority to assume control of and remove a vessel grounded on state submerged lands or a shoreline, or grounded on a sand beach, sandbar, or mudflat and not in imminent danger of breaking up, is unclear. Leaving vessels grounded in these locations can pose environmental and public safety risks. 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 Committee on Conference has amended this measure by inserting an effective date of September 1, 2017.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 992, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 992, S.D. 2, H.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


KANIELA ING
Co-Chair


KARL RHOADS
Chair


JOY A. SAN BUENAVENTURA
Co-Chair


LAURA H. THIELEN
Co-Chair


CEDRIC ASUEGA GATES
Co-Chair


GIL RIVIERE
Co-Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 992, SD 2, HD 1	Date/Time: <i>April 24, 2017 / 1:48 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).



The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				ING, Kaniela, Co-Chr.	✓			
THIELEN, Laura H., Co-Chr.	✓				SAN BUENAVENTURA, Joy A., Co-Chr.	✓			
RIVIERE, Gil, Co-Chr.	✓				GATES, Cedric Asuega, Co-Chr.	✓			
					THIELEN, Cynthia	✓			
TOTAL	3	0	0	0	TOTAL	4	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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