

STAND. COM. REP. NO.

2792

Honolulu, Hawaii

MAR 19 2010

RE: H.B. No. 2583  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian  
Affairs, to which was referred H.B. No. 2583 entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify that all costs and  
expenses associated with the disposal of an impounded unauthorized  
vessel by the Department of Land and Natural Resources shall be  
borne by the vessel owner.

Testimony in support of the measure was submitted by one  
state agency and one organization. Written testimony presented to  
the Committee may be reviewed on the Legislature's website.

Currently, section 200-16, Hawaii Revised Statutes, as  
interpreted by the Hawaii Supreme Court in *Brown v. Thompson*  
places the burden, along with the costs and expenses of disposal  
of all impounded unauthorized vessels, on the Department of Land  
and Natural Resources when the vessel owner does not repossess the  
impounded vessel prior to disposition. 91 Hawaii 1 (1999). This  
ruling also prevents the Department from recovering mooring fees  
incurred by the vessel owner during the impoundment. Your  
Committee finds that this measure will clarify that the vessel  
owner should be responsible for absorbing the costs and expenses  
related to the disposition of impounded unauthorized vessels  
within small boat harbors and for all mooring fees incurred prior  
to impoundment.



It has been alleged that shark tours, the practice of charging customers to venture into the ocean to view sharks, feed sharks and use attractants to attract and hold many sharks near their operational sites. This practice is prohibited and illegal. A recent study concluded that illegal shark feeding by the tour operators has caused larger sharks, specifically the Galapagos and Tiger sharks, to displace the smaller sharks from the cage diving sites. Ocean users near the shark feeding sites have reported increased sightings of, and interactions with sharks since illegal shark feeding began. The illegal use of food and other attractants by commercial shark tour operators raises concerns over the health, safety, and welfare of ocean users and is disruptive to the ocean's ecology and natural environment. Enforcement of illegal shark feeding has been minimal, and your Committee believes increased civil penalties for shark feeding need to be implemented to deter this practice.

Your Committee has amended this measure by:

- (1) Establishing civil penalties for shark feeding, including seizure and forfeiture of any commercial marine license, vessel, and fishing equipment, and administrative fines; and
- (2) Making technical, nonsubstantive changes for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2583, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2583, S.D. 1, and be referred to the Committee on Ways and Means.

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



CLAYTON HEE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WTL**

Bill / Resolution No.:* <b>HB2583</b>	Committee Referral: <b>WTL, WAM</b>	Date: <b>3-15-10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
TOKUDA, Jill N. (VC)				/
BUNDA, Robert	/			
FUKUNAGA, Carol	/			
KOKUBUN, Russell S.	/			
TAKAMINE, Dwight Y.				/
HEMMINGS, Fred				/
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature:				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small; margin-top: 5px;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

**\*Only one measure per Record of Votes**