

MAR 08 2012

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## SENATE CONCURRENT RESOLUTION

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URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW  
AND PROVIDE RECOMMENDATIONS TO STRENGTHEN STATE BOATING  
LAWS AND RELATED ADMINISTRATIVE RULES.

1 WHEREAS, section 13-245-9, Hawaii Administrative Rules  
2 (HAR), requires any person engaged in underwater swimming or  
3 diving in navigable waters of the State to mark the person's  
4 position with a diver flag; and

5  
6 WHEREAS, section 13-244-9, HAR, limits all vessels on the  
7 waters of the State to a slow-no-wake speed, as to avoid  
8 creating a wake of appreciable wave height within two hundred  
9 feet of any diver's flag; and

10  
11 WHEREAS, despite these existing safety regulations, on  
12 July 31, 2011, a diver was fatally hit by a motorized inflatable  
13 commercial zodiac outside the breakwater of Kaunapali Harbor on  
14 the island of Lanai; and

15  
16 WHEREAS, on December 29, 2011, a swimmer preparing lanes  
17 for a high school canoe paddling race was fatally hit by a boat  
18 at Canoe Beach, Kaanapali, on the island of Maui; now,  
19 therefore,

20  
21 BE IT RESOLVED by the Senate of the Twenty-sixth  
22 Legislature of the State of Hawaii, Regular Session of 2012, the  
23 House of Representatives concurring, that the Department of Land  
24 and Natural Resources is urged to review and provide  
25 recommendations to strengthen state boating laws and the related  
26 administrative rules; and

27  
28 BE IT FURTHER RESOLVED that the Department of Land and  
29 Natural Resources is urged to hold public hearings on the  
30 islands of Lanai, Maui, Molokai, Hawaii, Oahu, and Kauai to  
31 review the state boating law, as well as to promote ocean  
32 safety, health, and welfare; and



BE IT FURTHER RESOLVED that the Department of Land and Natural Resources submit a report to the Legislature with its findings and recommendations, including proposed legislation, no later than twenty days prior to the convening of the Regular Session of 2013; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President of the Senate, Speaker of the House of Representatives, and Chairperson of the Board of Land and Natural Resources.

OFFERED BY: S.S.T.

Danahide Will N. Hill  
Charles Michihara James Overland  
Arvid Y. Lee Carol Johnson

J. Keli G. G.

Gilbert K. K. Jim

Will E. G.

Michelle Kidani

Ronald B.

Elizabeth Chun Caliland

John R.  
Nike G.

William J.  
Mark L.

Mark L.

