STAND. COM. REP. NO. 2.67

Honolulu, Hawaii FEB 1 4 2013

RE: S.B. No. 747 S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committees on Economic Development, Government Operations and Housing and Water and Land, to which was referred S.B. No. 747 entitled:

"A BILL FOR AN ACT RELATING TO OCEAN RECREATION,"

beg leave to report as follows:

The purpose and intent of this measure is to improve ocean recreation safety for the public and establish fair standards for all parasail and thrill craft permit holders.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Roberts Hawaii; Diamond Head Parasail and Watersports; Pacific Ocean Sports, LLC dba Hawaiian Ocean Thrills; and six individuals. Your Committees received testimony in opposition to this measure from the Ocean Tourism Coalition and UFO Chuting of Hawaii, Inc.

Your Committees find that the definition of "thrill craft" under the boating laws in chapter 200, Hawaii Revised Statutes, does not cover certain newer types of thrill craft, including one similar to a jet ski known as an "aqua quad." This has resulted in the use of unregulated thrill craft in ocean recreation areas, which poses a safety issue for ocean users and potential concerns for the environment. This measure amends the definition of a thrill craft to cover these newer types of thrill craft.

Your Committees also find that existing laws regulating commercial parasailing operations allow a parasail permit holder



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to operate one parasail vessel per permit. However, the Department of Land and Natural Resources testified that one operator has been operating one parasail vessel while flying its passengers engaged in parasailing, with a second vessel standing by ready to operate as soon as the first vessel has completed flying its passengers. Although the operator is using only one parasail vessel at a time for flying passengers per permit, the operator is effectively operating more than one parasail vessel at a time under one permit, raising safety concerns as well as concerns about an imbalanced playing field amongst parasail permit holders. Your Committees find it necessary to clarify that the operation of more than one parasail vessel in state waters, regardless of whether both vessels are being actively operated for flying passengers, is prohibited under a single permit.

Your Committees have amended this measure by adding language to:

- Specify that the operation of more than one parasail vessel in state waters at any given time under one permit is prohibited; and
- (2) Limit this restriction to counties with populations of 700,000 or more.

As affirmed by the records of votes of the members of your Committees on Economic Development, Government Operations and Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 747, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 747, S.D. 1, and be referred to the Committee on Ways and Means.

> Respectfully submitted on behalf of the members of the Committees on Economic Development, Government Operations and Housing and Water and Land,

DONOVAN Μ. DELA

Malama SOLOMON Chair



The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Economic Development, Government Operations and Housing EGH

Bill / Resolution No.:*	Committee Referral: Date:						
SB 747	EGH/WTLWAN X/11/13						
The committee is reconsidering its previous decision on this measure.							
If so, then the previous decision was to:							
The Recommendation is:							
Pass, unamended X Pass, with amendments Hold Recommit 2312 2311 2310 2313							
Members		Aye	Aye (WR)	Nay	Excused		
DELA CRUZ, Donovan M. (C	C)	X					
SLOM, Sam (VC)			X				
BAKER, Rosalyn H.	X						
CHUN OAKLAND, Suzanne		V		-	X		
ENGLISH, J. Kalani	÷	ΙĂ					
THIELEN, Laura H.		X					
WAKAI, Glenn	,				X		
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Recommendation: Adopted Not Adopted							
Chair's or Designee's Signature:							
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*Only one measure per Record of Votes

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Water and Land WTL

36141 EGH/WTL, WAM 2/11/13							
The committee is reconsidering its previous decision on this measure.							
If so, then the previous decision was to:							
The Recommendation is:							
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313							
Members	Aye	Aye (WR)	Nay	Excused			
SOLOMON, Malama (C)							
SHIMABUKURO, Maile S.L. (VC)							
DELA CRUZ, Donovan M.							
IHARA, Jr., Les							
RUDERMAN, Russell E.							
THIELEN, Laura H.							
SLOM, Sam							
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TOTAL	6						
Recommendation: Adopted Not Adopted							
Chair's or Designee's Signature:							
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy							

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