

, 2016 RE: H.B. No. 2372 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian Affairs, to which was referred H.B. No. 2372, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITY FOR OCEAN RECREATION AND COASTAL AREAS,"

begs leave to report as follows:

The purpose of this measure is to assist the Department of Land and Natural Resources' Division of Boating and Ocean Recreation with enforcing penalties for unpermitted commercial activities in state navigable waters and shoreline areas by clarifying the definition of commercial activities that require a permit from the Department.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and an individual. Your Committee received testimony in opposition to this measure from Hawaiian Style Beach Activities, Ocean Tourism Coalition, and two individuals. Three individuals submitted comments.

Your Committee has amended this measure by:

 Clarifying that commercial activities subject to permitting and regulation by the Department do not include land-based providers of retail or rental beach and ocean equipment or land-based activity providers of tickets or vouchers for ocean activities;

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- (2) Amending the definition of commercial activity to include any engagement or attempt at engagement in action for compensation, regardless of where the compensation is received;
- (3) Changing its effective date to December 24, 2088, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee finds that this measure is not intended to expand the authority of the Department of Land and Natural Resources or the Division of Boating and Ocean Recreation to regulate any ocean or shoreline activity, including commercial fishing, beyond that which is currently granted by statute. Your Committee finds that this measure preserves the status quo with regard to the Department's and the Division's regulatory jurisdiction and assists with enforcement of existing permit requirements and activity restrictions.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2372, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2372, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Ocean, Marine Resources, & Hawaiian Affairs,

KANIELA ING,

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## State of Hawaii House of Representatives The Twenty-eighth Legislature



Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs

| Bill/Resolution No.:<br>HB 2372 HD   | Committee Referral:<br>EDB, OMH, FIN | Date:     | 2/17/ | 16      |
|--|--------------------------------------|-----------|-------|---------|
| The committee is reconsidering its previous decision on the measure.   |                                      |           |       |         |
| The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold   □ Pass short form bill with HD to recommit for future public hearing (recommit)  |                                      |           |       |         |
| OMH Members  | Ayes                                 | Ayes (WR) | Nays  | Excused |
| 1. ING, Kaniela (C)  |                                      |           |       |         |
|  |                                      |           |       |         |
| 2. LOWEN, Nicole E. (VC)   |                                      |           |       |         |
| 3. CULLEN, Ty J.K.   |                                      |           |       |         |
| 4. EVANS, Cindy  |                                      |           |       |         |
|  |                                      |           |       |         |
| 5. LEE, Chris  |                                      |           |       |         |
| 6. NISHIMOTO, Scott Y.   |                                      |           |       |         |
|  |                                      |           |       |         |
| 7. SAY, Calvin K.Y.  |                                      |           |       |         |
| 9 VAMANE Drop I  |                                      |           |       |         |
| 8. YAMANE, Ryan I.   |                                      |           |       |         |
| 9. POUHA, Feki   | ^                                    |           |       |         |
|  |                                      |           |       |         |
| 10. THIELEN, Cynthia   |                                      |           |       |         |
|  |                                      |           |       |         |
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|  |                                      |           |       |         |
| TOTAL (10)   | 9                                    | -1-       | -0-   | -0-     |
| The recommendation is: Image: Adopted in the provided of the pro |                                      |           |       |         |
| Vice Chair's or designee's signature: MAOLO E L  |                                      |           |       |         |
| Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO   |                                      |           |       |         |