

STAND. COM. REP. NO.

2638

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 3052
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Water and Land, to which was referred S.B. No. 3052 entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL SHARK TOURS,"

beg leave to report as follows:

The purpose and intent of this measure is to regulate commercial shark boat tour operators, improve public safety, and increase protections of sharks within state waters.

Your Committees received testimony in support of this measure from Waialua Boat Club, Surfrider Oahu, and six individuals. Your Committees received testimony in opposition to this measure from One Ocean, Water Inspired Conservation Group, Mermaids for Change, One Ocean Diving, One Ocean Global, and twenty-six individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources, North Shore Shark Adventures, and one individual.

Your Committees find that commercial shark boat tours, which began in Hawaii nearly twenty years ago, are increasingly popular with visitors and residents. Shark boat tours may place customers in shark cages, or allow customers to observe and swim with sharks without a cage. Your Committees acknowledge that shark tours provide an opportunity to educate participants on shark species, their importance to the ecosystem and Hawaiian culture, as well as safety protocols for when encountering a shark in ocean waters.



However, your Committees also believe that it is necessary to public safety to regulate commercial shark tours with appropriate codes of conduct and safety standards.

Your Committees have amended this measure by:

- (1) Amending section 1 to acknowledge caged and cageless shark boat tours in a neutral manner;
- (2) Allowing education for tour guides on shark biology and ecology be administered by the University of Hawaii's Hawaii Institute of Marine Biology or an equivalent program as determined by the Department of Land and Natural Resources;
- (3) Deleting the requirement that all operators use shark or diving cages for tours where people enter the water to view sharks unless the operator provides evidence of insurance coverage for cageless shark tours;
- (4) Replacing language that would have required operators to indicate whether their insurance covers caged or cageless shark tours with language that requires operators to provide evidence of insurance and to maintain coverage that clearly indemnifies the State against claims resulting from the shark tour boat operations;
- (5) Clarifying that no more than five pounds of bait or attractant per day may be used, in a manner approved by the Hawaii Institute of Marine Biology, and that no person shall be in the water when the bait or attractant is deployed;
- (6) Deleting language that would have prohibited using a mechanical apparatus, including but not limited to scooters, horns, or electronic shark protection devices;
- (7) Clarifying that commercial tour activity shall not operate in conditions with less than thirty feet of visibility;



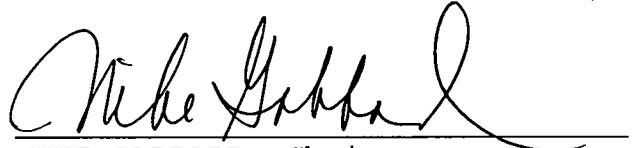
- (8) Inserting language to require cageless operators to have additional best management practices, and specifying such practices;
- (9) Inserting an effective date of January 1, 2021; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3052, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3052, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Water and Land,



KAIALI'I KAHELE, Chair



MIKE GABBARD, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 3052	Committee Referral: AEN/WTU, JDC/WAM	Date: 02/07/2020		
<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
GABBARD, Mike (C)	/			
RUDERMAN, Russell E. (VC)				✓
RHOADS, Karl	/			
THIELEN, Laura H.				✓
FEVELLA, Kurt	/			
TOTAL	3	0	0	2
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: <i>Karl Rhoads</i>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 3092</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">AEN/WTL, JDC/WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/7/20</div>		
<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
KAHELE, Kaiali'i (C)	<div style="font-size: 1.2em; font-family: cursive;">X</div>			
KEITH-AGARAN, Gilbert S.C. (VC)				<div style="font-size: 1.2em; font-family: cursive;">X</div>
NISHIHARA, Clarence K.				<div style="font-size: 1.2em; font-family: cursive;">X</div>
RIVIERE, Gil	<div style="font-size: 1.2em; font-family: cursive;">X</div>			
FEVELLA, Kurt	<div style="font-size: 1.2em; font-family: cursive;">X</div>			
TOTAL	3	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center; margin-top: 5px;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Adopted </div> <div style="text-align: center;"> <input type="checkbox"/> Not Adopted </div> </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

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