

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1090
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 1090, H.D. 1, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify the methods by which the Department of Land and Natural Resources can issue new ocean recreation commercial permits and renew existing ocean recreation commercial permits;
- (2) Specify that new permits for ocean recreation management areas and facilities where a permit limit is implemented shall be issued by the method and order set specified, until the limit is reached; and
- (3) For renewal of existing permits in ocean recreation management areas and facilities where a permit limit is implemented, base renewal of a commercial permit on seniority, until the limit is reached.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and Ocean



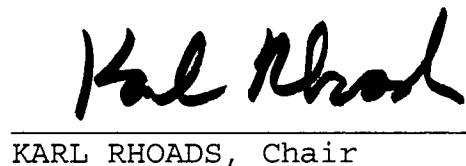
Tourism Coalition. Your Committees received testimony in opposition to this measure from Anelakai Adventures.

Your Committees find that the Department of Land and Natural Resources (Department) is currently in the process of addressing the rampant commercial marine activity taking place in the State near shore waters. This will require limiting the number of commercial use permits for high use areas. When the Department proposes to implement a permit limit through administrative rules for an area that previously did not have any type of permit limit, the Department must issue permits to all those who apply and qualify for permits until the limit is finalized. Due to the rulemaking process taking months and even years, many people can obtain permits while the Department works to implement the limit. This "run on permits" is the reason that many areas have permit counts that exceed limits, therefore this measure will help the Department to bring the permit counts down to the appropriate limits established in rule.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1090, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirty-Second Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:* HB 1090 HD1 SD1	Committee Referral: WTL, JDC/WAM	Date: 4/4/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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				

*Only one measure per Record of Votes

The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 1090 HDI SDI	Committee Referral: WTZ, JDC/WAM	Date: 4/4/23
<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 checked="" type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input 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)
DELA CRUZ, Donovan M. (C)	X	
KEITH-AGARAN, Gilbert S.C. (VC)	X	
AQUINO, Henry J.C.	X	
DECOITE, Lynn	X	
INOUE, Lorraine R.	X	
KANUHA, Dru Mamo	X	
KIDANI, Michelle N.	X	
KIM, Donna Mercado	X	
LEE, Chris	X	
MORIWAKI, Sharon Y.		X
SHIMABUKURO, Maile S.L.		X
WAKAI, Glenn	X	
FEVELLA, Kurt	X	
TOTAL	11	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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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