

Honolulu, Hawaii

MAR 01 , 2024

RE: H.B. No. 2475  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2475, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL OCEAN ACTIVITY,"

begs leave to report as follows:

The purpose of this measure is to, for purposes of regulating commercial activity under the laws regulating ocean recreation:

- (1) Include advertisements and offers within the definition of "commercial activity";
- (2) Provide that advertisements and offers of unpermitted commercial ocean use activities or commercial ocean recreational equipment are prima facie evidence that:
  - (A) The owner of the advertised or offered commercial activity disseminated or directed dissemination of the advertisements or offers; and
  - (B) The commercial activity is operated at the location advertised or offered; and
- (3) Establish that a person charged with a violation of commercial activity restrictions bears the burden of proof that the person is not conducting illegal



commercial activity or is otherwise authorized by the Department of Land and Natural Resources to conduct the activity.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Kua'āina Ulu 'Auamo; and Maui Chamber of Commerce.

Your Committee finds that there has been a rapid expansion of commercial ocean activity within a relatively short period of time, leading to overuse of boating facilities, strain on natural resources, and user conflicts between recreational and commercial ocean users. Your Committee further finds that, under existing law, the authority to regulate commercial ocean activity is limited to the provision or attempted provision of the activity. This limits enforcement to catching persons in the act. However, when the Department of Land and Natural Resources has made efforts to enforce unpermitted commercial ocean activity by catching operators in the act, operators have claimed that they are not providing services for compensation. This measure bolsters the Department's enforcement authority by allowing the Department to regulate the offering and advertisement of illegal commercial activity.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2475, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2475, H.D. 2.

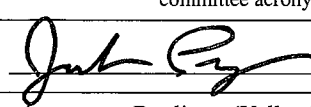


Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,

  
MARK M. NAKASHIMA, Chair



**Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: <b>HB2475 HD1</b>	Committee Referral: <b>WAL, CPC</b>	Date: <b>02-27-24</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. SAYAMA, Jackson D. (VC)	/			
3. AMATO, Terez	/			
4. BELATTI, Della Au	/			
5. HASHEM, Mark J.	/			
6. HUSSEY-BURDICK, Natalia	/			
7. GATES, Cedric Asuega				/
8. LOWEN, Nicole E.	/			
9. ONISHI, Richard H.K.	/			
10. TAM, Adrian K.	/			
11. PIERICK, Elijah	/			
<b>TOTAL (11)</b>	<b>10</b>			<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u></u>				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				