

Honolulu, Hawaii

MAR 22 2024

RE: H.B. No. 2475
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Water and Land and Commerce and Consumer Protection, to which was referred H.B. No. 2475, H.D. 2, entitled:

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

beg leave to report as follows:

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

- (1) Provide that advertisements and offers of unpermitted commercial ocean use activities or commercial ocean recreational equipment are prima facie evidence that:
 - (A) The owner disseminated or directed dissemination of the advertisements or offers; and
 - (B) The commercial activity is operated at the location advertised or offered; and
- (2) Include advertisements and offers within the definition of "commercial activity".

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



Your Committees received testimony in opposition to this measure from the Hawaii Fishing and Boating Association and one individual.

Your Committees find that the overcommercialization of state ocean waters has been unnaturally encouraged by social media and through unpermitted ocean tour operators who advertise and operate without regard for laws, rules, regulations, and cultural awareness. These unpermitted commercial operators set up advertisements and online payment schemes circumventing commercial ocean activity laws and restrictions, making it difficult for the Department of Land and Natural Resources agents to enforce laws against illegal commercial activity. This measure strengthens the Department of Land and Natural Resources' enforcement authority by allowing it to regulate the offering and advertisement of illegal commercial activity.

Your Committees have amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water and Land and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2475, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2475, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Commerce and Consumer
Protection,



ARRETT KEOHOKALO, Chair



LORRAINE R. INOUÉ, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
 Committee on Water and Land
 WTL

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|--|--|-------------------------|----------|----------|
| Bill / Resolution No.:* HB 2475, HD2 | Committee Referral: WTL/CPN, JDC | Date: 3/19/24 | | |
| <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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| INOUYE, Lorraine R. (C) | ✓ | | | |
| ELEFANTE, Brandon J.C. (VC) | ✓ | | | |
| CHANG, Stanley | | | | ✓ |
| MCKELVEY, Angus L.K. | ✓ | | | |
| FEVELLA, Kurt | ✓ | | | |
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| TOTAL | 4 | 0 | 0 | 1 |
| 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

