

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2196
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2196, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Transfer to the Board of Land and Natural Resources the Department of Transportation's authority to regulate commercial activity on ocean waters, except harbors;
- (2) Clarify that the authority being transferred from the Department of Transportation to the Board of Land and Natural Resources with regard to the commercially permitted use of boating facilities applies to both governmental and private facilities; and
- (3) Authorize the Board of Land and Natural Resources to regulate commercial activity in private marinas.

Testimony in support of this measure was submitted by four concerned individuals. Testimony opposed to this measure was submitted by the Department of Land and Natural Resources and Paradise Cruise, Ltd.

Your Committee finds that expanded developments in visitor and destination areas along the coast have resulted in increased



commercial activities taking place in the State's ocean waters. Your Committee finds that this increased use has the potential to create conflicts among users and cause adverse effects on ocean habitats.


Upon further consideration, your Committee finds that it is necessary to clarify that this measure is not intended to add to or modify boating activities that are already regulated. Rather, the intent is to allow the Department of Land and Natural Resources to regulate previously unregulated commercial activities from new resort and marina areas.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a new section 1 that clarifies the intent and purpose of this measure;
- (2) Deleting the proposal to have the Board of Land and Natural Resources assume the function of the Department of Transportation to regulate commercial activity on ocean waters; and
- (3) Clarifying the definition of the "commercial activity" to be regulated in private marinas.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2196, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2196, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,




ROSALYN H. BAKER, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 2196, SD1	Committee Referral: EDT/WTL, WAM	Date: 2/25/08		
<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
BAKER, Rosalyn H. (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani				/
FUKUNAGA, Carol	/			
HOOSER, Gary L.	/			
INOUYE, Lorraine R.				/
KIM, Donna Mercado	/			
MENOR, Ron	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred			/	
WHALEN, Paul	/			
TOTAL	9	0	1	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				

*Only one measure per Record of Votes