

STAND. COM. REP. NO.

324

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 68  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Economic Development and Technology, to which was referred S.B. No. 68 entitled:

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

beg leave to report as follows:

The purpose of this measure is to add regulatory functions over the commercial use of state waters and marine resources to the Department of Land and Natural Resources.

Testimony in support of this measure was submitted by one state agency and five public citizens. Testimony in opposition was submitted by one state agency, two organizations, and two public citizens. Written testimony presented to your Committees may be reviewed on the Legislature's website.

Your Committees find that a loophole exists in which a business that otherwise would be required to have a permit can now conduct its commercial activity in state waters without a permit simply by departing from a private marina. This measure will extend the Department of Land and Natural Resources authority to the regulation of currently unregulated commercial enterprises that originate from private marinas. Your Committees note that it is not the intent of this measure to provide for additional regulation of existing regulated commercial enterprises.

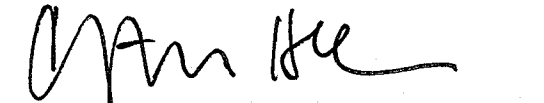


Your Committees have amended this measure by amending the effective date to July 1, 2050 for the purpose of encouraging further discussion.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Economic Development and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 68, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 68, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land,  
Agriculture, and Hawaiian  
Affairs and Economic  
Development and Technology,

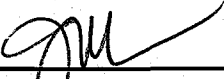
  
\_\_\_\_\_  
CAROL FUKUNAGA, Chair

  
\_\_\_\_\_  
CLAYTON HEE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

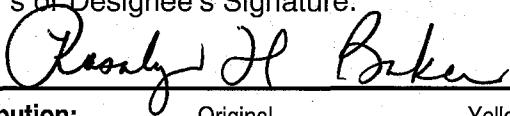
**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WTL**

Bill / Resolution No.:* <b>SB68</b>	Committee Referral: <b>WTL   EDT, WAM</b>	Date: <b>2/18/09</b>		
<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
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert				✓
FUKUNAGA, Carol	✓			
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.	✓			
HEMMINGS, Fred			✓	
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> 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  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Economic Development and Technology**  
**EDT**

Bill / Resolution No.:* <b>SB 68</b>	Committee Referral: <b>WTL/EDT, WAM</b>	Date: <b>2-18-09</b>		
<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
FUKUNAGA, Carol (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
HEE, Clayton	✓			
IGE, David Y.				✓
SLOM, Sam	<del>✓</del> <b>0213</b>		✓	
<b>TOTAL</b>	<b>3</b>	<b>—</b>	<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes