

Honolulu, Hawaii

FEB 14 2013

RE: S.B. No. 747

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Economic Development, Government Operations and Housing and Water and Land, to which was referred S.B. No. 747 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to improve ocean recreation safety for the public and establish fair standards for all parasail and thrill craft permit holders.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Roberts Hawaii; Diamond Head Parasail and Watersports; Pacific Ocean Sports, LLC dba Hawaiian Ocean Thrills; and six individuals. Your Committees received testimony in opposition to this measure from the Ocean Tourism Coalition and UFO Chuting of Hawaii, Inc.

Your Committees find that the definition of "thrill craft" under the boating laws in chapter 200, Hawaii Revised Statutes, does not cover certain newer types of thrill craft, including one similar to a jet ski known as an "aqua quad." This has resulted in the use of unregulated thrill craft in ocean recreation areas, which poses a safety issue for ocean users and potential concerns for the environment. This measure amends the definition of a thrill craft to cover these newer types of thrill craft.

Your Committees also find that existing laws regulating commercial parasailing operations allow a parasail permit holder



to operate one parasail vessel per permit. However, the Department of Land and Natural Resources testified that one operator has been operating one parasail vessel while flying its passengers engaged in parasailing, with a second vessel standing by ready to operate as soon as the first vessel has completed flying its passengers. Although the operator is using only one parasail vessel at a time for flying passengers per permit, the operator is effectively operating more than one parasail vessel at a time under one permit, raising safety concerns as well as concerns about an imbalanced playing field amongst parasail permit holders. Your Committees find it necessary to clarify that the operation of more than one parasail vessel in state waters, regardless of whether both vessels are being actively operated for flying passengers, is prohibited under a single permit.

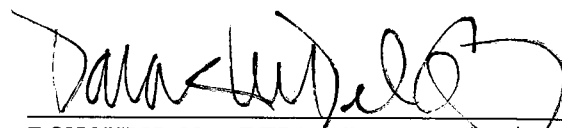
Your Committees have amended this measure by adding language to:

- (1) Specify that the operation of more than one parasail vessel in state waters at any given time under one permit is prohibited; and
- (2) Limit this restriction to counties with populations of 700,000 or more.

As affirmed by the records of votes of the members of your Committees on Economic Development, Government Operations and Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 747, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 747, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Economic
Development, Government
Operations and Housing and
Water and Land,


MALAMA SOLOMON, Chair


DONOVAN M. DELA CRUZ, Chair



