

Honolulu, Hawaii  
February 19, 2016

RE: H.B. No. 2372  
H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian  
Affairs, to which was referred H.B. No. 2372, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITY FOR OCEAN  
RECREATION AND COASTAL AREAS,"

begs leave to report as follows:

The purpose of this measure is to assist the Department of  
Land and Natural Resources' Division of Boating and Ocean  
Recreation with enforcing penalties for unpermitted commercial  
activities in state navigable waters and shoreline areas by  
clarifying the definition of commercial activities that require a  
permit from the Department.

Your Committee received testimony in support of this measure  
from the Department of Land and Natural Resources and an  
individual. Your Committee received testimony in opposition to  
this measure from Hawaiian Style Beach Activities, Ocean Tourism  
Coalition, and two individuals. Three individuals submitted  
comments.

Your Committee has amended this measure by:

- (1) Clarifying that commercial activities subject to  
permitting and regulation by the Department do not  
include land-based providers of retail or rental beach  
and ocean equipment or land-based activity providers of  
tickets or vouchers for ocean activities;




- (2) Amending the definition of commercial activity to include any engagement or attempt at engagement in action for compensation, regardless of where the compensation is received;
- (3) Changing its effective date to December 24, 2088, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee finds that this measure is not intended to expand the authority of the Department of Land and Natural Resources or the Division of Boating and Ocean Recreation to regulate any ocean or shoreline activity, including commercial fishing, beyond that which is currently granted by statute. Your Committee finds that this measure preserves the status quo with regard to the Department's and the Division's regulatory jurisdiction and assists with enforcement of existing permit requirements and activity restrictions.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2372, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2372, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ocean, Marine  
Resources, & Hawaiian Affairs,

  
KANIELA ING, Chair



