

STAND. COM. REP. NO.

2354

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2901
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Water, Land, and Agriculture and Commerce, Consumer Protection, and Health, to which was referred S.B. No. 2901 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to amend the definition of "commercial activity" within section 200-4(a), Hawaii Revised Statutes, as it relates to the Chairperson of the Board of Land and Natural Resources' authority to adopt rules necessary to regulate commercial activities in state waters.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources. Your Committees received testimony in opposition to this measure from Ocean Tourism Coalition, Hawaiian Style Beach Activities, Fair Wind Cruises, and eleven individuals. Your Committees received comments on this measure from two individuals.

Your Committees find that the current definition of "commercial activity" within section 200-4(a), Hawaii Revised Statutes, has been found to be too broad and vague by enforcement officials for the purposes of identifying and regulating the activity. Your Committees further find that it is necessary to clarify that commercial activity in the context of this measure applies only to vessels engaged in commercial activity.

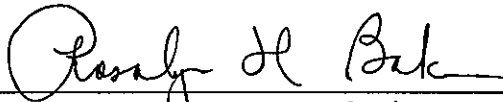


Your Committees have amended this measure by:

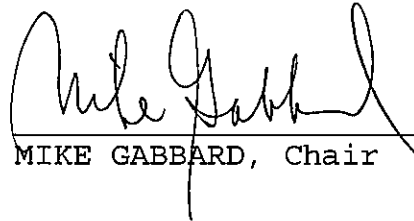
- (1) Amending the term "commercial activity" to be limited to activity from the gross revenues derived from the use of the vessel; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2901, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2901, S.D. 1, and be referred to your Committee on Ways and Means.

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



ROSALYN H. BAKER, Chair




MIKE GABBARD, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, and Agriculture
WLA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2901	WLA/CPH, WAM	02-05-16		
<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
GABBARD, Mike (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
DELA CRUZ, Donovan M.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.				✓
SHIMABUKURO, Maile S.L.	✓			
THIELEN, Laura H.	✓			
WAKAI, Glenn				✓
SLOM, Sam			✓	
TOTAL	6		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

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2901	WLA/CPH, WAM	2-5-16		
<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)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.				/
SLOM, Sam			/	
TOTAL	5		1	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes