

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
CONSUMER PROTECTION & COMMERCE**

**Monday, February 22, 2016
2:30 PM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1733, HOUSE DRAFT 1
RELATING TO USE PERMITS FOR SMALL BOAT FACILITIES**

House Bill 1733, House Draft 1, proposes to authorize commercial permit holders for small boat harbors to submit permit renewal applications early and be informed of any reasons for a nonrenewal prior to the expiration of the commercial permit. The measure also authorizes a thirty-day grace period for persons who fail to timely file a commercial permit renewal application. **The Department of Land and Natural Resources (Department) does not support this measure.**

The Hawaii Administrative Rules (HAR) allow a permittee to submit a commercial permit renewal application up to ninety days in advance and also provides for a thirty day grace period in the event a permittee fails to submit the renewal application prior to the expiration of the commercial permit. The HAR also assesses a penalty of \$250.00.

This measure also requires the Department to review an application submitted sixty days prior to expiration and, within thirty days of receipt of the application, either renew the permit or notify the applicant that the application is incomplete or cannot be renewed for other reasons and explain the reasons for the nonrenewal. The Department makes every effort to respond in a timely manner; however, there are many factors that come into play when renewing a commercial use permit i.e. review of corporate standing, gross receipts review and possible audit, change of ownership, vessel lease review, staffing, etc. Due to these and other factors, the Department does not support placing deadlines in the Hawaii Revised Statutes and recommends that commercial permittees continue to follow the current HAR.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
1188 Bishop St., Ste. 1003
Honolulu, HI 96813-3304
(808) 537-4308 Phone (808) 533-2739 Fax
timlyons@hawaiiantel.net

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

DATE: Monday, February 22, 2016
TIME: 2:30 pm
PLACE: Conference Room 325

TESTIMONY OF JAMES COON SPEAKING IN STRONG SUPPORT OF HB 1733,
HD1

Aloha Chair McKelvey, Vice Chair Woodson, and Members of the
Committee on Consumer Protection & Commerce:

My name is James E. Coon, President of the Ocean Tourism Coalition. The OTC represents over 300 small ocean tourism businesses state wide. Most of these are family businesses which are locally owned and operated. Many of them have been in business for several decades and are an important and valued part of their respective communities. Most of these businesses operate from State Boating Facilities. We support this bill.

Members of OTC have expressed a concern that the permit renewal process needs to be improved to promote communication and fairness during a permit renewal process. Hawaii Administrative Rules allows permit holders to apply for permit renewal up to 90 before permit expiration. The original intent of HB1733 was for permit holders that do submit their permit renewals early would be informed of any issues or concerns well before the expiration of the permit so they would have an opportunity to rectify any deficiencies.

HB1733 will facilitate annual permit renewals by asking DOBOR to give a response within 30 days of receiving the permit application. This will allow the parties involved in the permit application to have ample time to respond to issues. This bill will also provide a reasonable extension of 30 days past the permit renewal deadline to respond to any concerns raised by DOBOR.

This time period will allow companies to keep their employees employed, and keep their businesses running while they are responding to DOBOR issues. Overall, this bill creates reasonable and flexible standards in the permit renewal process.

We humbly ask you to pass HB 1733.

Sincerely,

James E. Coon, President OTC



Activities & Attractions Association of Hawaii
PO Box 598, Makawao, Hawaii 96768
(808)871-7947 Main (808)877-3104 Fax

Testimony to the
COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Angus L.K. McKelvey, Chair/ Rep. Justin H. Woodson, Vice Chair

Monday, February 22, 2016, 2:30 pm
Conference Room 325
RE: Opposed as Written/Support the intent
HB1733 RELATING TO USE PERMITS FOR SMALL BOAT FACILITIES

Aloha Chair Representative McKelvey, Vice Chair Representative Woodson & Members of the committee;

Mahalo for this opportunity to testify, my name is Toni Marie Davis. For the last 18 years it has been my honor to serve the Activity & Attraction Industry of Hawaii through my position as the Executive Director of A3H (Activities & Attractions Association of Hawaii). A3H represents nearly 200 businesses statewide, many of which are ocean related commercial activities. Our members range in size from very large (over 300 employees) to very small (1-2 employees). Although well intended, A3H OPPOSES HB1733 AS WRITTEN, but supports the intent of the Bill:

As written, HB1733 allows the Department to NOT renew permits for whatever reason. The intent is to allow permittees to renew early, be inform of corrections needed in a timely manner and should the process not be complete, it also allow a reasonable amount of time to correct.

Please make the following small changes:

16 permit or notify the applicant that the application is
17 incomplete ~~or~~ and cannot be renewed ~~for other reasons~~ and explain
18 the reasons for the nonrenewal. The applicant shall have thirty
19 days from the date of notification that the application is
20 incomplete ~~or~~ and cannot be renewed to provide additional
21 information to complete the application. ~~or address the reason~~

This will ensure no unintended consequences of what is otherwise a good intended Bill.

Sincerely,

Toni Marie Davis
Executive Director

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 19, 2016 10:55 AM
To: CPCtestimony
Cc: jeff@mauidiveshop.com
Subject: *Submitted testimony for HB1733 on Feb 22, 2016 14:30PM*

HB1733

Submitted on: 2/19/2016

Testimony for CPC on Feb 22, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Strahn	Maui Dive Shop	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Testimony before the House Committees On
Consumer Protection
and
Commerce**

**February 22, 2016
2:30 pm, Conference Room 325**

**House Bill 1733
Relating to DOBOR Permit Renewals**

Chair Angus L.K. McKelvey, Vice Chair Justin H. Woodson and Members of the
Committee:

My name is Jim Walsh and I am testifying on behalf of Atlantis Adventures Hawaii in
SUPPORT of HB1733

HB1733 will facilitate annual permit renewals by asking DOBOR to give a response
within 30 days of receiving the permit application. This will allow the parties involved in
the permit application to have ample time to respond to issues. This bill will also provide
a reasonable extension of 30 days past the permit renewal deadline to respond to any
concerns raised by DOBOR.

We humbly ask that you pass HB1733.

Thank you for the opportunity to submit testimony on this bill.

Kind regards,



Jim Walsh

Atlantis Adventures Hawaii



DATE: Monday, February 22, 2016

TIME: 2:30 pm

PLACE: Conference Room 325

TESTIMONY OF LAHAINA DIVERS, INC.
Speaking in Strong SUPPORT of HB1733, HD1

Aloha Chair McKelvey, Vice Chair Woodson, and Members of the Committee on Consumer Protection & Commerce:

My name is Gregory L. Howeth, Owner of Lahaina Divers, Inc. Like mine, there are many other family businesses which are locally owned and operated in the State of Hawaii. Many of us have been in business for several decades and are an important and valued part of our respective communities. My business, in particular, has been in operation since 1978. We employ over 25 local staff, providing year round income and benefits for themselves and their families. Most of these businesses, including mine, operate from State Boating Facilities. I support this bill.

I share concerns with others that the permit renewal process needs to be improved in order to promote communication and fairness during a permit renewal process. Hawaii Administrative Rules allows permit holders to apply for permit renewal up to 90 days before permit expiration. The original intent of HB1733 was that permit holders, who do submit their permit renewals early, would be informed of any issues or concerns well before the expiration of the permit. This would give us an opportunity to rectify any deficiencies.

HB1733 will facilitate annual permit renewals by asking DOBOR to give a response within 30 days of receiving the permit application. This will allow the parties involved in the permit application to have ample time to respond to issues. This bill will also provide a reasonable extension of 30 days past the permit renewal deadline to respond to any concerns raised by DOBOR.

This time period will allow companies, such as mine, to keep our employees employed, and keep our businesses running while responding to DOBOR issues. Overall, this bill creates reasonable and flexible standards in the permit renewal process.

I humbly ask that you pass HB 1733.

Sincerely,

Greg Howeth, President Lahaina Divers, Inc.

143 Dickenson Street · Lahaina, Maui, HI 96761
Toll Free: (800) 998-3483 · Phone (808) 667-7496
Fax: (808) 661-5195 · Email: info@lahainadivers.com
www.lahainadivers.com



Kahikolu Ltd., d/b/a Quicksilver
150 Lahainaluna Rd
Lahaina, HI 96761
(808) 667-0990 Office
(808) 667-6707 Fax

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

Date/Time of Hearing: February 22, 2016, 2:30 PM
Measure No. and Title: HB1733

SUPPORTIVE TESTIMONY

Chair McKelvey, Vice Chair Woodson and Senators of the CPC Committee:

Quicksilver Charters and its affiliates (the “Company”) employ close to 100 people in Hawaii’s boating and tourism industries. HB1733 promotes communication and fairness during a permit renewal process. We do, however, suggest the following language to simplify the bill and avoid ambiguities.

...within thirty days of receipt of the application, “**shall (1) renew the applicant’s permit; or (2) notify the applicant of any deficiencies in the application or violations that may result in nonrenewal of the permit.**”

HB1733 allows permit holders to submit their permit renewals early so they can be informed of any issues or concerns before the expiration of the permit. HB1733 will facilitate annual permit renewals by asking DOBOR to give a response within 30 days of receiving the permit application.

This will allow the parties involved in the permit application to have ample time to respond to issues. This bill will also provide a reasonable extension of 30 days past the permit renewal deadline to respond to any concerns raised by DOBOR. This time period will allow companies to keep their employees employed, and keep their businesses running while they are responding to DOBOR issues.

Overall, this bill creates reasonable and flexible standards in the permit renewal process.

Sincerely,

Zachary LaPrade

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 20, 2016 6:18 AM
To: CPCtestimony
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for HB1733 on Feb 22, 2016 14:30PM*

HB1733

Submitted on: 2/20/2016

Testimony for CPC on Feb 22, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	Support	No

Comments:

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timlyons@hawaiiantel.net

LATE

LATE TESTIMONY

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

DATE: Monday, February 22, 2016
TIME: 2:30 pm
PLACE: Conference Room 325

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Sincerely,

James E. Coon, President OTC