

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 2259
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Water and Land and Public Safety,
Intergovernmental, and Military Affairs, to which was referred
H.B. No. 2259, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MARINE EVENTS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the holding of a marine event without a permit from the Department of Land and Natural Resources or prior authorization by the United States Coast Guard;
- (2) Allow individuals to apply for marine event permits up to one year in advance of the date of a proposed marine event; and
- (3) Require the Department of Land and Natural Resources to adopt rules to mitigate the hazards posed by vessels, thrill craft, drones, and other means used by spectators to observe or record regattas, marine parades, surfing contests, and other marine events in the waters of the State.



Your Committees received testimony in support of this measure from two individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that marine events often require more than one year of advanced planning in light of the many responsibilities involved. Event organizers experience hardships when the Department of Land and Natural Resources is unable to approve or deny permit applications well in advance of proposed events. Many individuals have expressed interest in applying to the Department of Land and Natural Resources for marine event permits up to one year in advance of an event, and this measure establishes a permit application system to enable individuals to do so.

Your Committees further find that regattas, marine parades, surfing contests, and other marine events in the State are immensely popular. During these events, ocean conditions can be extremely hazardous to participants and spectators. Furthermore, spectators may use vessels, thrill craft, drones, and other means to observe and capture photos and videos of these events, which may interfere with the event, infringe upon an event organizer's exclusive use of areas designated for use during the event, and put event participants at risk of serious injury or death. This measure requires the Department of Land and Natural Resources to adopt rules to mitigate such hazards.

Your Committees have amended this measure by:

- (1) Adopting language suggested by the Department of Land and Natural Resources that:
 - (A) Requires a marine event permit applicant to submit valid insurance and proof of approval from the land owner;
 - (B) Requires the Department of Land and Natural Resources to use its best efforts to grant or deny a marine event permit within thirty days of receiving a marine event permit application, rather than requiring the Department to grant or deny the permit within that time frame;



- (C) Establishes a process to request for a cancellation of a marine event permit; and
 - (D) Authorizes, rather than requires, the Department of Land and Natural Resources to adopt rules for marine event permits;
- (2) Requiring the Department of Land and Natural Resources to set a fee for the issuance of marine event permits and collect a \$250 nonrefundable deposit, which shall be retained by the Department if the marine event permit is cancelled within sixty days of the scheduled date of the marine event;
 - (3) Clarifying that the Department of Land and Natural Resources may issue a marine event permit for the exclusive use of state waters, which shall be subject to a higher fee;
 - (4) Authorizing, rather than requiring, the Department of Land and Natural Resources to adopt rules to mitigate hazards to event spectators; and
 - (5) 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 and Land and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2259, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2259, H.D. 1, 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 and Land
and Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair


Karl Rhoads

KARL RHOADS, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2259, HD1	WTL/PSM, WAM	3/20/18		
<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
RHOADS, Karl (C)	/			
GABBARD, Mike (VC)				/
INOUYE, Lorraine R.				/
RIVIERE, Gil	/			
THIELEN, Laura H.	/			
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

