

Honolulu, Hawaii
MAR 21, 2024

RE: S.B. No. 2721
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 2721, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify that violations of part I of chapter 200, Hawaii Revised Statutes, relating to ocean recreation and coastal areas programs, or any rules adopted thereunder, are subject to criminal penalties.

Your Committee received testimony in support of this measure from the Ocean Tourism Collation; Maui Chamber of Commerce; and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure seeks to strengthen enforcement efforts against violations of Hawaii's ocean recreation and coastal areas programs laws.

Your Committee has amended this measure by:

- (1) Deleting all proposed amendments to section 200-14(a), Hawaii Revised Statutes, and replacing them with a provision that makes it a petty misdemeanor to violate



any provision of chapter 200, Hawaii Revised Statutes, or rule adopted by the Department of Land and Natural Resources relating to reckless or unauthorized operation of a vessel, unauthorized mooring of a vessel, unauthorized commercial activity, unauthorized camping within state small boat harbors or boating facilities, animal abandonment within state small boat harbors or boating facilities, or creation of animal colonies within state small boat harbors or boating facilities;


- (2) Removing the requirement that individuals knowingly or intentionally violate any rule adopted by the Department of Land and Natural Resources to be guilty of committing a traffic infraction;
- (3) Deleting all proposed amendments to section 200-14(c), Hawaii Revised Statutes, and replacing them with a provision that allows the Environmental Court to, in addition to or as a condition to the suspension of any criminal fines and penalties, deprive the offender of the privilege of operating any vessel, including any thrill craft or vessel engaged in parasailing or water sledding, in certain geographical areas of the waters of the State for a period of no more than twelve months;
- (4) Amending section 200-14.5, Hawaii Revised Statutes, to narrow the Board of Land and Natural Resources' authority to bring legal action to recover for damages resulting from a violation of chapter 200, Hawaii Revised Statutes, rather than subtitle 8 of title 12, Hawaii Revised Statutes, and allow the Board of Land and Natural Resources to, in addition to or as a condition to the suspension of any administrative fines and penalties, deprive the offender of the privilege of registering or titling any vessel for use on state waters, or mooring any vessel in any state small boat harbor, boating facility, or state waters, for a period of not more than twenty-four months;
- (5) Repealing section 200-25, Hawaii Revised Statutes, relating to fines and penalties regarding the Boating Law;



- (6) Changing its effective date to July 1, 3000, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2721, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2721, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,


LINDA ICHIYAMA, Chair



Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB 2721 (D2)	Committee Referral: WAL, JHA	Date: 3/14/24		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. ICHIYAMA, Linda (C)	/			
2. POEPOE, Mahina (VC)	/			
3. CHUN, Cory M.	/			
4. GANADEN, Sonny	/			
5. HASHEM, Mark J.	/			
6. MIZUNO, May Besario	/			
7. MORIKAWA, Dee	/			
8. TAKAYAMA, Gregg	/			
9. SOUZA, Kanani				/
TOTAL (9)	00	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				