

Honolulu, Hawaii

FEB 16, 2024

RE: H.B. No. 2475
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 H.B. No. 2475 entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL OCEAN ACTIVITY,"

begs leave to report as follows:

The purpose of this measure is to, for purposes of regulating commercial activity under the laws regulating ocean recreation:

- (1) Include advertisements and offers within the definition of "commercial activity"; and
- (2) Provide that advertisements and offers of unpermitted commercial ocean use activities or commercial ocean recreational equipment are prima facie evidence that:
 - (A) The owner disseminated or directed dissemination of the advertisements or offers; and
 - (B) The commercial activity is operated at the location advertised or offered.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; G-10 Corp; HST Windsurf, Kitesurf & WingFoil Lessons; Lahaina Divers Inc.; Activities & Attractions Association of Hawaii, Inc.; Banyan Tree



Divers Maui; and numerous individuals. Your Committee received testimony in opposition to this measure from Sea Paradise Scuba Inc.; Teralani Sailing Adventures; Hula Girl Sailing Charters; Splashers Ocean Adventures; Gemini Charters; Sail Maui; Hawaii Ocean Rafting; Malolo Charters; Komohana Charters; Hawaiian Rafting Adventures Inc.; Kaua'i Chamber; Liquid Hawaii; Atlantis Submarines; Big Island Divers; Li'i Makau, Inc.; Captain Steve's Rafting; Adventure Time LLC; Blue Water Rafting; Pacific Marlin Club; and numerous individuals. Your Committee received comments on this measure from Starn O'Toole Marcus & Fisher; Explore Kauai Scuba, LLC; and Hawaii Surfing Academy.

Your Committee finds that there has been a rapid expansion of commercial ocean recreational activity within a relatively short period of time, leading to overuse of boating facilities, strain on natural resources, and user conflicts between recreational and commercial ocean users. Many illegal commercial ocean operators claim that their customers are friends or family who are not paying for services, which hinders the Department of Land and Natural Resources' efforts to enforce illegal commercial ocean activity. This measure will provide the Department with greater authority to investigate and enforce illegal commercial ocean activity.


Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) 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 H.B. No. 2475, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2475, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



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


LINDA ICHIYAMA, Chair



