

STAND. COM. REP. NO.

468

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1263
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Water and Land and Transportation and Culture and the Arts, to which was referred S.B. No. 1263 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require commercial ocean operators who take customers into state waters to engage in recreational activities to have at least one individual aboard the vessel who is rescue diver or lifeguard certified by a nationally recognized certification organization; and
- (2) Require vessels that transport customers for the purpose of engaging in an activity in state waters to have a backboard, emergency oxygen, and an automated external defibrillator included in its onboard safety equipment.

Your Committees received testimony in support of this measure from nine individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Calypso Charters, and Ocean Tourism Coalition. Your Committees received comments on this measure from one individual.



Your Committees find that businesses that conduct commercial operations that take customers on excursions in state waters for the purpose of engaging in recreation activities are required to obtain a permit from the Department of Land and Natural Resources Division of Boating and Ocean Recreation. However, your Committees find that the provisions for obtaining those permits do not include safety requirements, which leads to potential consumer safety issues. Your Committees also find that more stringent crew training requirements would both increase safety and ensure that businesses engaging in commercial tours meet some minimum requirements before charging customers.

Your Committees also find that House Concurrent Resolution No. 86, H.D. 1, S.D. 1, adopted in 2015, requested the Department of Land and Natural Resources to engage stakeholders and consider adopting permitting provisions requiring employees of businesses who take customers on watersport excursions to be trained in basic water safety measures. However, your Committees find that the Department has not taken action in response to the provisions of the concurrent resolution. Therefore, this measure requires commercial ocean operators who take customers into state waters to engage in recreational activities to have at least one individual aboard the vessel who is a rescue diver or lifeguard certified by a nationally recognized certification organization; and requires vessels that transport customers for the purpose of engaging in an activity in state waters to have a backboard, emergency oxygen, and an automated external defibrillator included in its onboard safety equipment.

Your Committees have amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

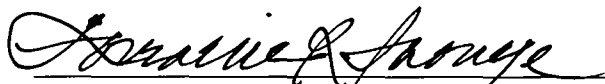
As affirmed by the records of votes of the members of your Committees on Water and Land and Transportation and Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1263, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1263, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Transportation and Culture
and the Arts,



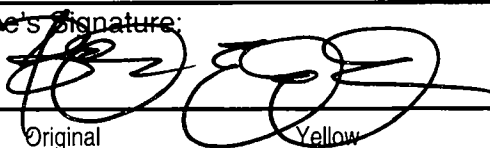
CHRIS LEE, Chair



LORRAINE R. INOUÉ, Chair

The Senate
 Thirty-Second Legislature
 State of Hawai'i


Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 1263	Committee Referral: WTL/TCA, CPN	Date: 2/14/23		
<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
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley				✓
MCKELVEY, Angus L.K.		✓		
FEVELLA, Kurt				✓
TOTAL	2	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em;">  </div>				
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
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* SB 1263	Committee Referral: WTL/TCA, CPN	Date: 2/14/23		
<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
LEE, Chris (C)	x			
INOUE, Lorraine R. (VC)	x			
ELEFANTE, Brandon J.C.	x			
KEOHOKALOOLE, Jarrett			u	x
AWA, Brenton			x	
TOTAL	3		1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;"></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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