

JAN 23 2025

A BILL FOR AN ACT

RELATING TO OCEAN USER SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Legislature finds that one of the
2 responsibilities of the department of land and natural
3 resources, division of boating and ocean recreation is to
4 oversee ocean recreation management in ocean waters of the
5 state.

6 To ensure public safety and the effective management of
7 marine natural resources, the division of boating and ocean
8 recreation needs the flexibility to quickly and efficiently
9 implement adaptive management measures that can address rapidly
10 changing ocean technologies. In recognizing the benefit of
11 adaptive management to address conservation and natural resource
12 issues, the legislature has already enacted adaptive management
13 authority to the department of land and natural resources
14 divisions of aquatic resources, forestry and wildlife, and state
15 parks.

16 The purpose of this Act is to authorize the board of land
17 and natural resources to adopt, amend, and repeal interim rules

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1 relating to commercial and recreational use of water sports
2 equipment.

3 SECTION 2. Section 200-1, Hawaii Revised Statutes, is
4 amended by adding a new definition to be appropriately inserted
5 and to read as follows:

6 "Water sports equipment" means any equipment, contrivance,
7 frame, or other device that one or more persons may wear, or
8 lie, sit, or stand upon or in, that is primarily for use in or
9 on the water for pleasure, recreation, or sports, and that shall
10 not be used primarily for transportation."

11 SECTION 3. Section 200-4.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~+~~] **\$200-4.5 [~~+~~]** **Safety of ocean users; rules.** (a) The
14 [~~department~~] board shall have the authority and responsibility
15 to adopt rules, consistent with this chapter, to promote greater
16 safety of ocean users in [~~the State's nearshore~~] waters[~~-~~] of
17 the State. The rules shall include but not be limited to the
18 creation of safe zones for free divers and swimmers [~~and~~],
19 stricter enforcement of boating regulations around swim zone
20 buoys[~~-~~], and the commercial and recreational use of water
21 sports equipment. All rules shall be adopted in accordance with
22 chapter 91; provided that the board shall have the power to

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1 issue interim rules, which shall be exempt from chapter 91 and
2 chapter 201M. Any interim rule adopted pursuant to this section
3 shall be effective for no more than twenty-four months after the
4 date of the adoption.

5 (b) Any person who violates this section, or any rules of
6 the department implemented pursuant to this section, shall be
7 subject to penalties in accordance with sections 200-14 or 200-
8 14.5, or both."

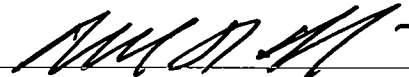
9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



14

BY REQUEST

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Report Title:

BLNR; Water Sports Equipment; Interim Rules

Description:

Authorizes the Board of Land and Natural Resources to issue interim rules regarding commercial and recreational use of water sports equipment.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO OCEAN USER SAFETY.

PURPOSE: To authorize the Board of Land and Natural Resources (Board) to issue interim rules regarding commercial and recreational use of water sports equipment to efficiently implement adaptive ocean recreation management.

MEANS: Amend sections 200-1 and 200-4.5, Hawaii Revised Statutes (HRS).

JUSTIFICATION: New water sports equipment is often developed using new and emerging ocean recreation technologies, but the Department has no legal mechanism to quickly regulate these new types of equipment if they pose a threat to the health and safety of the public and the protection of natural resources. Regulation of water sports equipment developed with these new technologies may not otherwise qualify for emergency rulemaking pursuant to section 91-3(b), HRS. Emergency rules implemented pursuant to section 91-3(b), HRS, are only effective for up to one hundred twenty days, whereas the regular rulemaking process pursuant to chapter 91, HRS, can take one year or longer to complete, during which time emergency rules would expire.

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 increased user conflicts between recreational and commercial ocean users, all of which create a need for regulation.

This bill is needed to give the Board the ability to regulate water sports equipment

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developed with new and emerging ocean recreation technologies, quickly and efficiently in the State's ocean waters to reduce or prevent damage to natural resources and personal property, injuries to ocean users and marine life, and ocean user conflicts.

Impact on the public: This bill would help to reduce user conflicts and increase the safety of ocean users by allowing the Board to regulate water sports equipment developed with new ocean recreation technologies more effectively and efficiently until long-term administrative rules can be implemented.

Impact on the department and other agencies: This bill would provide the Board more flexibility and options in managing, maintaining, and improving ocean recreation management.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	LNR 801
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.