

STAND. COM. REP. NO.

601

Honolulu, Hawaii

FEB 13 , 2025

RE: H.B. No. 1138  
H.D. 1

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Madame:

Your Committee on Water & Land, to which was referred H.B. No. 1138 entitled:

"A BILL FOR AN ACT RELATING TO OCEAN USER SAFETY,"

begs leave to report as follows:

The purpose of this measure is to authorize the Board of Land and Natural Resources to adopt rules, including interim rules, regarding commercial and recreational use of water sports equipment.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from the Maui Wingfoiling and Windsurfing Facebook Page; Boss Frog's Dive and Surf; Ocean Tourism Coalition; and numerous individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that new water sports equipment is often developed using new and emerging ocean recreation technologies, but the Department of Land and Natural Resources does not have the ability to quickly regulate these new types of equipment if they pose a threat to the health and safety of the public or the State's natural resources. Your Committee further finds that under existing law, agencies may issue emergency rules to address matters that present an imminent peril to the public health and

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safety or to natural resources without prior notice or hearing. However, these emergency rules may only be in effect for one hundred twenty days without renewal. Your Committee believes that extending the period for which an emergency rule may be in effect specifically for the regulation of commercial and recreational water sports equipment will grant the Department of Land and Natural Resources the flexibility necessary to address any threats to the public safety or natural resources posed by new and emergent ocean recreation technologies.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language granting the Board of Land and Natural Resources the authority to issue interim rules for a twenty-four month period;
- (2) Inserting language authorizing the Board of Land and Natural Resources to issue emergency rules to be in effect for a three hundred sixty-five day period without renewal for the regulation of commercial and recreational water sports equipment;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) 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. 1138, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1138, 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,



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MARK J. HASHEM, Chair



**Record of Votes of the Committee on Water & Land**

<b>Bill/Resolution No.:</b> HB 1138	<b>Committee Referral:</b> WAL, JHA	<b>Date:</b> 2-11-2025		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <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. HASHEM, Mark J. (C)	✓			
2. LAMOSAO, Rachele F. (VC)	✓			
3. BELATTI, Della Au	✓			
4. ICHIYAMA, Linda	✓			
5. IWAMOTO, Kim Coco		✓		
6. MORIKAWA, Dee	✓			
7. POEPOE, Mahina	✓			
8. WOODSON, Justin H.				✓
9. SHIMIZU, Garner M.		✓		
10. SOUZA, Kanani	✓			
<b>TOTAL (10)</b>	7	2	0	1
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				