

STAND. COM. REP. NO.

606

Honolulu, Hawaii

February 15, 2019

RE: H.B. No. 1151

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Water, Land, & Hawaiian Affairs, to which was referred H.B. No. 1151 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the Department of Land and Natural Resources to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, specifying safety requirements for commercial ocean operators that take customers into state waters for the purpose of water sport activities such as snorkeling, scuba diving, kayaking, and surfing.

Your Committee received testimony in support of this measure from several individuals. Your Committee received testimony in opposition to this measure from Auau Kai, Inc., Captain Zodiac, Maui Classic Charters, Calypso Charters, Malolo Charters, Alii Nui Charters, Trilogy Corporation dba Trilogy Excursions, Holo Holo Charters, PacWhale Eco-Adventures, Maui Classic Charters, Maui-Molokai Sea Cruises, and a few individuals. Your Committee received testimony with comments on this measure from the Department of Land and Natural Resources, Ocean Tourism Coalition, Aqualani Watersports, and Activities & Attractions Association of Hawaii.

HB1151 HD1 HSCR WLH HMS 2019-1651



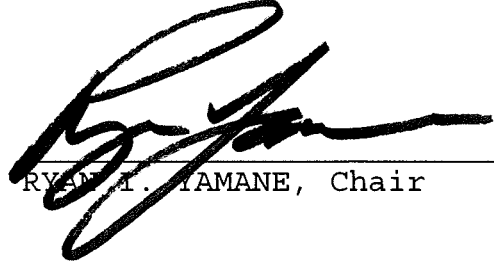
Your Committee has amended this measure by:

- (1) Clarifying that this measure applies to vessels and activities in state waters;
- (2) Specifying that the Department of Land and Natural Resources' rules shall require:
  - (A) Each tour group or excursion, other than those taking place on a vessel subject to United States Coast Guard inspection, to include at least one individual who is a certified rescue diver or lifeguard;
  - (B) Each vessel that is subject to United States Coast Guard inspection to have at least one crew member on board who is lifeguard certified in CPR, use of an automated external defibrillator, and basic first aid; and
  - (C) Each vessel used to transport customers for activities to include a backboard, emergency oxygen, and an automated external defibrillator in its onboard safety equipment; and
- (3) Changing its effective date to July 1, 2050 to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1151, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1151, H.D. 1, and be referred to your Committee on Finance.



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



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RYAN I. YAMANE, Chair



**Record of Votes of the Committee on Water, Land, & Hawaiian Affairs**

| Bill/Resolution No.: <b>HB1151</b>  | Committee Referral: <b>WLH, FIN</b> | Date: <b>02/01/19</b> |      |         |
|---|-------------------------------------|-----------------------|------|---------|
| <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<br><input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) |                                     |                       |      |         |
| WLH Members   | Ayes                                | Ayes (WR)             | Nays | Excused |
| 1. YAMANE, Ryan I. (C)  | ✓                                   |                       |      |         |
|   |                                     |                       |      |         |
| 2. TODD, Chris (VC)   | ✓                                   |                       |      |         |
|   |                                     |                       |      |         |
| 3. HAR, Sharon E.   | ✓                                   |                       |      |         |
|   |                                     |                       |      |         |
| 4. LOWEN, Nicole E.   | ✓                                   |                       |      |         |
|   |                                     |                       |      |         |
| 5. TARNAS, David A.   | ✓                                   |                       |      |         |
|   |                                     |                       |      |         |
| 6. WILDBERGER, Tina   | ✓                                   |                       |      |         |
|   |                                     |                       |      |         |
| 7. THIELEN, Cynthia   |                                     |                       |      | ✓       |
|   |                                     |                       |      |         |
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|   |                                     |                       |      |         |
| <b>TOTAL (7)</b>  | 6                                   | 0                     | 0    | 1       |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                                     |                       |      |         |
| If joint referral, _____ did not support recommendation.  |                                     |                       |      |         |
| committee acronym(s)  |                                     |                       |      |         |
| Vice Chair's or designee's signature: _____ <i>Chris Todd</i> _____   |                                     |                       |      |         |
| <b>Distribution:</b> Original (White) – Committee     Duplicate (Yellow) – Chief Clerk's Office     Duplicate (Pink) – HMSO   |                                     |                       |      |         |