

STAND. COM. REP. NO.

569

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 795  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 795 entitled:

"A BILL FOR AN ACT RELATING TO STATE SMALL BOAT HARBOR FEES,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the various fees that the Department of Land and Natural Resources may charge for the usage of state small boat harbors and amend the way those fees are applied.

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 Ocean Tourism Coalition; PacWhale Eco-Adventures; Maui Classic Charters; Sailing Maui Inc.; Kapalua Kai Sailing, Inc.; Crystal Seahorse, Ltd.; Trilogy Excursions; Sea Paradise Scuba, Inc.; Calypso Charters; Alii Nui Charters; and one individual.

Your Committee finds that the Department of Land and Natural Resource's Division of Boating and Ocean Recreation has identified approximately \$300,000,000 in deferred maintenance at small boat harbors and boating facilities statewide. Implementing the fees as prescribed in this measure would allow the Department of Land and Natural Resources to collect appropriate fee amounts if an operator attempts to circumvent the gross receipt collection method. The fees collected would go towards funding upgrades to



state small boat harbor facilities resulting in improved sanitation and maintenance of small boat harbors.

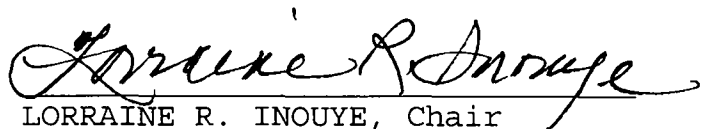
Your Committee has heard concerns that the \$3 per passenger fee will be far greater than three percent of gross receipts for a large number of operators who are struggling to survive and there is no recourse for harbor users to dispute the fees established by appraisal.

Your Committee has amended this measure by:

- (1) Reducing the passenger fee from \$3 to \$1.50; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 795, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 795, S.D. 1, and be referred to your Committee on Ways and Means.


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

  
LORRAINE R. INOUYE, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB 795</b>	Committee Referral: <b>WTL, WAM</b>	Date: <b>2-17-2021</b>		
<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)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)	✓			
MISALUCHA, Bennette E.	✓			
RIVIERE, Gil				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes