

STAND. COM. REP. NO.

522

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1391
S.D. 1

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

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 1391 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES ON PUBLIC LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to place a lien on property for noncompliance with administrative enforcement action.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Surfrider Foundation Hawai'i Region, and four individuals.

Your Committee finds that coastal erosion and rising seas are threatening Hawaii's iconic beaches and shoreline homes throughout the State. Your Committee further finds that private property owners whose property abuts public beaches are building erosion control structures on public beaches, and encroaching upon public trust land, to protect their private properties. While shoreline hardening protects private property, it can destroy the public beaches for which Hawaii is world renowned. Moreover, debris from illegal structures such as rocks, concrete, rebar, and textiles can create public hazards along the shoreline and in the water.



Your Committee finds that amending the law is necessary to aid the Department of Land and Natural Resources in resolving encroaching structures that are largely unpermitted or remain under expired permits far beyond their allotted authorization. Therefore, this measure authorizes the Board of Land and Natural Resources to place a lien on property for noncompliance with administrative enforcement action.

Your Committee has amended this measure by:

- (1) Allowing any state or county agency, board, or commission imposing an administrative enforcement action to record in the Bureau of Conveyances a notice of the pendency of the action pursuant to section 634-51, Hawaii Revised Statutes;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) 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. 1391, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1391, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.


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


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 1391	Committee Referral: WTL, JDC/WAM	Date: 02/15/23		
<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	5	ϕ	ϕ	ϕ
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes