

Honolulu, Hawaii

MAY 02 2023

RE: S.B. No. 67
S.D. 1
H.D. 2
C.D. 1

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 67, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITIES ON BEACHES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Prohibit commercial vendors from presetting commercial beach equipment on certain beaches under the jurisdiction of the Department of Land and Natural Resources, unless the customer is physically present;
- (2) Require commercial vendors to expeditiously remove commercial beach equipment after the customer has finished using it;



- (3) Allow the Department of Land and Natural Resources to grant exemptions through rules; and
- (4) Establish administrative fines for violations.

Your Committee on Conference finds that the presetting of commercial beach umbrellas, chairs, and other beach equipment on beaches has been a long-standing issue that has generated many complaints. While officers of the Division of Conservation and Resources Enforcement have issued many citations to offenders, courts have often dismissed them due to concessionaires stating that they were setting up equipment for customers with prior reservations. Therefore, this measure seeks to strike a balance between the public's ability to freely enjoy Hawaii's beaches and the visitor industry's desire to provide amenities to their guests.

Accordingly, your Committee on Conference has amended this measure by making it effective upon its approval.

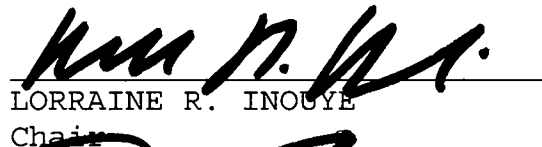
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 67, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 67, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


LINDA ICHIYAMA
Co-Chair


LORRAINE R. INOUE
Chair


DAVID A. TARNAS
Co-Chair


JARRETT KEOHOKALOLE
Co-Chair


SCOTT Y. NISHIMOTO
Co-Chair


GILBERT S.C. KEITH-AGARAN
Co-Chair



Hawai'i State Legislature

CCR 174

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 67, SD 1, HD 2	Date/Time: 4/28/2023 5:20 PM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

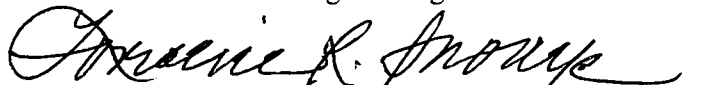
The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.


Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
INOUE, Lorraine R., Chr.	✓				ICHIYAMA, Linda, Co-Chr.	✓			
KEOHOKALOOLE, Jarrett, Co-Chr.	✓				TARNAS, David A., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				NISHIMOTO, Scott Y., Co-Chr.	✓			✓
					MORIKAWA, Dee	✓			
					SOUZA, Kanani	✓			
TOTAL	3	0	0	0	TOTAL	5			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted Not Adopted

Senate Lead Chair's or Designee's Signature:


House Lead Chair's or Designee's Signature:


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