

STAND. COM. REP. NO. 10

Honolulu, Hawaii

FEB 03 2023

RE: S.B. No. 67  
S.D. 1

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

Sir:

Your Committees on Water and Land and Commerce and Consumer Protection, to which was referred S.B. No. 67 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit any commercial vendor from presetting commercial beach equipment on any public beach 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, pertaining only to public beaches and excluding private lands such as accreted lands.



Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Hawai'i Tourism Authority, and two individuals. Your Committees received comments on this measure from one individual.

Your Committees find that the Department of Land and Natural Resources has received numerous complaints about the presetting of beach umbrellas, chairs, and other beach equipment on public beach areas. 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 provides a clear definition for "presetting" commercial beach equipment, and will help to address the problem of vendors blocking access to public beaches. This measure strikes a much-needed balance between residents' ability to freely utilize Hawaii's beaches and the visitor industry's desire to provide amenities to their guests.

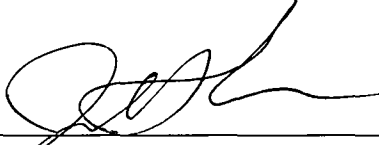
Your Committees have amended this measure by:

- (1) Increasing the administrative fine from not less than \$50 and not more than \$1,000 for each occurrence of a violation to \$5,000 for first offenses, \$10,000 for second offenses, and \$15,000 for third and subsequent offenses, to align with the Department of Land and Natural Resources' existing administrative fine amounts;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 67, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 67, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

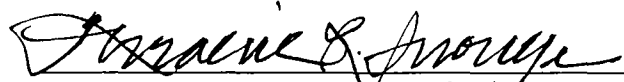


Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Commerce and Consumer  
Protection,



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JARRÉTT KEOHOKALOLE, Chair



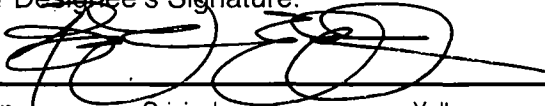
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LORRAINE R. INOUÉ, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

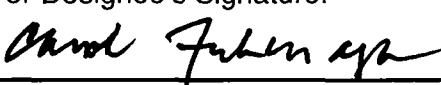
**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB 67</b>	Committee Referral: <b>WTL/CPN, JDC/WAM</b>	Date: <b>01/31/23</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)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley				✓
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</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

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

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SB67	WTL/CPN, JDC/WAM	01/31/2023		
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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
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
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