

STAND. COM. REP. NO.

127

Honolulu, Hawaii

Feb 7, 2007

RE: H.B. No. 1538
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Tourism & Culture, to which was referred
H.B. No. 1538 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LAND,"

begs leave to report as follows:

The purpose of this bill is to protect public access to
public lands, including beaches, by:

- (1) Making it illegal for a hotel or a resort to limit the
use of public land, including a beach, to its guests;
- (2) Making it permissible for a hotel or resort to use
public lands if certain conditions are met; and
- (3) Establishing fines for violations of the provisions
contained in this bill.

The Department of Land and Natural Resources (DLNR) opposed
this measure. The Hawaii Hotel & Lodging Association supported
the intent of this bill.

Although supportive of the intent to preserve public access
to public lands, including beaches, your Committee finds that the
details of this issue may be more appropriately dealt with through
the rulemaking process.

HB1538 HD1 HSCR TAC HMS 2007-1836



Your Committee has amended this measure by:

- (1) Deleting the provisions making it permissible for a hotel or resort to use public lands if certain conditions are met;
- (2) Deleting the provisions establishing fines for violations;
- (3) Requiring DLNR to adopt rules to determine:
 - (A) The use of public beach lands by hotels, resorts, and other businesses, specific to equipment and other activities on beaches;
 - (B) What is a reasonable period of time for equipment to be left on public beach lands; and
 - (C) A structure or schedule of fees for any violation of the provisions contained in this bill;
- (4) Changing its effective date to January 1, 2025, to promote further discussion; and
- (5) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Tourism & Culture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1538, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1538, H.D. 1, and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Tourism & Culture,



RYAN I. YAMANE, Chair

