

STAND. COM. REP. NO. 3137

Honolulu, Hawaii
MAR 20 2008

RE: H.B. No. 839
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred H.B. No. 839, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC ACCESS TO BEACHES,"

begs leave to report as follows:

The purpose of this measure is to ensure the continued rights of public access to shoreline areas of the State for recreational and cultural purposes by appropriating funds for the surveying and mapping of all existing public access ways to shorelines throughout the State.

Testimony in support of this measure was submitted by Beach Access Hawaii, Surfrider Foundation Maui Chapter, Sierra Club Oahu Group, Livable Hawaii Kai Hui, Windward Ahupua'a Alliance, Surfrider Foundation Oahu Chapter, Niu Valley Community Association, Kuli'ou'ou/Kalani Iki Neighborhood Board #2, Office of Hawaiian Affairs, Sierra Club Hawaii Chapter and seventeen individuals. Testimony in support of the intent of this measure was submitted by KAHEA. Testimony in opposition to this measure was submitted by the Department of Land and Natural Resources. The University of Hawaii Environmental Center submitted comments regarding this measure.

Your Committee notes that the Office of Planning (Office) testified that it has some of the information required by this measure available in its databases. Further, your Committee finds that the Office as mandated under chapter 225M, Hawaii Revised

2008-2080 SSCR SMA-1.doc



Statutes, is the lead agency responsible for statewide planning and the development of a geographic information system database. Part of the Office's responsibilities included in section 225M 2(4)(B), Hawaii Revised Statutes, states as follows:

Collecting, integrating, analyzing, maintaining, and disseminating various forms of data and information, including geospatial data and information, to further effective state planning, policy analysis and development . . . The Office shall be the lead agency responsible for coordinating the maintenance of the multi-agency, statewide planning and geographic information system and coordinating, collecting, integrating, and disseminating geospatial data sets that are used to support a variety of state agency applications and other spatial data analyses to enhance decision making. The Office shall promote and encourage free and open data sharing among and between all government agencies. To ensure the maintenance of a comprehensive, accurate, up-to-date geospatial data resource that can be drawn upon for decision making related to essential public policy issues such as land use planning, resource management, homeland security, and the overall health, safety, and well-being of Hawaii's citizens

Your Committee finds that in light of testimony and the Office's statutory responsibility as the lead agency for geospatial surveying and mapping, the Office is best equipped to work with the counties to survey and map the required information of all public access to shorelines and nearby parking to develop a database for use by the public. Your Committee further finds that the database developed pursuant to this bill should be posted on the websites of the Office of Planning and the counties.

Further, your Committee finds that the Department of Land and Natural Resources is mandated by statute to enter into agreements with the counties for the acquisition of public-rights-of-ways and access corridors. Specifically, section 115-7, Hawaii Revised Statutes, reads:

§115-7 State and county co-sponsorship of programs. The department of land and natural resources shall enter into agreements with the council of any county providing for the acquisition of public rights-of-way and public transit



corridors pursuant to this chapter; provided that the county shall match the funds which have been appropriated by the legislature. The development and maintenance of the rights-of-way and public transit corridors shall be the responsibility of the county.

The surveys and maps required by this measure will assist the Department of Land and Natural Resources in being able to comply with its obligations under section 115-7.

Your Committee has amended this measure by:

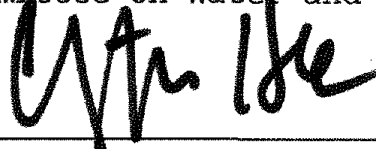
- (1) Adding parking nearby to public accesses to the information to be surveyed and mapped;
- (2) Requiring that the survey and mapping be undertaken by the Office of Planning, Coastal Zone Management Program rather than by the Department of Land and Natural Resources; and
- (3) Making the appropriation of funds to the Office of Planning, Coastal Zone Management Program rather than to the Department of Land and Natural Resources.

Your Committee also finds that the Office of Planning receives federal funds through the Coastal Zone Management Program that may be available for this request. Another source of funding that should be considered is the Statewide Geospatial Information and Data Integration Special Fund under section 225M-7, Hawaii Revised Statutes.

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 H.B. No. 839, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 839, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.



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



CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:
HB 839, HD1	WTL, WAM	3/18/08

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
FUKUNAGA, Carol				/
TOKUDA, Jill N.	/			
WHALEN, Paul				/
TOTAL	3			2

Recommendation: Adopted 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