

STAND. COM. REP. NO. **2669**

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2635
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.B. No. 2635 entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the definition of public property in regard to the offense of obstructing access to public property.

Testimony in support of this measure was submitted by Life of the Land, the Sierra Club, and four individuals. Testimony in opposition to this measure was submitted by the Land Use Research Foundation of Hawaii. Comments were submitted by the Department of Land and Natural Resources.

Public access to public trails and recreational areas, the shoreline, and the sea have always been an important part of our island heritage. Your Committee finds that protecting public access to public resources by prohibiting residents from blocking public access is important, and that blocking access is a practice that should be discouraged. Accordingly, this measure clarifies that any obstruction to the sea or to or along the shoreline, an inland public recreational area, or a government road is prohibited.

To further protect and reinforce public access laws, your Committee amended this measure by requiring state and county agencies to ensure a public right-of-way is available before

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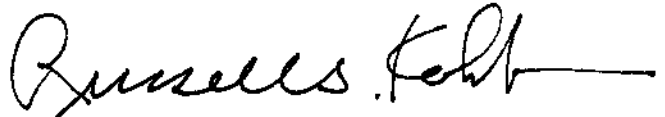


approving a development project, subdivision project, or zoning initiative that may affect public access to specific public areas.

Your Committee has further amended this measure by making technical, nonsubstantive changes for clarity.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2635, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2635, S.D. 1, and be placed on the calendar for Third Reading.

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



RUSSELL S. KOKUBUN, Chair



