

STAND. COM. REP. NO.

2433

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2926  
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 S.B. No. 2926 entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit operation of a motor vehicle on land governed by chapter 171, Hawaii Revised Statutes, except on roads, trails, or tracks designated or provided by the department for vehicular use. This measure makes violation of the prohibition a petty misdemeanor and imposes mandatory fines.

Testimony in support of this measure was submitted by Windward Ahupua'a Alliance and three individuals. Testimony in opposition to this measure was submitted by two individuals and 4x4boyz.com which attached a petition listing over 400 names of individuals in opposition to this measure.

Your Committee finds that the use and operation of motorcycles, all terrain vehicles, dune buggies, and dirt bikes is prohibited on unencumbered state land, state parks, forest reserves, and public hunting areas. All motorized vehicles are prohibited from operating on beaches, through vegetation, or on any other area that is not a designated roadway. Your Committee has heard testimony that the use and operation of these vehicles has the potential to desecrate sacred burial grounds, further threaten already endangered species, and harm the natural ecosystem on public lands.

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Your Committee further finds that several points raised in opposition to this measure warrant further investigation and consideration. The opposition noted, among other things:

- (1) That even without this measure there is limited availability of places for off-road enthusiasts to utilize;
- (2) That there are numerous trails existing on state land that were previously accessible by off-road enthusiasts but are now blocked off by the Department of Land and Natural Resources;
- (3) That the measure is overbroad in scope and would effectively prohibit access to hunting areas which often do not have marked trails;
- (4) That in some cases, the exercise of native gathering rights is only possible by the use of four-wheel drive vehicles; and
- (5) That in their annual report, the Department of Land and Natural Resources admits that it does not spend the proportional amount of federal RTP funds for off-road trails.

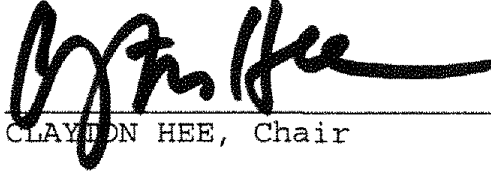
Accordingly, your Committee has amended this measure by:

- (1) Amending the effective date to July 1, 2050; and
- (2) Making technical, nonsubstantive amendments for the purposes of style and clarity.

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 S.B. No. 2926, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2926, S.D. 1, and be referred to the Committee on Judiciary and Labor.



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




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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:		
SB 2926	WTL, JDL	2-13-08		
<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
HEE, Clayton (C)	X			
KOKUBUN, Russell S. (VC)				X
FUKUNAGA, Carol				X
TOKUDA, Jill N.	X			
WHALEN, Paul		X		
<b>TOTAL</b>	2	1	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes