

**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

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Statement of
THEODORE E. LIU
Director

Department of Business, Economic Development, and Tourism
before the

HOUSE COMMITTEE ON JUDICIARY

Friday, February 22, 2008

2:00 P.M.

State Capitol, Conference Room 325

in consideration of
HB 2332, HD1
RELATING TO PUBLIC LANDS.

Chair Waters, Vice-Chair Oshiro, and members of the Committee.

The Department of Business, Economic Development & Tourism (DBEDT) has concerns with HB 2332, HD1, which seeks to regulate commercial activity on state unencumbered public lands within the conservation district.

We leave the substantive matters of this bill to be addressed by the Department of Land and Natural Resources (DLNR). However, DBEDT would like to voice concerns over the uncertainty this measure poses to the issuance of film permits if this measure is passed in its current state. To avoid any confusion with the issuance of film permits, we respectfully request that filming activity be exempted from HB 2332, HD1.

Currently, DBEDT has a Memorandum of Agreement (MOA) with DLNR for the issuance of film permits as well as a blanket Conservation District Use Permit (CDUP) for filming specifically within the Conservation District. These agreements call for mutual cooperation in the issuance of film permits given the importance the film industry

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to the state and its economy. They also include specific conditions to which the productions must adhere in order to engage in the filming activity. These agreements allow DBEDT's Film Industry Branch (FIB) to work closely with the various DLNR agencies to issue film permits for public property under DLNR's management. The proposed additional layer of permitting and requirement of a CDUP contained in this measure will negatively impact the FIB's ability to respond in a timely manner to applications for film permits.

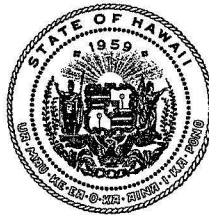
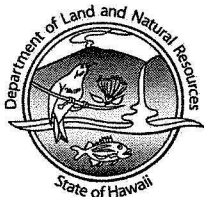
Hawaii's ability to develop its film industry depends largely on our reputation as a film friendly location and that requires that we continue to ensure that a wide variety of state controlled locations are available for filming and that film permits can be processed in a timely manner. Our film industry expenditures contribute to the growth of Hawaii's economy, contributing more than \$200 million annually. If locations start to dwindle and the process becomes too cumbersome for production they will choose alternative locations to take their projects.

In addition, Hawaii now has a new tax credit for film that since its inception has generated more than \$200 million in direct expenditures in the state. If securing locations for filming or the film permit process itself becomes too onerous, then film productions will not come to Hawaii despite the attractive tax incentive.

Thank you for this opportunity to testify.

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LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES

On House Bill 2332, House Draft 1 - Relating To Public Lands

BEFORE THE HOUSE COMMITTEE ON
JUDICIARY

February 22, 2008

House Bill 2332, House Draft 1 proposes to: 1) Prohibit a person from transiting unencumbered public lands in the conservation district for any commercial activity purpose without a conservation district use permit (CDUP) unless the unencumbered land is within an area that is regulated through a management plan that permits the commercial activity (SECTIONS 1 and 3); and 2) Increase penalties for persons engaging in any prohibited use of or activity on public lands or violating laws relating to the management and disposition of public lands; (SECTION 2). The Department of Land and Natural Resources (Department) opposes SECTIONS 1 and 3, but supports SECTION 2 of this measure.

SECTIONS 1 and 3 seek to regulate commercial activity on unencumbered public lands by requiring CDUP from the Department, when commercial operators "transit" across unencumbered lands as a means to facilitate their commercial activity. SECTION 3 of the bill also proposes to amend the definition of "land use" under Chapter 183C, Hawaii Revised Statutes, to include the transit of unencumbered lands in the Conservation District for the purpose of conducting a commercial activity.

Regulation of commercial activity is best achieved by a permitting or licensing system that is specifically established to oversee such activity and tailored to address all relevant concerns. A CDUP is a resource protection tool that is primarily used to regulate activities in the conservation district that detrimentally affect natural resources, without regard to whether the activities are commercial or non-commercial in nature. Requiring a CDUP for regulating the transiting of public land as a means to control commercial activity is an ineffective and inappropriate tool for accomplishing the desired regulatory results and may result in unintended and undesirable consequences.

While requiring commercial activity providers to obtain a CDUP in the conservation district, the measure as drafted will subject the unwitting participants in commercial activities that fail to obtain a CDUP to liability, with no reasonable means to know they are committing a violation. Moreover, the language in SECTION 1 is so overly broad that it is likely to capture any and all commercial operations that traverse Hawaiian waters, including those commercial taxi and tour operators that transport tourists to and from the beach or other natural attractions on

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unencumbered lands will also be subject to the violation. The Department believes such overly broad application of the measure is unwarranted and unwise.¹

In addition, the bill also requires the Department to adopt rules to implement SECTION 1. The department opposes this requirement as SECTION 1 is already so explicit in prohibiting all commercial activities without a CDUP, and also very explicit on when and under what circumstances a CDUP for commercial activities can be granted; as such, rules are not necessary.

While the Department appreciates the inclusion of an increase in penalties for violations on public lands, in the alternative, the Department urges the Legislature to consider and pass House Bill 3178, an Administration measure that seeks to increase fines for those violations up to \$2,500 for a first violation to a maximum of \$10,000 for subsequent violations, to address the problem of unauthorized commercial use of public lands and to improve enforcement of the State's natural resources laws.

¹ The definition of commercial activity in SECTION 1 includes "any action for compensation in any form..." As such barter is included. Thus, SECTION 1 would seem to capture the weekend fisherman who trades his/her catch with a neighbor in exchange for goods or services, such as an exchange of fish for mangoes. SECTION 1 would certainly affect the commercial fishing industry and cruise ship industry in Hawaii.



HB 2332, HD1 RELATING TO PUBLIC LANDS
House Committee on Judiciary

February 22, 2008
Room: 325

2:00 p.m.

The Office of Hawaiian Affairs (OHA) **SUPPORTS** H.B. 2332 H.D. 1, which would prohibit the transiting of unencumbered public lands within the conservation district for the purpose of commercial activity.

The bill would require commercial operations to obtain a Conservation District Use Permit (CDUP) to conduct their business ventures on unencumbered public lands within the conservation district. The bill also would allow for commercial activities within conservation districts that are regulated through management plans that allow commercial activities. The bill would establish criteria for the Land Board to evaluate whether a CDUP should be issued for a commercial project. Finally, the bill establishes penalties for violations of laws relating to the management and disposition of public lands.

OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries, the people of this land. The Hawaii Revised Statutes mandate that OHA "[s]erve as the principal public agency in the State of Hawaii responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; . . . and [t]o assess the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians." (HRS § 10-3)

OHA believes that by both further regulating commercial activities within the conservation district and giving §171-6 more teeth, this bill will help to preserve and protect the land use district that houses the state's most precious natural resources.

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OHA urges the Committee to PASS H.B. 2332, H.D. 1.
Thank you for the opportunity to testify.

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JUDtestimony

From: Timory Koch [REDACTED]
Sent: Thursday, February 21, 2008 11:16 PM
To: JUDtestimony
Subject: Please vote against this bill

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669

(http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Timory Koch
Aloha Ever After
6437 Kahuna Rd
Kapaa, HI
96746
808 346 7407
info@alohaeverafter.com

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JUDtestimony

From: Fay Hovey [REDACTED]
Sent: Friday, February 22, 2008 5:22 AM
To: JUDtestimony
Subject: House Bill No 2332 , HD1

**The Honorable Tommy Waters
Chairman
And all House Judiciary Committee Members
State Capitol
Honolulu, Hawaii 96813**

**Re:
House Bill No. 2332, HD 1
Hearing Date: Friday, February 22, 2008 ^ 2:00 p.m.
House Conference Room 325
* Opposition to HB 2332, HD 1 ***

**From: Rev. Fay A.Hovey, President/Owner
Aloha Maui Weddings
810 Haiku Road Ste 113
PMB 1804
Haiku, HI 96708-4899
1 888 822-9700 1 808 572-9326**

To the House Judiciary Committee Members

Aloha Maui Weddings has been in the business of providing high quality wedding planning services on Maui to hundreds of happy couples over the past ten years. During this period of time, we have helped to fulfill the dreams of couples and their guests of being married on a beautiful beach at sunset. We have always conducted our business in a professional manner and have endeavored to be a positive presence at beach weddings, where so many beach goers applaud and stop by to congratulate the couple.

Considered use of public beaches for this use benefits our state and county in so many ways:

- 1. The obvious financial benefits to our economy, especially during the current uncertain financial climate,** as we provide weddings for couples that may not be able to afford a wedding at an expensive private location. We are already seeing an increase in wedding couples from Europe, Canada and Australia due to the strength of their currency. For many of them, this is their first trip to Hawaii and they are so excited about having their wedding or vow renewal service here on Maui.
- 2. Naturally, many couples have guests attending, guests that avail themselves of countless services and activities during their stay.**

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3. In addition, **we employ the services of a wide variety of local wedding vendors and local restaurants and facilities** for reception parties.
4. Further, **we often clean up and clear away trash left behind on the beach and parking lots and have been available to assist the occasional hapless visitor who find their vehicles vandalized and items stolen.**
5. **In many ways, Hawaii's independent wedding planning companies promote a safe and family environment at our beaches** in addition to often serving as defacto **tourism advisors as we help visitors** with directions, restaurant recommendations and other assistance, as needed.
6. **Our independent wedding planning companies are a vital and important part of a vibrant local economy on Maui and in Hawaii.**

I feel that over-restriction of our ability to offer this service to couples from all over the world will be damaging to our economy. In truth, if they are only offered the choice of which hotel to have an costly wedding service and reception, they simply won't come. They will decide to go to Fiji with it's aggressively marketed wedding industry or to the Caribbean.

It is a statistical fact that weddings on Maui and statewide have been decreasing over time. Restrictions on our abiility to provide this service to clients and to the emerging European, Austrialian and Canadian markets will be injurious across the board economically.

I know that all credible and professional wedding companies will be able to comply with State Regulations and Guidelines that are concise and clear without leaving gray areas subject to interpretation and that a clear permitting process may be necessary.

However, I ask that wedding companies and their on-site coordinators, wedding vendors be exempt from this particular bill in the interest of allowing the Independent wedding companies to continue providing such a meaningful, romantic and memorable experiences for our wedding couples and their honored guests.

With sincerest hope for your wisdom in making so important a decision.

Rev.Fay A. Hovey
Aloha Maui Weddings
1 888 822-9700
fayhovey@alohamauiweddings.com

Members: Hawaii Better Business Bureau
Maui Chamber Commerce
Maui Wedding Association
Hawaii Visitors and Convention Bureau

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ALOHA WEDDING PLANNERS, INC.

1400 Kapiolani Blvd., Suite A23 Honolulu, Hawaii 96814
Tel (808) 943-2711 or (800) 288-8309 Fax (808) 949-1128
Email: aloha.lds@att.net www.alohaweddingplanners.com

February 21, 2008

TESTIMONY TO THE HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

Friday, February 22, 2008 at 2:00 p.m.
Room 325, State Capitol

Re: H.B.2332 Relating to Public Lands

Dear Chair Ito, Vice Chair Karamatsu & Members of the Committee,

Thank you for the opportunity to speak. I am writing in opposition to H.B. 2332. While I commend the intent of the bill, I do not support it as written as it would create an impossible enforcement situation and endless paperwork trying to figure out which branch of government is in charge of said unencumbered public lands.

In some areas the shoreline is managed and maintained by the City & County Parks Department. Who determines the shoreline on any particular day or month? The standard answer is the 'high tide' mark however there is no general rule that can be used as the high tide mark varies from season to season from area to area on all islands.

It is unclear to me what specific problem the bill is trying to address. Is it the intent to prohibit commercial activities from having their customers cross a public beach without having approved Conservation District Use Permit? Is it the overuse of the natural resources? If so, then how do you measure and what are the specific impacts that are being attributed to the commercial activities? Is it the use or overuse of available parking & restroom facilities at the public beach parks?

I urge you to revisit the bill and consider the ramifications that could affect public beach access & use on all of the islands.

Sincerely,

Suzanne O'Donnell
Suzanne Tongg O'Donnell

Phone # Fax Home	7871	Date	2-21-08
To	Chief Clerk	From	S. O'Donnell
Cell/Cell		Cell	
Phone #		Phone #	943-2711
Fax #	686-6401	Fax #	949-1128

JUDtestimony

From: lightmeup [REDACTED]
Sent: Friday, February 22, 2008 12:09 AM
To: JUDtestimony
Subject: HD 1; Testimony For House Bill #2332

The Honorable Tommy Waters
Chairman
And all House Judiciary Committee Members
State Capitol
Honolulu, Hawaii 96813

Re:
House Bill No. 2332, HD 1
Hearing Date: Friday, February 22, 2008 – 2:00 p.m.
House Conference Room 325
*** Opposition to HB 2332, HD 1**

Aloha

My Name is Reverend Cheryl Pascual and my business/company is "Aloha Weddings in Paradise" and we have been blessing peoples lives for over 17 years. I am a ordained minister and I marry couples, in love, on the beaches of Hawaii, at sunset!!

(It doesn't get any better!!!:>)

One of the most wonderful parts of this J.O.B. is seeing the couples face light up when we arrive at the beautiful beach. It thrills me each time, because we do live in Paradise, and sharing it with our visitors is what it's all about.

As a wedding minister who loves, respects and honor's the A'ina. I explain a little history of the place we have chosen and talk about the A'ina, before and during the ceremony!!

I am in great opposition to this bill and feel it would cut into so many areas. We do a huge business here, with our mainland visitors coming to Hawaii to be married. Often they bring along many friends and family for this wonderful occasion. If we can no longer share our public beaches with our guest to have their weddings, they will take their business to the Caribbean or Tahiti or elsewhere!! We want to keep them coming here to be married and to return in a few years for a "Renewal" at that same beautiful beach!!!

Maybe you could just exempt the wedding industry from the bill!! and that way we could continue to share what we have, and continue to bring revenue in for many, and most of all KEEP THE TOURIST HAPPY & RETURNING!!

Attitude is Everything and we do want them to here and be treated with aloha and respect, and be married on our public beaches.

Mahalo for reading my e-mail

Rev Cheryl Pascual my website is www.aloha-weddings.com

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JUDtestimony

From: Diana Gardner, [REDACTED]
Sent: Thursday, February 21, 2008 10:49 AM
To: JUDtestimony
Subject: Testimony in Opposition to HB 2332

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/21/08 11am

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Diana J. Gardner
Alohana Weddings

Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist

Photography and Videography of wedding event
Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances

and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section VI - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

Section VII - Disorderly Conduct

Pursuant to section 12-331-16 of the Hawaii Administrative Rules, no person shall engage in disorderly conduct as defined in State Penal Code, section 711-1101, HRS, within the wedding area.

Section VIII - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section IX - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not

otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department.

All annual permit holder will report any and all violations of these and all rules governing

unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

JUDtestimony

From: Ron Stover [REDACTED]
Sent: Thursday, February 21, 2008 1:49 PM
To: JUDtestimony
Cc: Rep. Hermina Morita; Sen. Gary Hooser
Subject: Opposition to Bill HB 2332
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Reverend Suzanne Stover
and Ron Stover
A Simple Marriage LLC
P.O. Box 662141
Lihue, Hawaii 96766
www.asimplemarriagekauai.com
asimplemarriage@hawaii.rr.com
Phone 808-742-6115

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/21/08 - Time 1:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. As owners of an established destination and local wedding business on the island of Kauai, we believe that this bill is too broad in character and seriously affects some commercial uses of beaches that should either be exempt or be recognized as "non-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) and the Hawaii Better Business Bureau, we can support legislation to limit some commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county

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and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As long time Oahu and Kauai residents and Hawaii wedding professionals we can support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (<http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf>) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

- The purpose of this Wedding Permit would be to:
Allow companies to conduct their business in full compliance with State Rules and guidelines.
- Increase confidence on the part of couple planning destination weddings in Hawaii.
- Protect public lands from possible careless wedding company practices by requiring wedding companies and wedding professionals to have a business license, a GET license, liability insurance, and a photography/videography license.

We believe that a process should be undertaken to support and protect our Hawaiian island wedding businesses who make significant financial contributions to our local island economies and provide a highly regarded and requested service to our visitors and the tourism industry. The wedding industry provides significant economic impact and Hawaii gains a special place in our couples' hearts—they were married here and return to bring their friends and family with them. We know how important this connection is to our couples and see what these islands, particularly the Island of Kauai, means to them. We ask for your support.

Sincerely,

Reverend Suzanne Stover
and Ron Stover,
A Simple Marriage, LLC

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Supporting Testimony

Interesting USA Wedding Statistics (from www.theweddingreport.com)

During the engagement period, couples buy:

- \$4 billion in furniture
- \$3 billion in house wares
- \$400 million in tableware

June is the most popular month for weddings, then August, followed by September October and May

Every year an average of 2.4 million weddings are performed in the U.S.

The Wedding Industry is a \$150 billion a year industry, and Hawaii is growing in it's proportion of the market share with more than 20,000 annual weddings

Average age for first-time brides is 25.3 years, for grooms it's 26.9

One third of engaged couples retain a Wedding Consultant

An average honeymoon vacation is one week

The average household income of a newly married couple is \$60,000/year

Couples are waiting longer to get married

Tuxedos are typically purchased 5-6 months after the wedding gown

Median age for remarriage is 34 for women and 37 for men

Bridesmaids' gowns are general purchased 3-4 months in advance of the event

Average size of wedding party: 12

Most brides (30%) plan their weddings for 7 to 12 months although a growing number book within 2 months

Most (about 75%) first-time brides will receive a diamond engagement ring (67% of repeat brides).

About 15% of weddings include ethnic customs

35% of weddings occur in the summer; 29% in the spring; 23% in the fall; 13% in the winter.

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11% of winter weddings are Christmas weddings

COST STATISTICS

- \$22,000 is the average amount spent on a traditional American wedding
- A total of \$72 billion is spent on weddings annually in the U.S.
- \$19 billion is spent buying presents at wedding gift registries
- The average ring costs \$2,000 and is increasing.
- The average amount spent on a bridal gown is \$800 and is increasing

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Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 – Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely: Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist, Photography and Videography of wedding event, and Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be a reasonable amount, certainly no more than \$400 for the entire year.

Permitted companies shall conduct weddings for wedding parties of a reasonable size approximately twenty-five, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator, etc) on approved locations, as mentioned above. Wedding parties above this number (excluding photographer, videographer, wedding officiant, on site coordinator etc) may require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V – Conditions

In all cases the area to be used shall not be blocked or roped off. Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

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All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

Section V11 - Disorderly Conduct

Pursuant to section 12-331-16 of the Hawaii Administrative Rules, no person shall engage in disorderly conduct as defined in State Penal Code, section 711-1101, HRS, within the wedding area.

Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

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Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to its original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 – Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined a reasonable amount, certainly not more than \$200 per day and shall be liable for administrative costs and damages incurred by the department. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

000033

JUDtestimony

From: Candace Freeland [REDACTED]
Sent: Friday, February 22, 2008 5:20 AM
To: JUDtestimony
Subject: HB 2332

House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 -

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no.

669 (<http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf>) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Candace Freeland, photographer
 Blue Pearl Images

Candace Freeland

<http://www.BluePearlImages.com>

<http://www.CandaceFreeland.com>

candacefreeland@mac.com
 [REDACTED]

000034

JUDtestimony

From: christie thompson [REDACTED]
Sent: Thursday, February 21, 2008 5:00 PM
To: JUDtestimony
Cc: Rep. Hermina Morita; Sen. Gary Hooser
Subject: Bill HB2332 In Opposition KWPA

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/21/08 - Time 5:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the wedding industry in Hawaii, although my immediate concern is Kauai.

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669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf)

000035

and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

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A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

CJThompson

Christie Jones Thompson
Blue Sky Styling, Inc

000030



**The Chamber of
Commerce of Hawaii**

Since 1850

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY
FRIDAY, FEBRUARY 22, 2008, AT 2:00 P.M.
ROOM 325, STATE CAPITOL

RE: H.B. 2332 HD1 Relating to Public Lands

Chair Waters, Vice Chair Oshiro, and Members of the Committee:

My name is Christine H. Camp, Chair of The Chamber of Commerce of Hawaii, Land Use and Transportation Committee. The Chamber of Commerce of Hawaii is in opposition to HB No. 2332 HD1 as drafted.

The Chamber is the largest business organization in Hawaii, representing 1100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. The organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

H.B. No. 2332 HD1 purposes to amend Chapter 171 HRS to prohibit a person from transiting unencumbered public lands for any commercial activity purpose without a conservation district use permit unless the unencumbered land is within an area that is regulated through a management plan that permits the commercial activity.

The Committee on Water, Land, Ocean Resources and Hawaiian Affairs amended this measure by including the following:

- Restricting the scope of the measure to those unencumbered public lands within the conservation district;
- Including governmental or community-based organizations with the Board of Land and Natural Resources as entities that may approve a management plan that permits a commercial activity within the conservation district;
- Expanding the list of factors that the Board shall consider when determining whether to grant a permit to transit unencumbered public lands in the conservation district for a commercial activity;
- Amending section 171-6(12), Hawaii Revised Statutes, to clarify that persons causing encroachments on public lands are liable for administrative costs and damages resulting from second and subsequent offenses;
- Amending section 171-6(15), Hawaii Revised Statutes, to substantially increase fines for persons

Page 2 of 3
The Chamber of Commerce of Hawaii Testimony on HB 2332 HD1
February 22, 2008

engaging in any prohibited use of public lands, conducting any prohibited activity on public lands or violating laws relating to management and disposition of public lands, and to impose fines to redress stolen or damaged natural resources;

- Amending the definition of "land use" in section 183C-2, Hawaii Revised Statutes, to include "the transit of unencumbered lands in the conservation district for the purpose of conducting a commercial activity."

The bill was also amended to clarify that the legislature is concerned about the impact a proposed commercial activity, singularly or as part of cumulative commercial activities, will have on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State's environmental policies or long-term environmental goals, or adversely affect the economic welfare, social welfare, or cultural practices of the community and State; and,

The proposed commercial activity, singularly or as part of cumulative commercial activities, will significantly burden public agencies to provide streets or roads, sewers, water, drainage, or other public services or facilities;

Transiting the beach is essentially whenever someone walks across the beach. It seems that the intent of this legislation is to prohibit commercial activities from having their customers walk across a public beach without an approved Conservation District Use Application.

The bill goes to extreme lengths to differentiate "commercial transiting" and impacts generated from commercial activities that transit the public beach. Now the bill identifies the basic concern is how commercial transiting activities may overuse of natural resources. However, the same underlying concerns on the intensity and frequency of use by commercial operators could be raise for other non-commercial users such as canoe clubs, swim clubs, recreational fishing clubs, etc. Regulating activities that are not land uses, simply because they are commercial needs to be done from a consistent and rational basis, or it raises the question of fairness.

The bill now proposes to include the definition of "land use" in section 183C-2, Hawaii Revised Statutes, to include "the transit of unencumbered lands in the conservation district for the purpose of conducting a commercial activity." The land use triggers the need for the CDUA, not the fact that that activity is commercial. Under this definition, commercial transiting of the beach is a land use, and transiting the beach is not.

In addition, not all public beaches or unencumbered lands are in the conservation district. The conservation district starts at the certified shoreline and extend makai. What happens in situations where the transiting activity occurs mauka of the certified shoreline? Who determines where the shoreline is on any particular day or month? As you can see it creates an enforcement nightmare.

While we support the intent of the bill in attempting to address and mitigate "impacts" that commercial activities have on public resources, we believe that the mechanism for managing commercial uses of

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Page 3 of 3
The Chamber of Commerce of Hawaii Testimony on HB 2332 HD1
February 22, 2008

natural resources should be well thought out to ensure equity and enforceability. One suggestion is to tighten up the unencumbered land Administrative Rules to address commercial activities rather than doing it through Chapter 183C, HRS.

Thank you for this opportunity to express our views.

020833

JUDtestimony

From: mrflowerskauai [REDACTED]
Sent: Thursday, February 21, 2008 3:34 PM
To: JUDtestimony
Subject: Beach Weddings

Wendy and Charlie Elsasser
DBA Mr. Flowers
PO Box 223872
Princeville, Hawaii 96722

www.kauai-flowers.com

808-826-2249 (office)
[REDACTED]

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/21/08

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although our immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, We support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

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Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Sincerely yours,

Wendy & Charles Elsasser

More new features than ever. Check out the new [AOL Mail!](#)

000041

**DIANNE
REYNOLDS**
PHOTOGRAPHY

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08

Attention: The Honorable Tommy Waters, and Committee Members.

Please with all respect, consider many of us who have been in this industry for 15-20 years, and that these restrictions will not only cut off our livelihood, but also have an enormous effect on tourism on all the islands.

I am a photographer, and if it is not possible to obtain a permit (I believe I require a special permit from the Film Commission) I will be unemployed, and I have recently turned 60 years old. I am not sure how I would make a living if there are not permits available for beach photography...i.e. Family Portraits and Weddings. Just to clarify I am not a Commercial photographer, rather a portrait photographer. There is a huge difference! Yes, it is an activity that involves commerce, but I don't go down to the beach with lighting set-ups, and props.

Additionally, I sold my Wedding coordinating business in 2005 to a couple from California, and they have paid a considerable amount of money to purchase it. They have purchased a home in Kapaa, and had the cost of relocating a family of five to Kauai. Is their investment in our state going down the drain?

Speaking in Opposition to Bill HB 2332

Thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

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As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 <http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf> and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

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A. Restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, and liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Dianne Reynolds


Toll Free 888.828.4877

Local 808.828.0999

FAX 808.828.0777

.P.O. Box 385 Hanalei, HI 96714

www.photophotokauai.com

000043

JUDtestimony

From: Curtis McCosco [REDACTED]
Sent: Thursday, February 21, 2008 11:35 AM
To: JUDtestimony
Subject: Opposition to Bill HB 2332

Aloha Mr. Tommy Waters,

I've been a wedding photographer/videographer on the island of Kauai for over 10 years with my own company, COSMc Productions and with a full service wedding company, Rainbow Weddings, Inc., which I co-own with my wife of 20 years. We have a sterling reputation, are members of the Better Business Bureau, Chamber of Commerce and, most importantly, the Kauai Wedding Professionals Association.

This pending bill # HB 2332 suddenly came to the attention of the KWPA leadership and, upon reading carefully, we have concluded the provisions contained within would do tremendous harm to our business, perhaps fatal. My clients typically stay on island 1-2 weeks, often visit other islands and always spend lots of money that goes directly into the local economy. A beach weddings in Hawaii, especially on Kauai, is for most brides and grooms the dream wedding of a lifetime. To make that dream difficult or impossible with a cumbersome permitting process would force couples to use facilities of only the big hotels and resorts which would be prohibitively expensive for most of my middle class clientele. Most want a simple intimate beach wedding that's affordable and memorable.

Please see below some very reasonable proposals our organization has put together to facilitate malama aina and let dreams come true for couples seeking romance in beautiful Hawaii.

Yours

Curtis McCosco
 COSMc Productions
 Rainbow Weddings
 [REDACTED]
 cosmc.tv

 House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending

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2/21/2008

family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (<http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf>) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

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A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Reverend Michael J. Hough CEO
Kauai Island Weddings.

Supporting Testimony

?

Interesting USA Wedding Statistics (from www.theweddingreport.com)

- During the engagement period, couples buy:
 - ? \$4 billion in furniture
 - ? \$3 billion in house wares
 - ? \$400 million in tableware
- June is the most popular month for weddings, then August, followed by

September October and May

- Every year an average of 2.4 million weddings are performed in the U.S.
- The Wedding Industry is a \$150 billion a year industry, and Hawaii is growing in

it's proportion of the market share with more than 20,000 annual weddings

- Average age for first-time brides is 25.3 years, for grooms it's 26.9
- One third of engaged couples retain a Wedding Consultant
- An average honeymoon vacation is one week
- The average household income of a newly married couple is \$60,000/year
- Couples are waiting longer to get married
- Tuxedos are typically purchased 5-6 months after the wedding gown
- Median age for remarriage is 34 for women and 37 for men
- Bridesmaids' gowns are general purchased 3-4 months in advance of the event
- Average size of wedding party: 12
- Most brides (30%) plan their weddings for 7 to 12 months although a growing

number book within 2 months

- Most (about 75%) first-time brides will receive a diamond engagement ring

(67% of repeat brides).

- About 15% of weddings include ethnic customs
- 35% of weddings occur in the summer; 29% in the spring; 23% in the fall;

13% in the winter.

- 11% of winter weddings are Christmas weddings

?

COST STATISTICS

- \$22,000 is the average amount spent on a traditional American wedding
- A total of \$72 billion is spent on weddings annually in the U.S.
- \$19 billion is spent buying presents at wedding gift registries
- The average ring costs \$2,000 and is increasing
- The average amount spent on a bridal gown is \$800 and is increasing

Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist

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2/21/2008

Photography and Videography of wedding event
Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

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Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when

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manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to its original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department.

All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

000047

JUDtestimony

From: Lanae Ferguson [REDACTED]
Sent: Thursday, February 21, 2008 7:30 PM
To: JUDtestimony
Subject: State Beaches / Weddings -- KWPA Member

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 -

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai. As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

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B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,
Lanae Ferguson
Episode Events LLC

Lanae Ferguson
Episode Events LLC
Kauai Wedding Design & Event Coordination
www.episodeevents.com
p // 808.652.5633
f // 808.828.6475
e // lanae@episodeevents.com
2318 Kolo Road
Kilauea, HI 96754

000048

2/22/2008

JUDtestimony

From: Wedding Department [REDACTED]
Sent: Thursday, February 21, 2008 10:39 AM
To: JUDtestimony
Subject: RE: Senate Bill about Weddings on Kauai Beaches



House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (<http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf>) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Reverend Michael J. Hough CEO
 Kauai Island Weddings.

Supporting Testimony

?

Interesting USA Wedding Statistics (from www.theweddingreport.com)

- During the engagement period, couples buy:
 - ? \$4 billion in furniture
 - ? \$3 billion in house wares
 - ? \$400 million in tableware
- June is the most popular month for weddings, then August, followed by

September October and May

- Every year an average of 2.4 million weddings are performed in the U.S.
- The Wedding Industry is a \$150 billion a year industry, and Hawaii is growing in

it's proportion of the market share with more than 20,000 annual weddings

- Average age for first-time brides is 25.3 years, for grooms it's 26.9
- One third of engaged couples retain a Wedding Consultant
- An average honeymoon vacation is one week
- The average household income of a newly married couple is \$60,000/year
- Couples are waiting longer to get married
- Tuxedos are typically purchased 5-6 months after the wedding gown
- Median age for remarriage is 34 for women and 37 for men
- Bridesmaids' gowns are general purchased 3-4 months in advance of the event
- Average size of wedding party: 12
- Most brides (30%) plan their weddings for 7 to 12 months although a growing

number book within 2 months

- Most (about 75%) first-time brides will receive a diamond engagement ring

(67% of repeat brides).

- About 15% of weddings include ethnic customs

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- 35% of weddings occur in the summer; 29% in the spring; 23% in the fall;

13% in the winter.

- 11% of winter weddings are Christmas weddings

?

COST STATISTICS

- \$22,000 is the average amount spent on a traditional American wedding
- A total of \$72 billion is spent on weddings annually in the U.S.
- \$19 billion is spent buying presents at wedding gift registries
- The average ring costs \$2,000 and is increasing
- The average amount spent on a bridal gown is \$800 and is increasing

Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist
Photography and Videography of wedding event
Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

Section V11 - Disorderly Conduct

Pursuant to section 12-331-16 of the Hawaii Administrative Rules, no person shall engage in disorderly conduct as defined in State Penal Code, section 711-1101, HRS, within the wedding area.

Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled

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torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department.

All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

000051



Hanalei-Ha'ena Community Association
Post Office Box 789
Hanalei, HI 96714

Testimony Submitted to the House Judiciary Committee
in **Strong Support of HB 2332 Relating to Public Lands**
Hearing: Friday, February 22, 2008, 2:00 pm
State Capitol, House Conference Room 325

Aloha Chair Waters, Vice-Chair Oshiro and Committee Members,

The Hanalei-to-Ha'ena Community Association strongly supports HB 2332. HB 2332 is an important step in filling the regulatory gap that has led to significant abuses of both the public lands and the communities in which those lands are located. Because existing law regarding the transiting of unencumbered public lands for commercial purposes is unclear, the Hanalei bay, estuary, river and community are being exploited by commercial tour boat companies and other commercial enterprises that conduct disruptive activities with no meaningful government oversight.

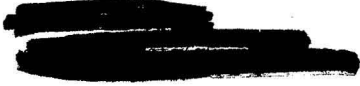
In the 1990s, more than fifty unlicensed tour boats operated from our community with no significant regulation of the environmental or socio-economic impacts of those activities. While those activities decreased significantly when the state mandated that such activities be conducted from commercial harbors elsewhere on Kauai, in 2007 non-permitted tour boat activity resumed. Without immediate state regulation of the land-based component of the activities of commercial tour boat companies, there is little that stands in the way of a repetition and expansion of the abuses of the 1990s.

HB 2332 would provide the necessary regulation. It would recognize that commercial operations, such as commercial tour boat operations, do indeed create individual and cumulative impacts that warrant the scrutiny and oversight that would be provided by public hearings and use permits. The Hanalei-to-Ha'ena Community Association therefore encourages that you strongly support such legislation.

There is an urgent need for this legislation in order to avert potentially dangerous confrontations between unlicensed commercial operators and others this summer. We therefore also ask that you amend Section 6 of this legislation so that it takes effect immediately upon approval rather than next year.

Thank you for this opportunity to testify.

Carl Imperato
President, Hanalei-Ha'ena Community Association



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Hanalei Watershed Hui



February 20, 2008

Testimony Submitted to the Committee on the Judiciary
Hearing: Friday, February 22, 2008
2:00 pm Room 325
Support for HB 2332 Relating to Public Lands

Aloha Chair Waters and honorable committee members,

The Hanalei Watershed Hui strongly supports HB 2332.
Our organization implements a community authored Watershed Action Plan that includes assessment and monitoring of the natural resources of the Hanalei bay area.

We are keenly aware of the need to regulate commercial uses of these resources and support this effort to accomplish that.

For Hanalei, the conflict between unpermitted commercial uses and those of the community have been the source of great strife for nearly thirty years. It has caused our community real pain and suffering and we must address this issue head on.

We ask this committee to pass this bill and pledge our best efforts to work with the DLNR and Kauai County to develop an approach for implementation that meets the resource's needs as well as the regulators'.

We further request an amendment making this law effective as of the date of the Governor's signature.

Mahalo for your kind attention.

Makaala Kaaumoana

E malama kumu wai ~ Protect the source

5299C Kuhio Hwy, P. O. Box 1285, Hanalei, Kauai, HI 96714
Telephone/Facsimile (808) 826-1985 E-mail: hanaleiriver@hawaiian.net
www.hanaleiwatershedhui.org

The Hanalei Watershed Hui is an equal opportunity employer and provider.

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PO Box 1692, Kapaa, Kauai, Hawaii 96746. Phone: (888) 333-3041. Email: info@hieventplanners.com
Web: www.hieventplanners.com

House of Representatives

24th Legislature, 2008

State of Hawaii

Date 2/20/08 - Time 10:00 PM

Attention: *The Honorable Tommy Waters, and Committee Members.*

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

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Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Angela L Miranda
Hawaii Event Planners, LLC

Supporting Testimony

?

Interesting USA Wedding Statistics (from www.theweddingreport.com)

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 - ? \$4 billion in furniture
 - ? \$3 billion in house wares
 - ? \$400 million in tableware
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- Bridesmaids' gowns are general purchased 3-4 months in advance of the event
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number book within 2 months

- Most (about 75%) first-time brides will receive a diamond engagement ring

(67% of repeat brides).

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- 35% of weddings occur in the summer; 29% in the spring; 23% in the fall;

13% in the winter.

- 11% of winter weddings are Christmas weddings

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Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

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 Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist
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 Additional Support Services as needed

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This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

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In all cases the area to be used shall not be blocked or roped off.
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 All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.
 All permit holders will be required to hold a current GET license.
 All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

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Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

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Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to its original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department.

All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

000056

Hawaii's Thousand Friends

25 Malania Ave., Suite 102., PMB 232 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

February 21, 2007

Testimony via email

COMMITTEE ON JUDICIARY

Rep. Tommy Waters, Chair
Rep. Blake Oshiro, Vice Chair

HB 2332 HDI RELATING TO PUBLIC LANDS

Committee Chair and members:

Hawaii's Thousand Friends supports the original intent of HB 2332 that prohibits a person from transiting unencumbered public lands for any commercial activity purpose without a conservation district use permit unless the land is regulated through a management plant that permits commercial activities with the following amendments.

The HD1 confuses and complicates the original purpose, which is to protect Hawaii's natural and cultural resources in the conservation district from degradation from uncontrolled and nonpermitted use.

§171 Transiting public lands; commercial activity.

- (a) Line 11- delete [or any other governmental or community-based organization that permits the commercial activity].
- Oversight of conservation land is statutorily the responsibility of DLNR with the permitting process through the Board of Land and Natural Resources. So it is unclear how another unauthorized governmental agency or community-based organization has the authority to grant any type of permit for uses on conservation land.
- (b)(1) Lines 4 thru 9 must be deleted.
- The provision is confusing – what does curtail the range of beneficial uses of the environment mean?
 - How would BLNR evaluate that activities are contrary to the State's environmental policies or long-term goals? Which environmental policies and long-term goals will be used as the benchmark - the State Plan, the Constitution, DOH clean water provisions – to name a few?
- (2) This section should be deleted.
- What benchmarks would BLNR use to determine if commercial activities would singularly or as part of cumulative commercial activities, will significantly burden public agencies to provide numerous public facilities?

000057

JUDtestimony

From: Hawaii Wedding Photo [REDACTED]
Sent: Thursday, February 21, 2008 11:17 PM
To: JUDtestimony
Subject: Testimony For House Bill #2332, HD 1

The Honorable Tommy Waters
Chairman

And all House Judiciary Committee Members State Capitol Honolulu, Hawaii 96813

Re:
House Bill No. 2332, HD 1
Hearing Date: Friday, February 22, 2008 - 2:00 p.m.
House Conference Room 325
* Opposition to HB 2332, HD 1

Aloha,

My name is Kevin Lash, owner of Hawaii Wedding Photo, a wedding and event photography company based on Maui for over three years. Before I lived on Maui, I lived on O'ahu and for over 4 years I have been in the "WEDDING INDUSTRY" primarily as a photographer.

I occasionally coordinate a wedding and my wife is a registered officiant with the county of Maui and State of Hawai'i to perform marriage ceremonies.

I cannot speak for the islands outside Maui or the general atmosphere of the professionals there, although I do wish to speak to how this bill could affect Maui.

I have had an opportunity to meet and work with many different professionals in the wedding industry on Maui and can tell you that while I have done many weddings on private property the majority of my clients get married on PUBLIC BEACHES. I always work with other professionals who are respectful of the land, other people on the beach (the general public) and never 'take over' public areas but work together with the public, locals and other groups waiting to get married.

There was a time when there were a few 'bad apples' mostly in coordinator realm who gave the rest of us a bad name but I believe we have done a very good job at policing each other from making sure that our guests follow the state laws and leave the beach the way it was found without disturbing others.

The beaches are PUBLIC and this is one of the primary reasons that people from all over the world come to Hawai'i each year to get married which is a very large part of the local economies...it is impossible to live on O'ahu or Maui and not meet someone who has a hand in the wedding industry from musicians to major resorts that coordinate weddings with \$50k budgets or more.

Unfortunately, the majority of the people, who come here to use our beaches for their 'destination wedding' cannot afford these upscale weddings and without the beaches we will lose a huge part of our economy from tourists as well as put a great deal of small business people, like myself and my wife, out of business.

The majority of clients I deal with are okay with crowded beach areas and respecting other people's space, they are just gracious to be able to be married in such a beautiful and incorporate the beauty of Hawai'i's land and often times aspects of its culture into their wedding ceremonies.

The wedding professionals I work with here on Maui are a very diverse group that come here from all over the world and many are local or Hawaiian.

I think that while regulating public lands is important it needs to be done with careful thought and with that in mind I am begging you to consider that beach weddings not be a

part of this bill.

I know wedding professionals here on Maui have been working with the county to regulate a licensing and accountability system for public weddings that would be reasonable and not make it too expensive for our clients or coordinators and ministers who would have to obtain either a 'per event' license or an annual one. This process appears to be working and should not be trampled on by state legislation! The counties should work with (or continue to work with) local wedding professionals to come up with policies that will benefit everyone rather than having the state step in with broad legislation that could do a great deal of economic damage.

I think that any bill that unilaterally damages or eradicates public beach weddings would cost the state Tens of MILLIONS of revenue and put many struggling professionals who truly care about this beautiful place where we live out of business.

Please keep these issues separate as the current bill is not real clear and could have tremendous negative impact on many people in the wedding industry as well as our economy.

Thank you,

Kevin Lash
Hawaii Wedding Photo
Pa'ia, HI

Hawaii Wedding Photo
www.HawaiiWeddingPhoto.com
PO Box 792202
Pa`ia, HI 96779-2202
808-280-6625
866-20-PHOTO

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JUDtestimony

From: Icing on the Cake - Kauai [REDACTED]
Sent: Thursday, February 21, 2008 10:27 AM
To: JUDtestimony
Subject: State Beach Use

House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 - Time 10:00 PM

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B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Patrick Quinn - owner
 Icing on the Cake, LLC.

Supporting Testimony

?

Interesting USA Wedding Statistics (from www.theweddingreport.com)

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2/21/2008

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- \$19 billion is spent buying presents at wedding gift registries
- The average ring costs \$2,000 and is increasing
- The average amount spent on a bridal gown is \$800 and is increasing

Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist
Photography and Videography of wedding event
Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

Section V11 - Disorderly Conduct

Pursuant to section 12-331-16 of the Hawaii Administrative Rules, no person shall engage in disorderly conduct as defined in State Penal Code, section 711-1101, HRS, within the wedding area.

Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when

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manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to its original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department. All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

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Icing on the Cake, LLC
"Sweet and Sustainable"

808.823.1210

PO Box 397

Kapa'a, Kaua'i, HI 96746

www.icingonthecakekauai.com

www.slowfoodkauai.blogspot.com

000062

JUDtestimony

From: Liz Belfor [REDACTED]
Sent: Thursday, February 21, 2008 10:24 AM
To: JUDtestimony
Subject: Opposition to Bill HB 2332 with aloha

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Liz Belfor

imagesbyliz.com

000063

2/21/2008

JUDtestimony

From: Candace Freeland [REDACTED]
Sent: Friday, February 22, 2008 5:21 AM
To: JUDtestimony
Subject: HB 2332

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 -
Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no.

669 (<http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf>) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Virginia St. Claire, wedding officiant and service provider
In Heaven Weddings
<http://www.inheavenweddings.com>

CC0064

2/22/2008

JUDtestimony

From: Virginia St. Claire [REDACTED]
Sent: Thursday, February 21, 2008 12:27 PM
To: JUDtestimony
Subject: please kokua

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai and Oahu.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

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The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

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A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your consideration.

Best wishes and every blessing,

Virginia St. Claire, Master of Divinity

Virginia St. Claire

Candace Freeland

www.InHeavenWeddings.com

www.BluePearlImages.com

www.CandaceFreeland.com

808-823-8820

inheaven1@mac.com

Supporting Testimony

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Interesting USA Wedding Statistics (from www.theweddingreport.com)

- During the engagement period, couples buy:
 - ? \$4 billion in furniture
 - ? \$3 billion in house wares
 - ? \$400 million in tableware
- June is the most popular month for weddings, then August, followed by

September October and May

- Every year an average of 2.4 million weddings are performed in the U.S.
- The Wedding Industry is a \$150 billion a year industry, and Hawaii is growing in

it's proportion of the market share with more than 20,000 annual weddings

- Average age for first-time brides is 25.3 years, for grooms it's 26.9
- One third of engaged couples retain a Wedding Consultant
- An average honeymoon vacation is one week
- The average household income of a newly married couple is \$60,000/year
- Couples are waiting longer to get married
- Tuxedos are typically purchased 5-6 months after the wedding gown
- Median age for remarriage is 34 for women and 37 for men
- Bridesmaids' gowns are general purchased 3-4 months in advance of the event
- Average size of wedding party: 12
- Most brides (30%) plan their weddings for 7 to 12 months although a growing

number book within 2 months

- Most (about 75%) first-time brides will receive a diamond engagement ring

(67% of repeat brides).

- About 15% of weddings include ethnic customs
- 35% of weddings occur in the summer; 29% in the spring; 23% in the fall;

13% in the winter.

- 11% of winter weddings are Christmas weddings

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COST STATISTICS

- \$22,000 is the average amount spent on a traditional American wedding
- A total of \$72 billion is spent on weddings annually in the U.S.
- \$19 billion is spent buying presents at wedding gift registries
- The average ring costs \$2,000 and is increasing
- The average amount spent on a bridal gown is \$800 and is increasing

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Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:
 Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist
 Photography and Videography of wedding event
 Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

Section V11 - Disorderly Conduct

Pursuant to section 12-331-16 of the Hawaii Administrative Rules, no person shall engage in disorderly conduct as defined in State Penal Code, section 711-1101, HRS, within the wedding area.

Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and

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other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

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Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department.

All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

Virginia St. Claire

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inheaven1@mac.com

000068

JUDtestimony

From: Gary Canier [REDACTED]
Sent: Friday, February 22, 2008 6:14 AM
To: JUDtestimony
Subject: Testimony For House Bill #2332, HD 1

The Honorable Tommy Waters
Chairman
And all House Judiciary Committee Members
State Capitol
Honolulu, Hawaii 96813

Re:
House Bill No. 2332, HD 1
Hearing Date: Friday, February 22, 2008 – 2:00 p.m.
House Conference Room 325
*** Opposition to HB 2332, HD 1 ***

My name is Reverend Gary Canier dba Inlight Productions in Kihei, HI 96753. I respectfully request that you consider excluding the wedding industry from doing weddings on the beach in this bill HB 2332, HD1. I am contracted by wedding coordinators to officiate weddings. I perform up to 7 weddings each week and I hope to continue to use public lands as needed for these small weddings. I trust that you will engineer the preservation of our natural resources while supporting the wedding industry in the state of Hawaii.

Thank you for your time and consideration.

Sincerely,
Rev. Gary Canier
808-283-0539
<http://www.reverendgary.com>

000069



House of Representatives

24th Legislature, 2008

State of Hawaii

Date 2/20/08 -

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Jennifer Prater


P.O. Box 1035 Hanalei, HI 96714

000070

JUDtestimony

From: Island Weddings [REDACTED]
Sent: Thursday, February 21, 2008 10:50 AM
To: JUDtestimony
Subject: Opposition to Bill HB 2332

House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/21/08

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

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B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Fern & Michael Merle-Jones
 Owners- Island Weddings & Blessings
 Operating on Kauai since 1988

Supporting Testimony

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Interesting USA Wedding Statistics (from www.theweddingreport.com)

- During the engagement period, couples buy:
 - ? \$4 billion in furniture
 - ? \$3 billion in house wares
 - ? \$400 million in tableware
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September October and May

- Every year an average of 2.4 million weddings are performed in the U.S.
- The Wedding Industry is a \$150 billion a year industry, and Hawaii is growing in

it's proportion of the market share with more than 20,000 annual weddings

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- The average household income of a newly married couple is \$60,000/year
- Couples are waiting longer to get married
- Tuxedos are typically purchased 5-6 months after the wedding gown
- Median age for remarriage is 34 for women and 37 for men
- Bridesmaids' gowns are general purchased 3-4 months in advance of the event
- Average size of wedding party: 12
- Most brides (30%) plan their weddings for 7 to 12 months although a growing

number book within 2 months

- Most (about 75%) first-time brides will receive a diamond engagement ring

(67% of repeat brides).

- About 15% of weddings include ethnic customs
- 35% of weddings occur in the summer; 29% in the spring; 23% in the fall;

13% in the winter.

- 11% of winter weddings are Christmas weddings

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2/21/2008

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COST STATISTICS

- \$22,000 is the average amount spent on a traditional American wedding
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- The average ring costs \$2,000 and is increasing
- The average amount spent on a bridal gown is \$800 and is increasing

Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist

Photography and Videography of wedding event

Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

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Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

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The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above.

Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

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In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

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Section V1 - Audio devices

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For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

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Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department.

All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

000073



Protecting Native Hawaiian Traditional and Customary Rights
and Our Fragile Environment

www.KAHEA.org, kahea-alliance@hawaii.rr.com
ph. 808-524-8220, fx. 808-524-8221 P.O. BOX 270112 HONOLULU, HAWAII 96827

HB2332 – In Support
February 22, 2008, 2:00 p.m.
House Judiciary Committee, room 325

Aloha Chair Waters and Representatives of the Judiciary Committee,

We strongly support the intent of H.B. 2332 because it seeks to address the abuse of Hawai'i's public trust resources for commercial purposes.

Public access mauka to makai is a fundamental right recognized in Hawai'i's constitution and regularly affirmed by Hawai'i's Supreme Court. This right is firmly based in the traditional and customary practices of Native Hawaiians, where people traversed unencumbered lands to gathered natural resources for non-commercial use.

Today, commercial entities seeking to profit from the use of these public trust resources are harming Hawai'i's unique natural resources and creating friction between protected public uses of land and private property rights. As an example, paid tour operations lead large numbers of people to remote locations via traditional public access routes for a fee. In doing so, public lands are trampled, natural and cultural resources are damaged, the surrounding community is unduly burdened by the many impacts related to increased traffic, and those for whom this right was recognized are discouraged from engaging in traditional practices. And as these harms mount, the paid tour operations gain a profit from a public trust resource that they are not helping to maintain or protect.

This cannot continue without seriously compromising constitutionally-protected Native Hawaiian traditional and customary practices and the future of Hawai'i's unique culture. Thus, we support every effort to protect the public's right to access unencumbered lands.

KAHEA: The Hawaiian-Environmental Alliance is an islands-wide network of Native Hawaiian cultural practitioners, conservationists, and concerned community members that work to protect Hawai'i's unique natural and cultural resources. We have over 2,000 members in the islands and 3,000 total around the world.

Mahalo,

A handwritten signature in cursive script that reads "Marti Townsend".

Marti Townsend
Program Director

000074



House of Representatives

24th Legislature, 2008

State of Hawaii

Date 2/21/08 - Time 10:00 AM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Address:
6440 Oloheua Road
Kapaa, HI 96746

Phone:
808-822-5381

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and will seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669__pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

1. Allow companies to conduct their business in full compliance with State Rules and guidelines.
2. Increase confidence on the part of couples planning destination weddings in Hawaii.
3. Protect public lands from possible careless wedding company practices by:
 - A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.
 - B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Reverend Michael J. Hough CEO

Kauai Island Weddings.

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Supporting Testimony -

Interesting USA Wedding Statistics (from www.theweddingreport.com)

- During the engagement period, couples buy:
 - \$4 billion in furniture
 - \$3 billion in house wares
 - \$400 million in tableware
- June is the most popular month for weddings, then August, followed by September October and May
- Every year an average of 2.4 million weddings are performed in the U.S.
- The Wedding Industry is a \$150 billion a year industry, and Hawaii is growing in it's proportion of the market share with more than 20,000 annual weddings
- Average age for first-time brides is 25.3 years, for grooms it's 26.9
- One third of engaged couples retain a Wedding Consultant
- An average honeymoon vacation is one week
- The average household income of a newly married couple is \$60,000/year
- Couples are waiting longer to get married
- Tuxedos are typically purchased 5-6 months after the wedding gown
- Median age for remarriage is 34 for women and 37 for men
- Bridesmaids' gowns are general purchased 3-4 months in advance of the event
- Average size of wedding party: 12
- Most brides (30%) plan their weddings for 7 to 12 months although a growing number book within 2 months
- Most (about 75%) first-time brides will receive a diamond engagement ring (67% of repeat brides).
- About 15% of weddings include ethnic customs
- 35% of weddings occur in the summer; 29% in the spring; 23% in the fall; 13% in the winter.
- 11% of winter weddings are Christmas weddings

Address:
6440 Oloheua Road
Kapaa, HI 96746

Phone:
808-822-5381

COST STATISTICS

- \$22,000 is the average amount spent on a traditional American wedding
- A total of \$72 billion is spent on weddings annually in the U.S.
- \$19 billion is spent buying presents at wedding gift registries
- The average ring costs \$2,000 and is increasing
- The average amount spent on a bridal gown is \$800 and is increasing

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Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

1. Wedding Ceremony, with wedding officiant, wedding co-ordinator, musician, and florist
2. Photography and Videography of wedding event
3. Additional Support Services as needed

Address:
6440 Oloheua Road
Kapaa, HI 96746

Phone:
808-822-5381

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

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Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Address:
6440 Oloheua Road
Kapaa, HI 96746

Phone:
808-822-5381

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

Section V11 - Disorderly Conduct

Pursuant to section 12-331-16 of the Hawaii Administrative Rules, no person shall engage in disorderly conduct as defined in State Penal Code, section 711-1101, HRS, within the wedding area.

Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set

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up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Address:
6440 Oloheua Road
Kapaa, HI 96746

Phone:
808-822-5381

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

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All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

C80079

JUDtestimony

From: Mahe [REDACTED]
Sent: Thursday, February 21, 2008 9:43 AM
To: JUDtestimony
Subject: Beach Weddings on State Lands

House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (<http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf>) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Michael Dandurand - President
 Kauai Wedding Professionals Association

Supporting Testimony

?

Interesting USA Wedding Statistics (from www.theweddingreport.com)

- During the engagement period, couples buy:
 - ? \$4 billion in furniture
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2/21/2008

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Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed

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within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

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000082

JUDtestimony

From: Maile Weddings [REDACTED]
Sent: Thursday, February 21, 2008 6:00 PM
To: JUDtestimony
Subject: HB2332

Maile Weddings and Photography

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 -
Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses.

Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Catherine Vea, Owner, Maile Weddings and Photography, INC

P.O. Box 1029 Kapaa HI 96746 888-822-2232 fax: 808-821-9010 www.weddingsonkauai.com

--
Maile Weddings
www.weddingsonkauai.com
888-822-2232

JUDtestimony

From: John [REDACTED]
Sent: Friday, February 22, 2008 5:10 AM
To: JUDtestimony; susan
Subject: Testimony For House Bill #2332, HD 1

Aloha,

As a wedding professional who uses Hawaii beaches on Maui as a backdrop for many of our weddings, I am extremely concerned about House Bill #2332, HD1. As this bill seems unclear and doesn't seem to be broad in its coverage, and lean in specifics about how this limitation of access will impact so many people who use Hawaii beaches, I am concerned that this will be a problem.

Hawaiians were allowed access to all public beaches for the purpose of fishing. It certainly seems that this would be jeopardized by such a bill.

As a wedding professional I would specifically ask that the wedding industry would be exempted from these regulations. Our industry brings hundreds of thousands of visitors to Hawaii every year. The revenue from these weddings and especially from all of the visitors who come for no other reason than to attend the wedding, provides a huge amount of revenue (and taxes) for the benefit of the State of Hawaii. If this ordinance stops or restricts weddings on the beaches of Hawaii, it will have a serious impact on tourism state wide. We estimate that 96 percent of our weddings take place on the beach, so any bill that restricts wedding companies such as our own from using the beaches will virtually shut down Hawaii's wedding industry and seriously impact the State economy.

I would therefore ask that this bill be tabled, not passed. And that further study be done upon what its impact would be on the state as a whole. If the bill is to be pushed forward, I would ask that an amendment be placed into it that would specifically exempt wedding professionals from its regulation.

Sincerely,
Rev. John Souter
Maui Me, Inc.
120 Peahi Road,
Haiku, HI 96708
[REDACTED]

JUDtestimony

From: Susan [REDACTED]
Sent: Friday, February 22, 2008 6:06 AM
To: JUDtestimony
Subject: Testimony For House Bill #2332, HD 1

**The Honorable Tommy Waters
Chairman
And all House Judiciary Committee Members
State Capitol
Honolulu, Hawaii 96813**

**Re:
House Bill No. 2332, HD 1
Hearing Date: Friday, February 22, 2008 – 2:00 p.m.
House Conference Room 325
* Opposition to HB 2332, HD 1 ***

My name is Susan Souter, President of Maui Me Inc. We provide destination weddings for people from the mainland, wanting to get married in beautiful Hawaii.

Upon reading bill HB 2332, HD 1, I feel that my business is in serious danger of becoming non-existent. 96% of my weddings are for people with 10 or less people wanting to get married with their feet in the sand. This new bill seems to indicate that weddings would be considered business enterprises and therefore restricted from use of the beach for that purpose.

I would like to recommend that weddings be excluded from jurisdiction under this new ruling. Millions of dollars every year would be lost to the state, if weddings were no longer allowed on the beach. It would effect much more than the wedding businesses. The effect would trickle down to the resorts, restaurants, activities, and souvenir stores.

**Sincerely,
Susan Souter**

000085



Maui Wedding Association
P.O. Box 684
Kihei, Maui, Hawaii
(808) 573-3337

Testimony before the House Judiciary Committee

DATE: Friday, February 22, 2008 TIME: 2:00 pm PLACE: House conference room 325.

RE: Testimony on behalf of **HB 2332 HD1** RELATING TO PUBLIC LANDS

Report Title: Public Lands; Commercial Activity

Description: Prohibits a person from transiting unencumbered public lands in the conservation district for any commercial activity purpose without a conservation district use permit unless the unencumbered land is within an area that is regulated through a management plan that permits the commercial activity. Increases penalties for persons engaging in any prohibited use of or activity on public lands or violating laws relating to the management and disposition of public lands. Effective 01/01/09. (HB2332 HD1)

TO: The Honorable Tommy Waters, Chairman and the Honorable Blake K. Oshiro, Vice-Chair and members of the Judiciary Committee.

The Maui Wedding Association thanks you for the opportunity to give testimony in opposition to HB2332

My name is Reverend Jill Carl and I am the Chair of the Government Committee for the Maui Wedding Association.

Our concern is that this bill will stop beach weddings which are a low impact, low intensity and low density activity's use of a public beach.

While the intent of the bill is laudable, the broad nature of it could lead to unintended consequences, which are not limited to the decimation of the Wedding Industry, tourism in general, a severe economic strain on the Hawaii economy, loss of work and revenue for local residents who work in the wedding industry and a massive increase in paperwork, administration and enforcement.

This is one of the reasons why the State of Hawaii Department of Land and Natural Resources, The Department of Business, Economic Development & Tourism, The Chamber of Commerce of Hawaii and others oppose it in its current form. We concur.

It seems that at this point in time, the best public policy would result from your committee going back and reworking the bill to specifically address it's original concerns.

Sincerely,
Reverend Jill Carl,
Government Chair, Maui Wedding Association
[REDACTED]

000086

JUDtestimony

From: Preston-Beachwood, LLC [mailto:john@maui.net]
Sent: Thursday, February 21, 2008 10:14 PM
To: JUDtestimony
Subject: Testimony For House Bill #2332, HD 1

The Honorable Tommy Waters
Chairman
And all House Judiciary Committee Members
State Capitol
Honolulu, Hawaii 96813

Re:
House Bill No. 2332, HD 1
Hearing Date: Friday, February 22, 2008 – 2:00 p.m.
House Conference Room 325
*** Opposition to HB 2332, HD 1 ***

Aloha!

We are Michael Beachwood and JJ Preston, owners of **MauiWeddingNetwork.com**. Our organization has a membership of more than seven hundred (700) Maui wedding professionals.

We also own MauiWeddingPlanner.com and JJPrestonPhoto.com. We are wedding coordinators who have been performing small weddings on Maui's public beaches for over ten years.

We are concerned as to why this bill is being introduced.

We request that HB 2332, HD1, which is seeking to prohibit commercial access across unencumbered public land, be amended to exclude weddings on the beach. In its current form, it appears that weddings would not be allowed on any public beaches. This would hurt Maui's economy.

Listed below is information as to why we are in opposition to this Bill:

1: Most Maui weddings take place on our public beaches.

2: LEAST IMPACT of any commercial business: Most beach weddings happen in the **early morning** before the general public visits the beach, and just **before sunset**, when most of the general public is leaving the beach. **It is very low impact** for such an industry that affects sectors of our local businesses and hospitality community.

3: ADVERTISING: Maui's wedding industry advertises internationally showing photographs of our beautiful public beaches.

4: WORD-OF MOUTH & INTERNET: If there are regulations to prevent weddings on our public

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2/21/2008

beaches, word will spread quickly via the internet and couples will go elsewhere to be married. Thus, the bill - as currently written - would thwart the wedding business in the State of Hawaii.

5: PERMIT PROCESS: Our wedding professionals are in favor of and agreeable to:

a a yearly permit process:


b carrying liability insurance that names both state and county as an additional insured and adhering to rules and regulations that protect the environment and other beach users;

c A number of Maui wedding coordinators have been interfacing with the Maui County Council, DLNR, Maui Visitors Bureau, Hawaii Visitors Bureau, state legislators, and have provided them with workable, sensible guidelines, in the pursuit of achieving a yearly permit process.

d We want to be legal and protect the environment and continue to have low impact on the beaches and all those who are using our public beaches.

6: SEVERELY HURT MAUI'S ECONOMY:

If beach weddings are no longer allowed, it will severely hurt Maui's economy, costing 1000's of jobs and negatively impacting all local businesses on Maui.



Thanking you in advance for your kind consideration to our request.

Most sincerely,

JJ Preston

Michael Beachwood

<http://www.MauiWeddingNetwork.com>

<http://www.MauiWeddingPlanner.com>

<http://www.JJPrestonPhoto.com>

000088

2/21/2008

JUDtestimony

From: [REDACTED] Milan Kenjic ([REDACTED]@gmail.com)
Sent: Thursday, February 21, 2008 5:48 PM
To: JUDtestimony
Subject: Speaking in Opposition to Bill HB 2332

House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands. As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

- A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.
- B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Milan Kenjic



p.o. box 1119
 Waimea, Kauai
 Hawaii - 96796-1119
 studio cell [REDACTED]
 studio tel : 808-338 0705
 web: www.kenjicstudio.com
 email: kenjic.studio@gmail.com

Supporting Testimony

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Interesting USA Wedding Statistics (from www.theweddingreport.com)

- During the engagement period, couples buy:
- ? \$4 billion in furniture

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2/21/2008

- ? \$3 billion in house wares
- ? \$400 million in tableware
- June is the most popular month for weddings, then August, followed by

September October and May

- Every year an average of 2.4 million weddings are performed in the U.S.
- The Wedding Industry is a \$150 billion a year industry, and Hawaii is growing in

it's proportion of the market share with more than 20,000 annual weddings

- Average age for first-time brides is 25.3 years, for grooms it's 26.9
- One third of engaged couples retain a Wedding Consultant
- An average honeymoon vacation is one week
- The average household income of a newly married couple is \$60,000/year
- Couples are waiting longer to get married
- Tuxedos are typically purchased 5-6 months after the wedding gown
- Median age for remarriage is 34 for women and 37 for men
- Bridesmaids' gowns are general purchased 3-4 months in advance of the event
- Average size of wedding party: 12
- Most brides (30%) plan their weddings for 7 to 12 months although a growing

number book within 2 months

- Most (about 75%) first-time brides will receive a diamond engagement ring

(67% of repeat brides).

- About 15% of weddings include ethnic customs
- 35% of weddings occur in the summer; 29% in the spring; 23% in the fall;

13% in the winter.

- 11% of winter weddings are Christmas weddings

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COST STATISTICS

- \$22,000 is the average amount spent on a traditional American wedding
- A total of \$72 billion is spent on weddings annually in the U.S.
- \$19 billion is spent buying presents at wedding gift registries
- The average ring costs \$2,000 and is increasing
- The average amount spent on a bridal gown is \$800 and is increasing

Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist
Photography and Videography of wedding event
Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

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All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

Section V11 - Disorderly Conduct

Pursuant to section 12-331-16 of the Hawaii Administrative Rules, no person shall engage in disorderly conduct as defined in State Penal Code, section 711-1101, HRS, within the wedding area.

Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department. All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

000091

JUDtestimony

From: Ron Kosen [REDACTED]
Sent: Thursday, February 21, 2008 2:49 PM
To: JUDtestimony
Cc: repmorita@Capitol.hawaii.com; Rep. James Tokioka
Subject: HB2332

House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. I believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding and Photography Industry in Hawaii, although my immediate concern is Kauai.

While the physical footprint of the wedding and photo industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands. As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 ([http://www.capitol.hawaii.gov/session2008/bills/SB669 .pdf](http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf))

I have read the bill and supporting testimony, and I looked up how to obtain a Conservation District Use Permit. It looks pretty cumbersome for someone to take family photos on the beach. Or even advertising photos for the Visitors' Bureau. In supporting testimony Kahea mentions, "friction between protected public uses of land and private property rights." Hawaii's Thousand Friends talks of Hawaii's "hidden treasures". And Kalana Best sent in a great set of photos showing the problems. In looking at the photos, the natural resource does not look to be over loaded at all. In fact the photos of the beach show very few people in the background, and the wedding couples are not going to be picking opii, or fishing the reef. In fact the problem seems to be inadequate access and off street parking . Indeed, many of Hawaii's hidden treasures are hidden behind private residences located between a small public road and the public shoreline, next to tiny public access points. The removal of these homes would solve the problems of the crowded streets, and the traditional rights of native Hawaiian people. This is, of course, a ridiculous suggestion, but it would harm fewer people and have less adverse effect on the state's economy than the current proposed legislation.

Over past 10 years in business I have paid over \$225,000 in GET, \$1.2 million in salaries with appropriate taxes, while profiting \$350,000. I have also had a filming permit from DBEDT. I have been neither unauthorized nor profiteering. Like many small business in Hawaii, the state and many other people have made money off my hard work, while I have managed only a modest income. I don't live on one of Hawaii's hidden treasures. I would support legislation to control the proliferation of commercial activities on Public Lands, however this bill is anti small business, anti tourist, and anti

working person.

I urge you to follow the recommendations of DBEDT, DLNR, The Chamber of Commerce, and the Ocean Tourism Coalition, and find another way.

Mahalo For Your Consideration,

Ron Kosen
Photo Spectrum
2987 Umi St.
Lihue, Kauai, Hawaii 96766
[REDACTED]

000093

February 21, 2008

House of Representatives
24th Legislature- 2008
State of Hawaii
Date 2/20/08 - Time 10:00 PM

Attention: Honorable Tommy Waters and Committee Members.

RE: Bill HB 2332

Aloha

I am a member of Kauai Wedding Professionals and have been in the wedding business (photography and coordination) on Kauai for two decades. Additionally I was born and raised in Hawaii.


I am writing about House Bill 2332 which I feel is too broad and will seriously affect some commercial uses of the beaches that should be exempt from "no conforming" uses. The wedding industry on Kauai is small in its effects on county and state beaches. The financial impact from House Bill.2332 on the small Kauai wedding industry would be very large. It would also impact Hawaii's hotels, restaurants, tour operators, airlines, and other related industries serving tourists. Wedding couples come to Hawaii to get married on the beach or by a waterfall. Since waterfalls are in short supply in areas that a bride in a wedding dress can access, beaches are the wedding site of choice. I support the permitting process as a means of controlling access to the beaches of too much commercial business.

Please allow companies to conduct business in compliance with State Rules and guidelines which would:

- 1) Increase confidence on the part of a couple planning destination weddings in Hawaii.
- 2) Protect public lands from possible careless wedding company practices
- 2) restrict the number of wedding guests on the beaches to 25 or less without an additional special use permit.
- 3) Require wedding companies and photographers to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/ideography license.

Mahalo

Carol Ann Davis-Briant
Owner, Portraits of Hawaii
www.potraitsofhawaii.com
2381 Kipuka St
Koloa, (Poipu) Kauai Hi 96756



000094

JUDtestimony

From: Profile Productions [REDACTED]
Sent: Thursday, February 21, 2008 10:59 AM
To: JUDtestimony
Subject: Fwd: Bill HR 2332

Subject: Bill HR 2332
To: judtestimony@capitol.hawaii.gov

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669

(http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

--
Larry & Elaine LaSota
Profile Video Productions
www.kauaiweddingvideos.com

000095

[REDACTED]

--

Larry & Elaine LaSota
Profile Video Productions
www.kauaiweddingvideos.com

[REDACTED]

000096

Rainbow Weddings & Celebrations

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and **I have attached a draft** of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,
KatRama Brooks
Minister, Wedding Coordinator
Rainbow Weddings & Celebrations,
Barefoot Kauai Weddings
President Rainbow Weddings Inc.

KatRama Brooks
Rainbow Weddings & Celebrations
6057 Lokomaikai Pl. Kapaa, Hi 96746 Phone (808) 822-0944
e-mail: vows@rainbowweddings.com

6057 Lokomaikai Pl. Kapaa, Hi 96746 Ph/Fax (808)822-0944 Toll Free (888)822-0944
e-mail: vows@rainbowweddings.com www.RainbowWeddings.com

000097

Supporting Testimony: Kauai Wedding Permit

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist
Photography and Videography of wedding event
Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County

Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis.

The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above.

Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances

and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

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Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

Section V11 - Disorderly Conduct

Pursuant to section 12-331-16 of the Hawaii Administrative Rules, no person shall engage in disorderly conduct as defined in State Penal Code, section 711-1101, HRS, within the wedding area.

Section V111 - Use of Fire, Torches or Props.

For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and

000099

regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not

otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department.

All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

C00100

From: Frances Woods [REDACTED]
Sent: Thursday, February 21, 2008 6:05 PM
To: JUDtestimony
Subject:

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 -
Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669

(http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Frances Woods
Remember The Moment Photography
P.O. Box 1158
Hanalei, HI 96714

[REDACTED]
web site www.kauai-photographer.com

000101



SAFFRON

5300 Ka Haku Rd
Princeville, HI 96722

T 808-826-6225
F 808-826-9089
Saffron.hawaii@gmail.com

www.saffron-hawaii.com

February 21, 2008
House of Representatives
24th Legislature, 2008
State of Hawaii

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

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As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (<http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf>) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

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A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

000102

Sincerely yours,

Aaron Feinberg
General Manager

000103

JUDtestimony

From: Bob Cox [REDACTED]
Sent: Thursday, February 21, 2008 11:28 AM
To: JUDtestimony
Subject: Kauai Weddings

We have conducting weddings here on Kauai for 20+ years
And support the revised bill below.

Darla & Bob Cox
Owners, Video Lynx, Mohala Wedding Services
276 Aina Pua Place
Kapaa, Kauai, HI 96746
800-800-8489 or 808-821-1367
808-821-1368 fax

[REDACTED]
E-mail mohala@hawaiian.net sales@videolynxkauai.com
Websites <<http://www.videolynxkauai.com/>>
<<http://www.mohala.com/>>

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands. As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (<http://www.capitol.hawaii.gov/session2008/bills/SB669.pdf>) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

- A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.
- B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

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2/21/2008

Thank you for your time.
Sincerely yours,

Reverend Michael J. Hough CEO
Kauai Island Weddings.

Supporting Testimony
?

Interesting USA Wedding Statistics (from www.theweddingreport.com)

- € During the engagement period, couples buy:
- ? \$4 billion in furniture
- ? \$3 billion in house wares
- ? \$400 million in tableware
- € June is the most popular month for weddings, then August, followed by

September October and May

- € Every year an average of 2.4 million weddings are performed in the U.S.
- € The Wedding Industry is a \$150 billion a year industry, and Hawaii is growing in

it's proportion of the market share with more than 20,000 annual weddings

- € Average age for first-time brides is 25.3 years, for grooms it's 26.9
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- € An average honeymoon vacation is one week
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- € Couples are waiting longer to get married
- € Tuxedos are typically purchased 5-6 months after the wedding gown
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- € Bridesmaids' gowns are general purchased 3-4 months in advance of the event
- € Average size of wedding party: 12
- € Most brides (30%) plan their weddings for 7 to 12 months although a growing

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(67% of repeat brides).

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- € 35% of weddings occur in the summer; 29% in the spring; 23% in the fall;

13% in the winter.

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COST STATISTICS

- € \$22,000 is the average amount spent on a traditional American wedding
- € A total of \$72 billion is spent on weddings annually in the U.S.
- € \$19 billion is spent buying presents at wedding gift registries
- € The average ring costs \$2,000 and is increasing
- € The average amount spent on a bridal gown is \$800 and is increasing

Supporting Testimony: Kauai Wedding Permit.

County of Kauai, Beach And Park Access, Rights Of Entry.

Section 1 - Purpose

Use of the state parks, and county and state beaches, and facilities for the performance of wedding related functions, namely:

Wedding Ceremony, with wedding officiant, wedding coordinator, musician, and florist
Photography and Videography of wedding event
Additional Support Services as needed

Right Of Passage:

Unencumbered access over state parks, and county or state beach property to private locations for the performance of wedding related functions.

Section 11 - Who May Apply

Professional Wedding companies involved in the business of conducting wedding related services on state, or county parks and beaches.

Section 111 - Annual Permit and Fees

This permit, if issued, would be for the period of one year, thereafter to be renewed annually, and gives the holder right of entry to conduct unlimited wedding activities at all state or county parks or beaches with noted exceptions (to be published on the County Website), within the guidelines herein. All vendors must be able to show a current permit upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer,

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2/21/2008

wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses solely for the purpose of the wedding event.

Section 1V - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to any of the general public that they (the general public) must move to accommodate the ceremony or event.

All permit holders are required to comply with all applicable rules, regulations, ordinances and statutes of the County State and Federal Government, relative to the use of subject lands, including those relating to public health & safety.

All permit holders will be required to hold a current GET license.

All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named as additional insured.

Section V - Archaeological And Historical Features

Pursuant to section 13-221-12 of the Hawaii Administrative Rules, no person shall remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins and monoliths located within the wedding event area. (A list of such sites will be maintained on the county website).

Section V1 - Audio devices

Small PA systems, and acoustic musical instruments such as, but not limited to: guitar, ukulele, harp, violin, and battery operated keyboard will be permitted as long as the described decibel levels comply with State and County Rules And Regulations. All other audio amplification devices will require a separate permit.

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For the purposes of conducting the wedding ceremony, propane or kerosene filled torches or other event props may be used only if attended at all times. Event props may be no larger than 10' x 10' with, or without, up to 25 chairs included. Cake and Non-Alcoholic beverages, tables and set-up are included. All props may not be set up earlier than 1 hour prior to the event and shall be removed within 1 hour of completion of the event.

Section 1X - Use of Alcohol

Under no circumstances may any type of alcoholic beverage be served or consumed within the event area. No person shall enter or remain within the event area when manifestly under the influence of alcohol, drugs, or narcotics.

Section X - Sanitation and Litter

All permit holders are responsible for cleaning and restoring the subject land to it's original condition, upon completion of the event. All tools, equipment, improvements, and other property brought or placed upon the subject property by the permit holder shall remain the property of same and be removed within 1 hour after each ceremony. No trash is to be left at state or county dumpsters or trash receptacles located at the public beaches and park locations.

Section X1 - Liability

All permit holders, by accepting this permit, shall indemnify and hold harmless the State and individual Counties against all claims for personal injury, death, or property damage caused by or in any connected with the permission granted herein. In addition all applicants must provide the State/County with current liability insurance and be able to show a current annual policy if requested. Liability coverage minimum limits required will be as follows: Bodily Injury - \$1,000,000.00, Property Damage - \$50,000.00, and Medical Benefits - \$5,000.00

Section X11 - Penalties And Enforcement.

Any person violating any of the rules described in this permit or any of the rules and regulations of the Hawaii Administrative Rules or State Statutes for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department.

All annual permit holder will report any and all violations of these and all rules governing unencumbered lands. No person shall give false or fictitious report or any information to any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

000106

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JUDtestimony

From: Joel McDonald [Community Mail Center]
Sent: Thursday, February 21, 2008 11:20 PM
To: JUDtestimony
Subject: Opposition to Bill HB 2332

Wedding Delight
Joel McDonald
[REDACTED]

House of Representatives
24th Legislature, 2008
State of Hawaii
Date 2/20/08 -
Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

Aloha, and thank you in advance for your consideration of our public testimony on Bill HB 2332. We believe that this bill is too broad in character and seriously affect some commercial uses of beaches that should either be exempt or be recognized as "no-conforming" uses. Specifically we draw your attention to the Wedding Industry in Hawaii, although my immediate concern is Kauai.

As a member of the Kauai Wedding Professionals Association, (<http://www.kauaiwedpro.com/>) I support legislation to control the proliferation of commercial activities on Public Lands, however, while the physical footprint of the wedding industry is small in its effect on county and state beaches, the financial impact of the wedding industry is enormous. Couples choosing Hawaii as their wedding destination also choose our hotels, restaurants, tour operators, airlines, and attractions, as do their attending family and friends by the thousands.

As wedding professionals we do support a permitting process as a means to enhance the quality of this important industry, along the lines of State Bill SB no. 669 (http://www.capitol.hawaii.gov/session2008/bills/SB669_.pdf) and I have attached a draft of an example of a Kauai Wedding Industry Permit, similar to the Maui and Hawaii Wedding Permit Drafts.

The purpose of this Wedding Permit would be to:

Allow companies to conduct their business in full compliance with State Rules and guidelines.

Increase confidence on the part of couple planning destination weddings in Hawaii.

Protect public lands from possible careless wedding company practices by:

A. restricting the number of wedding guests on the beaches to 25 or less without an additional special use permit.

B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Joel McDonald

---- Msg sent via Community Mail Center- <http://www.communitymail.net> Free wind and solar powered email

JUDtestimony

From: Jill Kosen [REDACTED]
Sent: Thursday, February 21, 2008 10:37 AM
To: JUDtestimony
Subject: FW: IMPORTANT, KWPA NEEDS YOUR HELP IMMEDIATELY
Importance: High

House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

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B. Requiring wedding companies to have a business license, a GET license, liability insurance with the county/state named as an additional insured, and a photography/videography license.

Thank you for your time.

Sincerely yours,

Jill Kosen

Wedding In Paradise
 PO Box 1728
 Lihue, HI 96766
 [REDACTED]

www.WeddingInParadise.com

Supporting Testimony

Interesting USA Wedding Statistics (from www.theweddingreport.com)

- During the engagement period, couples buy:
 - \$4 billion in furniture
 - \$3 billion in house wares
 - \$400 million in tableware
- June is the most popular month for weddings, then August, followed by

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in

it's proportion of the market share with more than 20,000 annual weddings

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- Average age for first-time brides is 25.3 years, for grooms it's 26.9
- One third of engaged couples retain a Wedding Consultant
- An average honeymoon vacation is one week
- The average household income of a newly married couple is \$60,000/year
- Couples are waiting longer to get married
- Tuxedos are typically purchased 5-6 months after the wedding gown
- Median age for remarriage is 34 for women and 37 for men
- Bridesmaids' gowns are general purchased 3-4 months in advance of the event
- Average size of wedding party: 12
- Most brides (30%) plan their weddings for 7 to 12 months although a growing number book within 2 months
 - Most (about 75%) first-time brides will receive a diamond engagement ring (67% of repeat brides).
 - About 15% of weddings include ethnic customs
 - 35% of weddings occur in the summer; 29% in the spring; 23% in the fall; 13% in the winter.
 - 11% of winter weddings are Christmas weddings?

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- \$22,000 is the average amount spent on a traditional American wedding
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all state or county parks or beaches with noted exceptions (to be published on the

000110

County

Website), within the guidelines herein. All vendors must be able to show a current permit

upon demand. Wedding events on beaches will be on a first come, first served basis. The Annual Permit Fee would be \$400.

Permitted companies shall conduct weddings for wedding parties of 25 or less, not including support services (including but not limited to: photographer, videographer, wedding officiant, on site coordinator etc) on approved locations, as mentioned above. Wedding parties above 25 (excluding photographer, videographer, wedding officiant, on site coordinator etc) will require a separate permit as defined in existing state or county ordinances. This permit shall include both photography and videography licenses

solely for the purpose of the wedding event.

Section IV - Conditions

In all cases the area to be used shall not be blocked or roped off.

Companies conducting wedding services on state or county property shall not imply to

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All permit holders are required to comply with all applicable rules, regulations, ordinances

and statutes of the County State and Federal Government, relative to the use of subject

lands, including those relating to public health & safety.

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All Permit Holders will be required to provide physical proof of business address (may be P.O. Box), as well as physical proof of liability insurance with the state/county named

as additional insured.

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any authorized representative investigating an accident or any violation of law or administrative rule. (HAR 13-221-18, HRS 171-6).

000113

JUDtestimony

From: Patrick Powell [mailto:patrick.powell@hotm...@hotmail.com]
Sent: Thursday, February 21, 2008 10:37 AM
To: JUDtestimony
Subject: opposition to bill HB 2332 Tommy Waters, Gary Hoosier, Mina Morita

House of Representatives
 24th Legislature, 2008
 State of Hawaii
 Date 2/20/08 - Time 10:00 PM

Attention: The Honorable Tommy Waters, and Committee Members.

Speaking in Opposition to Bill HB 2332

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Shed those extra pounds with MSN and The Biggest Loser! [Learn more.](#)

000116

JUDtestimony

From: Mike Sidney [REDACTED]
Sent: Friday, February 22, 2008 7:18 AM
To: JUDtestimony
Subject: Testimony For House Bill #2332, HD 1

The Honorable Tommy Waters
Chairman
And all House Judiciary Committee Members
State Capitol
Honolulu, Hawaii 96813

Re:
House Bill No. 2332, HD 1
Hearing Date: Friday, February 22, 2008 - 2:00 p.m.
House Conference Room 325
* Opposition to HB 2332, HD 1 *

Hi. My name is Mike Sidney and I am the owner of a wedding and portrait photography studio in Wailuku Maui. I have to admit that I can not claim to understand this bill in its entirety, however, from what I do gather, it seems like it could negatively affect my business.

As my profession dictates, I find myself constantly at the beach working with clients. I am married, own a home, and have 3 full-time employees, all on payroll. If I am denied access to using the beach for my photography, I can assure you that there will be 3 more unemployed people in Maui and a house going up for foreclosure (plus a pretty upset wife).

I can't speak for anyone else, but I have respect for the land and the people at the beach. I have been a professional in the business for over 10 years and feel very strongly that when I go out to the beach for work, I am polite and accommodating to the other beach-goers and never leave any trash or do anything to negatively affect the environment.

I would like to be assured that my home, business, and employees will not be affected by this bill.

I would be happy to discuss this matter in person, or share my testimony with others.

Please let me know if there is anything I can do to make sure I can survive the passing of this bill.

Aloha,
-Mike Sidney

--
Mike Sidney: Photographer

One Main Plaza
2200 Main Street, Suite 540
Wailuku, HI 96793

<http://www.mikesidneyphotographer.com/>
808.249.2808 (office)
808.249.2818 (fax)
888.505.2808 (toll free)

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2/22/2008