

Honolulu, Hawaii
Feb 9, 2010

RE: H.B. No. 1808
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1808, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COASTAL AREAS,"

begs leave to report as follows:

The purpose of this bill is to preserve safe shoreline access by:

- (1) Requiring landowners in shoreline areas to ensure that public transit beach corridors are passable and free from human-induced, enhanced, or unmaintained vegetation that blocks transit; and
- (2) Authorizing the Department of Land and Natural Resources (DLNR) to require maintenance of public transit corridors by the adjacent landowner and to charge landowners for the cost of removal if the landowner fails to remove an obstruction.

DLNR, the Office of Hawaiian Affairs, Kuli'ou'ou/Kalani Iki Neighborhood Board #2, Waialae-Kahala Neighborhood Board No. 3, Sierra Club-Hawaii Chapter, North Shore 'Ohana, and several concerned individuals supported this bill. The Office of Planning supported this measure with amendments. Several concerned individuals offered comments.



Your Committee has amended this bill by:

- (1) Expanding the areas covered under this measure to include all "transit areas and public transit corridors" and removing "lands seaward of the shoreline and in the state conservation district";
- (2) Specifying that a landowner must remove an obstruction within 21 days of DLNR issuing a notice, or incur penalties;
- (3) Clarifying fines for violation and non-compliance;
- (4) Amending the definition of "shoreline" to specify that it's evidenced by the edge of natural vegetation and is never lower than the upper limit of debris from the wash of waves;
- (5) Adding a landowners' failure to maintain vegetation in a public transit area or public transit corridor as a prohibition under the coastal zone management law;
- (6) Changing the effective date to November 1, 2010; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1808, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 1808, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

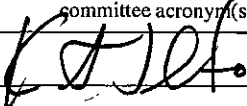

JON RIKI KARAMATSU, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 205-10

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1808, HD 1 ^{KT#}	Committee Referral: WLO, JUD, FIN	Date: 2/4/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	✓			
2. ITO, Ken (VC)	✓			
3. BELATTI, Della Au	✓			
4. CABANILLA, Rida	✓			
5. CARROLL, Mele				✓
6. HERKES, Robert N.	✓			
7. LUKE, Sylvia				✓
8. McKELVEY, Angus L.K.	✓			
9. MIZUNO, John M.				✓
10. MORITA, Hermina M.	✓			
11. OSHIRO, Blake K.	✓			
12. SOUKI, Joseph M.	✓			
13. TSUJI, Clift	✓			
14. WAKAI, Glenn	✓			
15. MARUMOTO, Barbara C.	✓			
16. THIELEN, Cynthia	✓			
TOTAL (16)	13			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 1.5em; font-family: cursive;">  </div>				
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