

STAND. COM. REP. NO.

27

Honolulu, Hawaii

FEB 11 2009

RE: S.B. No. 153
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 153 entitled:

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

beg leave to report as follows:

The purpose of this measure is to provide greater protection of the public's right to access coastal and inland recreational areas by requiring state and county agencies to ensure that a public right-of-way is available before the approval of any development project, subdivision, or zoning change.

Testimony in support of this measure was submitted by one state agency, one organization, and one public citizen. Testimony in opposition of this measure was submitted by one state agency, two county agencies, and two organizations.

Hawai'i offers some of the most stunning hiking trails and beaches in the world, attracting residents and visitors alike for their beauty and challenge. Access to Hawai'i's coast and mountain areas for recreational, cultural, or subsistence use is a core value that residents have respected for generations. Certain developers and gated communities restrict access to public lands, and they are growing in popularity. This measure will help ensure safe access along the coastline and to public inland areas to prevent abuses of Hawai'i's access laws.

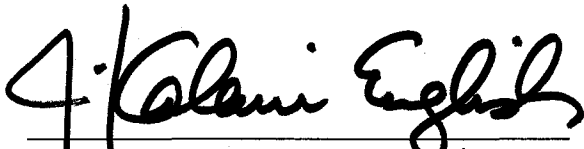


Your Committees find that it is the intent of this measure to require state and county agencies to ensure that a public right-of-way is available for development projects that may affect public access. This measure will not affect most improvements to existing structures.

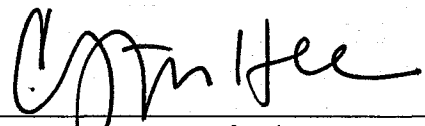
Your Committees adopted the recommendation of the Department of Land and Natural Resources and amended this measure by deleting references to dwelling unit and house. Your Committees understand that application of this measure to individual homes may be overly restrictive at this time, however, your Committees believe this measure is a necessary regulatory check to ensure the availability of public rights-of-way.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 153, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 153, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Transportation,
International and
Intergovernmental Affairs,



J. KALANI ENGLISH, Chair

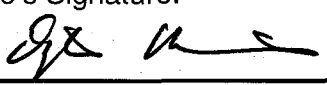


CLAYTON HEE, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

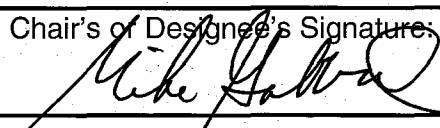
Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* SB 153	Committee Referral: WTL/TIA	Date: 2-2-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C) ✓	✓			
TOKUDA, Jill N. (VC)				✓
BUNDA, Robert ✓	✓			
FUKUNAGA, Carol				✓
KOKUBUN, Russell S. ✓	✓			
TAKAMINE, Dwight Y. ✓	✓			
HEMMINGS, Fred				✓
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:* SB 153	Committee Referral: WTL/TIA	Date: 2-2-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam			✓	
TOTAL	3	—	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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