

STAND. COM. REP. NO.

566

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 1481
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1481 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to protect
residents from obstruction of public access by:

- (1) Amending the offense of obstructing access to public
property to include the installment of certain visual
impediments; and
- (2) Creating a private right of action to enable a person to
enforce the prohibition of access obstruction.

Your Committee received comments on this measure from the
Department of Land and Natural Resources and one individual.

Your Committee finds that although public access is protected
by state law, development pressure is making it difficult for
residents to access beach and shoreline areas. Although attempts
have been made to address the obstruction of public access routes
and public access to the shoreline, your Committee believes that
further action is necessary to protect public access to beach and
shoreline areas for the enjoyment of the State's residents and
visitors.

Your Committee has amended this measure by:

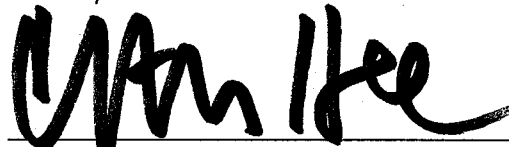
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- (1) At the Department of Land and Natural Resources' recommendation, clarifying the definition of "public access corridor" to ensure consistency with section 115-5, Hawaii Revised Statutes, to avoid, among other things, the possibility of frivolous civil actions related to unmaintained features that may not legally qualify as a public transit corridor pursuant to section 115-5;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1481, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1481, S.D. 1, and be placed on the calendar for Third Reading.

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

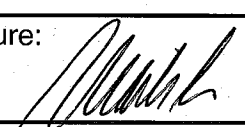


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB1481	Committee Referral: JDL	Date: 2/23/11		
<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)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
SLOM, Sam		✓		
TOTAL	2	1	0	2
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