

Honolulu, Hawaii

APR 08 , 2022

RE: S.B. No. 3377
S.D. 1
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3377, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITIES ON BEACHES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit persons from presetting commercial beach equipment on any public beach under the jurisdiction of the Department of Land and Natural Resources unless the customer is physically present for the immediate use of the commercial beach equipment; and
- (2) Require commercial vendors to expeditiously remove the commercial beach equipment after the customer has finished using it.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Tourism Authority, and two individuals. Your Committee received testimony in opposition to this measure from Aloha Beach Services. Your Committee received comments on this measure from Waikiki Beach Services, LLC.



Your Committee finds that the lack of a clear definition of "presetting" has allowed issues related to the presetting of commercial beach equipment on public beaches to persist. The Department of Land and Natural Resources has received numerous complaints about the presetting of equipment on Waikiki Beach and dedicated a substantial amount of time to advising commercial operators that presetting is not allowed. The Department's Division of Conservation and Resources Enforcement officers also issued citations to commercial operators who preset equipment; however, those violations were dismissed in court based on the concessionaire's argument that customers had prior reservations and the equipment was merely being set up in advance of their arrival. This measure will help the Department better address complaints regarding presetting.

Your Committee has amended this measure by changing all references to the term "person" to the term "commercial vendor".

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3377, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3377, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 1920-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 3377, SD1, HD1	Committee Referral: WAL, JHA	Date: 3-29-22		
<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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane	✓			
11. WARD, Gene	✓			
TOTAL (11)	11	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				