

STAND. COM. REP. NO.

2207

Honolulu, Hawaii

FEB 10 2022

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 3377 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit any person from presetting commercial beach equipment on any beach encumbered by easements in favor of the public.

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 finds that despite enforcement by officers from the Department of Land and Natural Resources Division of Conservation and Resources Enforcement, the court dismissed citations issued to commercial vendors who preset beach umbrellas and chairs on Waikiki Beach. The Department of Land and Natural Resources has received numerous complaints regarding presetting of equipment on Waikiki Beach. Despite time spent on enforcement, the lack of a clear definition of "presetting" allows issues to persist. To address both residents' ability to freely utilize public beaches and the visitor industry's desire to provide amenities to guests, this measure clarifies the definition of



"presetting" to require the presence of a guest and applies only to public beaches encumbered by public access easements.

Your Committee has amended this measure by:

- (1) Restricting prohibited commercial activities on beaches to public lands, not private lands, such as accreted lands;
- (2) Requiring a customer to be present on the beach before commercial vendors can preset beach equipment or watercraft for immediate use;
- (3) Clarifying the definition of "preset";
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3377, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3377, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
LORRAINE R. INOUE, Chair



