

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 1088  
S.D. 1

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

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian  
Affairs, to which was referred S.B. No. 1088 entitled:

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

begs leave to report as follows:

The purpose of this measure is to further protect residents  
from obstruction of public access and to create a private right of  
action to enforce public access in the courts.

Testimony in support of this measure was submitted by two  
organizations and one hundred and twenty-four public citizens.  
One state agency submitted comments, and one state agency  
submitted testimony in opposition. Copies of written testimony  
are available for review on the Legislature's website.

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. On  
O'ahu, insufficient public access to the shore has prompted  
multiple studies by State agencies to address conflicts developing  
between beachfront property owners and the general public.  
Similarly on Maui, coastline development plans have raised the  
issue of adequate public access to the beach from Paia through  
Baldwin beaches. On Kaua'i, public access routes have not been  
claimed by either the State or the County and are obstructed,  
preventing public access to the shoreline.

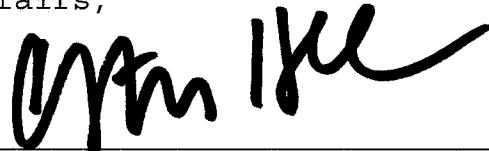


Your Committee further finds that providing a private right of action to enforce public access will allow communities to enforce laws when the agencies responsible lack necessary resources or are unresponsive. This measure ensures needless litigation does not occur by requiring that notice and opportunity to cure the violation are given to the violator prior to the filing of a lawsuit.

Your Committee has amended this measure by making technical, nonsubstantive changes for clarity.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1088, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1088, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

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



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CLAYTON HEE, Chair



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

\*Only one measure per Record of Votes