

STAND. COM. REP. NO.

647

Honolulu, Hawaii

**MAR 04 2021**

RE: S.B. No. 178  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 178, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DRIVING ON BEACHES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a two-year beach protection pilot program under which no vehicles are authorized to drive on a beach in Polihale State Park without a permit; and
- (2) Require an annual report regarding the pilot program be submitted to the Legislature.

Your Committee received testimony in support of this measure from the Hawaii Shore and Beach Preservation Association. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that Polihale State Park is a remote, multi-mile stretch of beach with one unimproved dirt road for access. Your Committee notes that Polihale State Park contains sensitive cultural and natural resources, as well as a recent history of illicit and destructive uses, including that of reckless driving through the dunes and other areas of the park



that contain Hawaiian burial sites or critically endangered plants. Your Committee further notes that it was necessary to close the park for several months in 2020 after inappropriate uses involving vehicle access on the beach had reached a crescendo, triggering the need for prompt action for public health and safety due to protocols relating to coronavirus disease 2019.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, to encourage further discussion; and
- (2) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 178, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 178, S.D. 2.

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



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KARL RHOADS, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 178 SD 1</b>	Committee Referral: <b>WTL, JDC</b>	Date: <b>2/17/21</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
<b>TOTAL</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>

Recommendation:  Adopted     Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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\*Only one measure per Record of Votes