

STAND. COM. REP. NO.

1794

Honolulu, Hawaii

MAR 30 , 2023

RE: S.B. No. 67  
S.D. 1  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 67, 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 commercial vendors from presetting commercial beach equipment on certain public beaches under the jurisdiction of the Department of Land and Natural Resources, unless the customer is physically present;
- (2) Require commercial vendors to expeditiously remove commercial beach equipment after the customer has finished using it;
- (3) Allow the Department of Land and Natural Resources to grant exemptions through rules; and
- (4) Establish administrative fines for violations.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Tourism

2023-2944 SB67 HD2 HSCR HMSO



Authority, and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the lack of a clear definition of "presetting" has allowed issues related to the presetting of commercial beach equipment on Hawaii beaches to persist. The Department of Land and Natural Resources has received numerous complaints about the presetting of equipment on state beaches 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:

- (1) Expanding the applicability of the prohibition on certain commercial activities to include any beach under the jurisdiction of the Department of Land and Natural Resources, including private beaches in which the State has an easement or other property interest, and located within counties with certain population sizes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 67, 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. 67, S.D. 1, H.D. 2.



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

*David Tarnas*

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DAVID A. TARNAS, Chair



