
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii is home to
2 many trails and streams that contribute to the State's natural
3 beauty, some of which fall under the jurisdiction of the
4 department of land and natural resources. The legislature
5 further finds that community members who live near state lands
6 and property, including trails and streams, often feel
7 responsible for maintaining them when they should not. When
8 such natural landscapes are not properly maintained, they
9 potentially pose a safety hazard and liability for the State if
10 they cause damage to a property or a person. It is the
11 responsibility of the State to ensure the proper maintenance of
12 trails and streams under its jurisdiction for the safety and
13 well-being of the public and the environment.

14 The purpose of this Act is to require the department of
15 land and natural resources to maintain the trails and streams
16 under its jurisdiction on a regular or scheduled basis.



1 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171- Streams; maintenance. (a) The department shall
5 maintain all streams under the department's jurisdiction for
6 debris removal and safety purposes on a regular or scheduled
7 basis.

8 (b) The department shall adopt rules pursuant to chapter
9 91 to implement this section."

10 SECTION 3. Section 198D-2, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsections (b) and (d) to read:

13 "(b) The trail and access program shall use funding for
14 the management, regular or scheduled maintenance, and
15 development of trails and trail accesses under the jurisdiction
16 of the department from the following sources:

17 (1) A portion of the highway fuel taxes collected under
18 chapter 243;

19 (2) Federal government grants;

20 (3) Private contributions;



1 (4) Fees, established pursuant to administrative rules and
2 charged by the department for the commercial and other
3 use of trails and trail accesses under the
4 jurisdiction of the department; and

5 (5) Transient accommodations tax revenues pursuant to
6 section 237D-6.5."

7 2. By amending subsection (d) to read:

8 "(d) The moneys specified in subsection (b)(1), (3), (4),
9 and (5) shall be deposited in the special land and development
10 fund under section 171-19 for the management, regular or
11 scheduled maintenance, and development of trails and trail
12 accesses under the jurisdiction of the department; provided that
13 the moneys specified in subsection (b)(5) shall be expended for
14 the management, maintenance, and development of trails and
15 access areas frequented by visitors in response to a master plan
16 developed in coordination with the Hawaii tourism authority."

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: *Disahtitagan*
JAN 27 2021



H.B. NO. 1332

Report Title:

Department of Land and Natural Resources; Trails; Streams;
Maintenance

Description:

Requires the department of land and natural resources to regularly maintain trails and streams under its jurisdiction on a regular or scheduled basis.

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