

MAR 10 2023

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# SENATE RESOLUTION

REQUESTING THE TASK FORCE ON BEACH AND WATER SAFETY TO RESUME  
CONVENING REGULAR MEETINGS AS MANDATED BY LAW AND PROVIDE A  
CURRENT STATUS REPORT TO THE LEGISLATURE.

1           WHEREAS, Act 190, Session Laws of Hawaii 1996 (Act 190),  
2 established a process for the State and counties to provide both  
3 meaningful and legally adequate warnings to the general public  
4 of extremely dangerous natural conditions in ocean areas  
5 adjacent to their respective public beach parks through signage;  
6 and  
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8           WHEREAS, Act 190 recognized the State's duty to warn the  
9 public of dangerous shorebreaks or strong currents in the ocean  
10 fronting a beach park when they are extremely dangerous, typical  
11 for that beach park, and pose a risk of serious injury or death;  
12 and  
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14           WHEREAS, Act 190, among other things, established a Task  
15 Force on Beach and Water Safety to advise the Chairperson of the  
16 Board of Land and Natural Resources prior to any decision on the  
17 design and placement of warning signs and required the Task  
18 Force to regularly convene and to submit an annual report to the  
19 Legislature; and  
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21           WHEREAS, pursuant to Act 152, Session Laws of Hawaii 2007  
22 (Act 152), the Legislature saw fit to remove the sunset date for  
23 Act 190, and thereby make it permanent; and  
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25           WHEREAS, despite this, the Legislature has not recently  
26 received any substantive information relating to any  
27 accomplishments of the Task Force, an inventory of existing  
28 warning signs on public beach parks, nor summaries as to the  
29 effectiveness of these signs in preventing drownings and serious  
30 injuries; and  
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32           WHEREAS, in the report submitted to the Legislature for the  
33 Regular Session of 2020, the Department of Land and Natural



1 Resources attested that the Task Force has not met since  
2 December 12, 2012; and

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4 WHEREAS, in the annual reports that have been submitted to  
5 the Legislature -- which are submitted in conjunction with  
6 reports relating to public land liability pursuant to Act 82,  
7 Session Laws of Hawaii 2003 (Act 82), codified in section 171-  
8 8.6, Hawaii Revised Statutes -- the Department of Land and  
9 Natural Resources has recommended that the need for the Task  
10 Force is obviated by the adoption of chapter 13-8, Hawaii  
11 Administrative Rules (HAR), which "clearly describes the legal  
12 signs standards"; the Department further attests that the  
13 signage "process is now a fundamental and institutional action  
14 by staff and as such there is no need to convene a ... [T]ask  
15 [F]orce"; and

16

17 WHEREAS, the Legislature notes that: (1) chapter 13-8, HAR,  
18 relates to signage on "improved public lands", which are lands  
19 expressly not intended to be inclusive of public beach parks as  
20 defined in Act 82; (2) even if chapter 13-8, HAR, promulgated on  
21 November 18, 2005, was construed to encompass public beach  
22 parks, the Legislature still intended for the receipt of annual  
23 Task Force reports by subsequently enacting Act 152 in 2007; and  
24 (3) while it may be true that the Department has established  
25 effective internal processes, the Department is not free to  
26 ignore a mandate of the Legislature; now, therefore,

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28 BE IT RESOLVED by the Senate of the Thirty-second  
29 Legislature of the State of Hawaii, Regular Session of 2023,  
30 that the Task Force on Beach and Water Safety is requested to  
31 resume convening regular meetings and the annual reporting  
32 requirement as mandated by law, and provide a substantive  
33 current status report to the Legislature as soon as practicable;  
34 and

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36 BE IT FURTHER RESOLVED that certified copies of this  
37 Resolution be transmitted to the Chairperson of the Board of



# S.R. NO. 83

1 Land and Natural Resources and the Administrator of the Division  
2 of State Parks.

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OFFERED BY:



A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be 'F. B. D.' or similar.

