
A BILL FOR AN ACT

RELATING TO THE COUNTIES.

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

1 SECTION 1. The legislature finds that the counties manage
2 and control public lands within their jurisdictions, including
3 lands of great natural, cultural, and recreational significance.
4 These lands are used by residents and visitors and are essential
5 to the public's enjoyment, health, and welfare.

6 The legislature further finds that circumstances sometimes
7 require the temporary or permanent closure or restriction of
8 public access to these lands. These circumstances may include
9 natural disasters, hazardous conditions, wildfire risks,
10 erosion, flooding, cultural site preservation, public
11 sanitation, and other threats to public health or safety.

12 The purpose of this Act is to authorize the counties to
13 close or restrict public lands under the county's jurisdiction
14 when necessary to protect public health, ensure public safety,
15 or preserve natural or cultural resources.



1 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to part V to be appropriately designated
3 and to read as follows:

4 "§46- Closure or restriction of public use of
5 county-controlled property. (a) Each county, or the county's
6 authorized representative, may close or restrict the public use
7 of any property under the county's management or control when
8 necessary to protect public health, ensure public safety, or
9 preserve natural or cultural resources.

10 (b) Closures or restrictions under this section may
11 include the temporary or permanent:

- 12 (1) Denial of access to specific areas;
- 13 (2) Imposition or modification of hours of operation;
- 14 (3) Prohibition or limitation of specified activities; or
- 15 (4) Establishment of conditions for entry or use.

16 (c) Before implementing a closure under this section, or
17 as soon thereafter as practicable, the county shall consult with
18 Native Hawaiian organizations, including the office of Hawaiian
19 affairs, the relevant island burial council established pursuant
20 to section 6E-43.5, and the relevant aha moku advisory committee
21 established pursuant to section 171-4.5, to minimize adverse



1 impacts to the exercise of traditional and customary practices
2 in the area.

3 (d) The county shall give public notice of any closure or
4 restriction imposed under this section in a manner reasonably
5 calculated to inform the public, including the posting of
6 appropriate signs at or near the affected property, publication
7 on the county's official website, or by other reasonable means
8 as determined by the county.

9 (e) Nothing in this section shall be construed to limit
10 the authority of the county to close or restrict access for
11 other lawful reasons or under any other provisions of law."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Counties; Public Lands; Closure; Restriction

Description:

Authorizes the counties to close or restrict public lands under the county's jurisdiction when necessary to protect public health, ensure public safety, or preserve natural or cultural resources. Effective 7/1/3000. (HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

