

ACT 164

H.B. NO. 1533

A Bill for an Act Relating to Public Access.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. **Purpose.** The purpose of this Act is to further clarify the State's commitment to the right of free movement in public spaces and of access to and use of coastal and inland public recreational areas.

SECTION 2. Chapter 115, Hawaii Revised Statutes, is amended by amending the title to read as follows:

**"PUBLIC ACCESS TO COASTAL
AND INLAND RECREATIONAL AREAS"**

SECTION 3. Section 115-1, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 115-1 Findings and Purpose. The legislature finds that miles of shorelines, waters, and inland recreational areas under the jurisdiction of the State are inaccessible to the public due to the absence of public rights-of-way; that the absence of public rights-of-way is a contributing factor to mounting acts of hostility against private shoreline properties and properties bordering inland recreational areas; that the population of the islands is increasing while the presently accessible beach, shoreline, and inland recreational areas remain fixed; and that the absence of public access to Hawaii's shorelines and inland recreational areas constitutes an infringement upon the fundamental right of free

movement in public space and access to and use of coastal and inland recreational areas. The purpose of this chapter is to guarantee the right of public access to the sea, shorelines, and inland recreational areas, and transit along the shorelines, and to provide for the acquisition of land for the purchase and maintenance of public rights-of-way and public transit corridors.

SECTION 4. Section 115-2, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 115-2 Acquisition of lands for public rights-of-way and public transit corridors. When the provisions of section 46-6.5 are not applicable, the various counties shall purchase land for public rights-of-way to the shorelines, and sea, and inland recreational areas, and for public transit corridors where topography is such that safe transit does not exist.

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 6. This Act shall take effect upon its approval.

(Approved June 2, 1977.)

*Edited accordingly.