

JAN 25 2006

S.B. NO. 3106

A BILL FOR AN ACT

RELATING TO BEACH DEBRIS REMOVAL.

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

1 SECTION 1. Section 26-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§26-15 Department of land and natural resources.** (a)

4 The department of land and natural resources shall be headed by
5 an executive board to be known as the board of land and natural
6 resources, except for matters relating to the state water code
7 where the commission on water resource management shall have
8 exclusive jurisdiction and final authority.

9 The board shall consist of seven members, one from each
10 land district and three at large. The appointment, tenure, and
11 removal of the members and the filling of vacancies on the board
12 shall be as provided in section 26-34. At least one member of
13 the board shall have a background in conservation and natural
14 resources, as provided in section 171-4.

15 The governor shall appoint the chairperson of the board
16 from among the members thereof.



1 The board may delegate to the chairperson such duties,
2 powers, and authority, or so much thereof, as may be lawful or
3 proper for the performance of the functions vested in the board.

4 The chairperson of the board shall serve in a full-time
5 capacity. The chairperson, in that capacity, shall perform
6 those duties, and exercise those powers and authority, or so
7 much thereof, as may be delegated by the board.

8 (b) The department shall manage and administer the public
9 lands of the State and minerals thereon and all water and
10 coastal areas of the State except the commercial harbor areas of
11 the State, including the soil conservation function, the forests
12 and forest reserves, aquatic life, wildlife resources, state
13 parks, including historic sites, and all activities thereon and
14 therein including, but not limited to, boating, ocean
15 recreation, and coastal areas programs.

16 (c) The functions and authority heretofore exercised by
17 the commissioner and board of public lands (including the
18 hydrography division and the bureau of conveyances), the Hawaii
19 water authority, the commission on ground water resources, the
20 Hawaii land development authority, the soil conservation
21 committee, and the commission on historical sites and the
22 function of managing the state parks and the function of



1 promoting the conservation, development and utilization of
2 forests, including the regulatory powers over the forest
3 reserve, aquatic life and wildlife resources of the State
4 heretofore exercised by the board of commissioners of
5 agriculture and forestry as heretofore constituted are
6 transferred to the department of land and natural resources
7 established by this chapter.

8 (d) The department shall be responsible for removing and
9 clearing all seaweed, limu, and debris which are likely to
10 create an unsanitary condition or to otherwise become a public
11 nuisance from the shores and beaches situated within the
12 respective counties; provided that to the extent any of the
13 foregoing work is a private responsibility, the responsibility
14 may be enforced by the department in lieu of the work being done
15 at public expense."

16 SECTION 2. Section 46-12, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§46-12 Cleaning shores and beaches of seaweed, limu, and~~
19 ~~debris. The various counties shall be responsible for removing~~
20 ~~and clearing all seaweed, limu, and debris which are likely to~~
21 ~~create an unsanitary condition or to otherwise become a public~~
22 ~~nuisance from the shores and beaches situated within the~~

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1 ~~respective counties; provided that to the extent any of the~~
2 ~~foregoing work is a private responsibility, the responsibility~~
3 ~~may be enforced by the county in lieu of the work being done at~~
4 ~~public expense."]~~

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

8

INTRODUCED BY: *ASAI*

Report Title:

Seaweed Removal; Debris Removal; Counties; DLNR

Description:

Transferring responsibility for seaweed and debris removal from the respective county to the Department of Land and Natural Resources.

