

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1           SECTION 1. 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-    Transiting public lands; commercial activity.

5           (a) No person shall transit unencumbered public lands for the  
6 purpose of any commercial activity without first obtaining a  
7 conservation district use permit, unless the unencumbered land  
8 is within an area that is regulated through a management plan  
9 that permits the commercial activity.

10           (b) When determining whether to grant a conservation  
11 district use permit for a person to transit unencumbered public  
12 lands for the purpose of a commercial activity, the board shall  
13 consider whether:

14           (1) The commercial activity will have unreasonable adverse  
15 health, environmental, or socio-economic effects;

16           (2) The commercial activity will unreasonably burden  
17 public agencies to provide streets or roads, sewers,  
18 water, drainage, and police; or



1       (3) There are reasonable measures available to mitigate  
2       the unreasonable adverse effects or burdens referred  
3       to in paragraphs (1) and (2).

4       (c) Nothing in this section shall be construed to apply  
5 to:

6       (1) Personnel or agents of the department of land and  
7       natural resources; or

8       (2) Emergency personnel, including medical, fire, and  
9       police personnel, in their official capacity.

10       (d) Any person who violates this section shall be fined  
11 not less than \$100 or more than \$500.

12       (e) As used in this section:

13       "Commercial activity" means to engage in any action or to  
14 attempt to engage in any action for compensation in any form,  
15 including but not limited to providing, or attempting to  
16 provide, guide services, charters, tours, and transportation to  
17 and from the location for which services are provided.

18       "Transit" means to pass over or through.

19       (f) The department shall adopt rules pursuant to chapter  
20 91 to implement and enforce this section."



1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on January 1, 2009.

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INTRODUCED BY:

*Guy L. Han*



**Report Title:**

Public Lands; Commercial Activity

**Description:**

Prohibits a person from transiting unencumbered public lands for any commercial activity purpose without a conservation district use permit unless the unencumbered land is within an area that is regulated through a management plan that permits the commercial activity. Effective 01/01/09.

