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## A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

1           SECTION 1. Section 46-6.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) Upon the dedication of land for a right-of-way, as  
4 required by this section [~~and acceptance by the county~~], the  
5 county concerned shall [~~thereafter~~] either:

6           (1) Accept the dedication and assume the cost of  
7           improvements for and the maintenance of the right-of-  
8           way [~~, and the subdivider shall accordingly be relieved~~  
9           from such costs.]; provided that the county may  
10           require, by ordinance, that the subdivider establish  
11           and initially fund a stewardship fund to be controlled  
12           by the county for the improvement and future  
13           maintenance of the right-of-way; or

14           (2) In the alternative to the county accepting dedication  
15           of the right-of-way, require, by ordinance, that the  
16           subdivider, or the subdivider's successor in interest  
17           in the form of a planned community association,  
18           improve and maintain the right-of-way."



# H.B. NO. 544

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 Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY: *Sen. D.C. Fisher*  
JAN 23 2009



**Report Title:**

Subdivisions; Public Access

**Description:**

Clarifies that where public access is required as a condition of a subdivision, either the county must accept dedication of and maintain the access or identify an entity to own and maintain the access. Authorizes county to require subdivider to provide establishment of a stewardship fund for maintenance purposes.

