
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~~]:

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) Require, by ordinance, that the subdivider, or the
15 subdivider's successor in interest in the form of a
16 planned community association, improve and maintain
17 the right-of-way."



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 Statutory material to be repealed is bracketed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.
7

INTRODUCED BY:

~~Sen. D.C. Fitch-Jones~~

~~Rep. P. R.~~

~~At~~

~~_____~~

John F. ...

Paul

Yokashima

JAN 21 2011



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.

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