

JAN 23 2015

A BILL FOR AN ACT

RELATING TO OCEAN SAFETY.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

4 "§46- Ocean safety; risk of drowning; posting of
5 signage; provision of personal flotation devices for minors.

6 (a) Each county shall ensure that adequate signage is posted on
7 all county beaches that may pose a risk of drowning due to
8 dangerous shoreline conditions; provided that a sign warning of
9 the risk of drowning shall be conclusively presumed to be a
10 legally adequate warning of the dangerous conditions of which
11 the sign or signs warn, if the county posts a sign or signs
12 warning of the dangerous conditions and the design and placement
13 of the warning sign or signs are approved by the appropriate
14 county agency.

15 (b) Each county shall establish a children's personal
16 flotation device loan program to provide life vests for minors
17 up to age , to use at county beaches while in the water;



1 provided that a county may enlist private resources and private
2 sponsors for the purpose of this subsection."

3 SECTION 2. Section 171-7, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§171-7 General duties of the board. Except as provided
6 by law the board of land and natural resources through the
7 chairperson shall:

- 8 (1) Maintain an accurate inventory of public lands;
9 (2) Prevent illegal activities on, unlawful occupation of,
10 or trespassing on public lands;
11 (3) Cause all trespassers and persons unlawfully occupying
12 public lands, and their effects, and all animals
13 trespassing on the lands to be removed therefrom and
14 to impound the animals according to law;
15 (4) Enter on any public land in order to take possession
16 thereof, and to resume possession of any public land
17 in case of surrender, forfeiture, or escheat;
18 (5) Enforce contracts respecting sales, leases, licenses,
19 permits, or other disposition of public lands;
20 (6) Conduct all public auctions and sales pertaining to
21 the disposition of public lands and other property
22 authorized by the board;



- 1 (7) Recover money due the State for damage done to any
2 public lands by wrongful entry and occupation or by
3 wrongful removal therefrom or destruction of any
4 property;
- 5 (8) Bring such actions and proceedings as may be necessary
6 to carry out the powers and duties of the board in the
7 name of the State and to defend such actions brought
8 against the State as may be authorized;
- 9 (9) Keep a record of all official transactions, relating
10 to public lands within the chairperson's jurisdiction
11 and such record shall be a public record;
- 12 (10) Administer oaths in all matters pertaining to the
13 administration of the public lands[-];
- 14 (11) Provide or cause to be provided an information sheet
15 to arriving tourists concerning awareness of drowning
16 in the State's beaches;
- 17 (12) Ensure that adequate signage is posted on all state
18 beaches that may pose a risk of drowning due to
19 dangerous shoreline conditions; provided that a sign
20 warning of the risk of drowning shall be conclusively
21 presumed to be a legally adequate warning of the
22 dangerous conditions of which the sign or signs warn,



1 if the State posts a sign or signs warning of the
2 dangerous conditions and the design and placement of
3 the warning sign or signs are approved by the board;
4 and

5 (13) Establish a children's personal flotation device loan
6 program to provide life vests for minors up to
7 age _____, to use at state beaches while in the water;
8 provided that the board may enlist private resources
9 and private sponsors for the purpose of this
10 paragraph."

11 SECTION 3. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2015-2016 and
14 the same sum or so much thereof as may be necessary for fiscal
15 year 2016-2017 for the counties to implement the signage
16 requirements pursuant to this Act.

17 The sums appropriated shall be expended by the counties for
18 the purposes of this Act.

19 SECTION 4. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2015-2016 and
22 the same sum or so much thereof as may be necessary for fiscal

1 year 2016-2017 for the board of land and natural resources to
2 implement the signage requirements pursuant to this Act.

3 The sums appropriated shall be expended by the department
4 of land and natural resources for the purposes of this Act.

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2015-2016 and
8 the same sum or so much thereof as may be necessary for fiscal
9 year 2016-2017 for each county to implement a children's
10 personal flotation device loan program pursuant to this Act.

11 The sums appropriated shall be expended by the counties for
12 the purposes of this Act.

13 SECTION 6. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2015-2016 and
16 the same sum or so much thereof as may be necessary for fiscal
17 year 2016-2017 for the board of land and natural resources to
18 implement a children's personal flotation device loan program
19 pursuant to this Act.

20 The sums appropriated shall be expended by the department
21 of land and natural resources for the purposes of this Act.



1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: Russell E. Pelt
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M
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S.B. NO. 573

Report Title:

Board of Land and Natural Resources; Duties; Drownings;
Appropriation

Description:

Requires the BLNR to provide an information sheet to arriving tourists concerning awareness of drowning in the State's beaches. Requires the BLNR in the case of the State and each county in the case of counties to ensure that adequate signage is posted at all beaches that may pose a risk of drowning due to dangerous shoreline conditions. Requires the BLNR in the case of state beaches and each county in the case of county beaches to establish a children's personal flotation device loan program to provide life vests for minors up to an unspecified age. Appropriates funds to the counties and DLNR for implementation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

