
A BILL FOR AN ACT

RELATING TO MILITARY INSTALLATIONS.

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

1 SECTION 1. The legislature finds that in December 2001,
2 the United States Congress authorized a new round of military
3 installation and base realignments and closures to be
4 implemented in 2005. In the past, certain base closings
5 resulted because of the loss of the effectiveness of a military
6 installation that was caused by the encroachment on the
7 installation by nearby civilian urban growth.

8 The legislature further finds that all branches of the
9 United States armed services in Hawaii are not only vital
10 contributors to the economy of the State but are also
11 productive, contributing community members.

12 The purpose of this Act is to require sufficient notice to
13 commanding officers of military installations in the State of:

14 (1) Proposed zoning changes on lands within three thousand
15 feet or two miles (depending on the size of the
16 population of the county) of any military
17 installation; and



1 (2) Any petitions for land use district boundary
 2 amendments for any lands within three thousand feet or
 3 two miles (depending on the size of the population of
 4 the county) of any military installation,

5 thus affording military authorities an opportunity to:

6 (1) Raise any concerns they may have about urban
 7 encroachment on military installations that could
 8 adversely affect the effectiveness and preparedness of
 9 the installation; and

10 (2) Participate in any contested case proceedings, as
 11 applicable.

12 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
 13 by adding a new section to be appropriately designated and to
 14 read as follows:

15 "§46- Notice of zoning change application within three
 16 thousand feet or two miles of any military installation. (a)

17 Any county planning department or commission that processes a
 18 zoning change application shall notify the authorities of any
 19 military installation:

20 (1) Within three thousand feet, for counties with a
 21 population of five hundred thousand or more residents;

22 or



1 (2) Within two miles, for counties with a population of
2 fewer than five hundred thousand residents,
3 of any land that is the subject of the zoning change
4 application, in accordance with the county's rules for public
5 hearings, but in no case less than sixty days prior to the
6 earliest administrative hearing on the application.

7 The failure of the commanding officer to file a timely
8 application to intervene or respond to a request for comment by
9 the date of the public hearing shall not lead to a presumption
10 that the zoning change application will have no adverse effects
11 on the operation and effectiveness of the mission of the
12 military installation.

13 (b) As used in this section, "military installation"
14 includes any military base, airport, camp, post, station, yard,
15 center, home-port facility for a ship, or any other military
16 activity center over which the jurisdiction of the United States
17 Department of Defense is either exclusive or concurrent with the
18 State."

19 SECTION 3. Chapter 205, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§205- Notice of petition for district boundary
2 amendment for land within three thousand feet or two miles of
3 any military installation. (a) A copy of any petition for a
4 district boundary amendment of any land:

5 (1) Within three thousand feet, for counties with a
6 population of five hundred thousand or more residents;
7 or

8 (2) Within two miles, for counties with a population of
9 fewer than five hundred thousand residents,
10 of any military installation, whether processed pursuant to
11 section 205-3.1 or 205-4, shall be served upon the appropriate
12 commanding officer of the military installation. The copy of
13 the petition shall be accompanied by a notice of any scheduled
14 hearing on the petition. The commanding officer of the military
15 installation or the commanding officer's representative shall
16 have an opportunity to file a timely application for
17 intervention as a party in the proceedings.

18 The failure of the commanding officer of the military
19 installation to file a timely application to intervene or a
20 timely response to a request for comment by the date of the
21 public hearing shall not lead to a presumption by the county
22 land use decision-making authority or the commission that the



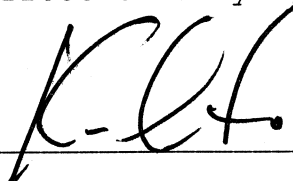
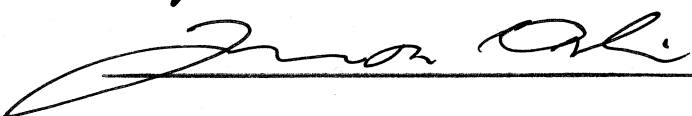

1 proposed petition for the district boundary amendment will have
2 no adverse effects on the operation and effectiveness of the
3 mission of the military installation.

4 (b) As used in this section, "military installation"
5 includes any military base, airport, camp, post, station, yard,
6 center, home-port facility for a ship, or any other military
7 activity center over which the jurisdiction of the United States
8 Department of Defense is either exclusive or concurrent with the
9 State."

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2006.

12

INTRODUCED BY: 



JAN 23 2006

H.B. NO 2442

Report Title:

Military Installations

Description:

Requires notification to the commanding officer of a military installation of zoning changes and district boundary amendments for land within 3,000 feet or 2 miles (depending on county population) of a military installation.

