

JAN 25 2006

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# A BILL FOR AN ACT

RELATING TO CONSERVATION LANDS.

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

1           SECTION 1. Section 183C-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§183C-6 Permits and site plan approvals.** (a) The  
4 department shall regulate land use in the conservation district  
5 by the issuance of permits.

6           (b) The department shall render a decision on a completed  
7 application for a permit within one-hundred-eighty days of its  
8 acceptance by the department. If within one-hundred-eighty days  
9 after acceptance of a completed application for a permit, the  
10 department shall fail to give notice, hold a hearing, and render  
11 a decision, the owner may automatically put the owner's land to  
12 the use or uses requested in the owner's application. When an  
13 environmental impact statement is required pursuant to chapter  
14 343, or when a contested case hearing is requested pursuant to  
15 chapter 91, the one-hundred-eighty days may be extended an  
16 additional ninety days at the request of the applicant. Any  
17 request for additional extensions shall be subject to the  
18 approval of the board.



1           (c) The department shall hold a public hearing in every  
2 case involving the proposed use of land for commercial purposes,  
3 at which hearing interested persons shall be afforded a  
4 reasonable opportunity to be heard. Public notice of the time  
5 and place of the hearing shall be given at least once statewide  
6 and in the county in which the property is located. The notice  
7 shall be given not less than twenty days prior to the date set  
8 for the hearing. The hearing shall be held in the county in  
9 which the land is located and may be delegated to an agent or  
10 representative of the board as may otherwise be provided by law  
11 and in accordance with rules adopted by the board. For the  
12 purposes of its public hearing or hearings, the department shall  
13 have the power to summon witnesses, administer oaths, and  
14 require the giving of testimony. As used in this subsection,  
15 the term "commercial purposes" shall not include the use of land  
16 for utility purposes.

17           (d) The department shall regulate the construction,  
18 reconstruction, demolition, or alteration of any structure,  
19 building, or facility by the issuance of site plan approvals.

20           (e) Any permit for the reconstruction, restoration,  
21 repair, or use of any Hawaiian fishpond exempted from the

1 requirements of chapter 343 under section 183B-2 shall provide  
2 for compliance with the conditions of section 183B-2.

3 (f) The installation, construction, reconstruction,  
4 restoration, repair, or use of any civil defense equipment  
5 necessary under chapter 128, including sirens, shall be exempt  
6 from the requirements of this chapter."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:           *DiCanno*            
*Clarence W. Washburn*  
*Will Egan*

**SB. NO. 3029**

**Report Title:**

Conservation Land; Permit Exemption

**Description:**

Exempts civil defense equipment, such as sirens, from permitting requirements under chapter 183C.

