
A BILL FOR AN ACT

RELATING TO CONSERVATION DISTRICTS.

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 shall be extended an
16 additional ninety days beyond the time necessary to complete the
17 requirements of chapter 343 or chapter 91. Any request for



1 additional extensions by the applicant shall be subject to the
2 approval of the board.

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

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



1 (e) Any permit for the reconstruction, restoration,
2 repair, or use of any Hawaiian fishpond exempted from the
3 requirements of chapter 343 under section 183B-2 shall provide
4 for compliance with the conditions of section 183B-2.

5 (f) The department shall revoke a permit issued under this
6 section upon a finding by the department that the holder of the
7 permit has failed to make substantial progress towards
8 implementing the use of land provided for in the permit within
9 one year of issuance of the permit.

10 (g) Any permit issued under this section, regardless of
11 whether or not the permit contains an expiration date, shall
12 automatically expire upon a finding by the department that the
13 permit holder has failed to use the land as provided in the
14 permit for one consecutive year at any time during the duration
15 of the permit."

16 SECTION 2. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 3. New statutory material is underscored.



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

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INTRODUCED BY:

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JAN 23 2019



H.B. NO. 1111

Report Title:

Department of Land and Natural Resources; Conservation
Districts; Use Permits; Cancellation; Expiration

Description:

Requires the cancellation or expiration of conservation district
use permits in certain circumstances.

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not legislation or evidence of legislative intent.*

