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## A BILL FOR AN ACT

RELATING TO CONSERVATION DISTRICT PERMITS.

**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) For purposes of emergency permits that permit an  
 6 action to alleviate an emergency caused by coastal erosion, a  
 7 land use shall be considered to be imminently threatened by  
 8 active erosion of a shoreline occurring within forty feet or  
 9 less of the land use or by erosion that will threaten any  
 10 structure in less than six months."

11 SECTION 2. This Act does not affect rights and duties that  
 12 matured, penalties that were incurred, and proceedings that were  
 13 begun before its effective date.

14 SECTION 3. New statutory material is underscored.

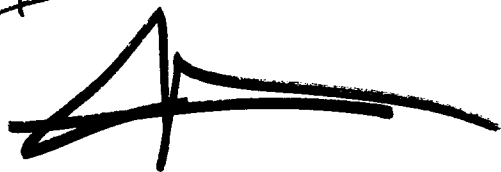
15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: S. O'Neil  
Mahealani Mahealani  
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Danielle Mahealani



*Richard C. ...*

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JAN 23 2019



# H.B. NO. 1106

**Report Title:**

Conservation District; Emergency Permit; Coastal Erosion

**Description:**

Specifies that, for purposes of emergency permits to alleviate coastal erosion in a conservation district, a land use shall be considered to be immediately threatened by coastal erosion that occurs within forty feet of the land use or that will threaten any structure in less than six months.

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

