

JAN 17 2020

A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1 SECTION 1. The legislature finds that, since 1961, the
2 land use commission's duty is to establish a framework of land
3 use management and regulation in which all lands in the State of
4 Hawaii are classified into one of four land use districts. The
5 legislature further finds that the land use commission is
6 misusing its authority by keeping projects pending due to
7 reasons beyond their jurisdiction of determining boundary
8 classifications.

9 The legislature also finds that specifying in the Hawaii
10 Revised Statutes that state and county agencies that have
11 jurisdiction over issues that arise in projects and not the land
12 use commission, will provide clarity to the land use
13 commission's duties towards project decision-making.

14 Accordingly, the purpose of this Act is to:

15 (1) Clarify that the land use commission shall not take
16 into consideration matters that are outside its
17 jurisdiction of the classification of district



1 boundaries and that are specifically within the
 2 jurisdiction of another government agency; and
 3 (2) Establish procedures for a petitioner in the event the
 4 land use commission approves or disapproves a petition
 5 for reclassification of a district boundary for
 6 reasons outside the land use commission's
 7 jurisdiction.

8 SECTION 2. Chapter 205, Hawaii Revised Statutes, is
 9 amended by adding a new section to be appropriately designated
 10 and to read as follows:

11 "§205- Decision-making; district boundary
 12 reclassification petition; jurisdictional authority.

13 (a) Notwithstanding any other law to the contrary, in
 14 determining to approve or disapprove a petition for the
 15 reclassification of a district boundary, the land use commission
 16 shall not consider matters that are outside the commission's
 17 jurisdiction of the classification of district boundaries and
 18 that are specifically within the jurisdiction of another
 19 government agency.

20 (b) In the event that the land use commission approves or
 21 disapproves a petition for reclassification of a district




1 boundary for reasons outside the commission's jurisdiction of
2 the classification of a district boundary and within the
3 jurisdiction of another government agency, the petitioner shall
4 have standing in the circuit court for the first circuit to seek
5 a writ of mandamus against the commission."

6 SECTION 3. New statutory material is underscored.

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

8

INTRODUCED BY:

Russell H. Baker




S.B. NO. 2427

Report Title:

Land Use Commission; District Boundaries; Reclassification;
Decision-making Criteria

Description:

Clarifies that when deciding on a petition for the reclassification of a district boundary, the land use commission shall not consider matters outside of its jurisdiction and that are within the jurisdiction of another government agency. Establishes procedures for a petitioner in the event the land use commission approves or disapproves a petition for reclassification of a district boundary for reasons outside its jurisdiction.

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