

JAN 21 2022

A BILL FOR AN ACT

RELATING TO LAND USE DISTRICT BOUNDARIES.

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

1 SECTION 1. The legislature finds that boundary disputes
2 may be brought before the entire land use commission through the
3 declaratory ruling process. The legislature also finds that
4 these determinations are burdensome for the commission and
5 parties involved as they are expensive, difficult to secure a
6 hearing, take a long time to resolve, and technical in nature.

7 The purpose of this Act is to establish a boundary review
8 committee within the land use commission to promptly and
9 efficiently resolve boundary disputes brought before the
10 commission.

11 SECTION 2. Chapter 205, Hawaii Revised Statutes, is
12 amended by adding two new sections to part I to be appropriately
13 designated and to read as follows:

14 "**\$205-A District boundary disputes.** (a) Any department
15 or agency of the State, any department or agency of the county
16 in which the land is situated, or any person with a property
17 interest in the land, may petition the commission to render a



1 determination on the location of a specific district boundary
2 where a legitimate dispute has arisen between the petitioner and
3 the commission.

4 (b) Upon proper filing of a petition pursuant to
5 subsection (a), the commission shall refer the petition to the
6 boundary review committee established in section 205-B, who
7 shall, within not less than sixty and not more than one hundred
8 and eighty days, conduct a hearing on the appropriate island in
9 accordance with the provisions of sections 91-9, 91-10, 91-11,
10 91-12, and 91-13, as applicable.

11 (c) Any other provision of law to the contrary
12 notwithstanding, notice of the hearing together with a copy of
13 the petition shall be served on the office of planning and
14 sustainable development and the county planning department of
15 the county in which the land is located and all persons with a
16 property interest in the land as recorded in the county's real
17 property tax records.

18 (d) Any other provisions of law to the contrary
19 notwithstanding, prior to hearing of a petition, the land that
20 is the subject of the petition may be viewed and inspected as
21 necessary.



1 (e) The petitioner, the office of planning and sustainable
2 development, and the appropriate county planning department
3 shall in every case appear as parties and make recommendations
4 relative to the proposed boundary dispute.

5 (f) The commission, pursuant to chapter 91, shall adopt
6 rules governing the review of boundary dispute petitions under
7 this section. The rules shall establish:

8 (1) The factual basis of the disagreement with
9 commission's boundary determination;

10 (2) Any documents supporting the petition; and

11 (3) Reasonable filing fees to accompany applications.

12 (g) The boundary review committee may allow testimony from
13 witnesses whom the committee may desire to hear from at the
14 hearing. The boundary review committee shall allow testimony
15 from any citizens or representatives of any community groups who
16 indicate a desire to express the view of such citizen or
17 community group concerning the boundary dispute.

18 (h) Within a period of not more than one hundred and
19 eighty days after the proper filing of a petition, unless
20 otherwise ordered by a court, or unless a time extension, which
21 shall not exceed ninety days, is established by a two-thirds



1 vote of the members of the boundary review committee, the
2 committee, by filing findings of fact and conclusions of law,
3 shall render a decision locating the district boundaries subject
4 to the petition.

5 (i) At the hearing, all parties may enter into appropriate
6 stipulations as to findings of fact and conclusions of law
7 concerning the boundary dispute petition.

8 **§205-B Boundary review committee.** (a) There is
9 established a boundary review committee within the commission to
10 resolve disputes regarding the location of district boundaries
11 brought before to the commission pursuant to section 205-A.

12 (b) The commission shall designate three of its members to
13 the boundary review committee for two-year terms. The boundary
14 review committee shall elect a chairperson and meet as needed to
15 resolve disputes regarding the location of district boundaries
16 brought before the commission pursuant to section 205-A."

17 SECTION 3. New statutory material is underscored.

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

19
INTRODUCED BY: *Shirley R. Hodge*



S.B. NO. 2762

Report Title:

Land Use Commission; Boundary Disputes

Description:

Establishes a boundary review committee to render decisions on district boundary disputes brought before the land use commission.

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

