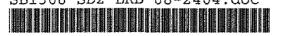
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1	SECTION 1. The legislature finds that there are cases
2	where lands reclassified by the land use commission to the urban
3	district are undeveloped for many years after the
4	reclassification. The legislature is concerned that in some
5	cases, conditions have changed so significantly that the
6	development proposal as originally conceived may warrant review
7	and reconsideration. The legislature also finds that premature
8	urban or rural classification encourages speculative land
9	banking and creates uncertainty in the buildout of planned urban
10	or rural capacity and associated infrastructure. The purpose of
11	this Act is to provide for the development of a use-it-or-lose-
12	it mechanism to ensure more effective timing of development of
13	planned or approved urban or rural capacity.
14	SECTION 2. Chapter 205, Hawaii Revised Statutes, is
15	amended by adding a new section to be appropriately designated
16	and to read as follows:

- 17 "§205- Reversion of district classification. (a) The
- 18 land use commission shall establish a process, including



1 conducting public hearings under chapter 91, to develop 2 deadlines for substantial progress in the development for any 3 petition approved for reclassification to the urban or rural 4 district. In developing guidelines for reclassification 5 deadlines, the commission may consult with petitioners in prior 6 land use classifications proceedings, prior land use 7 classifications parties on the record, land use experts, 8 environmental experts, people knowledgeable in transportation 9 and related infrastructure impacts, elected officials, and 10 community representatives. 11 (b) Before December 31, 2009, the commission shall adopt 12 rules pursuant to chapter 91 to guide the commission's process 13 to develop deadlines for substantial progress in the development 14 for any petition approved for reclassification to the urban or 15 rural district. 16 The recommendations of the commission and subsequent 17 implementation of a use-it-or-lose-it policy shall not apply to: 18 (1) Land that is the subject of a state- or county-

initiated petition for a regional boundary amendment

based upon a regional boundary review; or

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         (2) Any petition approved by the commission or accepted
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              for filing by the commission prior to the effective
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              date of the adoption of a use-it-or-lose-it policy."
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         SECTION 3. The land use commission shall hold a series of
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    hearings in each county to gather input on the development and
 6
    implementation of a use-it-or-lose-it policy and mechanism
 7
    consistent with the intent of this Act. The commission shall
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    prepare a report on the recommendations brought forth at the
 9
    hearings and submit the report to the legislature and governor
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    no later than twenty days prior to the convening of the 2009
11
    regular session.
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         SECTION 4. There is appropriated out of the general
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    revenues of the State of Hawaii the sum of $
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    much thereof as may be necessary for fiscal year 2008-2009 for
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    the purpose of this Act.
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         The sum appropriated shall be expended by the department of
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    business, economic development, and tourism for the purpose of
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    this Act.
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         SECTION 5. New statutory material is underscored.
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         SECTION 6. This Act shall take effect upon its approval;
    provided that section 4 shall take effect on July 1, 2008.
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Report Title:

Land Use Classifications; Use It or Lose It Mechanism

Description:

Establishes a process for determining when land use classifications should be rescinded because they have not been exercised. (SB1368 SD2)