
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, are difficult to secure
6 a hearing for, take a long time to resolve, and are technical in
7 nature.

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

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

15 "**§205-A District boundary disputes.** (a) Any department
16 or agency of the State, any department or agency of the county
17 in which the land is situated, or any person with a property



1 interest in the land may petition the commission to render a
2 determination on the location of a specific district boundary
3 where a legitimate dispute has arisen between the petitioner and
4 the commission.

5 (b) Upon proper filing of a petition pursuant to
6 subsection (a), the commission shall refer the petition to the
7 boundary review committee established in section 205-B, who
8 shall, within no less than sixty and no more than one hundred
9 eighty days, conduct a hearing on the appropriate island in
10 accordance with sections 91-9, 91-10, 91-11, 91-12, and 91-13,
11 as applicable.

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

19 (d) Any other provision of law to the contrary
20 notwithstanding, before hearing of a petition, the land that is



1 the subject of the petition may be viewed and inspected as
2 necessary.

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

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

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

12 (2) Any documents supporting the petition; and

13 (3) Reasonable filing fees to accompany applications.

14 (g) The boundary review committee may allow testimony from
15 witnesses from whom the committee may desire to hear at the
16 hearing. The boundary review committee shall allow testimony
17 from any citizens or representatives of any community groups who
18 indicate a desire to express their views concerning the boundary
19 dispute.

20 (h) Within a period of no more than one hundred eighty
21 days after the proper filing of a petition, unless otherwise



1 ordered by a court, or unless a time extension, which shall not
2 exceed ninety days, is established by a two-thirds vote of the
3 members of the boundary review committee, the committee, by
4 filing findings of fact and conclusions of law, shall render a
5 decision locating the district boundaries subject to the
6 petition.

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

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

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

19 SECTION 3. In codifying the new sections added by section
20 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on July 1, 2050.

5



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. Effective 7/1/2050. (HD1)

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

