

ACT 174

H. B. NO. 1908-70

A Bill for an Act Relating to the Validity of Amendments to County General Plans.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. All amendments to the general plan of any county adopted by ordinance, the effective date of which was prior to the effective date of this Act, are hereby validated, ratified, approved, confirmed and legalized, notwithstanding the fact that the amendment process may have been pursuant to a general charter power to amend ordinances or otherwise may not have complied with pertinent and relevant requirements of the charter of such county for the adoption or amendment of its general plan.

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SECTION 2. The provisions of Section 1 shall not prevent any person whose vested rights have been substantially impaired thereby, and who prior to the enactment of any such amendment formally protested the same in person or in writing before the council of the county whose actions are being challenged, from filing suit within thirty days following the effective date of this Act before a court of competent jurisdiction to have such amendment declared invalid; provided, however, nothing herein contained shall be construed as creating any new cause of action or as validating or enlarging upon existing rights, if any, or as reviving or reinstating any cause of action now barred or otherwise incapable of being instituted or maintained.

SECTION 3. The provisions of this Act are declared to be severable and, if any word, sentence or section of this Act or the application thereof to any person, circumstance or property is held invalid for any reason, the validity of the remainder of this Act or the application of such portion to other persons, circumstances or property shall not be affected.

SECTION 4. This Act shall take effect upon its approval.
(Approved June 30, 1970.)