

A Bill for an Act Relating to Chapter 183, Hawaii Revised Statutes.

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

SECTION 1. Section 183-41, paragraph (1), Hawaii Revised Statutes, is amended to read as follows:

“(1) General powers. The department shall, after notice and hearing as herein provided, review and redefine the boundaries of forest and water reserve zones as established by or under the authority of this part. The department may allow temporary variances from zoned use where good cause is shown and where the proposed variance is for a use determined by the department to be in accordance with good conservation practices. The department may establish subzones within the forest and water reserve zones, which subzones shall be restricted to certain uses. In establishing permitted uses in the subzones, the department shall give full consideration to all available data as to soil classification and physical use capabilities of the land so as to allow and encourage the highest economic use thereof consonant with requirements for the conservation and maintenance of the purity of the water supplies arising in or running or percolating through the land. The department shall also give full consideration to the preservation of open spaces or areas, as defined in section 201-2(7), so as to maintain, improve, protect, limit the future use of, or otherwise conserve open spaces and areas for public use and enjoyment. Provided, the board shall hold a public hearing in every case involving the proposed use of land in a conservation zone for commercial purposes, at which hearing interested persons shall be afforded a reasonable opportunity to be heard. Notice of the time and place of the hearing shall be published in accordance with the

public notice requirements of section 183-41(3). As used herein, the term 'commercial purposes' shall not include the use of land for utility purposes."

SECTION 2. Section 183-41, Hawaii Revised Statutes, is further amended by adding thereto a new paragraph following sub-paragraph (4) to read as follows:

"The term 'land', whenever used herein, shall mean and include any estate or interest therein, and the term 'owner of land' or 'landowner', including any reference thereto, shall mean an owner of land, or of any estate or interest therein."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 3, 1972.)

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\*Edited accordingly.