

ACT 133

H.B. NO. 514

A Bill for an Act Relating to Counties.

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

SECTION 1. The legislature finds that under the local government provisions of Article VIII of the State Constitution, "Each political subdivision shall have the power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be provided by general law", and that "Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions."

The legislature finds that county charter provisions relating to the size, membership, or composition of county zoning boards of appeals, as distinguished from the zoning power, relate to a political subdivision's executive or administrative structure and organization and are therefore superior to statutory provisions.

In this regard, the legislature finds that although the charter of the city and county of Honolulu provides for a five-member zoning board of appeals, the charter of Hawaii county provides for a seven-member board of appeals. Thus, there is a need to repeal section 46-4.1, Hawaii Revised Statutes, and to thereby make it clear that the size, membership, or composition of county zoning boards of appeals is strictly a county matter.

SECTION 2. Section 46-4.1, Hawaii Revised Statutes, is repealed.

SECTION 3. Statutory material to be repealed is bracketed.¹

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

(Approved May 27, 1983.)

Note

1. Edited pursuant to HRS §23G-16.5.