

**ACT 255**

**S. B. 1059.**

**A Bill for an Act Relating to Real Property Tax Payment.**

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

**PART I**

**SECTION 1. Purpose.** The purpose of this Act is to provide a longer period for the filing of appeals from real property tax assessments and to

correlate the schedule of functions related to real property tax payments so that they will be performed on a fiscal year basis thereby fully coinciding with the fiscal year operations of the counties.

SECTION 2. Section 128-3 of the Revised Laws of Hawaii 1955 is amended to read as follows:

**“Sec. 128-3. Tax year; time as of which levy and assessment made.** For real property tax purposes, “tax year” shall mean the fiscal year beginning July 1 of each calendar year and ending June 30 of the following calendar year. Real property shall be assessed, and taxes shall be levied thereon, as of January 1 preceding each tax year upon the basis of valuations determined in the manner and at the time provided in this chapter.”

SECTION 3. Section 128-4 of the Revised Laws of Hawaii 1955 is amended by deleting the words “January 1 of the assessment year” appearing in the first paragraph therein and substituting in lieu thereof the words “January 1 preceding the applicable tax year”.

SECTION 4. Section 128-7 of the Revised Laws of Hawaii 1955 is amended by deleting the words “January 1 of the tax year for which such assessment is made, or some of whom did not have record title thereto on January 1 of such tax year” appearing therein and substituting in lieu thereof the words “January 1 preceding the applicable tax year, or some of whom did not have record title thereto on January 1 preceding the applicable tax year”.

SECTION 5. Section 128-12 of the Revised Laws of Hawaii 1955 is amended by deleting the words “January 15 of the year” appearing therein and substituting in lieu thereof the words “December 31 preceding the tax year”.

SECTION 6. Section 128-14 of the Revised Laws of Hawaii 1955 is amended by deleting the words “January 1 of the year” wherever they may appear therein and substituting in lieu thereof the words “January 1 preceding the tax year”.

SECTION 7. Section 128-14.5 of the Revised Laws of Hawaii 1955 is amended by deleting the words “January 15 of the year” appearing in paragraph (b) and substituting in lieu thereof the words “December 31 preceding the tax year”.

SECTION 8. Section 128-15 of the Revised Laws of Hawaii 1955 is amended by deleting the words “January 1 of the year” appearing therein and substituting in lieu thereof the words “January 1 preceding the tax year”.

SECTION 9. Section 128-22 of the Revised Laws of Hawaii 1955 is amended in the following respects:

- (a) By deleting the words “January 1 of any tax year” wherever they

may appear in subsection (a) and substituting in lieu thereof the words "January 1 preceding any tax year".

(b) By deleting the words "January 15 of the year" wherever they may appear in subsections (c) and (d) and substituting in lieu thereof the words "December 31 preceding the tax year" and

(c) By deleting the words "January 1 and 15" appearing in subsection (e) and substituting in lieu thereof the words "December 15 and December 31 preceding the applicable tax year".

SECTION 10. Section 128-27 of the Revised Laws of Hawaii 1955 is amended by deleting the words "Each year, on or before March 10, the director of taxation shall give notice of the assessments for such year" and "March 20 of such year" appearing in the first and second paragraphs respectively, and respectively substituting in lieu thereof the words "On or before March 5 preceding each tax year, the director of taxation shall give notice of the assessment for such tax year", and "March 20 preceding the tax year".

SECTION 11. Section 128-22.1 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 of any tax year" wherever they may appear therein and substituting in lieu thereof the words "January 1 preceding any tax year".

SECTION 12. Section 128-28 of the Revised Laws of Hawaii 1955 is amended by deleting the words "March 31 of each year" appearing therein and substituting in lieu thereof the words "April 10 preceding each tax year".

SECTION 13. Section 128-30 of the Revised Laws of Hawaii 1955 is amended by deleting the words "March 20 of the assessment year" wherever they may appear in the first and second paragraphs and substituting in lieu thereof the words "March 31 preceding the tax year".

SECTION 14. Section 128-32 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 in each year" appearing therein and substituting in lieu thereof the words "July 1 of each tax year".

SECTION 15. Section 128-33.5 of the Revised Laws of Hawaii 1955 is amended by deleting the words "for the preceding year", "for the current year" and "January 31 of the current tax year" as the same respectively appear in section 128-33.5 and respectively substituting in lieu thereof the words "for the preceding tax year", "for the current tax year" and "July 31 of the current tax year".

SECTION 16. Section 128-35 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 of the tax year" appearing therein and substituting in lieu thereof the words "January 1 preceding the applicable tax year".

SECTION 17. Section 116-2.2 of the Revised Laws of Hawaii 1955 is amended by deleting the words "March 20 of the assessment year" appearing therein and substituting in lieu thereof "March 31 preceding the tax year".

SECTION 18. Section 116-4 of the Revised Laws of Hawaii 1955 is amended by deleting the date "March 20" appearing in subsection (b) and substituting in lieu thereof the date "March 31".

SECTION 19. Subsection 129-2(b) of the Revised Laws of Hawaii 1955 is amended by deleting the words "calendar year" and "May 10 of the year" appearing therein and substituting in lieu thereof the words "tax year" and "June 15 preceding the tax year" respectively.

SECTION 20. Subsection 129-2(f) of the Revised Laws of Hawaii 1955 is amended by deleting the words "April 10 of each year" appearing therein and substituting in lieu thereof the words "April 20 preceding the tax year".

SECTION 21. Section 128-32 of the Revised Laws of Hawaii 1955 is further amended by deleting the schedule appearing after the word "follows:" in the second paragraph and substituting in lieu thereof the following new schedule:

	Fiscal Year Schedule		
	(Billing Date)	( 1st Payment)	(2nd Payment)
Group I	October 10	November 10	June 10
Group II	October 25	November 25	June 25

SECTION 22. This part shall take effect on July 1, 1968; provided that for the tax year beginning July 1, 1968 and ending June 30, 1969 the amendments herein made shall take effect on December 10, 1967.

**PART II**

SECTION 23. Chapter 128 of the Revised Laws of Hawaii 1955 is amended by adding a new section to be numbered 128-31.5 and to read as follows:

**"Sec. 128-31.5. Taxes; assessed when; due when; installment payments; billing and delinquent dates for period from January 1, 1968 to June 30, 1968.** All laws to the contrary notwithstanding, all real property taxes for the transition period from January 1, 1968 to June 30, 1968 shall be assessed and levied as of, and be due and payable on and after, January 1, 1968 and the payment thereof shall be determined in the following manner:

The director of taxation shall, for the period from January 1, 1968 to June 30, 1968, arrange the total parcels of real property in each taxation division into two groups designated as Groups I and II. He shall then assign each parcel to one of these groups in such a manner as to insure (1) that the real property taxes due on the payment date for those parcels assigned to Group I shall amount to not less than fifty per cent of the estimated real property taxes for the taxable period. All known persons assessed for real property taxes shall be billed not later than the billing date designated in the schedule listed herein subject, however, to the limitations heretofore provided in section 128-31. Each taxpayer shall pay the real property taxes due

him, for the period in which the taxes are assessed, on or before the dates designated for the group to which his parcel is assigned in accordance with said schedule as follows:

	(Billing Date)	(Payment)
Group I	May 30, 1968	June 10, 1968
Group II	June 10, 1968	June 25, 1968

All such taxes due on the payment date of the transition period from each taxpayer in each respective group, which remain unpaid after the date, shall thereupon become delinquent."

SECTION 24. Section 128-12 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 15 of the year for which exemption is claimed" appearing therein and substituting in lieu thereof the date "December 31, 1967".

SECTION 25. Section 128-14.5 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 15 of the year for which such exemption is claimed" appearing therein and substituting in lieu thereof the date "December 31, 1967".

SECTION 26. Section 128-22 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 15 of the year for which such exemption is claimed" wherever they may appear in subsection (c) and (d) and substituting in lieu thereof the date "December 31, 1967".

SECTION 27. Section 128-22 of the Revised Laws of Hawaii 1955 is further amended by deleting the words "annually file between January 1 and 15" and substituting in lieu thereof the words "file between December 15 and December 31, 1967".

SECTION 28. Section 128-3 of the Revised Laws of Hawaii 1955 is amended by deleting the words "thereon, each year as of January 1 of such year" and substituting in lieu thereof the words "on January 1, 1968".

SECTION 29. Section 128-4 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 of the assessment year" appearing in the first paragraph and substituting in lieu thereof the date "January 1, 1968".

SECTION 30. Section 128-7 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 of the tax year for which such assessment is made, or some of whom did not have record title thereto on January 1 of such year" and substituting in lieu thereof the words "January 1, 1968, or some of whom did not have record title thereto on January 1, 1968".

SECTION 31. Section 128-14 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 of the year for which the exemption is claimed" wherever they may appear and substituting in lieu thereof the date "January 1, 1968".

SECTION 32. Section 128-15 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 of the year of which exemption is claimed" and substituting in lieu thereof the date "January 1, 1968".

SECTION 33. Section 128-22 is amended by deleting the words "January 1 of any tax year" wherever they may appear in subsection (a) and substituting in lieu thereof the date "January 1, 1968".

SECTION 34. Section 128-22.1 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 of any tax year" wherever they may appear and substituting in lieu thereof the date "January 1, 1968".

SECTION 35. Section 128-32 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 in each year" and substituting in lieu thereof the date "January 1, 1968".

SECTION 36. Section 128-33.5 is amended by deleting the words "current year" and "January 31 of the current tax year" respectively appearing therein and respectively substituting in lieu thereof the words "period between January 1, 1968 and June 30, 1968" and the date "January 31, 1968".

SECTION 37. Section 128-35 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 of the tax year for which such assessment is made" and substituting in lieu thereof the date "January 1, 1968".

SECTION 38. Section 128-38 of the Revised Laws of Hawaii 1955 is amended by deleting the words "January 1 in each tax year" and substituting in lieu thereof the date "January 1, 1968".

SECTION 39. Section 128-27 of the Revised Laws of Hawaii 1955 is amended by deleting the words "Each year, on or before March 10, the director of taxation shall give notice of the assessments for such year" and "March 20 of such year" appearing in the first and second paragraphs respectively and respectively substituting in lieu thereof the words "For the real property tax applicable for the period between January 1, 1968 and June 30, 1968, the director of taxation shall give notice of the assessments for such period" and the date "March 31, 1968".

SECTION 40. Section 116-2.2 of the Revised Laws of Hawaii 1955 is amended by deleting the words "March 20 of the assessment year of the record appeal" and substituting in lieu thereof the date "March 31, 1968".

SECTION 41. Section 116-4 of the Revised Laws of Hawaii 1955 is amended by deleting the date "March 20" appearing in subsection (b) and substituting in lieu thereof the date "March 31, 1968".

SECTION 42. Section 128-20 of the Revised Laws of Hawaii 1955 is amended by deleting the words "March 20 of the assessment year" and substituting in lieu thereof the date "March 31, 1968".

SECTION 43. Section 128-28 of the Revised Laws of Hawaii 1955 is

amended by deleting the words "March 31 of each year" appearing therein and substituting in lieu thereof the date "April 10, 1968".

SECTION 44. Section 129-2 is amended by deleting the words "calendar year" and "May 10th of the year for which property tax revenues are to be raised" respectively appearing in subsection (b) and respectively substituting in lieu thereof the words "the period between January 1, 1968 and June 30, 1968" and the date "May 15, 1968".

SECTION 45. Section 129-2 of the Revised Laws of Hawaii 1955 is further amended by deleting the words "April 10th of each year" appearing in subsection (f) and substituting in lieu thereof the date "April 20, 1968".

SECTION 46. This part shall take effect on December 10, 1967 and is repealed on June 29, 1968, except that notwithstanding the amendments contained in sections 24 through 45 of this Act the existing provisions prior to such amendments are hereby re-enacted to take effect on June 29, 1968.

### PART III

SECTION 47. Notwithstanding sections 128-9.2 and 128-21.5 to the contrary, the petition for dedication as set forth therein, for the assessment year 1967 only, shall be filed with the director of taxation by (a) April 30, 1967 and shall be approved or disapproved by August 15, 1967 or (b) the twentieth day after the approval of this Act and shall be approved or disapproved by the one-hundred fifth day after the approval of this Act; whichever dates of (a) or (b) shall be the later. If approved, the assessment and the exemption based upon the use requested in the dedication shall be effective as of January 1, 1967.

SECTION 48. This part shall take effect upon its approval.

SECTION 49. Subject to the foregoing, this Act shall take effect upon its approval.

(Approved June 6, 1967.)