

ACT 180

S.B. NO. 2478-78

A Bill for an Act Relating to Improvement by Assessment.

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

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended as follows:

1. By adding a new section to be appropriately designated and to read:

“Sec. 46- Reserve funds for payment of improvements. Any other law to the contrary notwithstanding, no county with a population of less than 100,000 persons shall impose or collect any ad valorem assessment to establish, maintain, or replenish a reserve fund. As used in this section, “reserve fund” means any fund established by a county to provide security, in addition to any special fund made up of moneys collected on account of assessments and interest for improvements, for the payment of principal and interest on bonds issued for such improvements where moneys in the special fund are insufficient for this purpose. The provisions of this section shall not prevent any county from imposing or collecting an ad valorem assessment to establish, maintain, or replenish a reserve fund for an improvement by assessment district in existence on the effective date of this section.”

2. By amending section 46-80 to read:

“Sec. 46-80 Improvement by assessment; financing. Any county having a charter may enact an ordinance, and may amend the same from time to time, providing for the making and financing of improvement districts in the county, and such improvements may be made and financed under such ordinance. The county may issue and sell bonds to provide funds for such improvements. Bonds issued to provide funds for such improvements may be either bonds when the only security therefor is the properties benefited or improved or the assessments thereon or bonds payable from taxes or secured by the taxing power of the county. If the bonds are secured only by the properties benefited or improved or the assessments thereon, the bonds shall be issued according and subject to the provisions of the ordinance. If the bonds are payable from taxes or secured by the taxing power, the bonds shall be issued according and subject to chapter 47. Any other law to the contrary notwithstanding, in assessing land for improvements a county shall assess the land within an improvement district according to the special benefits conferred upon the land by the special improvement; these methods include assessment on a frontage basis or according to the area of land within an improvement district, or any other assessment method which assesses the land according to the special benefit conferred, or any combination thereof.”

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1978.)

*Edited accordingly.