

ACT 2

S.B. NO. 1285

A Bill for an Act Relating to Publication of Notices by Government Agencies.

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

SECTION 1. Public notice is the life blood of citizen involvement with government. Numerous state laws require notice by newspaper publication for actions of government so that the public may monitor, interact, and get involved. The current laws do not recognize that there are alternative print media available other than statewide newspapers of general circulation, which are able to provide public notice to a wide audience.

The State is constantly examining ways to develop more efficient and cost-effective means of operation. In addition, government watch dog groups have asked for more uniformity and consistency in the method and placement of public notices. Developing a more streamlined, consistent, and cost-effective means of providing public notice is clearly in the public interest.

Furthermore, when government agencies engage in rulemaking, present law requires generally that a summary or a synopsis of the proposed new rule, rule change, or rule to be repealed be provided in a notice to the public. The legislature finds that by requiring government agencies to provide general public notice that new rules or rule changes are proposed, or that rules are proposed to be repealed and to notify the public of the time and place where the actual proposed rules or rule changes can be reviewed or obtained, comports with the desire to involve the public in agency rulemaking, but at a more reasonable cost to government agencies, and, ultimately, the citizens of this State.

The purposes of this Act are to provide more consistent and better alternatives to government agencies in giving public notice with the beneficial side benefit of increased competition among the providers of publication notice, as well as to clarify the type of notice required for government agency rulemaking in order to provide government agencies the opportunity to reduce costs of public notice while at the same time keeping the public informed.

SECTION 2. Chapter 1, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§1- Publication of notice. (a) Whenever a government agency is required to give public notice or to publish notice, the notice shall be given by advertisement as follows:

(1) For statewide publication:

(A) In a daily or weekly publication of statewide circulation; or

ACT 2

(B) By publication in separate daily or weekly publications whose combined circulation is statewide.

(2) For county-wide publication, by publication in a daily or weekly publication in the affected county.

Additional supplemental notice may also be given through Hawaii FYI, the State's interactive computer system.

(b) For purposes of this section, the comptroller shall determine a consistent publication procedure to enable the public to go to one source of publication for published public notice on each island.

(c) Whenever a public notice is published in a newspaper or other publication described in subsection (a), proof of the publication shall be the affidavit of the printer, publisher, principal clerk, or business manager of the newspaper or other publication or of the designated agent of the group that published the notice.

(d) This section shall not apply to notices required by chapters 103D and 103F.

(e) For purposes of this section, "government agency" means each department, board, commission, or officer of the State or any of its political subdivisions."

SECTION 3. Section 11-41, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Reasonable notices of the sitting of the boards shall be given [by publication in newspapers of general circulation] in their respective districts or counties."

SECTION 4. Section 11-65, Hawaii Revised Statutes, is amended to read as follows:

"§11-65 Determination of party disqualification; notice of disqualification. (a) Not later than 4:30 p.m. on the one hundred twentieth day after a general election, the chief election officer shall determine which parties were qualified to participate in the last general election, but which have become disqualified to participate in the forthcoming elections. Notice of intention to disqualify shall be served by certified or registered mail on the chairperson of the state central committee or in the absence of the chairperson, any officer of the central committee of the party, as shown by the records of the chief election officer. In addition, public notice of intention to disqualify shall also be given [by publication in a newspaper of general circulation].

(b) If an officer of the party whose name is on file with the chief election officer desires a hearing on the notice of intention to disqualify, the officer of the party shall, not later than 4:30 p.m. on the tenth day after service by mail or not later than 4:30 p.m. on the tenth day after the last day upon which the public notice is [published] given in any county, whichever is later, file an affidavit with the chief election officer setting forth facts showing the reasons why the party should not be disqualified. The chief election officer shall call a hearing not later than twenty days following receipt of the affidavit. The chief election officer shall notify by certified or registered mail the officer of the party who filed the affidavit of the date, time, and place of the hearing. In addition, public notice of the hearing shall be [published in a newspaper of general circulation] given not later than five days prior to the day of the hearing. The chief election officer shall render the chief election officer's decision not later than 4:30 p.m. on the seventh day following the hearing. If the party does not file the affidavit within the time specified, the notice of intention to disqualify shall constitute final disqualification. A party thus disqualified shall have the right to requalify as a new party by following the procedures of section 11-62."

SECTION 5. Section 11-92.3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In the event the chief election officer or the county clerk in a county election determines that the number of candidates or issues on the ballot in a special, special primary, or special general election does not require the full number of established precincts, [such] the precincts may be consolidated for the purposes of the special, special primary, or special general election into a small number of special, special primary, or special general election precincts.

A special, special primary, or special general election precinct shall be considered the same as an established precinct for all purposes, including precinct official requirements provided in section 11-71. Not later than 4:30 p.m. on the tenth day prior to the special, special primary, or special general election, the chief election officer or the county clerk shall give public notice, [in a newspaper of general circulation] in the area in which the special, special primary, or special general election is to be held, of the special, special primary, or special general election precincts and their polling places. Notices of the consolidation also shall be posted on election day at the established precinct polling places, giving the location of the special, special primary, or special general election precinct polling place.”

SECTION 6. Section 11-227, Hawaii Revised Statutes, is amended to read as follows:

“**§11-227 Public notices.** (a) Forty-five days before each primary, special primary, special, or general election, and at such other times as may be appropriate, the commission may [publish] give public notices [in the newspaper as well as other media] to communicate to the public the following:

- (1) A candidate who has signed an affidavit pursuant to section 11-208 to abide by the expenditure limits for the candidate’s respective office as imposed by this subpart;
- (2) A candidate who has filed an affidavit to abide by spending limits, but who has exceeded the expenditure limits pursuant to section 11-209;
- (3) A candidate who has failed to file a report required under this subpart, or who has failed to correct a deficient report after notice of [such] the deficiency or failure to file has been mailed to the candidate pursuant to section 11-193(a)(5); and
- (4) Any flagrant violation of any other provision of this subpart.

(b) In [publishing a] giving public notice under this section, the commission shall endeavor to bring fair public light to the incident or violation involved.”

SECTION 7. Section 14-22, Hawaii Revised Statutes, is amended to read as follows:

“**§14-22 Contested nominations of presidential electors and alternates.** If more than one certificate of choice and selection of presidential electors and alternate electors of the same political party or group is filed with the chief election officer, as chairperson of the contested presidential electors’ committee hereby constituted, the chief election officer shall notify the state comptroller and attorney general, who are the remaining members of the committee, of the date, time, and place of the hearing to be held for the purposes of making a determination of which set of electors and alternative electors were lawfully chosen and selected by the political party or group. Notice of the hearing shall be given to the chairperson of the state central committee of each political party and the chairperson of each party or group qualified under section 11-113, contestants for the positions of electors and alternate electors by written notice, and to all other interested parties by [publication]

ACT 2

public notice at least once [in a newspaper of general circulation]. A determination shall be made by the committee by majority vote not later than 4:30 p.m. on October 30 of the same year and the determination shall be final. Notice of the results shall be given to the nominees duly determined to have been chosen. The committee shall have all the powers enumerated in section 11-43.”

SECTION 8. Section 25-2, Hawaii Revised Statutes, is amended to read as follows:

“**§25-2 Duties.** (a) Legislative reapportionment. The commission shall reapportion the members of each house of the legislature on the basis, method, and criteria prescribed by the Constitution of the United States and Article IV of the Hawaii Constitution. Pursuant thereto, the commission shall conduct public hearings and consult with the apportionment advisory council of each basic island unit. Not more than one hundred days from the date on which all members are certified, the commission shall cause to be [published in a newspaper of general circulation] given in each basic island unit, public notice of a legislative reapportionment plan prepared and proposed by the commission. At least one public hearing on the proposed reapportionment plan shall be held in each basic island unit after initial [publication] public notice of the plan. At least twenty days’ notice shall be given of [such] the public hearing. The notice shall include a statement of the substance of the proposed reapportionment plan, and of the date, time, and place where interested persons may be heard thereon. The notice shall be [published] given at least once [in a newspaper of general circulation] in the basic island unit where the hearing will be held. All interested persons shall be afforded an opportunity to submit data, views, or arguments, orally or in writing, for consideration by the commission. After the last of the public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final legislative reapportionment plan. Within fourteen days after the filing of the final reapportionment plan, the chief election officer shall cause [to be published in a newspaper of general circulation in the State,] public notice to be given of the final legislative reapportionment plan which, upon [publication,] public notice, shall become effective as of the date of filing and govern the election of members of the next five succeeding legislatures.

(b) Congressional reapportionment. At [such] times [as] that may be required by the Constitution and [as] that may be required by law of the United States, the commission shall redraw congressional district lines for the districts from which the members of the United States House of Representatives allocated to this State shall be elected. The commission shall first determine the total number of members to which the State is entitled and shall then apportion those members among single member districts so that the average number of persons in the total population counted in the last preceding United States census per member in each district shall be as nearly equal as practicable. In effecting the reapportionment and districting, the commission shall be guided by the following criteria:

- (1) No district shall be drawn so as to unduly favor a person or political party;
- (2) Except in the case of districts encompassing more than one island, districts shall be contiguous;
- (3) Insofar as practicable, districts shall be compact;
- (4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract boundaries;

- (5) Where practicable, state legislative districts shall be wholly included within congressional districts; and
- (6) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

Not more than one hundred days from the date on which all members are certified, the commission shall cause [to be published in a newspaper of general circulation in the State,] public notice to be given of a congressional reapportionment plan prepared and proposed by the commission. The commission shall conduct public hearings on the proposed plan in the manner prescribed under subsection (a). At least one public hearing shall be held in each basic island unit after initial [publication] public notice of the plan. After the last of the public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final congressional reapportionment plan. Within fourteen days after filing of the final reapportionment plan, the chief election officer shall cause [to be published in a newspaper of general circulation in the State,] public notice to be given of the final congressional reapportionment plan which, upon [publication,] public notice, shall become effective as of the date of filing and govern the election of members of the United States House of Representatives allocated to this State for the next five succeeding congresses.”

SECTION 9. Section 37-94, Hawaii Revised Statutes, is amended to read as follows:

“§37-94 Director of finance; duties. A preliminary estimate of the state growth and expenditure ceiling shall be determined by the director of finance as of August 1 of each year. The final estimate of the state growth and expenditure ceiling to be used by the legislature to make appropriations from the general fund in each year shall be determined by the director of finance as of November 1 of each year. Upon the determination of both the preliminary estimate and the final estimate of the state growth and expenditure ceiling, the director shall inform the governor, chief justice, and the legislature, and shall give statewide public notice of [such] the state growth and expenditure ceiling and the maximum dollar amount that may be appropriated from the general fund [by publication] twice in successive weeks [in a newspaper of general circulation in the State].”

SECTION 10. Section 38-3, Hawaii Revised Statutes, is amended to read as follows:

“§38-3 Securities for protection of funds deposited. For the protection of funds deposited by the director under this chapter, the following securities shall be deposited with the director, or with banks in the continental United States, or with financial institutions with trust powers authorized to do business in the State, as the director may select, to be held therein for safekeeping subject to the order of the director, any other provisions of the laws of the State to the contrary notwithstanding:

- (1) Bonds, notes, debentures, or other evidences of indebtedness of the State or of any county of the State, for which the payment of the interest and principal is a direct obligation of the State or the county, as the case may be, in an amount at least equal in their par value to the amount of the deposit with the depository;

- (2) Bonds, notes, debentures, or other evidences of indebtedness of agencies of the State or of agencies of any county of the State, for which the payment of the interest and principal is from the revenues of the issuing agency, in an amount at least equal in their market value, but not to exceed their par value, to the amount of the deposit with the depository;
- (3) Bonds, notes, debentures, or other evidences of indebtedness of any improvement district or frontage improvement of any county of the State, for which the payment of the interest and principal is from the assessments made for the improvement, in an amount at least equal in their market value, but not to exceed their par value, to the amount of the deposit with the depository;
- (4) Bonds, notes, bills, or certificates of indebtedness of the United States or of agencies of the United States, for which the payment of the interest and principal is a direct obligation of the United States, in an amount at least equal in their market value, but not to exceed their par value, to the amount of the deposit with the depository;
- (5) Bonds, notes, federal home loan bank letters of credit, or debentures of agencies of the United States, in an amount at least equal to ninety-five per cent of their market value, but not to exceed their par value, to the amount of the deposit with the depository;
- (6) Warrants or warrant notes of the State in an amount at least equal in their face value to the amount of the deposit with the depository;
- (7) Bonds, notes, debentures, or other evidences of indebtedness of any other state of the United States, for which the payment of the interest and principal is a direct obligation of [such] that state, in an amount at least equal in their market value, but not to exceed their par value, to the amount of the deposit with the depository;
- (8) Bonds, notes, debentures, or other evidences of indebtedness of any city or of any county in the continental United States, for which the payment of the interest and principal is a direct obligation of the city or county, as the case may be, in an amount at least equal in their market value, but not to exceed their par value, to the amount of the deposit with the depository; or
- (9) Other assets on the books of the depository that are eligible to secure advances from the Federal Reserve Banks under regulations of the Federal Reserve Board, in an amount at least equal in their market value, but not to exceed their par value, to the amount of the deposit with the depository; provided that not more than fifty per cent of the deposits held by a depository may be secured by assets of this class.

Security shall not be required for that portion of any deposit that is insured under any law of the United States.

Securities deposited under this section may be withdrawn from time to time; provided that the required amount of securities shall at all times be kept on deposit. The director at any time may require additional securities to be deposited under this section.

In the event that the depository shall fail to pay [such] the deposits, or any part thereof, upon presentation of a check or a certificate of deposit, then the director shall forthwith convert the securities deposited under this section into money for and on behalf of the State; provided that no [such] securities shall be sold except at public auction, after giving at least ten days' public notice [by publication in a newspaper of general circulation] thereof in the State."

SECTION 11. Section 39-5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Bonds offered at competitive sale, without further action, shall bear interest at the rate or rates specified by the successful bidder or varying rates determined from time to time in the manner specified by the successful bidder with the consent of the director of finance. The notice of sale required by this section shall be [published] given at least once and at least five days prior to the date of [such] the sale [in a newspaper published and of general circulation] in the State and in a financial newspaper or newspapers published in any of the cities of New York, Chicago, or San Francisco, and shall be in [such] a form and contain [such] terms and conditions [as] that the director of finance shall determine. The notice of sale shall comply with the requirements of this section if it merely advises prospective purchasers of the proposed sale and makes reference to a detailed notice of sale which is available to prospective purchasers and which sets forth the specific details of the bonds and terms and conditions upon which the bonds are to be offered. The notice of sale [published] and any detailed notice of sale may omit the date and time of sale, in which event the date and time shall be either [published] given in the same [newspapers] manner and medium in which the original notice of sale [has been published] was given or transmitted via electronic communication systems deemed proper by the director of finance which are generally available to the financial community, in either case at least twenty-four hours prior to the time fixed for the sale.”

SECTION 12. Section 39-55, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Revenue bonds offered at competitive sale, without further action, shall bear interest at the rate or rates specified by the successful bidder or the varying rates determined from time to time in the manner specified by the successful bidder with the consent of the department head or the governing body. The notice of sale required by this section shall be [published] given at least once and at least five days prior to the date of [such] the sale [in a newspaper published and of general circulation] in the State and in a financial newspaper or newspapers published in any of the cities of New York, Chicago, or San Francisco, and shall be in [such] a form and contain [such] terms and conditions [as] that the department head or the governing body shall determine. The notice of sale shall comply with the requirements of this section if it merely advises prospective purchasers of the proposed sale and makes reference to a detailed notice of sale which is available to prospective purchasers and which sets forth the specific details of the revenue bonds and terms and conditions upon which any revenue bonds are to be offered. The notice of sale [published] and any detailed notice of sale may omit the date and time of sale, in which event the date and time shall be either [published] given in the same [newspapers] manner and medium in which the original notice of sale [has been published] was given or transmitted via electronic communication systems deemed proper by the department head or the governing body, which are generally available to the financial community, in either case at least twenty-four hours prior to the time fixed for the sale.”

SECTION 13. Section 40-65, Hawaii Revised Statutes, is amended to read as follows:

“**§40-65 Notice of payment of warrant notes.** When there are sufficient moneys in the treasury to pay warrant notes, the director of finance shall give public notice for one week [in one or more daily newspapers in Honolulu.] stating therein that the warrant notes whose numbers appear in the [advertisement] notice are payable, and that interest shall cease upon all the called warrant notes ten days after the first [publication of the] notice.”

ACT 2

SECTION 14. Section 46-145, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If a county seeks to terminate impact fee requirements, all unexpended or unencumbered funds shall be refunded as provided in subsection (a) and the county shall [place a] give public notice of termination and availability of refunds [in a newspaper of general circulation] at least two times. All funds available for refund shall be retained for a period of one year at the end of which any remaining funds may be transferred to the county’s general fund and expended for any public purpose as determined by the county council.”

SECTION 15. Section 47-8, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) Subject to any limitation imposed by the governing body by the ordinance or resolution authorizing the bonds, the sale of the bonds by the director of finance at competitive sale shall be at [such] a price or prices and upon [such] terms and conditions, and the bonds shall bear interest at [such] a rate or rates or [such] varying rates determined from time to time in the manner, as specified by the successful bidder, and the bonds shall be sold in accordance with this subsection. The bonds offered at competitive sale shall be sold only after [published] public notice of sale advising prospective purchasers of the proposed sale. The bonds offered at competitive sale may be sold to the bidder offering to purchase the bonds at the lowest interest cost, the interest cost, for the purpose of this subsection, being determined on one of the following [basis] bases as selected by the director of finance:

- (1) The figure obtained by adding together the amounts of interest payable on the bonds from their date to their respective maturity dates at the rate or rates specified by the bidder and deducting from the sum obtained the amount of any premium offered by the bidder;
- (2) Where the interest on the bonds is payable annually, the annual interest rate (compounded annually), or, where the interest on the bonds is payable semiannually, the rate obtained by doubling the semiannual interest rate (compounded semiannually), necessary to discount the principal and interest payments on the bonds from the dates of payment thereof to the date of the bonds and to the price bid (the price bid for the purpose of this paragraph shall not include the amount of interest accrued on the bonds from their date to the date of delivery and payment); or
- (3) Where the interest on the bonds is payable other than annually or semiannually or will vary from time to time, upon [such] a basis [as,] that, in the opinion of the director of finance, shall result in the lowest cost to the county;

provided that in any case the right shall be reserved to reject any or all bids and waive any irregularity or informality in any bid.

(d) Bonds offered at competitive sale, without further action of the governing body, shall bear interest at the rate or rates specified by the successful bidder or varying rate or rates determined from time to time in the manner specified by the successful bidder with the consent of the director of finance. The notice of sale required by this section shall be [published] given at least once and at least five days prior to the date of the sale [in a newspaper circulating] in the county and in a financial newspaper or newspapers published in any of the cities of New York, Chicago, or San Francisco, and shall be in [such] a form and contain [such] terms and conditions [as] that the director of finance shall determine. The notice of sale shall comply with the requirements of this section if it merely advises prospective purchasers of the proposed sale and makes reference to a detailed notice of sale

which is available to the prospective purchasers and which sets forth the specific details of the bonds and terms and conditions upon which [such] the bonds are to be offered. The notice of sale [published] and any detailed notice of sale may omit the date and time of sale, in which event the date and time shall be either [published] given in the same [newspapers] manner and medium in which the original notice of sale [has been published] was given, or transmitted via electronic communication systems deemed proper by the director of finance which is generally available to the financial community, in either case at least forty-eight hours prior to the time fixed for the sale.”

SECTION 16. Section 47C-6, Hawaii Revised Statutes, is amended to read as follows:

“[§47C-6]] Public hearing; declaratory judgment. In the event the certification by the director of finance of any summary and supporting schedules filed with the council of the county shall set forth therein that the corporation counsel or the chairperson of the finance committee has disagreed as to any item therein, the council at its election may hold a public hearing on any factual matters as to which there is disagreement. [Such] The public hearing shall be held at a regular meeting of the council. [Notice] Public notice of [such] the public hearing shall be [published] given at least once at least five days prior to the date set for [such meeting, in a newspaper of general circulation] the hearing in the county. The council after [such] the public hearing may make findings as to all the factual items about which there is disagreement, which findings shall be conclusive. Upon [any such] the findings having been made, the director of finance shall revise the summary and supporting schedules to reflect [such] the findings, and shall certify the revised summary and supporting schedules to the council.

In the event the certification by the director of finance of any summary and supporting schedules filed with the council of the county shall set forth therein that the corporation counsel has disagreed as to any legal finding or determination therein, the council at its election may direct the corporation counsel to file a declaratory judgment action in the name of the county against the director of finance in the circuit court having jurisdiction over the county. The circuit court having jurisdiction over the county is hereby vested with jurisdiction over [such] the declaratory judgment action. The findings and determinations by the circuit court in [such] the action shall be conclusive. Upon [any such] the findings and determinations having been made by the circuit court, the director of finance shall revise the summary and supporting schedules to reflect [such] the findings, and shall certify the revised summary and supporting schedules to the council.”

SECTION 17. Section 49-5, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) The sale of the revenue bonds by the governing body at competitive sale shall be at [such] a price or prices and upon [such] terms and conditions, and the revenue bonds shall bear interest at [such] a rate or rates or [such] varying rates determined from time to time in the manner, as specified by the successful bidders, in which event the revenue bonds shall be sold in accordance with this subsection. The revenue bonds offered at competitive sale shall be sold only after [published] public notice of sale advising prospective purchasers of the proposed sale. The revenue bonds offered at competitive sale may be sold to the bidder offering to purchase the revenue bonds at the lowest interest cost, [such] the interest cost, for the purpose of this subsection, being determined on one of the following bases as selected by the governing body:

- (1) The figure obtained by adding together the amounts of interest payable on the revenue bonds from their dates to their respective maturity dates at the rate or rates specified by the bidder and deducting from the sum obtained the amount of any premium offered by the bidder;
- (2) Where the interest on the revenue bonds is payable annually, the annual interest rate (compounded annually), or, where the interest on the bonds is payable semiannually, the rate obtained by doubling the semiannual interest rate (compounded semiannually), necessary to discount the principal and interest payments on the revenue bonds from the dates of payment thereof to the date of the revenue bonds and to the price bid (the price bid for the purpose of this paragraph shall not include the amount of interest accrued on the revenue bonds from their date to the date of delivery and payment); or
- (3) Where the interest on the revenue bonds is payable other than annually or semiannually or will vary from time to time upon [such] a basis [as,] that, in the opinion of the director of finance, shall result in the lowest cost to the county;

provided that in any case the right shall be reserved to reject any or all bids and waive any irregularity or informality in any bid.

(d) Revenue bonds offered at competitive sale, without further action of the governing body, shall bear interest at the rate or rates specified by the successful bidder or [such] at varying rates determined from time to time in the manner specified by the successful bidder with the consent of the governing body. The notice of sale required by this section shall be [published] given at least once and at least five days prior to the date of the sale in a newspaper or newspapers published in any of the cities of New York, Chicago, or San Francisco, and shall be in [such] a form and contain [such] terms and conditions [as] that the governing body shall determine. The notice of sale shall comply with the requirements of this section if it merely advises prospective purchasers of the proposed sale and makes reference to a detailed notice of sale which is available to the prospective purchasers and which sets forth the specific details of the revenue bonds and terms and conditions upon which any revenue bonds are to be offered. The notice of sale [published] and any detailed notice of sale may omit the date and time of sale, in which event [such] the date and time shall be either [published] given in the same manner and medium as the original notice or transmitted via electronic communication systems deemed proper by the governing body which is generally available to the financial community, in either case at least forty-eight hours prior to the time fixed for [such] the sale.”

SECTION 18. Section 52D-10, Hawaii Revised Statutes, is amended to read as follows:

“[[§52D-10]] Disposition of found, stolen, or unclaimed property. Each chief of police, on the first Monday in January and the first Monday in July, shall give the county director of finance a sworn statement listing all moneys (except money found), goods, wares, and merchandise in the chief’s custody which have been unclaimed for a period of not less than ninety days. At least annually, the chief of police shall give public notice to the public, once a week for four successive weeks [in a newspaper of general circulation] in the county (and may also give notice by posting in conspicuous places), that, unless claimed by an owner with satisfactory proof of ownership, the goods, wares, and merchandise listed will be sold at public auction to the highest bidder. On the day and at the place specified in the notice, all property still unclaimed, except money and found property, shall be sold by auction by or under the direction of the chief of police. Any unclaimed

goods, wares, or merchandise of a perishable nature or which are unreasonably expensive to keep or safeguard, may be sold at public auction or by any commercially reasonable manner, at [such] a time and after [such] notice [as] that the chief of police deems proper and reasonable under the circumstances. The chief of police, immediately after the sale of any property in accordance with this section, shall pay to the director of finance of the county all moneys remaining unclaimed and all moneys received upon the sale.”

SECTION 19. Section 53-1, Hawaii Revised Statutes, is amended to read as follows:

“§53-1 Definitions. The following terms wherever used or referred to in part I, part II and, unless specifically indicated otherwise therein, part III of this chapter have the following respective meanings, unless a different meaning clearly appears from the context:

[(1)] “Agency,” “local agency,” or “local redevelopment agency” means a local redevelopment agency of the county in which a redevelopment project or the redevelopment project concerned is situated, created pursuant to this chapter. Each agency shall be designated by the name of the county followed by the words “redevelopment agency,” e.g., “Maui redevelopment agency.”

[(2)] “Housing and community development corporation of Hawaii,” “corporation,” “government,” “federal government,” and “real property” have the respective meanings set forth for [such] these terms in chapter 201G.

[(3)] “Blighted area” means an area (including a slum area), whether it is improved or unimproved, in which conditions such as: the dilapidation, deterioration, age, or obsolescence of the buildings or improvements thereon; inadequate ventilation, light, sanitation, or open spaces, or other insanitary or unsafe conditions; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of conditions which endanger life or property by fire or other causes; or any combination of these factors or conditions predominate, thus making the area an economic or social liability, or conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, or otherwise detrimental to the public health, safety, morals, and welfare.

“Bonds” means any bonds, notes, interim certificates, debenture, or other obligations.

[(4)] “Council” means the county or city council of a county or of the county in which the redevelopment project concerned is situated.

[(5)] “Bonds” means any bonds, notes, interim certificates, debentures, or other obligations.

[(6)] “County” has the meaning set forth in section 1-22 and, where appropriate, means the county in which the redevelopment project concerned is situated.

“Obligee” includes any bondholder, agents or trustees for any bondholders, or lessor demising to the agency property used in connection with a redevelopment project, or any assignee or assignees of the lessor’s interest or any part thereof, and the federal government when it is a party to any contract with the agency.

[(7)] “Planning commission” means the planning commission for the county established by or pursuant to any state law, or, if there is no planning commission, then the council of the county.

[(8)] “Published notice”] “Public notice” means notice stating generally the purpose and the time and place for the hearing or meeting to which the notice relates, or stating generally the information required to be covered by the notice, [published] given at least once (unless a greater number [of publications] is specifically required) [in a newspaper of general circulation] in the county in which the hearing or meeting is to be held, or in which the redevelopment project concerned is situated. Unless otherwise specifically provided, the [publication,] notice, or the first [publication] notice (if more than one), [of the notice] must be made at least three days prior to the date of the hearing or meeting to which it relates.

[(9)] “Redevelopment” means the planning, development, replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of a redevelopment area or part thereof, and the provision of the residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant thereto. The term does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area. The term includes provision for open space types of use, such as streets and other public grounds and space around buildings, as well as buildings, structures, and improvements, public or private, and improvements of recreation areas, public or private, and other public grounds.

[(10)] “Redevelopment area” means all or a portion of an area in a county which the planning commission thereof has determined to be a blighted area and whose redevelopment is necessary to effectuate the public purposes declared in this chapter.

[(11)] “Redevelopment corporation” means a corporation created pursuant to section 53-23.

[(12)] “Redevelopment plan” means a plan, together with any amendments thereto, for the redevelopment of all or any part of a blighted area.

[(13)] “Redevelopment project” means a specific work or improvements to effectuate all or any part of a redevelopment plan.

[(14)] “Resolution,” unless specifically otherwise provided, means a resolution requiring no [published] notice before, and only one reading for, its adoption.

[(15)] “Obligee” includes any bondholder, agents or trustees for any bondholders, or lessor demising to the agency property used in connection with a redevelopment project, or any assignee or assignees of the lessor’s interest or any part thereof, and the federal government when it is a party to any contract with the agency.]

“State” means the State of Hawaii.

[(16)] “Urban area” means any closely settled community in a county.

[(17)] “State” means State of Hawaii.]”

SECTION 20. Section 53-16, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The bonds shall be sold at not less than par at public sale held after public notice [published] given once at least ten days prior to the sale [in a

newspaper having a general circulation] in the county [and in such other medium of publication as the agency may determine]; provided that the bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the bonds authorized in connection with any project or projects are sold to the federal government, the balance of the bonds may be sold at private sale at not less than par at an interest cost to the agency of not to exceed the interest cost to the agency of the portion of the bonds sold to the federal government.”

SECTION 21. Section 54-26, Hawaii Revised Statutes, is amended to read as follows:

“**§54-26 Rates.** The board of water supply may fix and adjust rates and charges for the furnishing of water and for water service; provided no rates or charges shall be fixed or adjusted prior to the holding by the board of a public hearing, public notice of which shall be [published in a newspaper of general circulation (one publication)] given not less than twenty days before the date of the public hearing and the notice shall set forth the time, place of the hearing, and the proposed rates and charges to be considered thereat. The board may collect and by appropriate means, including the discontinuance of service to delinquent consumers, or commencement of civil action in the name of the board, enforce the collection of the rates and charges; and [to] adjust and settle all complaints, claims, and accounts of consumers or the public. All water furnished to the county or any department thereof or to the State or any department thereof shall be charged to the respective departments and shall be payable to the board by the respective departments at the rates and times established by the board, and, upon failure of the departments to make payment when payment is due, then the auditor of the county and the comptroller of the department of accounting and general services of the State shall pay from the account of the department or departments all delinquencies as certified¹ by the chairperson of the board.”

SECTION 22. Section 54-63, Hawaii Revised Statutes, is amended to read as follows:

“**§54-63 Rates.** The board of water supply may fix and adjust rates and charges for the furnishing of water and for water services [such] so that the revenues derived therefrom shall be sufficient to make the waterworks and water systems self-supporting and to meet all expenditures authorized by this part; the board may establish variable rates among the several districts of the county, or among the areas served by the individual water systems within the county, for the purpose of establishing charges as closely as possible to the necessary amount required for the maintenance and operation of the particular individual water systems; provided no rates and charges shall be fixed or adjusted prior to the holding by the board of a public hearing, public notice of which shall have been [published in a newspaper of general circulation (one publication)] given not less than twenty days before the date set for the hearing. The notice shall state the time and place for the hearing and the proposed rates and charges to be considered thereat. The time within which the notice shall be [published] given shall be computed by including the first day (the day of [publication]) notice and excluding the last day.”

SECTION 23. Section 77-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) There shall be an appeals board composed of one civil service commission member from each jurisdiction who shall be appointed by the governor. Alternate members from each jurisdiction shall also be appointed by the governor.

ACT 2

The term of two of the incumbents shall expire on June 30, 1964, and the term of the other three shall expire on June 30, 1966. Thereafter, succeeding members and their respective alternates shall be appointed for a term of two years. The cost of operations thereof shall be met by state legislative appropriations.

Notwithstanding any other laws to the contrary, each member of the appeals board shall receive \$10 per day for each day on which work is done by them in connection with authorized activities of the board, the cost thereof to be met by state legislative appropriations for the appeals board.

The appeals board shall meet biennially to receive recommendations and comments relating to the compensation plan. The board shall schedule hearings for pricing appeals from affected persons and parties and may hold public hearings as well. At least one biennial appeal hearing shall be held in each jurisdiction. All petitions for appeal shall be filed with the appeals board within twenty days from the date of [publication] public notice of the tentative compensation plan. Notice of the time and place of [such] the appeal hearings shall be [published in the jurisdiction in a newspaper of general circulation] given in the jurisdiction at least ten days prior to [such] the hearings.

The appeals board shall function independently of the conference of personnel directors and the several civil service departments of the State and the counties, but may procure office facilities and clerical assistance from them. The board may appoint [such] technical and other employees not subject to chapters 76 and 77, [as] that it deems necessary. Neither the appeals board nor any of its members or staff shall consult with any member of the conference of personnel directors on any matter pending before the board except on notice and opportunity for the appealing employee or the employee's representative to participate.

The appeals board may appoint a qualified hearings officer, not subject to chapters 76 and 77, and invest the hearings officer with power to hear [such] the appeals and report thereon to the appeals board. The appeals board shall adopt policies and standards relative to compensation. The appeals board may make rules and regulations for the conduct of appeal hearings and public hearings."

SECTION 24. Section 77-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The director shall assign new classes to salary ranges on the basis of the policies and standards referred to hereinabove. The assignments shall be effective immediately if the availability of funds is certified to by the respective fiscal officers, and shall be in effect until adoption of the next compensation plan; provided that pricing appeals therefor may be held every six months, or at the time of the next biennial review.

All petitions for appeals from affected persons on the pricing of new classes shall be filed with the appeals board within twenty days from the date the notice of [such] an appeal is given by the director. [Notice] Public notice of the time and place of [such] the appeal hearing shall be [published in the jurisdiction in a newspaper of general circulation] given in the jurisdiction at least ten days prior to the hearing. The appeals board shall hear all the appeals as aforementioned.

Except as otherwise provided in this subsection, the procedures to be followed shall be that prescribed in subsections (c) and (d) and in the rules [and regulations] of the board.

Public hearings shall not be held under this subsection.

After hearing all appeals, the appeals board shall make adjustments to the appealed classes that are necessary based on the policies and standards referred to hereinabove. Decisions on the pricing appeals shall be made on the basis of majority vote, shall be in writing and accompanied by separate findings, and shall be binding on all jurisdictions.

The final adjustments for these appeals in January shall be completed no later than the third Wednesday of January of each odd-numbered year. Following the final adjustments, each director shall submit to the state legislature, through the office of the governor, a report setting forth the adjustments based on the decisions of the board and the cost thereof for its information and approval.

All decisions of the board under this subsection in favor of the person appealing and granting a higher compensation shall be retroactive to the date of action by the director.”

SECTION 25. Section 78-1, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) For the purpose of obtaining services which are essential to the public interest for which no competent person with the qualifications under subsection (c) applies within forty-five days after the first [publication of an advertisement] public notice of the position or a notice of an examination therefor, which [advertisement or] notice has been [published] given more than once, and not more often than once a week, [in a newspaper of general circulation in the State,] statewide, a person without the qualifications, upon prior certification by the state director of human resources development or the personnel director of the appropriate county, and with the approval of the chief executive officer for the State or the political subdivision concerned, may be employed.”

SECTION 26. Section 88-171, Hawaii Revised Statutes, is amended to read as follows:

“**§88-171 Public hearings; notice.** All adjudications by the board of trustees required by this part in connection with applications for pensions, revocations of pensions, or otherwise, shall be made by the board only after public hearings, public notice of which shall be given by the board [by advertisement] at least once [in a newspaper, the publication to be made] at least ten days before the date of hearing, and actual notice of which shall be given to the person concerned, if available, which notice shall specifically state that the person interested shall have the right to be present in person or by representative and to be represented by counsel.”

SECTION 27. Section 91-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall:

- (1) Give at least thirty days’ notice for a public hearing. The notice shall include:
 - (A) [Either:
 - (i) A statement of the [substance] topic of the proposed rule adoption, amendment, or repeal[;] or
 - [(ii) A] a general description of the subjects involved [and the purposes to be achieved by the proposed rule adoption, amendment, or repeal]; and
 - (B) A statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be mailed [at no cost] to any interested person who requests a copy, pays in advance for the copy and the postage, together with a description of where and how the requests may be made; [and]
 - (C) A statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be reviewed in person; and

[(C)] (D) date, time, and place where the public hearing will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal.

The notice shall be mailed to all persons who have made a timely written request of the agency for advance notice of its rulemaking proceedings, and [published] given at least once [in a newspaper of general circulation in the State] statewide for state agencies and in the county for county agencies.

- (2) Afford all interested persons opportunity to submit data, views, or arguments, orally or in writing. The agency shall fully consider all written and oral submissions respecting the proposed rule. The agency may make its decision at the public hearing or announce then the date as to when it intends to make its decision. Upon adoption, amendment, or repeal of a rule, the agency [shall], if requested to do so by an interested person, shall issue a concise statement of the principal reasons for and against its determination.”

SECTION 28. Section 91-3, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The requirements of subsection (a) may be waived by the governor in the case of the State, or by the mayor in the case of a county, whenever a state or county agency is required by federal provisions to [promulgate] adopt rules as a condition to receiving federal funds and [such] the agency is allowed no discretion in interpreting [such] the federal provisions as to the rules required to be [promulgated:] adopted; provided that the agency shall make [such] the adoption, amendment, or repeal known to the public by [publishing a statement] giving public notice of the substance of the proposed rule at least once [in a newspaper of general circulation in the State] statewide prior to the waiver of the governor or the mayor.”

SECTION 29. Section 92-41, Hawaii Revised Statutes, is amended to read as follows:

“[[§92-41] **Publication of legal** Giving public notices. Notwithstanding any law to the contrary, all governmental agencies scheduling a public hearing shall [publish a] give public notice [in a newspaper which is printed and issued at least twice weekly] in the county affected by the proposed action, to inform the public of the time, place, and subject matter of [such] the public hearing. This requirement shall prevail whether or not the [publication by] the governmental agency [of a] giving notice of public hearing [in a newspaper of general circulation] is specifically required by law, and shall be in addition to other procedures required by law.”

SECTION 30. Section 109-8, Hawaii Revised Statutes, is amended to read as follows:

“[[§109-8]] **Lost and found money or property at the stadium**. All money or property found at the stadium shall be reported or delivered by the finder to the stadium lost and found, and when so delivered shall be held by the stadium for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the stadium manager, whichever is shorter. In the event of [such] establishment of title or right of custody, the money or property shall be delivered to the claimant by the manager or the manager’s agent. If after forty-five days no claimant establishes a right to the money or property, the money or property may be claimed by the person who delivered it to the stadium lost and found; provided that if the person who delivered it to the stadium lost and found fails

to claim the money or property within thirty days after being notified by the manager, the manager shall deposit the money into the state treasury to the credit of the stadium special fund or shall dispose of the property by public auction. The manager shall [place notice in a newspaper of general circulation] give public notice, giving details as to time and place of the auction and giving notice to all persons interested in claiming the property that unless claims are made by persons who can provide satisfactory proof of ownership before a specified date, the property will be sold at public auction to the highest bidder; provided that if the manager considers the highest bid to be insufficient, the manager shall have the right to decline the sale to the highest bidder and may reoffer the property at a subsequent public auction. On the day and at the place specified in the notice, all property for which no satisfactory proof of ownership is made shall be sold by auction by or under the direction of the manager.

If any property which is of a perishable nature or which is unreasonably expensive to keep or safeguard remains unclaimed at the stadium, the manager may sell that property at public auction, at [such] a time and after [such] notice [as] that is reasonable under the circumstances. If the manager determines that any property delivered to the manager pursuant to this section has no apparent commercial value, the manager [may] at any time thereafter may destroy or otherwise dispose of the property.

The manager shall deposit into the stadium special fund all moneys received from the sale, destruction, or disposition of any property. No action or proceeding shall be brought or maintained against the State or any officer thereof on account of such sale, destruction, or disposition. The purchaser of property at any sale conducted by the manager pursuant to this section shall receive good title to the property purchased and shall take possession of the property free from any and all claims of the owner, prior owners, and any person claiming title.

For purposes of this section, notice by regular mail to the last known address of the person who delivered the money or property to the stadium lost and found shall be deemed sufficient.”

SECTION 31. Section 110-3, Hawaii Revised Statutes, is amended to read as follows:

“[[§110-3]] Removal of remains; public hearing and other requirements. The comptroller may disinter and relocate remains in any state-owned cemetery or between state-owned cemeteries to improve, redevelop, or reduce the size of any state-owned cemetery, or to facilitate the subsequent disposition of any state-owned cemetery; provided that:

- (1) Before disinterring any remains, the comptroller shall hold at least one public hearing to afford the public an opportunity to review the plans to improve, redevelop, reduce the size of, or dispose of the cemetery and to submit comments and views on the proposed project; and
- (2) The comptroller shall notify in writing the known relative of a deceased person whose remains are to be disinterred and relocated of the public hearing required by paragraph (1); if the relatives of the deceased are unknown the comptroller shall [publish] give at least one public notice of the public hearing [in a newspaper of general circulation in the State.] statewide.”

SECTION 32. Section 157-33, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Without regard to the notice and public hearing requirements of chapter 91 and based on the specific formulas or criteria adopted under section 157-31(a)(2),

ACT 2

the board may establish by order the minimum prices and salvage values for milk to be paid to producers by producer-distributors and distributors. An order establishing minimum prices or salvage values for milk, or both, shall be subject to approval by the governor prior to [such] the order taking effect.

- (1) Prior to the effective date of any [such] order, the department shall [publish in a newspaper of general circulation a] give public notice that includes:
 - (A) Either a statement of the substance of the proposed order; or a statement of the minimum prices or salvage values for milk to be established, and
 - (B) A statement that a copy of the proposed order will be mailed to any interested person who requests a copy, together with a description of where and how the requests may be made.
- (2) The notice shall be mailed to all persons who have made a timely written request of the department for advance notice of these orders or of the department's rulemaking proceedings. The department may require reimbursement for the cost of preparing and mailing the copies."

SECTION 33. Section 167-17, Hawaii Revised Statutes, is amended to read as follows:

"[~~§167-17~~] Formation of irrigation project on initiative of board; notice and hearing; protests. The board of agriculture may organize irrigation projects upon its own initiative. In [such] this event, it shall fix a date for public hearing upon the proposed project, which date shall not be less than sixty days after the first [publication of] public notice thereof [in a newspaper of general circulation] in the county in which the project is proposed. The notice shall be [published] given once in each of four successive weeks, [giving notice of] describing or identifying the area to be included in and general details of the proposed project, stating the time and place of the public hearing. If the owners of fifty-five per cent of the acreage of agricultural and pasture lands proposed to be organized into an irrigation project [shall] at the hearing or prior thereto file written protest against the proposed project, the project shall not be made and proceedings shall not be renewed within twelve months from the date of closing the public hearing, unless each and every owner protesting withdraws each and every owner's protest; provided that any lessee of any agricultural or pasture lands included within the proposed project, who, by the express terms of the lessee's lease must pay the assessment contemplated hereunder shall be subrogated to all the rights of the owner to protest by filing at the hearing or prior thereto written protest against the proposed project, the written protest to be accompanied by a certified copy of the lease; provided further that any lessor [may], at any time before the closing of the public hearing, may make void the protest of the lessor's lessee on consideration of the filing with the board a duly acknowledged waiver of the provision in the lease which requires the lessee to pay the assessment, and a written undertaking of the lessor to pay the assessment to be made on account of the proposed project; and further provided that a project may be instituted without further [advertisement] public notice for a smaller acreage within the [advertised] acreage described in the public notice in the event the board determines the smaller project to be economically feasible, if written protests by the owners, or lessees subrogated to the right to protest, of fifty-five per cent of the smaller acreage shall not be filed."

SECTION 34. Section 171-16, Hawaii Revised Statutes, is amended to read as follows:

“§171-16 Notices. (a) Auctions. [Notice] Public notice of any proposed disposition by auction shall be [published] given at least once in each of three successive weeks [in a newspaper of general circulation in the State] statewide and, in addition, [in a newspaper of general circulation] in the appropriate county, if the land is situated in the first, second, and fourth districts, the last [publication] public notice to be not less than ten days before the date of the auction. Notice of the auction shall contain the following:

- (1) Time and place of the auction;
- (2) General description of the land, including the address and tax map key;
- (3) Specific use for which the disposition is intended; and
- (4) Upset price or rental to be charged. The maps showing the metes and bounds description and the classification of the land shall be kept in the office of the board of land and natural resources and of its land agent in the county in which the land is situated, and shall be open for inspection at all reasonable hours.

(b) Drawings. Whenever a disposition by drawing by lots is proposed, public notice inviting applications to participate in the drawing shall be [published] given once a week for four successive weeks [in a newspaper of general circulation published in the State] statewide and, in addition, [in a newspaper of general circulation] in the appropriate county, if the land is situated in the first, second, and fourth districts. The notice shall contain:

- (1) [the] The qualifications required of applicants;
- (2) [a] A general description of the land, including the address and tax map key;
- (3) [specific] Specific use for which the disposition is intended; and
- (4) [date] Date by which all applications must be filed, which date shall be not less than fourteen days after the last [publication date.] notice.

Within forty-five days after the closing date for applications, the board shall select those qualified to participate in the drawing, notify all applicants as to whether or not they qualified, and conduct the drawing.

The notice of selection of applicants qualified to participate in the drawing, together with the notice of drawing, shall be mailed to each applicant, whether or not the applicant, in fact, qualified. The notice of the drawing shall state the time and place of the drawing. In addition to the notice to each applicant, the board shall [publish the] give public notice of the drawing at least three times within a period of ten days [in a newspaper of general circulation in the State] statewide and, in addition, in [a newspaper of general circulation in] the appropriate county, if the land is situated in the first, second, and fourth district, each [publication] notice to be not oftener than once in two successive days. Upon completion of the drawing, the award shall be announced within one week, and the lease or patent issued within ninety days after the drawing or when the conditions of the sale are fulfilled.

(c) Negotiation. [Notice] Public notice of a proposed disposition by negotiation shall be [published] given at least once in each of three successive weeks [in a newspaper of general circulation in the State] statewide and, in addition, in [a newspaper of general circulation in] the appropriate county if the land is situated in the first, second, and fourth districts; provided that the notices are not required for permits, and dispositions of remnants. [Such] The notice shall invite proposals and state in general terms the size, location, and prices or rental of lots to be sold or leased, the terms of sale or lease, and the last date on which application will be received by the board, which date shall not be less than thirty days after the last date of [publication of] the notice. The notice shall also state the times and places at which more detailed information with respect to the sale or lease may be secured by interested persons.

(d) Exchanges; quitclaim; submerged and reclaimed lands; reservations and easements. Whenever it is proposed to exchange public lands for private land pursuant to section 171-50, quitclaim public land or any interests of the State in private land pursuant to section 171-51, dispose of submerged or reclaimed public land pursuant to subsections (b) and (d) of section 171-53, dispose of a land license by negotiation pursuant to section 171-54, or dispose of reserved rights and easements pursuant to section 171-57, public notice of [such] the disposition shall be [published] given at least once in each of three successive weeks [in a newspaper of general circulation in the State] statewide and, in addition, in [a newspaper of general circulation in] the appropriate county if the public land is situated in the first, second, and fourth districts. The notice shall state in general terms the size and location of the public lands proposed to be disposed.”

SECTION 35. Section 171-31.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The department shall also [advertise] give public notice of the disposition at least once [in a newspaper of general circulation] in the county where the property was abandoned or seized; provided that the disposition shall not take place less than five days after [advertising] the notice of intent to dispose of the property.”

SECTION 36. Section 171-31.5, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The requirement of [advertisement] public notice and public auction shall not apply when the value of the property abandoned or seized is less than \$100. In that event, the property may be sold by negotiation, disposed of or sold as junk, kept by the department, or donated to any other government agency or a charitable organization.”

SECTION 37. Section 171-41.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Before any amendment to a state lease, the board of land and natural resources shall give no fewer than fourteen days’ public notice [by advertisement in no fewer than two newspapers, at least one of general circulation in the State and one of general circulation] statewide and, in addition, in the county where the subject property is situated. A full hearing shall be given by the board of land and natural resources, to all who desire to be heard upon the subject matter of the notice. The hearing shall be public, on the island where the subject property is situated, and shall be conducted under [such] rules [as] that the board may adopt.”

SECTION 38. Section 171-60, Hawaii Revised Statutes, is amended to read as follows:

“§171-60 Development through private developer. (a) Leasehold projects. Notwithstanding anything in this chapter to the contrary, the board [may], by negotiation and without recourse to public auction, with the prior approval of the governor and authorization of the legislature by concurrent resolution approving a development project, [such] the concurrent resolution to be adopted by each house no earlier than forty-eight hours after printed copies thereof have been made available to members of that house, [(1)] may lease public lands, including submerged lands to be reclaimed at the developer’s or developers’ expense, to a private developer or developers, or [(2)] enter into a development agreement with a private developer or developers, for development and subdivision of [such] the lands as a leasehold project for agricultural, industrial, single-family or multiple-family resi-

dential, commercial, business, or hotel and resort uses, as provided in this subsection.

Prior to leasing any public land to, or entering into a development contract with, a developer or developers, the board shall:

- (1) Determine:
 - (A) Whether the lands shall be developed by disposition or contract;
 - (B) The location, area, and size of the lands to be developed;
 - (C) The use or uses to which the lands shall be put, which shall be in conformity with the applicable state, city and county, or county zoning and subdivision laws, ordinances, or regulations;
 - (D) The estimated period of time to construct and complete the development;
 - (E) Minimum requirements for on-site and off-site improvements, if any;
 - (F) Whether any beach rights-of-way or public game preserves should be established; and
 - (G) [Such other] Other terms and conditions [as shall be] that are deemed necessary by the board[.];
- (2) Set the minimum rental of the lands to be developed on the basis of an appraisal report prepared by an appraiser for the board determining the fair market value of the lands to be developed[.];
- (3) Give public notice of the proposed disposition or contract [by publication] at least once in each of three successive weeks [in a newspaper of general circulation in the State] statewide and, in addition [in a newspaper of general circulation], in the appropriate county, if the land is situated in the first, second, and fourth districts. [Such] The notice shall invite interested persons to submit applications to be selected as the developer or developers for the project and sealed bids for the development of the lands. The notice shall also state in general terms the size, location, and minimum rental of the area to be leased to the developer or developers, the minimum requirements for any required off-site and on-site improvement, the maximum estimated period of time to install and complete the construction of any required improvement, the use or uses to which [such] the lands shall be put, the last date on which applications and sealed bids will be received by the board, which date shall not be less than thirty days or more than ninety days after the last [date of publication of such] notice, and the times and places at which more detailed information with respect to the disposition or contract may be secured by interested persons.

Each applicant shall include, together with the applicant's sealed bid, a financial statement, and performance and experience records in real estate development; provided that the board [may also], in its discretion, may require the applicant to submit answers, under oath, to questions contained in a questionnaire prepared by the board; the applicant's sealed bid shall include a development plan in as much detail as possible and including but not limited to the following: the applicant's proposal as to how and when the applicant intends to develop the land, including any permitted incremental development, the amount of money the applicant intends to commit to the total project, the method of recovery of the applicant's costs and profits, the amount the applicant agrees to pay to lease or contract to develop the land, and the income the State will receive from leases[.];

- (4) Establish reasonable criteria for the selection of the private developer or developers[.]; and

- (5) Determine within forty-five days of the last day for filing applications the applicant or applicants who meet the criteria for selection set by the board, and notify all applicants of its determination within seven days of [such] a determination. Any applicant may examine the basis of the determination, which shall be in writing, to ascertain whether or not the conditions and criteria established by the board were followed; provided that if any applicant does not notify the board of any objections and the grounds therefor, in writing, within ten days of the receipt of [such] a notice, the applicant shall be barred from proceeding to seek legal remedy for an alleged failure of the board to follow the conditions and criteria.

If only one applicant meets the criteria for selection as the developer, the board then may negotiate the details of the disposition of [such] the public lands to, or enter into a development contract with, the developer; provided that the terms of the disposition or contract shall not be less than those proposed by the developer in the application and shall be subject to the concurrence of the governor. If two or more applicants meet the criteria for selection, the board shall consider all of the relevant facts of the disposition or contract, the proposals submitted by each applicant, the experience and financial capability of each applicant, and [shall] within forty-five days from the date of selection of the applicants that met the criteria, shall select the applicant who submitted the best offer. The board then may negotiate the details of the disposition of [such] the public lands or enter into a development contract with the developer; provided that the terms of the disposition or contract shall not be less than those proposed by the developer in the application and shall be subject to the concurrence of the governor.

The terms of any disposition or development contract shall include the following, wherever appropriate:

- (A) The development and subdivision shall comply with appropriate state, county, and city and county zoning and subdivision requirements[.];
- (B) The developer or developers shall file with the board a good and sufficient bond conditioned upon the full and faithful performance of all the terms, covenants, and conditions of the disposition or development contract[.];
- (C) The use or uses to which the land will be put. Development of large, though economic, tracts of land with multiple but complementary uses should be encouraged[.];
- (D) The dates on which the developer must submit preliminary plans and final plans and specifications for the total development to the board for approval, which approval shall not be arbitrarily or capriciously withheld. No construction shall commence until the board has approved the final plans and specifications; provided that with board approval construction on an incremental basis may be permitted[.];
- (E) The date of completion of the total development, including the date of completion of any permitted incremental development[.];
- (F) The minimum requirements for off-site and on-site improvements that the developer must install, construct, and complete by the date of completion of the total development. The board may permit incremental development and establish the minimum requirements for off-site and on-site improvements that must be

installed, constructed, and completed prior to the date of completion of the total development[.];

- (G) In the event of a lease the developer may be permitted, after the developer has completed construction of any required off-site improvement, to assign or sublease with board approval portions of the leased lands in which the construction of any required off-site improvement has been completed to a purchaser or sublessee who shall assume the obligations of the developer relative to the parcel being assigned or subleased, including the construction of any on-site improvement. The board may permit a developer to share in the lease rent for a fixed period in order to recover costs and profit[.];
- (H) A development agreement may provide that the board shall issue a lease to the nominee or nominees of the developer, including the developer, pursuant to the terms previously negotiated and agreed upon between the developer and the board, including the lease rent to the lessee and the method of recoupment of expenses and profit by the developer[.];
- (I) The board shall lay out and establish a number of rights-of-way from proposed or established highways to the public beaches and game preserves in order that the right of the people to utilize the public beach or beaches and public game preserves shall be protected.

Prior to leasing or entering into any development contract, the board shall determine the feasibility of hunting on [such] the lands, and if any of them is suitable for hunting or [may] during the term of the lease may become suitable for hunting, the board may reserve [such] the lands as game preserves. Where the board finds that hunting on [such] the lands would not be consistent with the rights of the lessee or for other good cause, the board need not reserve [such] the lands as game preserves.

The cost of [such] the rights-of-way and any fencing which may be required shall be borne by the State, lessee, or jointly as the board may deem appropriate prior to the leasing of [such] the lands.

In any disposition of beach-front lands, the board shall give consideration to the needs of the public for beach area above and below the high-water mark[.];

- (J) The board may include in any development contract or lease, provisions concerning notice of breach or default, rights of a holder of a security interest, and consent to mortgage as set forth in sections 171-20, 171-21, and 171-22, respectively[.]; and
- (K) [Such] Any other terms and conditions set by the board.

The term “developer” as used in this subsection [shall mean] means a person, firm, corporation, partnership, association, trust, or other legal entity, or a combination of any thereof, who or which has experience in the development and subdivision of land for single-family, multiple-family, industrial, hotel and resort, business commercial, or agricultural uses and has the financial ability satisfactory to the board to develop and subdivide land.

(b) Fee simple residential development. Notwithstanding anything in this chapter to the contrary, the board [may], by negotiation and without recourse to public auction, with the prior approval of the governor and authorization of the legislature by concurrent resolution approving the development project, [such] the concurrent resolution to be adopted by each house no earlier than twenty-four hours

after printed copies thereof have been made available to the members of that house, may dispose of public lands, including submerged lands to be reclaimed at developer's or developers' expense, by sale of the fee, for single-family or multiple-family residential uses, as provided in this subsection.

Prior to the sale in fee of any public land to a developer or developers, the board shall:

- (1) Determine:
 - (A) [the] The location, area, and size of the lands to be developed;
 - (B) [the] The use or uses to which the lands shall be put, which shall be in conformity with the applicable state, city and county, or county zoning and subdivision laws, ordinances, or regulations;
 - (C) [the] The estimated period of time to construct and complete the development;
 - (D) [minimum] Minimum requirements for on-site and off-site improvements, if any;
 - (E) [whether] Whether any beach rights-of-way or game preserves should be established; and
 - (F) [such] Any other terms and conditions [as shall be] deemed necessary by the board;
- (2) Set the minimum sale price of the lands to be developed on the basis of an appraisal report prepared by an appraiser for the board determining the fair market value of the lands to be developed;
- (3) Give public notice of the proposed disposition [by publication] at least once in each of three successive weeks [in a newspaper of general circulation in the State] statewide and, in addition [in a newspaper of general circulation], in the appropriate county if the land is situated in the first, second, and fourth districts. [Such] The notice shall invite interested persons to submit applications to be selected as the developer or developers for the project and sealed bids for the development of the lands. The notice shall also state in general terms the size, location, and minimum sale price of the area to be sold to the developer or developers, the minimum requirements for any required off-site and on-site improvements, the maximum estimated period of time to install and complete the construction of any required improvements, the use or uses to which [such] the lands shall be put, the last date on which applications and sealed bids will be received by the board, which date shall not be less than thirty days or more than ninety days after the last [date of publication of such] notice, and the times and places at which more detailed information with respect to the disposition may be secured by interested persons.

Each applicant shall include, together with the applicant's sealed bid, a financial statement and the applicant's performance and experience records in real estate development[,]; provided that the board [may also], in its discretion, may require the applicant to submit answers, under oath, to questions contained in a questionnaire prepared by the board; the applicant's sealed bid shall include a development plan in as much detail as possible and including but not limited to the following: the applicant's proposal as to how and when the applicant intends to develop the land, including any permitted incremental development, the amount of money the applicant intends to commit to the total project, the method of recovery of the applicant's costs and profits, and the amount the applicant agrees to pay to purchase the land;

- (4) Establish reasonable criteria for the selection of the private developer or developers;

- (5) Determine within forty-five days of the last day for filing applications, the applicant or applicants who meet the criteria for selection set by the board, and notify all applicants of its determination within seven days of [such] its determination. Any applicant may examine the basis of the determination, which shall be in writing, to ascertain whether or not the conditions and criteria established by the board were followed; provided that if any applicant does not notify the board of the applicant's objections and the grounds therefor, in writing, within ten days of the receipt of [such] the notice, the applicant shall be barred from proceeding to seek legal remedy for any alleged failure of the board to follow the conditions and criteria[; and].

If only one applicant meets the criteria for selection as the developer, the board may then negotiate the details of the disposition of [such] the public lands to the developer; provided that the terms of the disposition shall not be less than those proposed by the developer in the developer's application and shall be subject to the concurrence of the governor. If two or more applicants meet the criteria for selection, the board shall consider all of the relevant facts of the disposition, the proposals submitted by each applicant, the experience and financial capability of each applicant and [shall] within forty-five days from the date of selection of the applicants that met the criteria, shall select the applicant who submitted the best offer. The board may then negotiate the details of the disposition of [such] the public lands with the developer; provided that the terms of the disposition shall not be less than those proposed by the developer in the developer's application and shall be subject to the concurrence of the governor.

The terms of the disposition shall include the following:

- (A) The development and subdivision shall comply with appropriate state, county, and city and county zoning and subdivision requirements[.];
- (B) The developer or developers shall file with the board a good and sufficient bond conditioned upon the full and faithful performance of all the terms, covenants, and conditions of the disposition[.];
- (C) The use or uses to which the land will be put[.];
- (D) The dates on which the developer must submit preliminary plans and final plans and specifications for the total development to the board for approval, which approval shall not be arbitrarily or capriciously withheld. No construction shall commence until the board has approved the final plans and specifications; provided that with board approval construction on an incremental basis may be permitted[.];
- (E) The date of completion of the total development, including the date of completion of any permitted incremental development[.];
- (F) The minimum requirements for off-site and on-site improvements that the developer must install, construct, and complete by the date of completion of the total development. The board may permit incremental development and establish the minimum requirements for off-site and on-site improvements that must be installed, constructed, and completed prior to the date of completion of the total development[.];
- (G) The title to the land shall remain in the State until the purchaser has made all payments required in the terms of the sale and has constructed the improvements as agreed; provided that the devel-

oper may assign, with the approval of the board, the developer's sales agreement with the board as security for a loan to finance the balance of or a part of either the purchase price of the land or the cost of improvements, or both; provided further that if incremental development is permitted and the developer has completed construction of the required improvements in the increment and is able to pay or has paid for the agreed purchase price of the land within the increment, then the developer shall be entitled to a land patent or a deed to the land within [such] the completed increment[.];

- (H) The board shall lay out and establish over and across [such] the lands a reasonable number of rights-of-way from proposed or established highways to the public beaches and game preserves in order that the right of people to utilize the public beach or beaches and public game preserves shall be protected.

The board may provide for the reservation of any lands within the lands to be disposed as game preserves if the board determines the establishment of [such] the game preserves to be in the public interest.

The cost of [such] rights-of-way and fencing which may be required shall be borne by the State, developer, or jointly as the board may deem appropriate prior to the disposition of [such] the lands.

In any disposition of beach-front lands, the board shall give consideration to the needs of the public for beach area above and below the high-water mark[.];

- (I) The board may include in any sales agreement provisions concerning notice of breach or default, rights of a holder of a security interest, and consent to mortgage as set forth in sections 171-20, 171-21, and 171-22, respectively[.]; and
- (J) [Such other] Other terms and conditions set by the board.

The term "developer" as used in this subsection means a person, firm, corporation, partnership, association, trust, or other legal entity, or a combination of any thereof, who or which has experience in the development and subdivision of land for single-family or multiple-family residential uses and has the financial ability satisfactory to the board to develop and subdivide land."

SECTION 39. Section 172-1, Hawaii Revised Statutes, is amended to read as follows:

"§172-1 Department to list lands on which commutation payable; [publication;] public notice; notice to pay. The department of land and natural resources shall prepare a list of all lands on which commutation to extinguish the government's right therein is payable. Upon completion of the list the department shall [publish the same in a newspaper of general circulation] give public notice thereof throughout the State, at least once each week for four successive weeks, together with notice that [unless the commutation is paid prior to January 1, 1910,] the amount of commutation ascertained shall thereafter bear interest at the rate of six per cent a year and be subject to collection in the manner provided by law."

SECTION 40. Section 172-8, Hawaii Revised Statutes, is amended to read as follows:

"§172-8 Notice to owners to have boundaries determined. Upon the completion of [such] a list, the comptroller shall [publish the same in a newspaper of general circulation] give public notice thereof throughout the State at least once each

week for four successive weeks, together with name or names of the last known owner or owners, and with a notice that unless the unsurveyed lands have had their boundaries properly and legally determined prior to July 1, 1925, the State shall proceed in the manner hereinafter provided for.”

SECTION 41. Section 174-17, Hawaii Revised Statutes, is amended to read as follows:

“§174-17 Formation of a project on initiative of board; notice and hearing; protests. The board of land and natural resources may organize projects upon its own initiative. In [such] this event, it shall fix a date for public hearing upon the proposed project, which date shall not be less than sixty days after the first [publication of] public notice thereof [in a newspaper of general circulation] in the county in which the project is proposed. The notice shall be [published] given once in each of four successive weeks, [giving] and shall include notice of the area to be included in and general details of the proposed project, stating the time and place of the public hearing. If the owners of fifty-five per cent of the acreage of lands proposed to be organized into a project [shall] at the hearing or prior thereto shall file written protest against the proposed project, the project shall not be made and proceedings shall not be renewed within twelve months from the date of closing the public hearing, unless each and every owner protesting withdraws each and every owner’s protest; provided that any lessee of any lands included within the proposed project, who, by the express terms of the lessee’s lease must pay the assessment contemplated hereunder shall be subrogated to all the rights of the owner to protest by filing at the hearing or prior thereto written protest against the proposed project, the written protest to be accompanied by a certified copy of the lease; provided further that any lessor [may], at any time before the closing of the public hearing, [make] may void the protest of the lessor’s lessee on consideration of the filing with the board a duly acknowledged waiver of the provision in the lease which requires the lessee to pay the assessment, and a written undertaking of the lessor to pay the assessment to be made on account of the proposed project; and further provided that a project may be instituted without further [advertisement] public notice for a smaller acreage within the [advertised] acreage described in the original public notice in the event the board determines the smaller project to be economically feasible, if written protests by the owners, or lessees subrogated to the right to protest, of fifty-five per cent of the smaller acreage shall not be filed. The department shall assure that adequate water is reserved for future development and use on Hawaiian home lands that could be served by the proposed water project.”

SECTION 42. Section 174C-26, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) When the commission requires filing of declarations by rules, it shall cause public notice of the rule to be given [by publication in a newspaper of] statewide [circulation] for filings in the city and county of Honolulu and [by publication in a newspaper of] areawide or countywide [circulation] and [in a newspaper of] statewide [circulation] for filings in counties other than the city and county of Honolulu. The commission shall also cause notice of the rules to be given by mail to any person required to file of whom the commission has or could readily obtain knowledge or who has requested mailed notice to be given when the commission adopts rules requiring the filing of declarations.”

SECTION 43. Section 174C-42, Hawaii Revised Statutes, is amended to read as follows:

“[§174C-42] Notice; public hearing required. When a recommendation for designation of a water management area has been accepted, the commission shall hold a public hearing at a location in the vicinity of the area proposed for designation and [publish a] give public notice of the hearing setting forth: [a]

- (1) A description of the land area proposed to be designated in terms of appropriate legal subdivisions and tax map keys; [the]
- (2) The purpose of the public hearing; and [the]
- (3) The time, date, and place of the public hearing where written or oral testimony may be submitted and heard.

The notice shall be [published] given once each week for three successive weeks [in a countywide newspaper of general circulation] in the appropriate county and the last [publication] notice shall be not less than ten days nor more than thirty days before the date set for the hearing. [Publication of the] The notice of public hearing shall be considered as sufficient notice to all landowners and water users who might be affected by the proposed designation.”

SECTION 44. Section 174C-46, Hawaii Revised Statutes, is amended to read as follows:

“[§174C-46] Findings of fact; decision of commission. After public hearing and any investigations deemed necessary have been completed, the chairperson, after consultation with the appropriate county council and county water board, shall make a recommendation to the commission for decision. If the commission decides to designate a water management area, it shall cause a public notice of its decision to be [published in a newspaper of general circulation] given in the appropriate county and when so [published] given its decision shall be final unless judicially appealed.”

SECTION 45. Section 182-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) If any mineral is discovered or known to exist on state lands, any interested person may notify the board of land and natural resources of the person’s desire to apply for a mining lease. The notice shall be accompanied by a fee of \$100 together with a description of the land desired to be leased and the minerals involved and [such] any information and maps [as] that the board by [regulation] rule may prescribe. As soon as practicable thereafter, the board shall cause a public notice to be [published in a newspaper of general circulation] given in the county where the lands are located, at least once in each of three successive weeks, setting forth the description of the land, and the minerals desired to be leased. The board may hold the public auction of the mining lease within six months from the date of the first [publication of] notice or [such] any further time [as] that may be reasonably necessary. Whether or not the state land sought to be auctioned is then being utilized or put to some productive use, the board, after due notice of public hearing to all parties in interest, within six weeks from the date of the first [publication of] notice or [such] any further time [as] that may be reasonably necessary, shall determine whether the proposed mining operation or the existing or reasonably foreseeable future use of the land would be of greater benefit to the State. If the board determines that the existing or reasonably foreseeable future use would be of greater benefit to the State than the proposed mining use of the land, it shall disapprove the application for a mining lease of the land without putting the land to auction. The board shall determine the area to be offered for lease and, after due notice of public hearing to all parties in interest, may modify the boundaries of the land areas. At least thirty days prior to the holding of any public auction, the board shall cause a public notice to be [published in a newspaper of general circulation] given in the State at least once in

each of three successive weeks, setting forth the description of the land, the minerals to be leased, and the time and place of the auction. Bidders at the public auction may be required to bid on the amount of annual rental to be paid for the term of the mining lease based on an upset price fixed by the board, a royalty based on the gross proceeds or net profits, cash bonus, or any combination or other basis and under [such] any terms and conditions [as] that may be set by the board.”

SECTION 46. Section 183-12, Hawaii Revised Statutes, is amended to read as follows:

“§183-12 Notice of hearing. Before setting apart any government lands under this chapter or before revoking, modifying, or suspending any orders and proclamations or any part thereof which set apart [such] the lands as forest reserves, the governor shall give not less than fourteen days’ public notice[, by advertisement in not less than two newspapers, published in the State] statewide of the governor’s intention to consider either the setting apart of government land for forest reserves under this chapter, or the revoking, modifying, or suspending of any orders and proclamations or any part thereof which set apart [such] the lands. The notice or notices shall contain the name or names of the island or islands and of the district or districts in which [such] the land or lands are located and shall further appoint a time or times, place or places for hearing evidence and arguments either for or against the setting apart of the proposed forest reserves or the revoking, modifying, and suspending of any forest reserve made under this chapter.”

SECTION 47. Section 183-19, Hawaii Revised Statutes, is amended to read as follows:

“§183-19 Exclusion of livestock from forest reserves, game management areas, public hunting areas, and natural area reserves; notice. When branded wild cattle or horses are found on any forest land, game management area, public hunting area, or natural area reserve in the State, which land is duly set apart and established as a forest reserve, game management area, public hunting area, or natural area reserve, or if the land is privately owned and surrendered as defined in section 183-15, the department, in all cases where the land is so set apart and established as a forest reserve, game management area, public hunting area, or natural area reserve, whether from privately owned lands or public lands, may remove, shoot, or destroy the cattle or horses without compensation to the owner, after thirty days’ public notice [and three insertions] of the intended action [have been given by publication in a newspaper of general circulation] in the county where the cattle or horses are found.”

SECTION 48. Section 183-20, Hawaii Revised Statutes, is amended to read as follows:

“§183-20 Disposition. The department [may], at any time, without notice to the owners, may remove any and all cattle or horses found on any forest reserve, game management area, public hunting area, or natural area reserve and may hold and care for [all such] the cattle or horses in some convenient place, at the expense of the owners, subject to the lien for charges and expenses as herein provided. The owners of the cattle or horses shall pay to the department the actual expenses reasonably incurred, which shall include, but not be limited to, allowances for employees’ wages, equipment cost, transportation cost, feeding cost, cost of [advertising] public notice, and other costs related to the catching, driving, and transportation of animals. After the cattle or horses have been removed and held, the owners

shall be notified personally of this fact, if the owners [be] are known, and shall be notified of the total amount of the charges and expenses to be paid for the release of the cattle or horses.

When the owners are unknown or cannot be found, the department shall [publish a statement and notice in a newspaper of general circulation] give public notice in the county in which the cattle or horses are held. The [statement] notice shall set forth the general description and the brands of all the cattle or horses so removed and held and shall notify the owners and the public generally that unless the charges and costs to be specified in the notice shall have been paid on or before the date therein specified, which date shall not be less than two weeks from the date of the last [publication of the] notice, the cattle or horses therein described shall be sold at public auction for cash to the highest bidder for the purpose of satisfying the lien on the same for the costs and charges in the notice set forth. The notice shall be [published] given once a week for four consecutive weeks [(four insertions)]. If the charges and costs, together with [such] any additional expenses [as] that may have been incurred since the first [publication of the] notice, are not paid before the date stated in the notice, the cattle or horses [shall] on that date shall be sold and all charges and other expenses shall be satisfied out of the proceeds of the sale and the balance paid to the owner or owners of the cattle or horses. If no claim is made for any balance within sixty days after the date of sale, the [same] balance shall be deposited in the treasury of the State as a government realization and all private rights therein and thereto shall be thereafter forever barred.”

SECTION 49. Section 183C-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(c) Whenever any landowner or government agency whose property will be directly affected makes an application to change the boundaries or land uses of any zone, or to establish a zone with certain land uses, or where the department proposes to make the change or changes itself, the change or changes shall be put in the form of a proposed rule by the applicant and the department shall then give public notice thereof [by publication at least three times in] during three successive weeks [in a newspaper of general circulation in the State] statewide and in the county in which the property is located. The notice shall be given not less than thirty days prior to the date set for the hearing, and shall state the time and place of the hearing and the changes proposed. Any proposed rules and the necessary maps shall be made available for inspection by interested members of the public. The hearing shall be held in the county in which the land is located and may be delegated to an agent or representative of the board as may otherwise be provided by law and in accordance with rules adopted by the board. For the purpose of its public hearing or hearings, the board [shall have the power to] may summon witnesses, administer oaths, and require the giving of testimony.”

SECTION 50. Section 183C-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The department shall hold a public hearing in every case involving the proposed use of land for commercial purposes, at which hearing interested persons shall be afforded a reasonable opportunity to be heard. [Notice] Public notice of the time and place of the hearing shall be [published] given at least once [in a newspaper of general circulation in the State] statewide and in the county in which the property is located. The notice shall be given not less than twenty days prior to the date set for the hearing. The hearing shall be held in the county in which the land is located and may be delegated to an agent or representative of the board as may otherwise be provided by law and in accordance with rules adopted by the board. For the purposes of its public hearing or hearings, the department shall have the power to summon

witnesses, administer oaths, and require the giving of testimony. As used in this [paragraph,] subsection, the term “commercial purposes” shall not include the use of land for utility purposes.”

SECTION 51. Section 190D-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department shall process the conservation district use application pursuant to chapter 183C and rules adopted under this chapter. Within sixty days after the submission of a conservation district use application with a request for a lease for marine activities in state marine waters or submerged lands and the receipt of the related environmental assessment or environmental impact statement, the department shall issue a public notice that the application has been received. The public notice shall describe the marine waters or submerged lands, or both, for which application has been made, the nature of the exclusive use sought, and the purpose for which the application has been made. The notice shall be [published] given on three separate days [in a newspaper of general distribution in the State] statewide and in the county nearest the marine waters or submerged lands for which application has been made. The public notice shall invite public comment.”

SECTION 52. Section 195-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department, with at least twenty days public notice, shall conduct one or more public hearings before terminating state funding for a management plan approved by the board under the natural area partnership program, requesting the governor to revoke or modify an executive order that sets aside lands for the reserves system, or prior to the designation of the following types of lands into the reserves system:

- (1) State lands under the jurisdiction of the department;
- (2) State lands that are removed from other uses or modified by the governor through an executive order that sets aside land for the natural area reserves system;
- (3) Lands acquired by eminent domain pursuant to chapter 101; and
- (4) State lands proposed by the governor for inclusion into the reserves system, as provided in section 171-11.

The notice shall be [published in a newspaper of general circulation] given in the county where the proposed natural area reserve or natural area partnership is located and also [in a newspaper of general circulation in the State.] statewide. The notice shall contain, but not be limited to, the time and place of the hearing, the location of the land, and the proposed changes.”

SECTION 53. Section 199-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any equipment, article, instrument, aircraft, vehicle, vessel, business records, or natural resource seized is subject to forfeiture pursuant to chapter 712A. Notwithstanding section 712A-16 or any other law to the contrary, any natural resource forfeited shall be turned over to the department of land and natural resources for disposition as determined by that department and may be destroyed, if illegal, or may be kept and retained and utilized by the department of land and natural resources or any other state agency, or if not needed or required by the department or other state agency, may be sold at public auction in the judicial circuit in which it was seized, the auction to be held once annually at a place and time to be designated by the department and public notice thereof to be [published in a newspaper of general circulation] given within the judicial circuit at least once before the auction, the first [publication] notice to be not less than twenty days prior

to the auction. The auction shall be conducted by a person other than an employee of the department but designated by the department.”

SECTION 54. Section 200-43, Hawaii Revised Statutes, is amended to read as follows:

“**[[§200-43]] Public auction.** If the vessel is not repossessed within twenty days after the mailing of the notice, the vessel shall be disposed of by public auction, through oral tenders, or by sealed bids, after public [advertisement] notice has been [made once in a newspaper of general circulation;] given at least once; provided that the public auction shall not be held less than five days after the [publication of the advertisement.] notice is given. Where no bid is received, the vessel may be sold by negotiation, disposed of as junk, or donated to any governmental agency.”

SECTION 55. Section 200-49, Hawaii Revised Statutes, is amended to read as follows:

“**[[§200-49]] Disposition of derelict vessel.** The chairperson may cause a derelict vessel to be immediately taken into custody. Upon taking custody of a derelict vessel the chairperson shall concurrently:

- (1) [Publish a] Give public notice of intended disposition[, once, in a newspaper of general circulation];
- (2) When possible, post a notice of intended disposition on the vessel; and
- (3) Serve a duplicate original of the notice of intended disposition by certified mail, return receipt requested on:
 - (A) The registered owner of the vessel, if known, at the registered owner’s last known address or the address on record with the United States Coast Guard; and
 - (B) All lien holders who have properly filed a financing statement, referencing the name of the registered owner, in the bureau of conveyances or who are shown on the records of the department or United States Coast Guard.

If the vessel is not repossessed within twenty days after the [publication] giving or mailing of the notice, whichever occurs later, the vessel may be disposed of by negotiated sale except that, when two or more purchasers indicate an interest in purchasing the vessel, the vessel will be sold at public auction to the highest bidder. If no purchaser expresses a desire to purchase the vessel, the vessel may be destroyed.”

SECTION 56. Section 201G-73, Hawaii Revised Statutes, is amended to read as follows:

“**[[§201G-73]] Foreclosure of lien, notice, etc.** The lien of the corporation upon personal property which has been taken and retained by it as provided in section 201G-72 may be foreclosed by the corporation by selling the same at public auction:

- (1) After first mailing by United States mail, postage prepaid, a notice of the foreclosure, addressed to the tenant who owns, or was in possession of, the personal property, at the tenant’s last address shown on the records of the corporation, stating that, unless the charge or charges then due and owing from the tenant to the corporation are paid within ten days from the time of mailing the notice, the personal property will be sold at public auction; and

- (2) After first [publishing a] giving public notice of the foreclosure and sale at least two times [in a newspaper of general circulation] in the county in which the personal property is located. Each notice shall contain a brief description of the personal property; the name of the tenant, if known; the name of the owner of the personal property, if known; the amount of the charge or charges; and the time and place of the sale. Notices of several foreclosures and sales may be combined in one notice; and whenever so combined and [published,] given, the expenses of [advertising] notice and sale shall be a statutory lien upon the property described in the notice in a ratable proportion according to the amount received for each lot of property so [advertised] noticed for sale.

If the tenant fails to pay to the corporation within ten days after the mailing of the notice of foreclosure the charge or charges, the corporation may sell the property at public auction at the time and place stated in the notice, or at a time or times or place or places to which the sale may be postponed or adjourned at the time and place stated in the notices, and may apply the proceeds thereof to the payment of the charge or charges and the expenses of [advertising] notice and sale. The balance, if any remaining, shall be paid over to the tenant who formerly owned, or was in possession of, the property. If the balance is not claimed by the tenant within thirty days after the sale, then the balance shall be paid over to the director of finance and it shall be kept by the director in a special deposit for a period not to exceed six months. If claimed by the tenant during that period it is paid over to the tenant. If no claim shall be made during the period, the sum shall become a government realization and be paid into the general fund.”

SECTION 57. Section 201G-76, Hawaii Revised Statutes, is amended to read as follows:

“[§201G-76] Lien on abandoned personalty, sale, etc. Whenever the corporation has in its possession for four months after the termination of any residence or occupancy herein mentioned any personal property that has been left in or about any housing project by any person who formerly resided in, or occupied a room, dwelling accommodation, living quarters, or space in the housing project, the corporation may sell the same at public auction and apply the proceeds thereof to the payment of its charges for storage of the personal property, and for [advertising] public notice and sale, and to the payment of other amounts, if any, then due and owing to it from the former resident or occupant for rent or for any utility or service. Before any sale is made, the corporation shall first [publish a] give public notice of the time and place of sale at least two times [in a newspaper of general circulation] in the county in which the personal property is located. The notice shall contain a brief description of the property; the name, if known, of the former resident or occupant who so left the property in or about the housing project; the amount of the charges for storage, if any, and the indebtedness, if any; and the time and place of the sale. The charges for storage, if any, and for [advertising] notice and sale, and the indebtedness, if any, shall be a lien upon the personal property. Notices of several sales may be combined and [published] given in one notice, and whenever so combined and [published] given the expenses of [advertising] notice and sale shall be a lien and shall be satisfied in ratable proportion according to the amount received for each lot of property so [advertised] noticed for sale.”

SECTION 58. Section 201G-122, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The corporation may enter into contracts with any eligible bidder to provide for the construction of a housing project or projects. [Any such] Each contract shall provide that the housing project or projects shall be placed under the control of the corporation, as soon as the unit is available for occupancy. [Any such] Each contract [shall] also shall provide that the capital stock of the mortgagor (where the mortgagor is a corporation) be transferred to the corporation, when the housing project or projects have been completed. [Any such] Each contract shall contain [such] terms and conditions [as] that the corporation may determine to be necessary to protect the interests of the State. [Any such] Each contract shall provide for the furnishing by the contractor of a performance bond and a payment bond with sureties satisfactory to the corporation, and the furnishings of [such] bonds shall be deemed a sufficient compliance with the provisions of law and no additional bonds shall be required under law. Before the corporation shall enter into any contract as authorized by this section for the construction of a housing project or projects, it shall invite the submission of competitive bids after [advertising] giving public notice in the manner prescribed by law.”

SECTION 59. Section 201G-130, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The corporation, any department of the State, or any county housing agency maintaining restrictions, through contract, deed, other instrument, or by rule, shall notify purchasers of any substantial change in restrictions made by law, ordinance, rule, or regulation not more than one hundred eighty days after a change in restrictions, and the notice shall clearly state the enacted or proposed new provisions, the date or dates upon which they are to be effective, and offer to each purchaser of real property constructed and sold prior to [such] the effective date an opportunity to modify the existing contract or other instrument to incorporate the most recent provisions. The public notice shall be [published] given at least three times [in a newspaper of general circulation] in the State for state agencies and at least three times in a county [newspaper] for county agencies.”

SECTION 60. Section 205-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any other provision of law to the contrary notwithstanding, notice of the hearing together with a copy of the petition shall be served on the county planning commission and the county planning department of the county in which the land is located and all persons with a property interest in the land as recorded in the county’s real property tax records. In addition, notice of the hearing shall be mailed to all persons who have made a timely written request for advance notice of boundary amendment proceedings, and public notice shall be [published] given at least once [in a newspaper] in the county in which the land sought to be redistricted is situated as well as once [in a newspaper of general circulation in the State] statewide at least thirty days in advance of the hearing. The notice shall comply with [the provisions of] section 91-9, shall indicate the time and place that maps showing the proposed district boundary may be inspected, and further shall inform all interested persons of their rights under subsection (e) [of this section].”

SECTION 61. Section 205-5.2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) After the board has completed a county-by-county assessment of all areas with geothermal potential or after any subsequent update or review, the board shall compare all areas showing geothermal potential within each county, and shall propose areas for potential designation as geothermal resource subzones based upon a preliminary finding that the areas are those sites which best demonstrate an

acceptable balance between the factors set forth in subsection (b). Once [such] a proposal is made, the board shall conduct public hearings pursuant to this subsection, notwithstanding any contrary provision related to public hearing procedures. Contested case procedures are not applicable to these hearings.

- (1) Hearings shall be held at locations which are in close proximity to those areas proposed for designation. A public notice of hearing, including a description of the proposed areas, an invitation for public comment, and a statement of the date, time, and place where persons may be heard shall be [published] given and mailed no less than twenty days before the hearing. The notice shall be [published] given on three separate days [in a newspaper of general circulation] statewide and in the county in which the hearing is to be held. Copies of the notice shall be mailed to the department of business, economic development, and tourism, to the planning commission and planning department of the county in which the proposed areas are located, and to all owners of record of real estate within, and within one thousand feet of, the area being proposed for designation as a geothermal resource subzone. The notification shall be mailed to the owners and addresses as shown on the current real property tax rolls at the county real property tax office. Upon [such] that action, the requirement for notification of owners of land is completed. For the purposes of this subsection, notice to one co-owner shall be sufficient notice to all co-owners[.];
- (2) The hearing shall be held before the board, and the authority to conduct hearings shall not be delegated to any agent or representative of the board. All persons and agencies shall be afforded the opportunity to submit data, views, and arguments either orally or in writing. The department of business, economic development, and tourism and the county planning department shall be permitted to appear at every hearing and make recommendations concerning each proposal by the board[.]; and
- (3) At the close of the hearing, the board may designate areas as geothermal resource subzones or announce the date on which it will render its decision. The board may designate areas as geothermal resource subzones only upon finding that the areas are those sites which best demonstrate an acceptable balance between the factors set forth in subsection (b). Upon request, the board shall issue a concise statement of its findings and the principal reasons for its decision to designate a particular area.”

SECTION 62. Section 205A-29, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The authority in each county, upon consultation with the central coordinating agency, shall adopt rules under chapter 91 setting the special management area use permit application procedures, conditions under which hearings must be held, and the time periods within which the hearing and action for special management area use permits shall occur. The authority shall provide for adequate notice to individuals whose property rights may be adversely affected and to persons who have requested in writing to be notified of special management area use permit hearings or applications. The authority shall also provide [written] public notice [once in a newspaper of general circulation in the State] statewide at least twenty days in advance of the hearing. The authority may require a reasonable filing fee which shall be used for the purposes set forth herein.

Any rule adopted by the authority shall be consistent with the objectives, policies, and special management area guidelines provided in this chapter. Action on

ACT 2

the special management permit shall be final unless otherwise mandated by court order.”

SECTION 63. Section 206-5, Hawaii Revised Statutes, is amended to read as follows:

“§206-5 Declaration of development areas. Whenever the board of land and natural resources, after due notice and public hearing, the time and place of which have been duly [advertised in a newspaper of general circulation] given by public notice in the city and county of Honolulu on at least three different days, the last [publication] notice being not less than five days before the date of hearing, finds that in any locality on the island of Oahu an acute shortage of residential fee simple property exists and that the shortage of [such] residential fee simple holdings cannot practicably be alleviated within the reasonably near future by means other than those provided under this chapter, the board may declare a suitable area, not less than ten contiguous acres in extent, as a development area. The development area shall be reasonably accessible to persons in the locality and shall consist of lands suitable for a development project. Any [such] finding of fact, if supported by a preponderance of evidence, shall be conclusive in any suit, action, or proceeding.

All development areas shall be compatible with any general plan for the long-range development of land in the political subdivision concerned under the terms of chapter 201, part II, and shall conform to and with all subdivision and zoning ordinances and requirements of the political subdivision.”

SECTION 64. Section 206-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Land disposed of by the board. To be eligible to purchase or lease a residence lot from the board, the buyer shall furnish satisfactory evidence to the board, under oath, and otherwise as required by the board, that the buyer:

- (1) Is a citizen of the United States or a declarant alien who has resided in the State for a period of five years or more;
- (2) Is at least eighteen years of age;
- (3) Is a bona fide resident of the State and has a bona fide intent to reside in the development area concerned, if successful in purchasing or leasing a lot in the area under this chapter; and
- (4) Has a gross income sufficient to meet the cost of the land being disposed of by the board. The board shall develop policies whereby those most deserving of housing shall be given preference. In developing the policies, the board shall consider the applicant’s household income, the number of dependents, and [such] other factors [as] that the board may deem pertinent.

Any person whom the board finds to be within one of the following classes, shall not be eligible to become an original purchaser or lessee of a resident lot, to wit:

- (A) A person who oneself or whose husband or wife or both (when husband and wife are living together) owns or own in fee simple lands suitable for residential purposes within the political subdivision and in or reasonably near the place of residence or place of business of the person; and
- (B) A person who oneself or whose husband or wife (when husband and wife are living together) has pending an unrefused application to purchase a lot in a development area under this chapter from the board.

Any person, firm, association, or corporation may purchase business lots within a development project for business necessary to service the project. The lots shall be sold at public auction to the highest bidder for cash.

The board shall require all applicants for the purchase or lease of residence lots to make application therefor under oath, and may require additional testimony or evidence under oath in connection with any application. The determination of any applicant's eligibility under this chapter by the board shall be conclusive as to all persons thereafter dealing with the property; but the making of any false statement knowingly by the applicant or other person to the board in connection with any application shall constitute perjury and be punishable as [such.] perjury.

When a development project or projects has or have been sufficiently completed to be suitable for disposition to individual purchasers or lessees, the board shall sell or lease the lots therein to eligible purchasers or lessees and shall give public notice of the disposition [by publication in at least two newspapers of general circulation] on the island of Oahu. The notice shall state in general terms the size, location, and prices or rental of lots to be sold or leased, the terms of sale or lease, and the last date on which application will be received by the board, which date shall not be less than thirty days after the first [publication of the] notice. The notice shall also state the times and places at which more detailed information with respect to the sale or lease may be secured by interested persons. Not more than one lot shall be sold or leased to each applicant.

The purchaser at the purchaser's option may pay the purchase price in full on delivery of a deed or pay not less than ten per cent of the purchase price and execute with the board an agreement of sale under the terms of which the unpaid balance is to be paid in monthly installments and over [such] a period [as] that the board determines, with interest on unpaid balances at a rate not to exceed six and one-half per cent, payable monthly, deed to be delivered on final payment; provided that not less than one-half of one per cent on account of principal shall be required by the agreement to be paid each month. Taxes shall be prorated as of the date of delivery of deed in the case of a cash sale and as of the date of execution of the agreement of sale in the case of a sale in other cases. Each agreement of sale shall provide that the whole or any part of the unpaid balance of the purchase price plus accrued interests may be paid at any time."

SECTION 65. Section 206-29, Hawaii Revised Statutes, is amended to read as follows:

"§206-29 Form and sale of bonds. The bonds of the board of land and natural resources shall be authorized by resolution and may be issued in one or more series and shall bear [such] a date or dates, mature at [such] a time or times, not exceeding sixty years from the date thereof, bear interest at [such] a rate or rates, not exceeding six per cent a year, be in [such] a denomination or denominations, be in [such] a form either coupon or registered, carry [such] conversion or registration privileges, have [such] a rank or priority, be executed in [such] a manner, be payable in [such] a medium of payment, at [such] a place or places, and be subject to [such] terms or redemption (with or without premium) [as] that the resolution, its trust indenture, or mortgage may provide.

The bonds shall be sold at not less than par at public sale held after public notice [published once] given at least five days prior to the sale [in a newspaper having a general circulation in the State;] statewide; provided that the bonds may be sold at not less than par to the federal government at private sale without any public [advertisement.] notice.

If any member or officer of the board whose signature appears on any bond or coupon ceases to be a member or official before the delivery of [such] a bond, the

member's or officer's signature [shall], nevertheless, shall be valid and sufficient for all purposes, the same as if [such] the member or officer had remained in office until its delivery. Any provision of any law to the contrary notwithstanding, all bonds issued pursuant to this chapter shall be fully negotiable.

In any suit, action, or proceedings, involving the validity or enforcement of any bond of the board or the security therefor, any [such] bond, reciting in substance that it has been issued by the board to aid in financing a development project, shall be conclusively deemed to have been issued for a development project, and the project shall be conclusively deemed to have been planned, located, and constructed in accordance with the purposes and provisions of this chapter."

SECTION 66. Section 231-25, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The following rules are applicable to the levy as provided for in paragraph (a)(2) [of this section]:

- (1) Seizure and sale of property. The term "levy" as used in this section includes the power of distraint and seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the director or the director's representative may levy upon property or right² to property, the director may seize and sell [such] the property or rights to property (whether real or personal, tangible or intangible)[.];
- (2) Successive seizures. Whenever any property or right to property upon which levy has been made is not sufficient to satisfy the claim of the State for which levy is made, the director or the director's representative [may], thereafter, and as often as may be necessary, may proceed to levy in like manner upon any other property liable to levy of the person against whom [such] a claim exists, until the amount due from the person, together with all expenses, is fully paid[.];
- (3) Surrender of property subject to levy.
 - (A) Requirement. Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made [shall], upon demand of the director or the director's representative, shall surrender [such] the property or rights (or discharge [such] the obligation) to the director or the director's representative, except [such] that part of the property or rights as is, at the time of [such] the demand, subject to an attachment or execution under any judicial process[.];
 - (B) Extent of personal liability. Any person who fails or refuses to surrender property or rights to property, subject to levy, upon demand by the director or the director's representative, shall be liable in the person's own person and estate to the State in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which [such] the levy has been made, together with costs and interest on [such] the sum at the rate of eight per cent a year from the date of [such] the levy. Any amount (other than costs) recovered under this subparagraph shall be credited against the tax liability for the collection of which [such] the levy was made[.];
 - (C) Penalty for violation. In addition to the personal liability imposed by subparagraph (B), if any person required to surrender property or rights to property fails or refuses to surrender [such] the property or rights to property without reasonable cause, [such] the person shall be liable for a penalty equal to fifty per cent of

- the amount recoverable under subparagraph (B). No part of [such] the penalty shall be credited against the tax liability for the collection of which [such] the levy was made[.];
- (D) Effect of honoring levy. Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the director or the director's representative, surrenders [such] the property or rights to property (or discharges [such] the obligation) to the director or the director's representative shall be discharged from any obligation or liability to the delinquent taxpayer with respect to [such] the property or rights to property arising from [such] the surrender or payment[.]; and
- (E) Person defined. The term "person," as used in subparagraph (A), includes an officer or employee of a corporation or a member or employee of a partnership, who as [such] an officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation[.];
- (4) Production of books. If a levy has been made or is about to be made on any property, or right to property, any person having custody or control of books or records, containing evidence or statements relating to the property or right to property subject to levy, [shall,] upon demand of the director or the director's representative, shall exhibit [such] those books or records to the director or the director's representative[.];
- (5) Property exempt from levy. Notwithstanding any other law of the State, no property or rights to property shall be exempt from levy other than the following:
- (A) Wearing apparel and school books. [Such] Those items of wearing apparel and [such] those school books [as] that are necessary for the taxpayer or for members of the taxpayer's family[.];
- (B) Fuel, provisions, furniture, and personal effects. If the taxpayer is the head of a family, so much of the fuel, provisions, furniture, and personal effects in the taxpayer's household, and of the arms for personal use, livestock, and poultry of the taxpayer, as does not exceed \$500 in value[.];
- (C) Books and tools of a trade, business, or profession. So many of the books and tools necessary for the trade, business, or profession of the taxpayer as do not exceed in the aggregate \$250 in value[.];
- (D) Unemployment benefits. Any amount payable to an individual with respect to the individual's unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States or the State[.]; and
- (E) Undelivered mail. Mail, addressed to any person, which has not been delivered to the addressee[.];
- and
- (6) Sale of the seized property.
- (A) Notice of sale. The director shall take possession and keep the levied property until the sale. After taking possession, the director shall sell the taxpayer's interest in the property at public auction after first giving fifteen days' public notice of the time and place of the sale [by publication at least once in a newspaper, published] in the district, [or] and by posting the notice in at least three public places in the district where the sale is to be held[.];

- (B) Assistance in seizure and sale. The director may require the assistance of any sheriff or authorized police officer of any county to aid in the seizure and sale of the levied property. The director may further retain the services of any person competent and qualified to aid in the sale of the levied property, provided that the consent of the delinquent taxpayer is obtained. Any sheriff or the person so retained by the director shall be paid a fair and reasonable fee but in no case shall the fee exceed ten per cent of the gross proceeds of the sale. Any person other than a sheriff so retained by the director to assist the director may be required to furnish bond in an amount to be determined by the director. The fees and the cost of the bond shall constitute a part of the costs and expenses of the levy[.];
- (C) Time and place of sale. The sale shall take place within thirty days after seizure; provided that by public announcement at the sale, or at the time and place previously set for the sale, it may be extended for one week. Any further extension of the sale shall be with the consent of the delinquent taxpayer. The sale [shall], in any event, shall be completed within forty-five days after seizure of the property[.];
- (D) Manner and conditions of sale. Sufficient property shall be sold to pay all taxes, penalties, interest, costs, and expenses. On payment of the price bid for any property sold, the delivery thereof with a bill of sale from the director shall vest the title of the property in the purchaser. No charge shall be made for the bill of sale. All surplus received upon any sale after the payment of the taxes, penalties, interest, costs, and expenses, shall be returned to the owner of the property sold, and until claimed shall be deposited with the department subject to the order of the owner. Any unsold portion of the property seized may be left at the place of sale at the risk of the owner[.]; and
- (E) Redemption of property. If the owner of the property seized desires to retain or regain possession thereof, the owner may give a sufficient bond with surety to produce the property at the time and place of sale, or pay all taxes, penalties, interest, costs, and expenses.”

SECTION 67. Section 243-5, Hawaii Revised Statutes, is amended to read as follows:

“§243-5 County fuel tax. The amount of the “county of Hawaii fuel tax”, “city and county of Honolulu fuel tax”, “county of Maui fuel tax”, and “county of Kauai fuel tax”, respectively, shall be determined by resolution of the county or the city council of each county adopted in the manner provided by law relating to resolutions involving the expenditure of public money. The amount fixed by the resolution may be, per gallon, one or more cents or a fraction of a cent or both, or it may be zero. No [such] resolution shall be adopted until the county or the city council shall conduct a public hearing on the amount of tax proposed. [Notice] Public notice of [such] the hearing shall be [published in a newspaper of general circulation within the county] given in the county at least twice within a period of thirty days immediately preceding the date of hearing. If the resolution is adopted, it shall take effect on the first day of the second month following the date of adoption of the resolution. The county or the city council shall notify the department of

taxation of any county fuel tax changes within ten days after the resolution is adopted.

Until and unless otherwise provided by resolution adopted as above provided, the amount of the "county of Hawaii fuel tax" shall be for the period July 1, 1955, to June 30, 1957, 1 cent per gallon and thereafter zero, the amount of the "city and county of Honolulu fuel tax" shall be 2-1/2 cents per gallon, the amount of the "county of Maui fuel tax" shall be for the period July 1, 1955, to June 30, 1957, 3 cents per gallon and thereafter 2 cents per gallon, and the amount of the "county of Kauai fuel tax" shall be for the period July 1, 1955, to June 30, 1957, 3 cents per gallon and thereafter 2 cents per gallon."

SECTION 68. Section 246-40, Hawaii Revised Statutes, is amended to read as follows:

"§246-40 Returns, made when; form; open to public. Whenever the department of taxation finds that the filing of returns under this paragraph is advisable for the making of assessments and so orders, the assessor shall give, to the taxpayers of the assessor's district during the month of December of the year [such] the order is made, public notice [(by publication thereof, in English,) at least three times on different days during the month, [in a newspaper of general circulation] in [such] the district], published in the English language)] requiring [such] the taxpayers to file with the assessor, on or before January 15 of the succeeding year, returns in the manner and form required by this section. After [such publication of] the notice, every person owning, or having possession, custody, or control of, real property in the district, whether entitled to exemption or not, [shall,] during the month of January, shall file upon forms prescribed by the department and in the manner required by [such] the forms, a return signed as provided in section 231-15 setting forth the description and location of all real property in the district belonging to [such] the person or of which the person had possession, custody, or control on January 1, and setting forth the taxpayer's opinion of the fair market value thereof as of [such] January 1. It shall be sufficient to describe the person's property by setting forth the location and a brief description in sufficient detail to identify the property.

Whenever the department shall determine that there are not sufficient evidences of value to form the basis of a sound appraisal, for assessment purposes, of the value of the real property or real properties, or portions thereof, of any taxpayer [it may,] upon notice of not less than thirty days, it may require the taxpayer to file a return as described in the foregoing paragraph.

All returns made under this section shall be open to inspection by the public, and shall be admissible in evidence against the person making the return, in any state court in any action wherein the value of the real property, or portion thereof, covered by the return, may be in dispute.

Returns made under this section shall be taken into consideration by the tax assessor in making appraisals for assessment purposes; the opinion of any taxpayer as to fair market value shall not be binding upon the assessor, but no taxpayer shall be deemed to be aggrieved by any assessment made upon the taxpayer's property which is based upon the opinion of value set forth in the taxpayer's return unless the taxpayer shows lack of uniformity or inequality as set forth in section 232-3. The opinion of value shall constitute a rebuttable presumption that the fair market value of the real property on the date of [such] the return was not greater than the value stated in [such] the return in any subsequent proceeding brought to condemn the property or any part thereof for public purposes.

Failure to file a return required under this section shall render the taxpayer liable for payment of an added tax as defined in and prescribed by section 231-39(b)(1)."

SECTION 69. Section 246-43, Hawaii Revised Statutes, is amended to read as follows:

“§246-43 Notice of assessments; addresses of persons entitled to notice. On or before March 15 preceding the tax year, the director of taxation shall give notice of the assessment for the tax year against each known owner, by personal delivery to the owner or by mailing to the owner on or before [such] that date postage prepaid and addressed to the owner at the owner’s last known place of residence or address a written notice identifying the property involved by the tax key and the general class established in accordance with section 246-10(d) and setting forth separately the valuation placed upon buildings, and the valuation placed upon all other real property, exclusive of buildings, determined pursuant to section 246-10, the exemption, if any, and the net assessed value of the property.

In addition to the foregoing, the assessor of each district shall in each year give notice of the assessments in the assessor’s district for the year by public notice [(by publication thereof in English] at least three times on different days during the month of March of [such] that year [in a newspaper of general circulation], in the district[, published in the English language]] of a time when (which shall be not less than a period of ten days prior to March 31 preceding the tax year) and of a place where the records of taxable properties maintained in the district showing all assessments made for the district may be inspected by any person for the purpose of enabling the person to ascertain what assessments have been made against the person or the person’s property and to confer with the assessor so that any errors may be corrected before the filing of the assessment list.”

SECTION 70. Section 246-56, Hawaii Revised Statutes, is amended to read as follows:

“§246-56 Tax liens; foreclosure without suit, notice. All real property on which a lien for taxes exists may be sold by way of foreclosure without suit by the tax collector, and in case any lien, or any part thereof, has existed thereon for three years, shall be sold by the tax collector at public auction to the highest bidder, for cash, to satisfy the lien, together with all interest, penalties, costs, and expenses due or incurred on account of the tax, lien, and sale, the surplus, if any, to be rendered to the person thereto entitled. The sale shall be held at any public place proper for sales on execution, after public notice [published] given at least once a week for at least four successive weeks immediately prior thereto [in any newspaper with a general circulation of at least 60,000 published in the State and any newspaper of general circulation published and distributed] statewide and in the taxation district wherein the property to be sold is situated[, if there be a newspaper published in the taxation district]. If the address of the owner is known or can be ascertained by due diligence, including an abstract of title or title search, the tax collector shall send to each owner notice of the proposed sale by registered mail, with request for return receipt. If the address of the owner is unknown, the tax collector shall send a notice to the owner at the owner’s last known address as shown on the records of the department of taxation. The notice shall be deposited in the mail at least [45] forty-five days prior to the date set for the sale. The notice shall also be posted for a like period in at least three conspicuous places within [such] the taxation district, and if the land is improved one of the three postings shall be on the land.”

SECTION 71. Section 249-10, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) All vehicles seized and sealed shall remain at the place of seizure or at [such] any other place [as] that the director of finance may direct, at the expense and

risk of the owner. If the owner of the vehicle fails to redeem it within ten days after seizure, the vehicle may be sold by the director of finance at public auction to the highest bidder for cash, after giving ten days public notice [in a newspaper of general circulation published] in the county[, or] and by posting notices in at least three public places in the district where the vehicle was seized; provided that the requirements of public auction may be waived when the appraised value of any vehicle is less than \$250 as determined by the director of finance or authorized representative, in which case the vehicle may be disposed of in the same manner as when a vehicle is put up for public auction and for which no bid is received. The amount realized at the sale, less the amount of the tax and penalty due, together with all costs incurred in [advertising,] giving public notice, storing, and selling the vehicle and all other charges incident to the seizure and sale, shall be paid to the owner of the vehicle. If no claim for the surplus is filed with the director of finance within sixty days from the date of the sale, the surplus shall be paid into the county treasury as a government realization and all claim to [such] that sum shall thereafter be forever barred.”

SECTION 72. Section 249-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The council shall determine the rate and the minimum tax at which all vehicles and motor vehicles in each respective county shall be taxed as provided by section 249-2. In making the determination, the rate and minimum tax on trucks or noncommercial motor vehicles shall be in accordance with subsection (b). The rate and minimum tax shall be established by ordinance, provided that prior to final action thereon a public hearing shall be held on the proposed rate. [Notice] Public notice of the time and place of the hearing shall be [published] given at least ten days prior to the hearing [in a newspaper of general circulation] in the county. After the public hearing the council may fix the rate and the minimum tax at any amount deemed necessary, but [such] the rate and [such] the minimum shall not be higher than that originally proposed when the notice of public hearing was [published.] given. Any rate and minimum tax so established shall be effective as of January 1 of the year following the date of enactment of the ordinance.”

SECTION 73. Section 249-15, Hawaii Revised Statutes, is amended to read as follows:

“**§249-15 Seizure and sale.** The directors of finance, any person authoritatively acting on behalf of the director of finance, or any member of a police force of the several counties of the State may seize any bicycle or moped liable for the payment of the required fees or which has no tag or decal affixed as required by section 249-14, and may hold the bicycle or moped for a period of ten days, during which time it shall be subject to redemption by its owner on payment of the fee due and a penalty of \$1. All bicycles and mopeds not so redeemed shall be sold by the county chief of police or director of finance or their authorized representative, at public auction after first giving five days public notice of the time and place of sale [by advertisement in a newspaper of general circulation] in the county where the sale is to be held. Sale shall be made for the best price obtainable, which amount shall be forthwith paid over to the director of finance, accompanied by a statement containing a description of the bicycles or mopeds, their serial number, makes, and any other marks of identification. The director of finance [shall], after deducting from the amount so received the amount of the fee and penalty due and costs of [advertising,] giving public notice, shall pay any surplus to the previous registered owners of the bicycles or mopeds. If at the expiration of ninety days the previous registered owners remain unknown, the surplus shall be paid into the treasury of the

ACT 2

county, as a government realization, and all claims to [such] the sums shall be forever barred.”

SECTION 74. Section 261-7.5, Hawaii Revised Statutes, is amended by amending subsections (i) and (j) to read as follows:

“(i) If the owner or operator of an impounded aircraft does not:

(1) Request an administrative hearing within thirty days of the department’s impounding of the aircraft; or
(2) Pay the department all cost and expenses of impounding the aircraft and the charges and fees due and owing within fifteen days of a finding of probable cause that [said] the charges and fees are due and owing, the aircraft shall be disposed of by public auction, through oral tenders, or by sealed bids, after public [advertisement has been made once in a newspaper of general circulation in the State;] notice has been given; provided that the public auction shall not be held less than five days after [the publication of the advertisement.] public notice is given. Where no bid is received, the aircraft may be sold by negotiation, disposed of as junk, or donated to any governmental agency.

(j) Public auction shall not be required when the appraised value of any aircraft, as determined by an independent appraiser who has had at least one year of experience in the sale or purchase of aircraft, is less than \$100. Upon that determination and after public [advertisement has been made once in a newspaper of general circulation in the State,] notice is given, the director may sell the aircraft by negotiation, dispose of it as junk, or donate the aircraft to any governmental agency.”

SECTION 75. Section 261-17.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any vehicle not repossessed within the time limits provided in subsection (b) after compliance by the department with the notice requirements provided by that subsection, shall be disposed of by public auction, through oral tenders, or by sealed bids, after public [advertisement has been made once in a newspaper of general circulation;] notice has been given; provided that the public auction shall not be held less than five days after [the publication has been made.] public notice has been given. Where no bid is received, the vehicle may be either sold by negotiation, disposed of or sold as junk, or donated to any governmental agency; and further provided that the requirements of public auction may be waived when the appraised value of any vehicle is less than \$100 as determined by an independent appraiser who has had at least one year of experience in the sale or purchase of motor vehicles as a licensed motor vehicle salesperson. In that event the vehicle [may], after public [advertisement] notice has been [made once in a newspaper of general circulation,] given, may be disposed of in the same manner as when a vehicle is put up for public auction and for which no bid is received.”

SECTION 76. Section 261-17.7, Hawaii Revised Statutes, is amended to read as follows:

“**[§261-17.7] Lost and found money or property at airports.** (a) All money or property found at an airport owned or controlled by the department shall be reported or delivered by the finder to the airport lost and found, and when so delivered shall be held by the department for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the department. In the event of [such] the establishment of title or right of custody, the money or property shall be delivered to the claimant by the director or the director’s agent. If within forty-five days no claimant establishes a right to the money or

property, the money or property shall be returned to the person who delivered it to the airport lost and found; provided that if the person who delivered it to the airport lost and found fails to claim the money or property within thirty days after being notified by the director, the director shall deposit the money into the state treasury to the credit of the airport revenue fund or shall dispose of the property by public auction.

(b) At least once annually, the director shall [place a] give public notice [in a newspaper of general circulation] giving details as to time and place of the auction and giving notice to all persons interested or claiming the property that unless claims are made by persons who can provide satisfactory proof of ownership before a specified date, the property will be sold at public auction to the highest bidder. On the day and at the place specified in the notice, all property for which no satisfactory proof of ownership is made shall be sold by auction by or under the direction of the director.

If any property which is of a perishable nature or unreasonably expensive to keep or safeguard remains unclaimed at the airport, the director may sell that property at public auction, at [such] a time and after [such] notice [as] that is reasonable under the circumstances. The director shall immediately after the sale of any property pay to the airport revenue fund all moneys received by the director upon sale.

(c) For the purpose of this section, notice by regular mail to the last known address of the person who delivered the money or property to the airport lost and found shall be deemed sufficient."

SECTION 77. Section 261-71, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) If the aircraft is not repossessed within twenty days after the mailing of the notice, the aircraft shall be disposed of by public auction, through oral tenders, or by sealed bids, after public [advertisement has been made once in a newspaper of general circulation;] notice has been given; provided that the public auction shall not be held less than five days after [the publication of the advertisement.] public notice is given. Where no bid is received, the aircraft may be sold by negotiation, disposed of as junk, or donated to any governmental agency."

SECTION 78. Section 261-71, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) Public auction shall not be required when the appraised value of any aircraft, as determined by an independent appraiser who has had at least one year of experience in the sale or purchase of aircraft, is less than \$100. Upon that determination and after public [advertisement has been made once in a newspaper of general circulation,] notice has been given, the director of transportation may sell the aircraft by negotiation, dispose of it as junk, or donate the aircraft to any governmental agency."

SECTION 79. Section 261-73, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The director of transportation may cause a derelict aircraft to be immediately taken into custody. Upon taking custody of a derelict aircraft the director shall concurrently:

- (1) [Publish a] Give public notice of intended disposition[, once, in a newspaper of general circulation in the State];
- (2) When possible, post a notice of intended disposition on the aircraft; and
- (3) Serve a duplicate original of the notice of intended disposition by certified mail, return receipt requested:

- (A) On the registered owner of the aircraft at the last address shown on records in the Federal Aviation Administration[.];
- (B) On all lien holders who have filed a financing statement indexed in the name of the registered owner in the bureau of conveyances or who are shown in the records of the Federal Aviation Administration[.]; and
- (C) On any other person known to have an interest in the aircraft whose address is known to the department of transportation. If the aircraft is not repossessed within twenty days after the [publication] giving and mailing of the notice, whichever occurs later, the aircraft may be disposed of by negotiated sale, except that, when two or more purchasers indicate an interest in purchasing the aircraft, the aircraft will be sold at public auction to the highest bidder. If no purchaser expresses a desire to purchase the aircraft, the aircraft may be destroyed or disposed of by any other method authorized for abandoned aircraft.”

SECTION 80. Section 266-14, Hawaii Revised Statutes, is amended to read as follows:

“**§266-14 Demurrage, lien, foreclosure.** When any freight has remained upon any wharf, pier, bulkhead, quay, or landing for more than twenty-four hours, the department of transportation [may], in its discretion, may make [such] demurrage charges for each subsequent day or part thereof [as] that in its opinion are just and equitable.

The amount payable by any shipper or consignee for demurrage or other charges in respect of any freight shall be a lien on the [same,] freight, and the department may take and hold possession of any freight to secure the payment of the amount, and for the purpose of [such] the lien, shall be deemed to have possession of the freight until the amount has been paid. If the charges due on freight are not paid within thirty days after being landed, the department may sell the [same] freight at public auction and out of the proceeds retain the charges accrued, including the costs of [advertisement] public notice and sale, which latter shall be prorated upon the articles or lots [advertised] sold in proportion to the amount received for each article or lot. Before any sale is made, the department shall [publish a] give public notice of the time and place of sale at least once each week for three successive weeks [in some newspaper of general circulation printed and published] in the county in which the place is located to which the freight is consigned or addressed, or [if no such newspaper is printed and published therein,] by posting this notice at the courthouses of the district in which the place is located[.] to which the freight is consigned or addressed. The notice shall contain a description of [such] the property as near as may be, the name of the owner or consignee if known, the amount of charges due thereon, together with the time and place of sale. Any freight in its nature perishable may be sold by the department either at public or private sale as soon as its condition makes a sale necessary.

The surplus, if any, received from the sale [shall], after paying any accrued freight charges on the freight, shall be paid to the owner or consignee, if known, and if not known, shall be deposited in the state treasury as a special fund. The fund shall consist of the surplus received from sales made under this section. At any time within one year thereafter, upon written demand and proof of identity satisfactory to the director, the director of finance shall pay the owner thereof the surplus. If this surplus is not claimed by the owner within one year after the date of sale it shall thereupon escheat to the State, and be transferred to the general [funds] fund of the State.”

SECTION 81. Section 269-12, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any public hearing held pursuant to section 269-16(c), shall be [an advertised] a noticed public hearing or hearings on the island on which the utility is situated. Notice of the [advertised] hearing, with the purpose thereof and the date, time, and place at which it will open, shall be [advertised] given not less than once in each of three weeks [in a newspaper published in and of general circulation in the State,] statewide, the first [publication] notice being not less than twenty-one days before the public hearing and the last [publication] notice being not more than two days before the scheduled hearing. The applicant or applicants shall notify their consumers or patrons of the proposed change in rates and of the time and place of the public hearing not less than one week before the date set, the manner and the fact of notification to be reported to the commission before the date of hearing. [The commission may use such additional media as radio or television to advise the public if it finds it necessary to do so.]”

SECTION 82. Section 279E-6, Hawaii Revised Statutes, is amended to read as follows:

“**§279E-6 Meetings.** [Notice] Public notice of MPO policy committee meetings shall be [published in a newspaper of general circulation] given at least forty-eight hours in advance and [such] the meetings shall be open to the public.

When the MPO makes a decision concerning input to any of its advisory plans or procedures or any other matter, then there shall be at least six members of the MPO policy committee present, of whom at least three shall be state members and at least three shall be county members. The decision shall be made by a majority vote of the members present.”

SECTION 83. Section 281-57, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If no preliminary hearing is had or if the application is not denied upon a preliminary hearing, the commission shall fix a day for the public hearing of the application (other than an application for an alcohol license or a license in classes 7 to 10 and 13) and shall [publish] give public notice of the hearing at least once in each of two consecutive weeks [(two insertions) in some newspaper published in the English language in the county (or if there be none such then in the city and county of Honolulu) having a general circulation], in the county, the date of the hearing to be not less than forty-five days after the first [publication.] notice. The notice shall require that all protests or objections against the issuance of the license applied for shall be filed with the administrator of the commission at or before the time of hearing. Before [making such publication] giving the notice the commission shall collect from the applicant the cost of [making the publication] giving the public notice or require a deposit to cover the same.”

SECTION 84. Section 306-4, Hawaii Revised Statutes, is amended to read as follows:

“**§306-4 Revenue bonds.** Revenue bonds shall be issued in the name of the board of regents, may be in one or more series, may be in [such] a denomination or denominations, may bear [such] a date or dates, may mature at [such] a time or times not exceeding fifty years from their respective dates, may be payable at [such] a place or places within or without the State, may carry [such] registration privileges as to principal alone or as to both principal and interest, may be subject to [such] terms or redemption with or without premium, may be executed in [such] a manner,

and may contain [such] terms, covenants, and conditions, and may be in [such] a form, either coupon or registered with privilege of exchange from one form to another, [as] that the resolution authorizing the issuance of the bonds, or subsequent resolutions may provide.

Revenue bonds may be sold at private sale to the United States, or any agency, instrumentality, or corporation thereof, to the State or any political subdivision, agency, instrumentality, or corporation thereof, or to any person or group of persons offering to purchase all or a major portion of a particular issue or series. Unless sold at private sale as herein provided, revenue bonds shall be sold at public sale after [publication of a] public notice of [such] the sale [at least once, the date of publication to be] given at least five days prior to the date of the sale, and the [publication] notice shall be made [in a newspaper published and of general circulation in the State] statewide and in a financial newspaper published in [either] any of the cities of New York, Chicago, or San Francisco. The revenue bonds shall be sold for not less than ninety-eight per cent of the principal amount thereof. Pending the preparation of definitive revenue bonds, interim receipts or temporary bonds may be issued and delivered to the purchasers of the bonds in [such] a form and containing [such] provisions [as] that the board may determine. Revenue bonds, interim receipts, and temporary bonds shall be fully negotiable within the meaning of and for all the purposes of the Uniform Commercial Code, chapter 490.

It shall be legal for the State and any of its political subdivisions, or any political or public corporation, including the employees' retirement system of the State, or any instrumentality of the State, or any insurance company or building and loan association, or any savings bank or trust company, or any bank or other financial institution operating under the laws of this State, or for any personal representative, guardian, trustee, or other fiduciary, or any educational, charitable, or eleemosynary institution, to invest their funds, and moneys in their custody in revenue bonds issued under this chapter."

SECTION 85. Section 323-70, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Notwithstanding subsection (a) and without regard to chapter 91, the division may:

- (1) Increase rates, rents, fees, and charges by up to five per cent per fiscal year;
- (2) Reduce rates, rents, fees, and charges without notice; and
- (3) Establish rates for new medical services that are comparable to rates charged by private hospitals in Hawaii;

provided that the division shall give public notice of the revisions by [publishing] giving a summary statement of the substance of the proposed revisions [in a newspaper of general circulation in the State] statewide not less than thirty days before the revisions take effect. Following this notice, the division shall review the proposed rates with an appropriate body that includes representation from health benefit plans."

SECTION 86. Section 323D-44.5, Hawaii Revised Statutes, is amended to read as follows:

"§323D-44.5 Administrative review of certain applications for certificate of need. The state agency shall adopt rules in conformity with chapter 91 providing for administrative review and decision on certain applications for certificate of need. Each application reviewed under this section may be subject to a public information meeting before the state agency makes its decision. The agency [shall publish in a newspaper of general circulation], in the State and [in a newspaper that

is printed and issued at least twice weekly] in the county affected, [a legal] shall give public notice of applications for administrative review received by the agency. Interested persons may request in writing a public meeting before the agency renders a decision on the administrative application. If a request for a public meeting is received, the administrator will preside over the meeting. If no request is received by the agency within seven days of the [legal] public notice [publication] date, no public meeting need be scheduled. Applications subject to administrative review and decision under this section shall include but are not limited to applications that are:

- (1) Inconsistent with or contrary to the state health services and facilities plan under section 323D-15;
- (2) Determined not to have a significant impact on the health care system; or
- (3) Involve capital or annual operating expenses below a significant level.”

SECTION 87. Section 342B-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as provided in subsections (b) and (c), where public participation is deemed appropriate by the director or is required, the director shall provide for notice and opportunity for public comment as follows:

- (1) The director shall make available for public inspection in at least one location in the county affected by the proposed action, or in which the source is or would be located:
 - (A) Information on the subject matter;
 - (B) All information submitted by the applicant, except for that deemed confidential;
 - (C) The department’s analysis and proposed action; and
 - (D) Other information and documents deemed appropriate by the department;
- (2) The director shall notify the public of the availability of information listed in paragraph (1). [Notification] Public notification shall be [published in a newspaper which is printed and issued] given at least twice weekly in the county affected by the proposed action, or in which the source is or would be located;
- (3) Public notice shall be mailed to any person, group, or agency upon request;
- (4) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit written comments on the subject matter, application, department’s analysis and proposed actions, and other appropriate considerations. The period for comment may be extended at the discretion of the director; and
- (5) The director, at the director’s sole discretion, may hold a public hearing if the public hearing would aid in the director’s decision. Any person may request a public hearing. The request shall be in writing and shall be filed within the thirty-day comment period prescribed in paragraph (4) and shall indicate the interest of the party filing the request and the reasons why a hearing is warranted. The director shall [publish] give the public notice for a hearing in accordance with paragraph (2) at least thirty days in advance of the hearing date and shall conduct the hearing in the county which would be affected by the proposed action, or in which the source is or would be located.”

SECTION 88. Section 342D-7, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

“(i) Any application for a variance, submitted pursuant to this chapter, shall be subject to the public participation requirements listed below[.];

- (1) Public notices of every completed application for a variance shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge or other proposed activity. Procedures for the circulation of public notices shall include at least the following:
 - (A) Notice shall be [circulated] given within the geographical areas of the proposed discharge or other proposed activity; [such circulation shall include publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation;]
 - (B) Notice shall be mailed to any person or group upon request; and
 - (C) The director shall add the name of any person or group upon request to a mailing list to receive copies of notices for all variance applications within the State or within a certain geographical area[.];
- (2) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written reviews with respect to the variance application and the tentative determinations of the department, if any. The period for comment may be extended at the discretion of the director[.];
- (3) The contents of public notice of applications for variances shall include at least the following:
 - (A) Name, address, and phone number of agency issuing the public notice;
 - (B) Name and address of each applicant;
 - (C) Brief description of each applicant’s activities or operations which result in the discharge or other activity described in the variance application (e.g., rock crushing plant, municipal waste treatment plant, raw sugar factory, or pineapple cannery);
 - (D) A short description of the location of each discharge indicating whether [such] the discharge is new or existing;
 - (E) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by paragraph (2) [of this subsection] and any other means by which interested persons may influence or comment upon those determinations; and
 - (F) Address and phone number of state agency premises at which interested persons may obtain further information and inspect a copy of the variance applications and supporting and related documents[.];

and

- (4) The director may hold a public hearing if, after reviewing the comments submitted under paragraph (2), the director determines that a public hearing is warranted. Any hearing brought pursuant to this subsection shall be held in the geographical area of the proposed discharge or other proposed activity, or other appropriate area, at the discretion of the director.”

SECTION 89. Section 342F-5, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) Any application for a variance, submitted pursuant to this chapter, shall be subject to the public participation requirements listed below.

- (1) Public notices of every completed application for a variance, except an application for off-hour road work, shall be [circulated] given in a manner designed to inform interested and potentially interested persons of the proposed emission. Procedures for [the circulation of] giving public [notices] notice shall include at least the following:
 - (A) Notice shall be [circulated] given within the geographical areas of the proposed emission; [such circulation shall include publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation;]
 - (B) Notice shall be mailed to any person or group upon request; and
 - (C) The director shall add the name of any person or group upon request to a mailing list to receive copies of notices for all variance applications within the State or within a certain geographical area[.];
- (2) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written reviews with respect to the variance application and the tentative determinations of the department, if any. The period for comment may be extended at the discretion of the director[.];
- (3) The contents of public notice of applications for variances shall include at least the following:
 - (A) Name, address, and phone number of agency issuing the public notice;
 - (B) Name and address of each applicant;
 - (C) Brief description of each applicant’s activities or operations which result in the emission described in the variance application (e.g., rock crushing plant, municipal waste treatment plant, raw sugar factory, or pineapple cannery);
 - (D) A short description of the location of each emission indicating whether [such] the emission is new or existing;
 - (E) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by paragraph (2), and any other means by which interested persons may influence or comment upon those determinations; and
 - (F) Address and phone number of state agency premises at which interested persons may obtain further information and inspect a copy of the variance applications and supporting and related documents[.];
- and
- (4) The director may hold a public hearing if, after reviewing the comments submitted under paragraph (2), the director determines that a public hearing is warranted. Any hearing brought pursuant to this subsection shall be held in the geographical area of the proposed emission or other appropriate area, at the discretion of the director.”

SECTION 90. Section 342G-30, Hawaii Revised Statutes, is amended to read as follows:

“**§342G-30³ Records.** Each operator of a municipal solid waste landfill or incineration facility shall keep records of all deliveries of solid waste to the facility, including, but not limited to, the source of the waste, the kind of waste received, and

the weight or volume, or both, of the waste. The records shall be made available to the department and the respective county for inspection, upon request. At the request of a county, the department may exempt a specific facility from this requirement, or may modify this requirement for a specific facility, if the department determines that the cost of compliance is likely to exceed the value of accurate and thorough data. If the department grants an exemption to a facility under this section, the public shall be notified through [publication of] a statewide public notice [in a newspaper of general circulation in the State].”

SECTION 91. Section 342H-5, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) Any application for a variance submitted pursuant to this chapter, shall be subject to the following public participation requirements:

- (1) Public notices of every completed application for a variance shall be [circulated] given in a manner designed to inform interested and potentially interested persons of the proposed disposal or other proposed activity. Procedures for [the circulation] of] ³ giving public [notices] notice shall include at least the following:
 - (A) Notice shall be [circulated] given within the geographical areas of the proposed disposal or other proposed activity; [such circulation shall include publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation;]
 - (B) Notice shall be mailed to any person or group upon request; and
 - (C) The director shall add the name of any person or group upon request to a mailing list to receive copies of notices for all variance applications within the State or within a certain geographical area[.];
- (2) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written reviews with respect to the variance application and the tentative determinations of the department, if any. The period for comment may be extended at the discretion of the director;
- (3) The contents of public notice of applications for variances shall include at least the following:
 - (A) Name, address, and phone number of agency issuing the public notice;
 - (B) Name and address of each applicant;
 - (C) Brief description of each applicant’s activities or operations which result in the disposal or other activity described in the variance application;
 - (D) A short description of the location of each disposal or activity indicating whether [such] the disposal or activity is new or existing;
 - (E) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by paragraph (2) [of this subsection] and any other means by which interested persons may influence or comment upon those determinations; and
 - (F) Address and phone number of state agency premises at which interested persons may obtain further information and inspect a copy of the variance applications and supporting and related documents;

and

- (4) The director may hold a public hearing if, after reviewing the comments submitted under paragraph (2), the director determines that a public hearing is warranted. Any hearing brought pursuant to this subsection shall be held in the geographical area of the proposed disposal or other proposed activity, or other appropriate area, at the discretion of the director."

SECTION 92. Section 342L-6, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(h) Any application for a variance, submitted pursuant to this chapter, shall be subject to the public participation requirements listed below.

- (1) Public notices of every completed application for a variance shall be [circulated] given in a manner designed to inform interested and potentially interested persons of the proposed activity. Procedures for [the circulation of] giving public [notices] notice shall include at least the following:
 - (A) Notice shall be [circulated] given within the geographical areas of the proposed activity; [this circulation shall include publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation;]
 - (B) Notice shall be mailed to any person or group upon request; and
 - (C) The director shall add the name of any person or group upon request to a mailing list to receive copies of notices for all variance applications within the State or within a certain geographical area[.];
- (2) The director shall provide a period of not less than thirty days following the date of the public notice during which time interested persons or groups may submit their written comments with respect to the variance application and the tentative determinations of the department, if any. The period for comment may be extended at the discretion of the director[.];
- (3) The contents of public notice of applications for variances shall include at least the following:
 - (A) Name, address, and telephone number of the agency issuing the public notice;
 - (B) Name and address of each applicant and other involved parties including the landowner, facility owner, underground storage tank or tank system owner, facility operator, and underground storage tank or tank system operator;
 - (C) Brief description of all applicant activities or operations that result in the activity described in the variance application (e.g., rock crushing plant, municipal waste treatment plant, raw sugar factory, or pineapple cannery);
 - (D) A short description of the location of each underground storage tank or tank system;
 - (E) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by paragraph (2) and any other means by which interested persons may influence or comment upon those determinations; and
 - (F) Address and telephone number of the state agency or other location at which interested persons may obtain further information and inspect a copy of the variance applications and supporting and related documents[.];

- (4) and The director may hold a public hearing if, after reviewing the comments submitted under paragraph (2), the director determines that a public hearing is warranted. Any hearing brought pursuant to this subsection shall be held in the geographical area of the proposed activity, or other appropriate area, at the discretion of the director."

SECTION 93. Section 359-80, Hawaii Revised Statutes, is amended to read as follows:

"§359-80 Sale of bonds. Housing bonds may be sold at private sale to the United States, or any agency, instrumentality, or corporation thereof, or to the employees' retirement system of the State, or to any political subdivision of the State. Unless so sold at private sale, the bonds shall be sold at public sale after public notice of the sale [published] given once, at least five days prior to the sale[, in a newspaper circulating] in the State and in a financial newspaper published in any of the cities of New York, Chicago, or San Francisco."

SECTION 94. Section 383-71, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Distraint. If the amount of contributions or interest assessed is not paid when due the director may collect payment of same by distress upon so much of the delinquent employer's goods, chattels, moneys, or intangibles represented by negotiable evidences of indebtedness, as the director may deem sufficient to satisfy the payment of contributions due, penalties, and interest if any, and the costs and expenses of [such] distress. In the case of moneys, distress shall be effected by seizure, and in other cases distress shall be effected by seizure and sale of the property. The director shall take possession and keep the distrained property until the sale. After taking possession, the director shall sell the delinquent employer's interest in the property at public auction after first giving fifteen days' public notice of the time and place of the sale [by publication at least once in a newspaper, published] in the county where the sale is to be held, [or] and by posting [such] notice in at least three public places in the county where the sale is to be held. The director may require the assistance of any sheriff or authorized police officer of any county to aid in the seizure and sale of the distrained personal property. The director may further retain the services of any person competent and qualified to aid the sale of the distrained personal property, provided that the consent of the delinquent employer is obtained. Any sheriff or the person so retained by the director shall be paid a fair and reasonable fee but in no case shall the fee exceed ten per cent of the gross proceeds of the sale. Any person other than a sheriff so retained by the director to assist the director may be required to furnish a bond in an amount to be determined by the director. The fees and the cost of the bond shall constitute a part of the costs and expenses of the distress.

The sale shall take place within twenty days after seizure; provided that by public announcement at the sale, or at the time and place previously set for the sale, it may be extended for one week. Any further extension of the sale shall be with the consent of the delinquent employer. The sale [shall], in any event shall be completed within forty-five days after seizure of the property. Sufficient property shall be sold to pay all contributions, penalties, interest, costs, and expenses. On payment of the price bid for any property sold, the delivery thereof with a bill of sale from the director shall vest the title of the property in the purchaser. No charge shall be made for the bill of sale. All surplus received upon any sale after the payment of the contributions, penalties, interest, costs, and expenses, shall be returned to the owner of the property sold, and until claimed shall be deposited in the director's office

subject to the order of the owner. Any unsold portion of the property seized may be left at the place of sale at the risk of the owner. If the owner of the property seized desires to retain or regain possession thereof, the owner may give a sufficient bond and surety to produce the property at the time and place of sale or pay all contributions, penalties, interest, costs, and expenses."

SECTION 95. Section 396-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Administration. The department shall be responsible for administering occupational safety and health standards throughout the State.

- (1) The department shall prescribe and enforce rules [and regulations] under chapter 91 as may be necessary for carrying out the purposes and provisions of this chapter. The department shall make [such] reports to the Secretary of Labor in [such] the form and containing [such] the information [as] that the Secretary [shall] from time to time shall require pursuant to federal law;
- (2) The department shall adopt, amend, or repeal occupational safety and health standards in the manner prescribed by rules [and regulations] adopted hereunder. Emergency temporary standards may be [promulgated] adopted without conforming to chapter 91 and without hearings to take immediate effect upon [publication of a] giving a statewide public notice of [such] the emergency temporary standard [in a newspaper of general circulation in the State of Hawaii] or upon [such] any other date [as] that may be specified in the notice. An emergency temporary standard may be adopted if the director determines:
 - (A) That employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards; and
 - (B) That [such] the emergency standard is necessary to protect employees from [such] danger.

The emergency temporary standard shall be effective until superseded by a standard [promulgated] adopted in accordance with the procedures set forth in chapter 91, but in any case shall be effective no longer than six months;

- (3) Variances from occupational safety and health standards [promulgated] adopted under this chapter may be granted upon application of an employer or employers. Application for variances must correspond to procedures set forth in the rules [and regulations] of this chapter. The director may issue an order for variance if the director determines that the proponent of the variance has demonstrated that the conditions, practices, means, methods, operations, or processes used or proposed to be used by the employer will provide employment and places of employment to the employer's employees which are as safe and healthful as those which would prevail if the employer complied with the standard. The employer shall also notify the employer's employees upon each application for variance and the employees shall be given an opportunity to request and participate in hearings or other proceedings relating to applications for variance. No inference of admission of violation of a standard shall be made against the employer by reason of the employer's application for variance; and
- (4) The department [may], upon the application of any employer or other person affected thereby, may grant [such] any time [as] that may reasonably be necessary for compliance with any order. Any person

- affected by an order may petition the department for an extension of time, which may be granted if the department finds it necessary; and
- (5) The department shall regulate hoisting machines and shall certify their operators.”

SECTION 96. Section 397-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Administration.

- (1) The department [of labor and industrial relations] shall establish a boiler and elevator inspection bureau for the enforcement of the rules [and regulations promulgated] adopted by the authority of this chapter and [such] other duties [as] assigned[.];
- (2) The department shall:
 - (A) Implement and enforce the requirements of this chapter[.]; and
 - (B) Keep adequate and complete records of the type, size, location, identification data, and inspection findings for boilers, pressure systems, amusement rides, and elevators and kindred equipment required to be inspected pursuant to this chapter[.];
- (3) The department shall formulate definitions and adopt and enforce standards[.] and rules [and regulations] pursuant to chapter 91 [as] that may be necessary for carrying out the purposes and provisions of this chapter. Definitions[.] and rules [and regulations] adopted in accordance with chapter 91 under the authority of chapter 396, prior to the adoption of this chapter that pertain to boilers, pressure systems, amusement rides, and elevators and kindred equipment required to be inspected pursuant to this chapter, shall be continued in force under the authority of this chapter[.];
- (4) Emergency temporary standards may be [promulgated] adopted without conforming to chapter 91 and without hearings to take immediate effect upon [publication of a] giving public notice of [such] the emergency temporary standards [in a newspaper of general circulation in the State] or upon [such other] another date [as] that may be specified in the notice. An emergency temporary standard may be adopted, if the director determines:
 - (A) That the public or individuals are exposed to grave danger from exposure to hazardous conditions or circumstances; and
 - (B) That [such] the emergency standard is necessary to protect the public or individuals from [such] danger.

Emergency temporary standards shall be effective until superseded by a standard [promulgated] adopted in accordance with [the procedures set forth in] chapter 91, but in any case shall be effective no longer than six months[.];
- (5) Variances from standards [promulgated] adopted under this chapter may be granted upon application of an owner, user, contractor, or vendor. Application for variances must correspond to procedures set forth in the rules [and regulations] adopted pursuant to this chapter. The director may issue an order for variance, if the director determines that the proponent of the variance has demonstrated that the conditions, practices, means, methods, operations, or processes used or proposed to be used will provide substantially equivalent safety as that provided by the standards[.];
- (6) Permits.

- (A) The department shall not issue a “permit to operate” regarding any boiler, pressure system, or elevator and kindred equipment unless they are found to be safe by a qualified inspector[.];
- (B) The department may immediately revoke any “permit to operate” any boiler, pressure system, or elevator and kindred equipment found to be in an unsafe condition or where a user, owner, or contractor ignores prior department orders to correct specific defects or hazards and continues to use or operate the above mentioned apparatus without abating the hazards or defects[.];
- (C) The department shall reissue a “permit to operate” to any user, owner, or contractor who demonstrates that the user, owner, or contractor is proceeding in good faith to abate all nonconforming conditions mentioned in department orders and the boilers, pressure systems, and elevators and kindred equipment are safe to operate[.]; and
- (D) The department shall establish criteria for the periodic reinspection and renewal of the permits to operate, and may provide for the issuance of temporary permits to operate while any noncomplying boiler, pressure system, and elevator and kindred equipment are being brought into full compliance with the applicable standards [and regulations promulgated] and rules adopted pursuant to this chapter[.];
- (7) Certificates of inspection shall be issued for amusement rides after each inspection, if the rides are found to be safe for use[.];
- (8) No boiler, pressure system, amusement ride, or elevator and kindred equipment which are required to be inspected by this chapter or by any rule [or regulation promulgated] adopted pursuant to this chapter shall be operated, except as necessary to install, repair, or test, unless a permit to operate or certificate of inspection has been authorized or issued by this department and remains valid[.]; and
- (9) The department [may], upon the application of any owner or user or other person affected thereby, may grant [such] time [as] that may reasonably be necessary for compliance with any order. Any person affected by an order may for cause petition the department for an extension of time.”

SECTION 97. Section 415-95, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever the director certifies the name of a corporation as having given any cause for dissolution pursuant to section 415-94, the director may declare the corporation dissolved. Before the director may declare a corporation dissolved, the director shall:

- (1) Give notice of the ground or grounds for dissolution as provided in section 415-94, by mailing the notice to the corporation at its last known address appearing in the records of the director; and
- (2) Give statewide public notice of the intention to dissolve the corporation [by publishing the notice] once in each of three successive weeks [(three publications) in a newspaper of general circulation published in the State].”

SECTION 98. Section 415A-18, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever it is established that a professional corporation has failed to comply with any provision of this chapter, the director may declare the corporation dissolved.

Before the director may declare a corporation dissolved, the director shall:

- (1) Give notice of the ground or grounds for dissolution as provided in section 415-94, by mailing the notice to the professional corporation at its last known address appearing in the records of the director; and
- (2) Give statewide public notice of the intention to dissolve the corporation [by publishing the notice] once in each of three successive weeks [(three publications) in a newspaper of general circulation published in the State].”

SECTION 99. Section 415B-98, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever the director certifies that a corporation has given any cause for dissolution pursuant to section 415B-97, the director may declare the corporation dissolved. Before the director may declare a corporation dissolved, the director shall:

- (1) Give notice of the ground or grounds for dissolution as provided in section 415-94, by mailing the notice to the corporation at its last known address appearing in the records of the director; and
- (2) Give statewide public notice of the intention to dissolve the corporation [by publishing the notice] once in each of three successive weeks [(three publications) in a newspaper of general circulation published in the State].”

SECTION 100. Section 431:3-203.5, Hawaii Revised Statutes, is amended to read as follows:

“**§431:3-203.5 Foreign insurer; certification.** Notwithstanding section 431:3-203 or any other law to the contrary in this code, the insurance commissioner shall grant a certificate of authority to any applicant, regardless of the number of previous years experience in the business of insurance, that is an insurer licensed under the insurance laws of one of not less than three states annually designated by the insurance commissioner from among the states which are accredited by the National Association of Insurance Commissioners. The loss of accreditation by a state designated by the commissioner shall not in itself affect the validity of a previously issued certificate of authority by the commissioner to a foreign insurer licensed under the insurance laws of the previously accredited state. Nor shall the commissioner’s de-selection of a state affect the validity of a previously issued certificate of authority to a foreign insurer licensed by that state. Each year, after having designated, or redesignated, the accredited states whose insurers shall be authorized to transact insurance in this State, the commissioner shall cause to be [published in a newspaper of general circulation] given in this State, and in those of the designated states, public notice of the fact that those states have been so designated. The commissioner may waive the filing of any document required to be submitted under section 431:3-212. Nothing in this section shall limit the commissioner’s authority to require a foreign insurer to proceed with the certification process under this article if the commissioner, at the commissioner’s discretion, determines that it would be in the public interest.”

SECTION 101. Section 440G-7, Hawaii Revised Statutes, is amended to read as follows:

“§440G-7 Cable franchise application or proposal procedure; public hearing; notice. An application or proposal for a cable franchise shall be proposed as follows:

- (1) After the application or proposal and required fee are received by the director and within a time frame established by rule, the director shall notify an applicant in writing of the acceptance or nonacceptance for filing of an application or proposal for issuance of a cable franchise required by this chapter[.];
- (2) After the issuance of a notice of acceptance for filing and within a time frame established by rule, the director shall hold a public hearing on the application or proposal to afford interested persons the opportunity to submit data, views, or arguments, orally or in writing. Notice thereof shall be given to the governing council and mayor of the county and to any telephone or other utility and cable company in the county in which the proposed service area is located. The director shall also [cause] give public notice of the application and hearing [to be published] at least once in each of two successive weeks [in a newspaper of general circulation] in the county in which the proposed service area is located. The last [published] notice shall [appear] be given at least fifteen days prior to the date of the hearing[.];
- (3) After holding a public hearing, the director shall approve the application or proposal in whole or in part, with or without conditions or modifications, or shall deny the application or proposal, with reasons for denial sent in writing to the applicant. If the director does not take final action after the issuance of a notice of acceptance for filing and within a time frame established by rule, the application or proposal shall be deemed denied[.]; and
- (4) The time limit for final action may be extended, on the director's approval of the applicant's request and justification in writing for an extension of time to the director at least two weeks in advance of the requested effective date of the extension, or by mutual agreement.”

SECTION 102. Section 448-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The board shall meet for the purpose of examining applicants and for other purposes at [such] times [as] that it designates. Adequate statewide public notice of the times and places of examinations shall be given. The board may prescribe which members shall participate in the examination and licensing procedures.”

SECTION 103. Section 502-3, Hawaii Revised Statutes, is amended to read as follows:

“§502-3 Deputy registrar, appointment, duties. The registrar [shall], under the direction of the board of land and natural resources, shall appoint a deputy, for whose official acts the registrar shall be responsible, and whose appointment the registrar shall announce [in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings.] by public notice. The deputy shall act as registrar of conveyances, during the absence of the registrar, or in case of a vacancy in that office.”

SECTION 104. Section 516-22, Hawaii Revised Statutes, is amended to read as follows:

“§516-22 Designation of leased fee interest in all or part of development tract for acquisition. The corporation may designate all or a portion of a development tract for acquisition and acquire leased fee interests in residential houselots in [such] a development tract, through the exercise of the power of eminent domain or by purchase under the threat of eminent domain after twenty-five or more lessees or the lessees of more than fifty per cent of the residential lease lots within the development tract, whichever number is the lesser, have applied to the corporation to purchase the leased fee interest in their residential leasehold lots pursuant to section 516-33 and if, after due public notice and public hearing, the time and place of which have been duly [advertised in a newspaper of general circulation] given in the county in which the development tract is situated on at least three different days, the last [publication] notice being not less than five days before the date of hearing, the corporation finds that the acquisition of the leased fee interest in residential houselots in all or part of the tract through exercise of the power of eminent domain or by purchase under threat of eminent domain and the disposition thereof, as provided in this part will effectuate the public purposes of this chapter.”

SECTION 105. Section 516-29, Hawaii Revised Statutes, is amended to read as follows:

“§516-29 Notice of disposition. Except in case of a sale of the leased fee interest to the lessee of a residential lot under lease, no sale or lease of any residential lots shall be made by the housing and community development corporation³ unless it has [published] given public notice on at least two different days [in a newspaper of general circulation] in the county[, a notice] of its intent to sell or lease. The notice shall state, in general terms, the size, location, and prices or lease rentals of the lots to be sold or leased, the terms of the sale or lease, and the last date on which applications will be received by the corporation, which date shall not be less than thirty days after the first [publication of the] notice. The notice shall also state the times and places at which more detailed information with respect to the sale or lease may be secured by interested persons.”

SECTION 106. Section 523A-3.5, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) The director shall cause [a] notice to be [published] given no later than April 1 of the fiscal year ending June 30 in which the property shall escheat to the State at least once [in a newspaper of general circulation in the State.] statewide.

(c) The notice shall be entitled, “Notice to Declare Certain Abandoned Property Escheated to the State of Hawaii” and contain:

- (1) A statement that any property presumed abandoned and paid or delivered to the director that remains unclaimed as of June 30 of the year the notice is [published] given and that meets the escheat criteria established in subsection (a)(1), (2), (3), (4), or (5) shall escheat to the State on June 30, and all rights, title, or interest of the owner shall be terminated and all claims of the owner shall be forever barred;
- (2) A statement listing the names of owners of abandoned property with a value greater than \$5,000 scheduled to escheat to the State; and
- (3) A statement identifying the location where a list of names and last known addresses, if any, of persons appearing to be owners of abandoned property subject to escheat on June 30 of the year the notice is [published;] given; and stating that this list shall be made available as a government record.

This section shall not apply to sums payable on:

- (1) Travelers checks, money orders, and other written instruments presumed abandoned under section 523A-4; or
- (2) Checks, drafts, or similar instruments on which a banking or financial organization is directly liable, including a cashier's check and a certified check presumed abandoned under section 523A-5."

SECTION 107. Section 523A-18, Hawaii Revised Statutes, is amended to read as follows:

"§523A-18 Notice and publication of abandoned property. (a) The director shall cause a public notice to be [published] given for all properties reported abandoned not later than March 1 of the year immediately following the report required by section 523A-17 at least once [in a newspaper of general circulation in the State.] statewide.

(b) The [published] notice shall be entitled "Notice to Persons Appearing to be Owners of Abandoned Property" and contain:

- (1) The names in alphabetical order and last known address, if any, of persons listed in the report with property valued greater than \$100;
- (2) A statement identifying the location of a list of names and last known addresses, if any, of persons appearing to be owners of abandoned property and stating that this list shall be made available as a government record;
- (3) A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the director; and
- (4) A statement that if proof of claim is not presented by the owner to the holder and the owner's right to receive the property is not established to the holder's satisfaction before April 20, the property will be placed not later than May 1, in the custody of the director and all further claims shall thereafter be directed to the director.

(c) The director shall not be required to [publish] list in the notice any items of less than \$50 unless the director considers [their publication] the notice to be in the public interest.

(d) This section shall not apply to sums payable on travelers checks, money orders, and other written instruments presumed abandoned under section 523A-4."

SECTION 108. Section 523A-22, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in subsections (b) and (c), the director, within three years after the receipt of abandoned property, shall sell it to the highest bidder at public sale wherever in the State affords in the judgment of the director the most favorable market for the property involved. The director may decline the highest bid and reoffer the property for sale if in the judgment of the director the bid is insufficient. If in the judgment of the director the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any sale held under this section shall be preceded by [a single publication of] public notice, at least three weeks in advance of sale, [in a newspaper of general circulation] in the county in which the property is to be sold."

SECTION 109. Section 523A-56, Hawaii Revised Statutes, is amended to read as follows:

“§523A-56 Posting copy of report; notice of interest and intention to claim; determination of asserted interest. (a) When a report is received from the Comptroller General or other proper officer of the United States, the director shall [cause] give the notice described in subsection (b) [to be published] not later than May 1 of the year immediately following the report required by section 523A-54, at least once [in a newspaper of general circulation in the State.] statewide.

(b) The [published] public notice shall contain:

- (1) The names in alphabetical order and last known address, if any, of any person listed in the report with property valued greater than \$100;
- (2) A statement identifying the location of a list of names and last known addresses, if any, of persons appearing to be owners of abandoned property; and stating that this list shall be made available as a government record; and
- (3) A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the director.

(c) The director shall not be required to [publish] list in the notice any items of less than \$50 unless the director considers [their publication] the notice to be in the public interest. Any person asserting an interest in property described in the report may elect to claim against the United States, under the laws of the United States, in which event and within ninety days following the date of initial [publication such] public notice the person shall notify the director of [such] the person's asserted interest and intention to so claim. The director shall omit [such] the property from any claim by the State until [such time as] the asserted interest may be finally determined against the claimant. [Such] The interest shall not thereafter be asserted against the State.”

SECTION 110. Act 82, Session Laws of Hawaii 1975, as amended by Act 137, Session Laws of Hawaii 1997, is amended by amending section 6 to read as follows:

“SECTION 6. Powers and duties of the corporation. Except as otherwise limited by this Act, the corporation shall have the following powers and duties and shall:

(a) Have succession and corporate existence in perpetuity;

(b) To adopt, amend and repeal bylaws providing for its organization and internal management and governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law consistent with this Act and the Act of the United States Congress authorizing the establishment of the East-West center and other relevant laws of the United States and the State; provided that all meetings for the adoption, amendment and repeal of bylaws shall be open to the public, and public notice of any such meeting, including an agenda of items to be discussed at the meeting, shall be announced by public notice statewide at least fourteen days in advance and [published] at least twice [in a newspaper of general circulation in the State] within the fourteen days but at least seven days prior to the meeting.

(c) Adopt and use a common seal;

(d) Acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, manage, and operate the same; and to sell, lease, rent, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate to carry out its purposes;

(e) Enter into and perform such contracts, leases, cooperative agreements, or other arrangements as may be necessary to carry out the purposes of this Act and on

such terms as it may deem appropriate with any agency or instrumentality of the United States, another nation, a state, territory, or possession, or with any political subdivision of any of the foregoing, or with any person, firm, association, institution, corporation, or organization, whether private, governmental, or international and whether located within or outside of the United States;

(f) Determine the character of and necessity for its obligations and expenditures, and the manner in which the same shall be incurred, allowed, and paid;

(g) Seek, receive and accept from public and private sources whether located within or outside of the United States, by grants, gifts, devices, bequests or otherwise money and property, real, personal, or mixed, tangible or intangible, absolutely or in trust, to be used in carrying out the purposes of this Act;

(h) Serve as trustee and be named a beneficiary under the terms of any gift, indenture or will;

(i) Appoint and discharge a chief executive officer, subordinate officers, employees, and agents as the business of the corporation requires, and to classify, prescribe the duties and qualifications, and fix the compensation and benefits of all officers, employees, and agents of the corporation;

(j) Establish such policies and procedures as may be necessary, including a personnel system and a budget system;

(k) Enter into employee collective bargaining agreements in conformance with all applicable laws;

(l) Establish an international advisory board of not less than seven members, whose terms shall be as set forth in the bylaws of the corporation, to advise the corporation on programmatic matters, and to establish such other committees, boards, and bodies as it may from time to time deem desirable, and to prescribe their duties and responsibilities;

(m) Grant a special certificate to individuals who have successfully completed programs of study, training and research conducted by the East-West center;

(n) Establish and maintain, and to assist in establishing and maintaining, scholarships, fellowships, lectureships, chairs, and other staff positions, and to enter into contracts, agreements, and other arrangements with any person, firm, association, institution, corporation, or organization, whether private, governmental, or international and whether located within or outside of the United States, for this purpose, and to pay the necessary and appropriate costs and expenses therefor;

(o) Collect fees and other charges for programs, facilities, services, and educational products, and to hold copyright;

(p) Sue and be sued in its corporate name, except that the corporation shall be immune from any writ of attachment and execution against its assets;

(q) Delegate any of the powers of the corporation to any standing or special committee, board, or body, or to any officer or agent, upon such terms as it deems fit except for the powers granted under subsection (b) hereof;

(r) Execute, in accordance with its bylaws, all contracts and other instruments necessary or appropriate for the exercise of its powers under this Act; and

(s) To do any and all things necessary or appropriate to carry out its purposes and exercise the powers given and granted in this Act."

SECTION 111. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 112. Statutory material to be repealed is bracketed. New statutory material is underscored.⁴

ACT 2

SECTION 113. This Act shall take effect upon its approval.

(Approved February 26, 1998.)

Notes

1. Prior to amendment “to” appeared here.
2. Prior to amendment “rights” appeared here.
3. So in original.
4. Edited pursuant to HRS §23G-16.5.