

JAN 21 2011

A BILL FOR AN ACT

RELATING TO COUNTY ADMINISTRATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

4 "§ - Semi-autonomous public transit entities; rule-
5 making authority. Any county semi-autonomous public transit
6 entity having a governing board may make and from time to time
7 alter, amend, and repeal rules and regulations, pursuant to
8 chapter 91, relating to the planning, construction, operation,
9 maintenance, and expansion of the public transit systems of that
10 county. The rules and regulations shall have the force and
11 effect of law."

12 SECTION 2. Section 91-1, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§91-1 Definitions. For the purpose of this chapter:

15 [~~(1) "Agency" means each state or county board, commission,~~
16 ~~department, or officer authorized by law to make rules~~
17 ~~or to adjudicate contested cases, except those in the~~
18 ~~legislative or judicial branches.~~



- 1 ~~(2) "Persons" includes individuals, partnerships,~~
2 ~~corporations, associations, or public or private~~
3 ~~organizations of any character other than agencies.~~
- 4 ~~(3) "Party" means each person or agency named or admitted~~
5 ~~as a party, or properly seeking and entitled as of~~
6 ~~right to be admitted as a party, in any court or~~
7 ~~agency proceeding.~~
- 8 ~~(4) "Rule" means each agency statement of general or~~
9 ~~particular applicability and future effect that~~
10 ~~implements, interprets, or prescribes law or policy,~~
11 ~~or describes the organization, procedure, or practice~~
12 ~~requirements of any agency. The term does not include~~
13 ~~regulations concerning only the internal management of~~
14 ~~an agency and not affecting private rights of or~~
15 ~~procedures available to the public, nor does the term~~
16 ~~include declaratory rulings issued pursuant to section~~
17 ~~91-8, nor intra agency memoranda.~~
- 18 ~~(5) "Contested case" means a proceeding in which the legal~~
19 ~~rights, duties, or privileges of specific parties are~~
20 ~~required by law to be determined after an opportunity~~
21 ~~for agency hearing.~~



1 ~~(6) "Agency hearing" refers only to such hearing held by~~
2 ~~an agency immediately prior to a judicial review of a~~
3 ~~contested case as provided in section 91-14.]~~

4 "Agency" means each state or county board, commission,
5 department, or officer or each county semi-autonomous public
6 transit entity authorized by law to make rules or to adjudicate
7 contested cases, except those in the legislative or judicial
8 branches.

9 "Agency hearing" refers only to such hearing held by an
10 agency immediately prior to a judicial review of a contested
11 case as provided in section 91-14.

12 "Contested case" means a proceeding in which the legal
13 rights, duties, or privileges of specific parties are required
14 by law to be determined after an opportunity for agency hearing.

15 "Party" means each person or agency named or admitted as a
16 party, or properly seeking and entitled as of right to be
17 admitted as a party, in any court or agency proceeding."

18 "Persons" includes individuals, partnerships, corporations,
19 associations, or public or private organizations of any
20 character other than agencies.

21 "Rule" means each agency statement of general or particular
22 applicability and future effect that implements, interprets, or



1 prescribes law or policy, or describes the organization,
2 procedure, or practice requirements of any agency. The term
3 does not include regulations concerning only the internal
4 management of an agency and not affecting private rights of or
5 procedures available to the public, nor does the term include
6 declaratory rulings issued pursuant to section 91-8, nor intra-
7 agency memoranda."

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

10 "(c) The adoption, amendment, or repeal of any rule by any
11 state agency shall be subject to the approval of the governor.
12 The adoption, amendment, or repeal of any rule by any county
13 agency shall be subject to the approval of the mayor of the
14 county. This subsection shall not apply to the adoption,
15 amendment, and repeal of the rules of the county boards of water
16 supply[-] and county semi-autonomous public transit entities."

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22



S.B. NO. 164

1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

Will Eyo
Michelle Sudani



Report Title:

Counties; Semi-Autonomous Public Transit Entities; Rule Making

Description:

Grants rule-making authorities under chapter 91, Hawaii Revised Statutes, to any county semi-autonomous public transit entity having a governing board; provided that the adoption, amendment, or repeal of any rule by such entities shall not be subject to the approval of the mayor of the county.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

