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## A BILL FOR AN ACT

RELATING TO PUBLIC NOTICES.

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

1           SECTION 1. Section 1-28.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§1-28.5 Publication of notice.** (a) Notwithstanding any  
4 other statute, law, charter provision, ordinance, or rule to the  
5 contrary, whenever a government agency is required to give  
6 public notice or to publish notice, the notice shall be given  
7 ~~[only as follows:~~

8           ~~(1) For statewide publication:~~

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

11           ~~(B) By publication in separate daily or weekly~~  
12           ~~publications whose combined circulation is~~  
13           ~~statewide; and~~

14           ~~(2) For county-wide publication, by publication in a daily~~  
15           ~~or weekly publication in the affected county.] on the~~  
16           ~~appropriate government agency's website.~~



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

3 ~~[(b) For purposes of this section, the comptroller~~  
4 ~~pursuant to chapter 103D shall determine a publication for all~~  
5 ~~government agencies to enable the public to go to one source of~~  
6 ~~publication for published public notice on each island.~~

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

13 ~~(d)]~~ (b) This section shall not apply to notices required  
14 by chapters 103D, 103F, 127A, and 523A.

15 ~~[-(e)]~~ (c) For purposes of publishing a proposed, revised,  
16 or final reapportionment plan pursuant to section 25-2, public  
17 notice shall be permitted in a short form; provided that each  
18 short form public notice shall include the following  
19 information:

20 (1) Whether the reapportionment plan has been either  
21 proposed, revised, or adopted;



1 (2) The online location to view the reapportionment plan;

2 (3) A list of the location of each public office where the  
3 hard copies of the reapportionment plan and maps are  
4 available; and

5 (4) The public hearing dates.

6 [~~(f)~~] (d) For purposes of this section, "government  
7 agency" means each department, board, commission, or officer of  
8 the State or any of its political subdivisions."

9 SECTION 2. Section 53-60, Hawaii Revised Statutes, is  
10 amended by amending subsection (d) to read as follows:

11 "(d) Complaints or orders issued pursuant to an ordinance  
12 adopted under this section shall be served upon persons either  
13 personally or by registered mail, but if the whereabouts of the  
14 persons is unknown and the same cannot be ascertained by the  
15 public officer in the exercise of reasonable diligence, and the  
16 public officer makes an affidavit to that effect, then the  
17 serving of the complaint or order upon the persons may be made  
18 by publishing the same [~~once each week for two consecutive weeks~~  
19 ~~in a newspaper printed and published in the county, or, in the~~  
20 ~~absence of such newspaper, in one printed and published in the~~  
21 ~~State and circulating in the county in which the dwellings are~~



1 ~~located.]~~ on the appropriate county website. A copy of the  
2 complaint or order shall be posted in a conspicuous place on the  
3 premises affected by the complaint or order. A copy of the  
4 complaint or order shall also be filed with the registrar of  
5 conveyances or, in the case of registered land (but excluding a  
6 leasehold time share interest), with the assistant registrar of  
7 the land court as provided in section 501-136, and the filing of  
8 the complaint or order shall have the same force and effect as  
9 other lis pendens notices provided by law."

10 SECTION 3. Section 195D-6.5, Hawaii Revised Statutes, is  
11 amended by amending subsection (c) to read as follows:

12 "(c) Interim rules adopted pursuant to this section shall  
13 be effective as stated by the rules; provided that:

14 (1) Any interim rule shall be published statewide [~~at~~  
15 ~~least once~~] as provided in section [~~1-28.5(a)(1)~~] 1-  
16 28.5 within five days after issuance; and

17 (2) No interim rule shall be effective for more than one  
18 hundred eighty days."

19 SECTION 4. Section 127A-25, Hawaii Revised Statutes, is  
20 amended by amending subsection (c) to read as follows:



1           "(c) Rules adopted pursuant to this chapter during a state  
2 of emergency shall be promulgated as herein provided, and may be  
3 made effective upon the promulgation. The rules shall be  
4 promulgated by posting them on the applicable state or county  
5 government website [~~and by publishing them in a newspaper of~~  
6 ~~general circulation in the State~~], by means calculated to bring  
7 its contents to the attention of the general public, including  
8 by official announcement by means of television or radio  
9 broadcast, or both, or by Internet, or, where only known persons  
10 are concerned, by service upon these persons by registered or  
11 certified mail or by personal service. The rules shall remain  
12 posted on the government website while in effect. When  
13 immediate promulgation of the rules is necessary in the opinion  
14 of the governor or mayor, as applicable, who shall be the sole  
15 judge thereof, in lieu of publication, the rules may be  
16 promulgated by television or radio broadcast, or both, or by  
17 Internet, or such other means as may be available; provided that  
18 the rules shall be posted and published thereafter at the  
19 earliest practicable date."

20           SECTION 5. Section 206-8, Hawaii Revised Statutes, is  
21 amended by amending subsection (b) to read as follows:



1            "[+] (b) [+] The board may contract with any private  
2 developer to provide for the financing of the acquisition of  
3 lands, the subdivision and development of acquired lands, and  
4 the disposition of residence lots, or the construction of  
5 dwellings on the lots and the disposition of both. The  
6 contracts may be entered into after published advertisement for  
7 sealed tenders, setting forth the terms of the proposed  
8 contract, including necessary plans, specifications, and time  
9 schedules. The contract shall provide for the establishment of  
10 such sale prices of the residence lots, or dwellings and lots as  
11 will repay to the developer the amount of the actual cost or  
12 expense incurred in the acquisition and development of the land  
13 together with a reasonable developer's profit computed thereon  
14 as determined by the board. The contract shall also provide for  
15 the sale of residence lots, or dwellings and lots only to  
16 persons entitled to purchase from the board, upon the terms and  
17 conditions provided in sections 206-9 to 206-12 with respect to  
18 sales by the board. Every contract shall be made with the  
19 responsible bidder whose proposal complies with the requirements  
20 of the call for tenders and states the lowest rate of  
21 developer's profits; provided that the board may reject all



1 tenders if it deems that the lowest rate of developer's profit  
2 is unreasonable. Publication of the call for tenders shall be  
3 made by publishing a call for tenders [~~not less than three times~~  
4 ~~in a newspaper of general circulation printed and published~~  
5 ~~within the State. No more than one of these publications shall~~  
6 ~~be made on any one day or on two consecutive days.] on the  
7 department of land and natural resources' website. The time for  
8 opening of the tenders shall be not less than thirty days after  
9 the last publication."~~

10 SECTION 6. Section 428-805, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) At any time after dissolution and winding up, and  
13 when all debts, liabilities, and obligations of the limited  
14 liability company have been paid and discharged, or adequate  
15 provision has been made therefor, and all remaining property and  
16 assets of the limited liability company, if any, have been  
17 distributed to its members, a limited liability company may  
18 terminate its existence by delivering for filing with the  
19 director articles of termination stating:

20 (1) The name of the company;



- 1 (2) The dates the notice of intent to terminate was  
2 published pursuant to section 428-808 [~~and the name of~~  
3 ~~the newspaper publishing the notice, or a statement~~  
4 ~~that publication was not made~~];
- 5 (3) That all debts, obligations, and liabilities of the  
6 limited liability company have been paid and  
7 discharged or that adequate provision has been made  
8 therefor;
- 9 (4) That all of the remaining property and assets of the  
10 limited liability company, if any, have been  
11 distributed among its members in accordance with their  
12 respective rights and interests;
- 13 (5) That there are no suits pending against the limited  
14 liability company in any court, or that adequate  
15 provision has been made for the satisfaction of any  
16 judgment, order, or decree which may be entered  
17 against it in any pending suit; and
- 18 (6) That the company's business has been wound up and the  
19 legal existence of the company has been terminated."

20 SECTION 7. Section 428-808, Hawaii Revised Statutes, is  
21 amended by amending subsection (b) to read as follows:





1           "(b) The notice shall:

2           (1) Be published [~~at least once in each of four successive~~  
3           ~~weeks (four publications) in a daily or weekly~~  
4           ~~publication of statewide circulation or in separate~~  
5           ~~daily or weekly publications whose combined~~  
6           ~~circulation is statewide;~~] on the department's  
7           website;

8           (2) Describe the information required to be contained in a  
9           claim and provide a mailing address where the claim is  
10          to be sent; and

11          (3) State that a claim against the limited liability  
12          company is barred unless a proceeding to enforce the  
13          claim is commenced within two years after the later of  
14          the last publication date of the notice or the date of  
15          filing of the articles of termination."

16          SECTION 8. Section 574-5, Hawaii Revised Statutes, is  
17          amended by amending subsections (d) and (e) to read as follows:

18          "(d) A notice of change of name signed by the lieutenant  
19          governor shall be published [~~once in a newspaper of general~~  
20          ~~circulation in the State]~~ on the office of the lieutenant  
21          governor's website as mentioned in the order for change of



1 name [~~, and the petitioner within sixty days of the signing of~~  
2 ~~the notice of change of name shall deposit at the office of the~~  
3 ~~lieutenant governor an affidavit executed by an officer of the~~  
4 ~~newspaper publishing the notice showing that the notice has been~~  
5 ~~published therein. The affidavit shall have attached to it a~~  
6 ~~clipping showing the notice as published. Failure to deposit~~  
7 ~~the affidavit of publication as required shall void that~~  
8 ~~petition for a change of name by that petitioner].~~

9 (e) When the petition is accompanied by an affidavit  
10 executed by a prosecuting attorney of this State, the affidavit  
11 shall show that for the protection of the person desirous of  
12 making a change of name, [~~the following actions shall not be~~  
13 ~~necessary:~~

14 ~~(1) Publication in a newspaper of general circulation in~~  
15 ~~the State; and~~  
16 ~~(2) Recordation] recordation in the bureau of~~  
17 ~~conveyances[-] shall not be necessary.~~

18 The petition, affidavit, and order shall be kept confidential."

19 SECTION 9. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

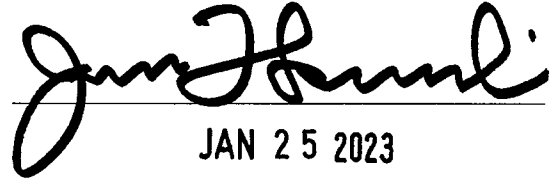
21 SECTION 10. This Act shall take effect upon its approval.



H.B. NO. 1411

1

INTRODUCED BY:

  
JAN 25 2023



# H.B. NO. 1411

**Report Title:**

Notice; Publication; Newspapers; Government Websites

**Description:**

Amends certain publication procedures to require the publication of information to be on the appropriate state or county department's website, rather than in a newspaper.

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

