

ACT 28

A Bill Relating to Taxes.

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

SECTION 1. The first sentence of subsection (b) of section 116-4 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“Each board shall hold public meetings at some central location in its taxation division, commencing not later than March 20 of each year and shall hear, as speedily as possible, all appeals presented for each year.”

SECTION 2. The first sentence of section 126-3 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“In order to secure under this chapter an exemption of real property from the taxes imposed by chapter 128, a public utility shall annually, between January 1 and 15, file with the tax assessor a return of such property in such form as shall be prescribed by the commissioner, setting forth its claim to the exemption.”

SECTION 3. Line five of section 128-12 of the Revised Laws of Hawaii 1955 as amended is hereby amended by deleting the word and figure “January 31” and substituting therefor the word and figure “January 15”.

SECTION 4. Subsection (a) (2) (iii) of section 128-13 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“That where the taxpayer has acquired his home by a deed made on or after July 1, 1951, the deed shall have been recorded prior to January 1 of the year for which the exemption is claimed;”

SECTION 5. Subsection (2) of section 128-14 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“A residential building on land held by the lessee or his successor in interest under a lease for a term of five years or more for residential purposes and owned and used as a residence by such lessee or his successor in interest, as the case may be, where the lease and any extension, renewal, assignment or agreement to assign the lease, have been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease;”

SECTION 6. The first paragraph of subsection (3) of section 128-14 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“Premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises.”

SECTION 7. Subsection (b) of section 128-14.5 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“No exemption under section 128-13 shall be allowed unless there is

on file, on January 15 of the year for which such exemption is claimed, a return and claim as prescribed by subsection (a) and unless the same is in effect on such day.”

SECTION 8. Subsection (e) of section 128-14.5 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“If the assessor is of the view that, for any tax year, the exemption should not be allowed or should not have been allowed, in whole or in part, he may at any time within five years of January 1 of that year disallow the exemption for that year, in whole or in part, and may add to the assessment list for that year the amount of value involved, in the manner provided by section 128-34 for the assessment of omitted property; provided, that if an assessment or addition under this subsection is made after March 31 of the tax year the taxes on the amount of value involved in the assessment or addition so made shall not be a lien under section 128-38 but may be made a lien by recording a certificate setting forth the amount of tax involved, penalties and interest, and the provisions of section 117-39 are hereby made applicable.”

SECTION 9. The second paragraph of subsection (d) of section 128-15 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“For the purposes of this section, the word ‘home’ includes the entire homestead when it is occupied by a qualified totally disabled veteran as a home; houses where the disabled veteran owner sublets not more than one room to a tenant; and premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 of the year for which exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises.”

SECTION 10. Line 10 of subsection (c) of section 128-22 of the Revised Laws of Hawaii 1955 as amended is hereby amended by deleting therefrom the word and figure “January 31” and substituting therefor the word and figure “January 15”.

SECTION 11. Subsection (d) of section 128-22 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“Real property with respect to which the owner has granted to the State or any county thereof a right of entry and upon which the State or county has entered and taken possession under the authority of the right of entry with intention to acquire the fee simple estate therein and to devote the real property to public use; provided the State or county shall have, prior to January 15 of the year for which such exemption is claimed, certified to the appropriate tax official the date upon which it took possession;”

SECTION 12. The first sentence of subsection (e) of section 128-22 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“Any portion of real property within the area upon which construction of buildings is restricted or prohibited and which is actually rendered useless and of no value to the owners thereof by virtue of any ordinance of any county, establishing setback lines thereon; provided, that in order

to secure such exemption the person claiming it shall annually file between January 1 and 15 a sworn written statement with the tax assessor describing the real property in detail and setting forth the facts upon which exemption is claimed, together with a written agreement that in consideration of the exemption from taxes he will not make use of such land in any way whatsoever during the ensuing year."

SECTION 13. The first sentence in the first paragraph of section 128-23 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Whenever the commissioner finds that the filing of returns under this paragraph is advisable for the making of assessment and so orders, the assessor shall give, to the taxpayers of his division during the month of December of the year such 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 division, published in the English language) requiring such 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."

SECTION 14. The first sentence in the first paragraph of section 128-24 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"In every taxation division, pursuant to this section and without the ordering of returns by the commissioner, every person owning, or having possession, custody or control of, real property in such division used for the grazing of any herd of cattle, sheep, horses or mules, shall, on or before January 15, file upon forms prescribed by the commissioner, a return setting forth a brief description and the location of such real property, together with the information relating to the assessment of such real property required by, and in the manner required by, such forms."

SECTION 15. The first sentence in the first paragraph of section 128-27 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Each year, on or before March 10, the assessor of each division shall give notice of the assessments in his division for such year against each known owner, by personal delivery to such owner of or by mailing to him on or before such date postage prepaid and addressed to him at his last known place of residence or address a written notice describing briefly the property involved and setting forth the valuation placed upon it, determined pursuant to the provisions of this chapter, the exemption, if any, allowed or denied, as the case may be, and the net taxable value of the property."

SECTION 16. The second paragraph of section 128-27 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"In addition to the foregoing, the assessor of each division shall in each year give notice of the assessments in his division for such year by public notice (by publication thereof in English at least three times on different days during the month of February of such year in a newspaper of general circulation in such division, published in the English language) of a time when (which shall be not less than a period of ten

days prior to March 20 of such year) and of a place where the records of taxable properties maintained in such division showing all assessments made for such division may be inspected by any person for the purpose of enabling him to ascertain what assessments have been made against him or his property and to confer with the assessor so that any errors may be corrected before the filing of the assessment list.”

SECTION 17. The first sentence of section 128-28 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“On or before March 31 of each year the commissioner shall have prepared from the records of taxable properties maintained in each division a list in duplicate of all assessments made for each district in such division, which list shall be signed and sworn to by the person preparing it.”

SECTION 18. The last sentence of section 128-28 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“The original of the assessment lists shall be retained by the commissioner and the duplicate copy shall be retained by the assessor.”

SECTION 19. Section 128-30 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“Any taxpayer who may deem himself aggrieved by an assessment made by the assessor or by the assessor’s refusal to allow any exemption, may appeal from such assessment or from such refusal to a board of review or the tax appeal court, on or before March 20 of the assessment year, as provided in chapter 116.”

SECTION 20. The first paragraph of section 128-31 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“The tax collector shall prepare tax polls for his division from the district assessment lists provided for by section 128-28, showing thereon valuation, exemptions allowed, taxable value, names and addresses of the assessed and amount of taxes in each case. A certified copy of the tax rolls shall be filed with the commissioner.”

SECTION 21. The last sentence in subsection (a) of section 129-2 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“The resolution fixing the tax rate in each county shall be adopted on or before April 20 of the year for which property tax revenues are to be raised.”

SECTION 22. Subsection (b) of section 129-2 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“In determining the property tax rate each board shall take as the basis for calculation the aggregate value of taxable realty within the county as assessed for tax purposes as of March 20 of the current year and in all cases where appeals from the commissioner’s assessment are then unsettled the values used in determining the aggregate shall be the value claimed by the taxpayer in each case, plus fifty per cent of the value in dispute.”

SECTION 23. Subsection (e) of section 129-2 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

“The commissioner shall, on or before March 31 of each year, furnish

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each board with a calculation, certified by him as being as nearly accurate as may be, of the aggregate value of taxable property within the county, as set forth in this section, plus such additional data relating to the property tax base in the county as the board may request of him in writing.”

SECTION 24. This Act shall take effect on July 1, 1960.

(Approved November 25, 1959.) **S.B. 49.**
