

Amendments to Title 12, Chapter 301,  
Rules of Practice and Procedure  
for the Molokai Planning Commission

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1. Section 12-301-7, Rules of Practice and Procedure for the Molokai Planning Commission, is amended to read as follows:

“§12-301-7 Communications. Unless otherwise specifically directed, all communications to the authority shall be either: (a) directed to the Molokai planning commission c/o the department of planning of the County of Maui, 2200 Main Street, Suite 315, Wailuku, Hawaii 96793[.]; or (b) submitted via a system authorized by the County to allow for the submission of electronic documents. [A single copy of all such communications shall be provided to P. O. Box 526, Kaunakakai, Hawaii 96748.] [Eff 10/8/89, am and comp 7/27/14; am and comp Eff 4/18/19] [Auth: HRS §§46-5, 91-2] (Imp: HRS §91-2)”

2. Section 12-301-16, Rules of Practice and Procedure for the Molokai Planning Commission, is amended to read as follows:

“§12-301-16 Formal requirements for filing of documents. (a) Time and place. All documents required to be filed with the authority in any proceeding shall be either: (1) filed as paper documents with the office of the authority at Wailuku, Maui, Hawaii, and a single copy to the office of the authority at Kaunakakai, Molokai, Hawaii[, at the addresses provided in these rules,]; or (2) submitted via a system authorized by the County to allow for the submission of electronic documents, within the time limit prescribed by law or by order of the authority. Unless otherwise ordered, the date on which the documents are received shall be regarded as the date of filing.

(b) Format[.] for paper documents.

(1) Form and size. Documents shall be bound and typewritten upon paper 8-1/2 x 11 or 8-1/2 x 14 inches in size. Tables, maps, charts, exhibits, or appendices may be larger and shall be folded to that size where practical. The impression shall be double spaced, except that footnotes and quotations in excess of a few lines may be single-spaced. Copies shall be clear and permanently legible.

(2) Title and number. Petitions, pleadings, briefs, and other documents shall show the title of the proceeding before the authority and the name and address of the person or attorney.

(3) Signatures. The original of each application, petition, complaint, answer, or amendment shall be signed in ink by each party or each party's counsel or authorized representative. If such party is a corporation or association, the pleading may be signed by an officer thereof.

(c) Copies[.] for paper documents. Unless otherwise required by these rules or the authority, there shall be filed with the authority an original and fifteen

copies of each pleading or amendment thereof. Additional copies shall be provided if the chairperson of the authority or the director so requests.

(d) Extensions of time. Whenever a party is required to file a pleading within the period prescribed or allowed by these rules, by notice given hereunder or by an order or regulation, the chairperson of the authority, or in the absence of the chairperson, the vice chairperson, or in the absence of the vice chairperson, the director may:

- (1) For good cause before the expiration of the prescribed period, with or without notice to the parties, extend such period;
- (2) Pursuant to a stipulation between all of the parties, extend such period; and
- (3) Permit the act to be done after the expiration of a specified period where the failure to act is clearly shown to be the result of excusable neglect. All requests for continuances, except for stipulations, should be by written motion, unless it is made during the course of a hearing.

(e) Amended pleadings. All pleadings may be amended at any time prior to hearing. Amendments offered prior to hearing shall be served on all parties and filed with the authority. All parties shall have the opportunity to answer and be heard on amendments filed after hearing commences, and the authority shall decide whether such amendments shall be allowed.

(f) Retention of documents by the authority. All documents filed with or presented to the authority shall be retained in the paper or electronic files of the authority. However, the chairperson of the authority may permit the withdrawal of original documents upon submission of properly authenticated copies to replace said original documents. [Eff 10/8/89, an and comp 7/27/14; am and comp 4/18/19] [Auth: HRS §§46-5, 91-2] (Imp: HRS §91-2)"

ADOPTED this 14th day of November, 2018, at Kaunakakai, Molokai, Hawaii.

MOLOKAI PLANNING COMMISSION

Lou Buchanan

Chairperson

Michael P. Viti

Mayor, County of Maui

Approved this 2ND day of APRIL, 2019.

APPROVED AS TO FORM AND LEGALITY:

Mini Qujina

Department of the Corporation Counsel  
County of Maui  
LF 2014-3097

Approved this 8th day of April, 2019.

[Signature]

Clerk, County of Maui

**CERTIFICATION**

I, MICHELE MCLEAN, Director, Department of Planning, County of Maui, do hereby certify:

1. That the foregoing is a full, true, and correct copy of the Amendment to Chapter 301, Rules of Practice and Procedure for the Molokai Planning Commission drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which was adopted on the 14<sup>th</sup> day of November, 2018, by affirmative vote of the proper majority following a public hearing on November 14, 2018; and filed with the Office of the County Clerk.

2. That the notice of the public hearing on the foregoing rules with published in The Maui News on October 12, 2018 and in the Molokai Dispatch on October 17, 2018.

COUNTY OF MAUI



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MICHELE MCLEAN  
Director of Planning