

Amendments to Title 12, Chapter 401,  
Rules of Practice and Procedure  
for the Lanai Planning Commission

1. Section 12-401-12, Rules of Practice and Procedure for the Lanai Planning Commission, is amended to read as follows:

“§12-401-12 Communications. Unless otherwise specifically directed, all communications to the commission shall be either: (a) directed to the office of the commission at the department of planning, County of Maui, 2200 Main Street, Suite 315, Wailuku, Hawaii 96793[.]; or (b) submitted via system authorized by the County to allow for the submission of electronic documents.” [Eff 7/23/93; am and comp 4/8/17; am and comp 4/18/19] [Auth: HRS §§46-5, 91-2] (Imp: HRS §91-2)

2. Section 12-401-20, Rules of Practice and Procedure for the Lanai Planning Commission, is amended to read as follows:

“§12-401-20 Formal requirements for filing of documents. (a) Time and place. All documents required to be filed with the commission in any proceeding shall be either: (1) filed as paper documents with the office of the commission at Wailuku, Maui, Hawaii, within the time limit prescribed by law on business days between 7:45 a.m. and 4:30 p.m. or as otherwise ordered by the commission[.]; or (2) submitted via a system authorized by the County to allow for the submission of electronic documents. 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 [at the top] and typewritten upon paper 8-1/2 x 11 or 8-1/2 x 14 inches in size [or in another form as prescribed by the director]. Tables, maps, charts, exhibits, or appendices may be larger and shall be folded to that size where practical. The impression shall be [on one side of the paper only and 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. [The director may allow documents and plans to be submitted electronically in a manner prescribed by the director.]

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

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

signatures to be submitted electronically in a manner prescribed by the director.]

(c) Copies[.] for paper documents. Unless otherwise required by these rules[, the director,] or the commission, there shall be filed with the commission an original and fifteen copies of each pleading or amendment thereof. Additional copies shall be provided if the chairperson of the commission or the director so requests. [The original shall be on bond paper to distinguish it from copies or shall be identified as the "original."]

(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 commission, 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[; or].
- (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. [Unless it is made during the course of a hearing, all requests for continuances shall be by written motion.]

(e) Amended [pleading.] pleadings. All [pleading] 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 commission. All parties shall have the opportunity to answer and be heard on amendments filed after hearing commences, and the commission shall decide whether such amendments shall be allowed.

(f) Retention of documents by the commission. All documents filed with or presented to the commission shall be retained in the paper or electronic files of the commission. However, the chairperson of the commission may permit the withdrawal of original documents upon submission of properly authenticated copies to replace said original documents." [Eff 7/23/93; am and comp 4/8/17; am and comp 4/18/19] [Auth: HRS §§46-5, 91-2] (Imp: HRS §91-2)

3. Material, except source notes, to be repealed is bracketed. New material is underscored.

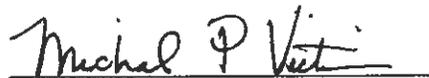
4. Additions to update source notes to reflect these amendments are not underscored.

5. These amendments to chapter 12-401, Rules of Practice and Procedure for the Lanai Planning Commission, shall take effect ten days after filing with the Office of the County Clerk.

ADOPTED this 12th day of December, 2018, at Lanai City, Lanai, Hawaii.

LANAI PLANNING COMMISSION

  
CARON GREEN  
Chairperson

  
MICHAEL P. VICTORINO  
Mayor, County of Maui

Approved this 2nd day of  
APRIL, 2019.

APPROVED AS TO FORM  
AND LEGALITY:

  
RICHELLE M. THOMSON  
Deputy Corporation Counsel  
LF2014-3095  
2019-02-07 LPC Amd. Admin Rules

Received this 8th day of  
April, 2019.

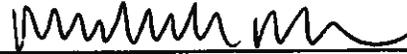
  
JOSIAH K. NISHITA  
County Clerk  
County of Maui

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 401, Rules of Practice and Procedure for the Lanai Planning Commission drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which was adopted on the 12<sup>th</sup> day of December, 2018, by affirmative vote of the proper majority following a public hearing on December 12, 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 November 9, 2018.

COUNTY OF MAUI



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MICHELE MCLEAN  
Director of Planning