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**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

**POLICY TITLE:** Commission Policy Regarding Reimbursement of Expenses

**DATE ISSUED:** March 7, 2008

**EFFECTIVE DATE:** March 7, 2008

**Introduction**

This policy clarifies and implements the provisions of Hawai'i Revised Statutes ("HRS") §205-4.1, and Hawai'i Administrative Rules ("HAR") §15-15-49(d) relating to the reimbursement of court reporter expenses and other reimbursement for hearing expenses incurred for proceedings before the Land Use Commission ("Commission"), and updates previous Commission policies regarding reimbursement of expenses.

**Legal Reference**

HRS §205-4.1 authorizes the Commission to require reimbursements to be made for court reporter expenses and for any other hearing expenses incurred for boundary amendment proceedings, and provides:

**§205-4.1 Fees.** The commission may establish reasonable fees for the filing of boundary amendment petitions and petitions for intervention to cover the cost of processing thereof and for the reproduction of maps and documents. The commission also may assess a reasonable fee or require reimbursements to be made for court reporter expenses, the inexcusable absence of a party from a boundary amendment proceeding, and any other reimbursements for hearing expenses as determined by the commission. Any fees collected shall be deposited to the credit of the general fund.

Additionally, HAR §15-15-49(d) provides:

**§15-15-49 Fees.**

(d) After notice and opportunity to be heard, the commission may also assess any party to any proceeding before the commission a reasonable fee or require reimbursements for court reporter expenses, and any other reimbursements for hearing expenses as determined by the commission.

**Policy**

Petitioners seeking District Boundary Amendments pursuant to HRS §205-4, Special Permits pursuant to HRS §205-4, and Declaratory Rulings, are responsible for the direct reimbursement of the following items related to all proceedings before the Commission on their respective docket matters (including, but not limited to HRS Chapter 343 proceedings, pre-hearing motions, and post-hearing matters):

1. the costs of publishing the Notice of Hearing if such Notice is required by HRS Chapter 205 and HAR Title 15, Chapter 15;
2. all court reporter fees incurred for all proceedings before the Commission pertaining to the specific docket matter including appearance fees and transcription fees;
3. the costs incurred for the rental of the hearing room/facility utilized to conduct the Commission proceedings pertaining to the specific docket matter; and
4. the costs for providing audio and/or visual services required to conduct the public and/or contested case hearing portions of the specific docket matter.

The Commission Staff will provide Petitioners with invoices or billing statements from the providers of the services specified above, and Petitioners will thereafter be responsible for making the direct reimbursements to such service providers on a timely basis.

In the event that multiple proceedings are conducted before the Commission during the course of the Commission's scheduled meeting, each Petitioner will be required to pay for only the Petitioner's pro rata share of the costs incurred, as determined by Commission Staff.

If any Petitioner is genuinely not financially capable of reimbursing the costs set forth above, the Commission, for good cause, may excuse the Petitioner from having to make the required reimbursements.

However, the failure of a Petitioner to comply with all of the terms of this Policy without the prior written permission of the Commission, will result in the immediate termination of the specific docket proceedings, and may result in the rescission of any Commission orders issued up to the date the proceedings are terminated.

This policy shall be effective as of March 6, 2008, shall be reviewed as needed by the Commission, and shall remain in effect until repealed.

/s/ LISA JUDGE

LISA JUDGE  
Chairperson  
Land Use Commission  
State of Hawai`i