

STAND. COM. REP. NO.

2715

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2971
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2971 entitled:

"A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION,"

begs leave to report as follows:

The purpose of this measure is to authorize immediate appeals
from certain orders regarding injunctions and from denials of
sovereign, absolute, or qualified immunity.

Testimony in support of this measure was received from the
Department of the Attorney General. Testimony in opposition to
the measure was received from the Judiciary and the Consumer
Lawyers of Hawaii.

Your Committee finds that this measure will make state court
practice consistent with current federal court practice by
allowing immediate appeals from preliminary orders granting or
refusing injunctions. However, this measure may also burden the
appellate courts with an increase in interlocutory appeals and
likely delay the resolution of the underlying cases while the
appeals are pending. Your Committee acknowledges that allowing
interlocutory appeals before a final judgment on the merits erodes
the deference appellate courts owe to the trial court's decisions
on the many questions of law and fact that arise before judgment.

Your Committee has amended this measure by allowing
interlocutory appeals only for denial of motions seeking dismissal
or judgment for the movant based on sovereign immunity or

SB2971 SD1 SSCR LRB 08-2426-1.doc



qualified immunity. Your Committee has also amended this measure by changing the effective date to July 1, 2009 in order to promote continued discussion of the matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2971, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2971, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2971	JDL	2/25/08

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	/			
HEE, Clayton (VC)				/
GABBARD, Mike	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.				/
SLOM, Sam	/			
TOTAL	4			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


Distribution: Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes