

STAND. COM. REP. NO. 688

Honolulu, Hawaii

March 5, 2009

RE: H.B. No. 1035
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1035 entitled:

"A BILL FOR AN ACT RELATING TO APPEALS,"

begs leave to report as follows:

The purpose of this bill is to grant a right to interlocutory appeal from court orders regarding injunctions and denials of sovereign, absolute, or qualified immunity.

The Attorney General supported this bill. The Judiciary and Hawaii Association for Justice opposed this measure.

Upon further consideration, your Committee has amended this bill by:

- (1) Deleting the purpose section;
- (2) Restricting the scope of the bill to interlocutory appeals of right deriving from denials of motions seeking dismissal or judgment based solely upon sovereign immunity;
- (3) Deleting language that applied the measure to pending actions;
- (4) Inserting a savings clause; and

HB1035 HD1 HSCR JUD HMS 2009-2741



- (4) Changing the effective date to January 1, 2046, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1035, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1035, H.D. 1, and be placed on the calendar for Third Reading.

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



JON RIKI KARAMATSU, Chair



