

Honolulu, Hawaii

, 2010

APR 22 2010

RE: S.B. No. 2150
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2150, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to extend the repeal date to June 30, 2014, for certain jurisdictional responsibilities of the appellate courts.

Your Committee on Conference finds that, pursuant to Act 202, Session Laws of Hawaii 2004, the Legislature made significant changes to the way that our appellate courts function, by:

- (1) Amending the appellate jurisdiction of the Supreme Court and the Intermediate Court of Appeals (ICA) by changing the Supreme Court's jurisdiction to appeals by writ of certiorari or transfer from the ICA;



- (2) Repealing criteria for assigning appeals; and
- (3) Requiring most appeals to be filed with the ICA instead of the Supreme Court.

These changes were to become effective on July 1, 2006, after a task force created by Act 202, the appellate review task force, had the opportunity to thoroughly study and develop recommendations to assist the Judiciary in transitioning to the new appellate model. By Act 94, Session Laws of Hawaii 2006, the Legislature amended Act 202 by imposing a sunset date of June 30, 2010, for the new appellate jurisdictional scheme, and required the Judiciary to prepare and submit to the Legislature prior to the convening of the 2010 Regular Session a report containing a detailed assessment of the effects and consequences of the changes to the appellate court system brought on by the changes in Act 202.

The resulting report from the Judiciary regarding the effects of the new appellate system was very positive. Your Committee on Conference finds that the implementation of Act 202 has resulted in reductions in the total number of cases pending on appeal. Moreover, the time that it takes to resolve cases on appeal has dropped significantly since Act 202 was implemented. Finally, it appears these reductions in case backlog and case processing times did not negatively affect the quality of the work of the ICA, since the proportion of cases the Supreme Court was asked to review has also dropped since Act 202 was implemented.

Accordingly, your Committee on Conference believes that the changes in appellate structure have been successful and that the changes should be made permanent.

Your Committee on Conference has amended this measure by deleting the repeal date in Act 202, making the jurisdictional responsibilities established in Act 202 permanent.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2150, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2150, H.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



JON RIKI KARAMATSU, Co-Chair



BRIAN T. TANIGUCHI, Chair



GILBERT KEITH-AGARAN, Co-Chair



Hawaii State Legislature

63-10

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2150, HD 1	Date/Time: <i>April 19, 2010, 2:15pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).


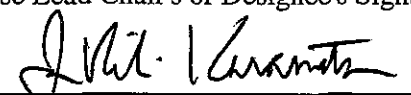
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
TAKAMINE, Dwight Y.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
SLOM, Sam	✓				THIELEN, Cynthia	✓			
TOTAL	3				TOTAL	3			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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