
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENTAL COURTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that environmental
2 disputes are currently dealt with in a variety of courts. This
3 organizational structure inadvertently promotes inconsistent
4 application of the wide variety of environmental laws.

5 The legislature also finds that the continued maintenance
6 and improvement of Hawaii's environment require constant
7 vigilance and continued stewardship to ensure its lasting
8 beauty, cleanliness, and uniqueness and the stability of its
9 natural systems, all of which enhance the mental and physical
10 well-being of Hawaii's people.

11 The purpose of this Act is to promote and protect Hawaii's
12 natural environment through consistent and uniform application
13 of environmental laws by establishing environmental courts.

14 SECTION 2. The Hawaii Revised Statutes is amended by
15 adding a new chapter to be appropriately designated and to read
16 as follows:

17 "CHAPTER

18 ENVIRONMENTAL COURTS



1 **§ -1 Environmental courts; establishment.** (a) The
 2 environmental courts shall be created as divisions of the
 3 circuit courts of the State and shall not be deemed to be other
 4 courts as that term is used in the state constitution. An
 5 environmental court shall be held at the courthouse in each
 6 circuit, or other duly designated place, by the judge or judges
 7 of the respective environmental courts.

8 (b) The chief justice of the supreme court shall designate
 9 an environmental judge or judges for each circuit, as may be
 10 necessary; provided that if the volume of environmental cases in
 11 the circuit in which an environmental judge presides is not
 12 adequate to provide an environmental court judge with a full
 13 time docket, the judge may hear cases arising from other areas
 14 of law. In any circuit that has more than one judge designated
 15 for the environmental court, the chief justice shall designate
 16 one of the judges as senior judge. The chief justice may
 17 temporarily assign an environmental court judge to preside in
 18 another circuit when the chief justice determines that the
 19 urgency of one or more cases in the circuit court or the volume
 20 of the cases in the circuit court so requires.

21 **§ -2 Jurisdiction.** (a) The environmental courts shall
 22 have exclusive, original jurisdiction over all proceedings,



1 including judicial review of administrative proceedings and
2 proceedings for declaratory judgment on the validity of agency
3 rules authorized under chapter 91, arising under chapters 6D,
4 6E, 6K, 128D, 339, 339D, 340A, 340E, 342B, 342C, 342D, 342E,
5 342F, 342G, 342H, 342I, 342J, 342L, 342P, 343, and 508C, and
6 title 12; provided that upon the motion of a party or sua sponte
7 by the chief justice, the chief justice may assign to the
8 environmental courts issues before the circuit courts when the
9 chief justice determines that due to their subject matter the
10 assignment is required to ensure the uniform application of
11 environmental laws throughout the State or to otherwise
12 effectuate the purpose of this chapter.

13 (b) In any case in which it has jurisdiction, the
14 environmental courts shall exercise general equity powers as
15 authorized by law. Nothing in this chapter shall be construed
16 to limit the jurisdiction and authority of any circuit judge,
17 designated as judge of an environmental court, to matters within
18 the scope of this chapter.

19 **§ -3 Rules.** The supreme court shall adopt rules
20 regarding the administration, operation, and procedures of the
21 environmental courts."



1 SECTION 3. Section 91-7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any interested person may obtain a judicial
4 declaration as to the validity of an agency rule as provided in
5 subsection (b) [herein] by bringing an action against the agency
6 in the circuit court or, if applicable, the environmental court,
7 of the county in which the petitioner resides or has its
8 principal place of business. The action may be maintained
9 whether or not the petitioner has first requested the agency to
10 pass upon the validity of the rule in question."

11 SECTION 4. Section 91-14, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) Except as otherwise provided herein, proceedings for
14 review shall be instituted in the circuit court or, if
15 applicable, the environmental court, within thirty days after
16 the preliminary ruling or within thirty days after service of
17 the certified copy of the final decision and order of the agency
18 pursuant to rule of court, except where a statute provides for a
19 direct appeal to the intermediate appellate court, subject to
20 chapter 602. In such cases, the appeal shall be treated in the
21 same manner as an appeal from the circuit court to the
22 intermediate appellate court, including payment of the fee



1 prescribed by section 607-5 for filing the notice of appeal
2 (except in cases appealed under sections 11-51 and 40-91). The
3 court in its discretion may permit other interested persons to
4 intervene."

5 SECTION 5. Section 91-15, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§91-15 Appeals.** Review of any final judgment of the
8 circuit court or, if applicable, the environmental court, under
9 this chapter shall be governed by chapter 602."

10 SECTION 6. The judiciary shall conduct a study to
11 determine the number of environmental-related cases filed in the
12 circuit courts in each of the past five years. The judiciary
13 shall report findings to the legislature no later than twenty
14 days prior to the convening of the regular session of 2015.

15 SECTION 7. Chapters 6D, 6E, 6K, 128D, 339, 339D, 340A,
16 340E, 342B, 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J,
17 342L, 342P, 343, and 508C, and title 12 of the Hawaii Revised
18 Statutes are amended by substituting the term "environmental
19 court", or like term, wherever the term "court", "circuit
20 court", or like term, appears, as the context requires.

21 SECTION 8. Matters pending in any state circuit court as
22 of the effective date of this Act may be transferred to the



1 environmental courts as directed by the chief justice of the
2 supreme court, in the chief justice's sole discretion.

3 SECTION 9. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 10. This Act shall take effect on January 1, 2100;
6 provided that section 6 shall take effect upon its approval.



Report Title:

Environmental Court; Judicial Review

Description:

Establishes environmental courts as divisions within the circuit courts to hear proceedings, including certain chapter 91, Hawaii Revised Statutes, proceedings arising from certain environmental laws. Requires the Judiciary to report to the Legislature the total number of environmental-related cases filed in the last five years. Effective January 1, 2100. (SB632 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

