

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. In any circuit that has more than one judge
11 designated for the environmental court, the chief justice shall
12 designate one of the judges as senior judge. The chief justice
13 may temporarily assign an environmental court judge to preside
14 in another circuit when the chief justice determines that the
15 urgency of one or more cases in the circuit court or the volume
16 of the cases in the circuit court so requires.

17 **§ -2 Jurisdiction.** (a) The environmental courts shall
18 have exclusive, original jurisdiction over all proceedings,
19 including judicial review of administrative proceedings and
20 proceedings for declaratory judgment on the validity of agency
21 rules authorized under chapter 91, arising under chapters 128D,
22 339, 339D, 340A, 340E, 342B, 342C, 342D, 342E, 342F, 342G, 342H,



1 342I, 342J, 342L, 342P, 343, and 508C; provided that upon the
2 motion of a party or sua sponte by the chief justice, the chief
3 justice may assign to the environmental courts issues before the
4 circuit courts when the chief justice determines that due to
5 their subject matter the assignment is required to ensure the
6 uniform application of environmental laws throughout the State
7 or to otherwise effectuate the purpose of this chapter.

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

14 **§ -3 Rules.** The supreme court shall adopt rules
15 regarding the administration, operation, and procedures of the
16 environmental courts."

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

19 "(a) Any interested person may obtain a judicial
20 declaration as to the validity of an agency rule as provided in
21 subsection (b) [~~herein~~] by bringing an action against the agency
22 in the circuit court or, if applicable, the environmental court,



1 of the county in which the petitioner resides or has its
2 principal place of business. The action may be maintained
3 whether or not the petitioner has first requested the agency to
4 pass upon the validity of the rule in question."

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

7 "(b) Except as otherwise provided herein, proceedings for
8 review shall be instituted in the circuit court or, if
9 applicable, the environmental court, within thirty days after
10 the preliminary ruling or within thirty days after service of
11 the certified copy of the final decision and order of the agency
12 pursuant to rule of court, except where a statute provides for a
13 direct appeal to the intermediate appellate court, subject to
14 chapter 602. In such cases, the appeal shall be treated in the
15 same manner as an appeal from the circuit court to the
16 intermediate appellate court, including payment of the fee
17 prescribed by section 607-5 for filing the notice of appeal
18 (except in cases appealed under sections 11-51 and 40-91). The
19 court in its discretion may permit other interested persons to
20 intervene."

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



1 **"§91-15 Appeals.** Review of any final judgment of the
2 circuit court or, if applicable, the environmental court, under
3 this chapter shall be governed by chapter 602."

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

9 SECTION 7. Chapters 128D, 339, 339D, 340A, 340E, 342B,
10 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J, 342L, 342P, 343,
11 and 508C of the Hawaii Revised Statutes are amended by
12 substituting the term "environmental court", or like term,
13 wherever the term "court", "circuit court", or like term,
14 appears, as the context requires.

15 SECTION 8. Matters pending in any state circuit court as
16 of the effective date of this Act may be transferred to the
17 environmental courts as directed by the chief justice of the
18 supreme court, in the chief justice's sole discretion.

19 SECTION 9. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



1 SECTION 10. This Act shall take effect on January 1, 2015;
2 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 all proceedings, including certain chapter 91, Hawaii Revised Statutes, proceedings arising from certain environmental laws. Requires the Judiciary to report to the Legislature on the total number of environmental-related cases filed in the last five years. Takes effect 1/1/2015. (SD1)

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