



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 6D,  
22 6E, 6K, 128D, 339, 339D, 340A, 340E, 342B, 342C, 342D, 342E,



1 342F, 342G, 342H, 342I, 342J, 342L, 342P, 343, and 508C, and  
2 title 12; provided that upon the motion of a party or sua sponte  
3 by the chief justice, the chief justice may assign to the  
4 environmental courts issues before the circuit courts when the  
5 chief justice determines that due to their subject matter the  
6 assignment is required to ensure the uniform application of  
7 environmental laws throughout the State or to otherwise  
8 effectuate the purpose of this chapter.

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

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

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

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



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

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

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



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

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

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

11 SECTION 7. Chapters 6D, 6E, 6K, 128D, 339, 339D, 340A,  
12 340E, 342B, 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J,  
13 342L, 342P, 343, and 508C, and title 12 of the Hawaii Revised  
14 Statutes are amended by substituting the term "environmental  
15 court", or like term, wherever the term "court", "circuit  
16 court", or like term, appears, as the context requires.

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

21 SECTION 9. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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. (SD2)

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