

Honolulu, Hawaii

April 28, 2016

RE: H.B. No. 1581
H.D. 2
S.D. 2
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1581, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO JUDICIAL PROCEEDINGS,"

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 provide for the expedited judicial review of certain contested case proceedings.

Specifically, this measure:

- (1) Requires that appeals of contested case proceedings conducted by the Commission on Water Resource Management, the Land Use Commission, the Public Utilities Commission, the Hawaii Community Development Authority, and those involving conservation districts be taken directly to the Supreme Court;



- (2) Requires a court conducting judicial review to give appeals in contested cases of statewide importance priority over all other civil or administrative appeals;
- (3) Permits, rather than requires, a court conducting judicial review in contested case proceedings to hear oral arguments;
- (4) Provides that, for contested case proceedings of the Commission on Water Resource Management, Land Use Commission, and those involving conservation districts, only a person aggrieved in the contested case proceeding may appeal; and
- (5) Requires the Judiciary to submit a report to the Legislature regarding the change in judicial proceedings made by this measure.

Your Committee on Conference finds that this measure is intended to expedite the judicial review of contested case proceedings conducted by the Commission on Water Resource Management, the Land Use Commission, the Public Utilities Commission, the Hawaii Community Development Authority, and those involving conservation districts because of their importance to Hawaii's future. Your Committee on Conference believes that this measure will substantially reduce the time required to resolve disputes regarding the actions of these agencies by making these disputes subject to review only by the State's highest court.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the contested case appeals that are subject to this measure shall be taken from a final decision and order or from certain preliminary rulings;
- (2) Clarifying that, for contested case proceedings of the Public Utilities Commission and the Hawaii Community Development Authority, appeals may only be taken by a person aggrieved in the contested case proceeding;
- (3) Authorizing a court to reserve jurisdiction to appoint a master or monitor to ensure compliance with the court's orders, when remanding a matter to an agency for the purpose of conducting a contested case hearing;
- (4) Changing the effective date to August 1, 2016; and



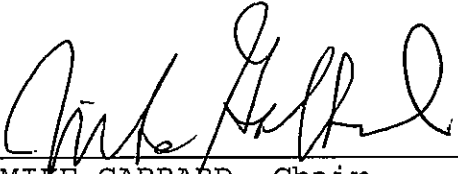
- (5) Making technical, nonsubstantive amendments for the purposes of consistency, clarity, and style.

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 H.B. No. 1581, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1581, H.D. 2, S.D. 2, C.D. 1.


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



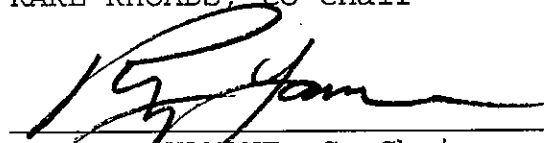
MIKE GABBARD, Chair



KARL RHOADS, Co-Chair



ROSALYN H. BAKER, Co-Chair



RYAN I. YAMANE, Co-Chair



GILBERT S.C. KEITH-AGARAN
Co-Chair



Hawaii State Legislature
 Record of Votes of a
 Conference Committee

CCR 67-16

Bill / Concurrent Resolution No.: HB 1581, HD 2, SD 2	Date/Time: <i>April 28, 2016 @ 2:41 pm</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
GABBARD, Mike, Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
BAKER, Rosalyn H., Co-Chr.	✓				YAMANE, Ryan I., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				CULLEN, Ty J.K.	✓			
SLOM, Sam				✓	POUHA, Feki	✓			
TOTAL	3	0	0	1	TOTAL	4	0	0	0

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: <i>Mike Gabbard</i>	House Lead Chair's or Designee's Signature: <i>Karl Rhoads</i>
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