Honolulu, Hawaii March 3 , 2016

RE: H.B. No. 1581 H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1581, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to provide for the expedited judicial review of certain contested cases decided under the Administrative Procedure Act.

Specifically, this measure:

- (1) Requires that an appeal of a decision and order following a contested case hearing by the Land Use Commission, Hawaii Community Development Authority, and those involving conservation districts be made directly to the Supreme Court;
- (2) Authorizes a court to reserve jurisdiction to appoint a master or monitor to ensure compliance with its orders, when remanding a matter to an agency for the purpose of conducting a contested case hearing; and
- (3) Requires the court that is hearing an appeal of a decision in a contested case, conducted by one of the aforementioned entities, to give priority to appeals of significant statewide importance or in which constitutional issues are raised.

The Building Industry Association of Hawaii, The Chamber of Commerce Hawaii, Hawaii Association of Realtors, Hawaii Farm Bureau, and two individuals provided testimony in support of this measure. One individual provided testimony in opposition to this measure. The Judiciary and the Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Expanding the measure to also apply to contested case decisions and orders of the Commission on Water Resource Management and the Public Utilities Commission;
- (2) Clarifying that oral arguments shall only be heard at the Supreme Court's discretion; and
- (3) Deleting language requiring that priority be given to contested case appeals that raise constitutional issues.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1581, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1581, H.D. 2, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

State of Hawaii House of Representatives The Twenty-eighth Legislature

HSCR 717-16

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1581 HD1	Committee Referral:		Date: 03/01/16	
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. SAN BUENAVENTURA, Joy A	(VC)			
3. BELATTI, Della Au				
4. BROWER, Tom	Designation of the Control of the Co	The second sections and the second se	missiani (
5. CREAGAN, Richard P.				
6. HASHEM, Mark J.		AND SOUND FOR A CONTRACTOR OF THE SOUND SO	. 77 - 7 (200) As propagation in the Co. 10 (200)	no torre obtain Maria - en manufella filler e
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris			ngija (nga 1902). Ingija (nga 1904). Ingija (nga 1904). Ingija (nga 1904). Ingija (nga 1904). Ingija (nga 1904)	Sagrafie to impressive
9. MORIKAWA, Dee				
10. NAKASHIMA, Mark M.				
11. TAKAYAMA, Gregg 12. WOODSON, Justin H.				
13. McDERMOTT, Bob				
14. THIELEN, Cynthia				
·				
TOTAL (14)	13			1
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature.				
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