

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,



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KARL RHOADS, Chair



