



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2017

GOV. MSG. NO. 1211

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2017, the following bill was signed into law:

HB1033 HD1 SD1 CD1

RELATING TO ADMINISTRATIVE PROCEDURE
ACT 110 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE PROCEDURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

3 "**§91-1 Definitions.** For the purpose of this chapter:

4 ~~[-1-]~~ "Agency" means each state or county board,
5 commission, department, or officer authorized by law to make
6 rules or to adjudicate contested cases, except those in the
7 legislative or judicial branches.

8 "Agency hearing" refers only to such hearing held by an
9 agency immediately prior to a judicial review of a contested
10 case as provided in section 91-14.

11 "Contested case" means a proceeding in which the legal
12 rights, duties, or privileges of specific parties are required
13 by law to be determined after an opportunity for agency hearing.

14 "Party" means each person named or admitted as a party, or
15 properly seeking and entitled as of right to be admitted as a
16 party, in any court or agency proceeding.



1 ~~[(2)]~~ "Persons" includes individuals, partnerships,
2 corporations, associations, agencies, or public or private
3 organizations ~~[of any character other than agencies]~~.

4 ~~[(3)]~~ "Party" means ~~each person or agency named or admitted~~
5 ~~as a party, or properly seeking and entitled as of~~
6 ~~right to be admitted as a party, in any court or~~
7 ~~agency proceeding.~~

8 ~~[(4)]~~ "Rule" means each agency statement of general or
9 particular applicability and future effect that implements,
10 interprets, or prescribes law or policy, or describes the
11 organization, procedure, or practice requirements of any agency.
12 The term does not include regulations concerning only the
13 internal management of an agency and not affecting private
14 rights of or procedures available to the public, nor does the
15 term include declaratory rulings issued pursuant to section 91-
16 8, nor intra-agency memoranda.

17 ~~[(5)]~~ "Contested case" means ~~a proceeding in which the~~
18 ~~legal rights, duties, or privileges of specific~~
19 ~~parties are required by law to be determined after an~~
20 ~~opportunity for agency hearing.~~



1 ~~(6) "Agency hearing" refers only to such hearing held by~~
2 ~~an agency immediately prior to a judicial review of a~~
3 ~~contested case as provided in section 91-14.] "~~

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 10 day of JUL , 2017



GOVERNOR OF THE STATE OF HAWAII



HB No. 1033, HD 1, SD 1, CD 1

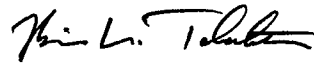
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives

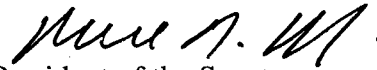


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.



President of the Senate



Clerk of the Senate