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# 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 legal~~  
18 ~~rights, duties, or privileges of specific parties are~~  
19 ~~required by law to be determined after an opportunity~~  
20 ~~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 on January 7, 2059.



**Report Title:**

Administrative Procedures; State and County Agencies

**Description:**

Allows state and county agencies to participate in administrative procedures under chapter 91, Hawaii Revised Statutes, by including "agencies" within the definition of "persons" in section 91-1, Hawaii Revised Statutes. Takes effect on 1/7/2059. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

