STAND. COM. REP. NO. 1287

Honolulu, Hawaii

## MAR 2 0 2019

RE: H.B. No. 1261

H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1261, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to extend for two years the requirement that decisions in contested case hearings of the Commission on Water Resource Management, Land Use Commission, Public Utilities Commission, Hawaii Community Development Authority, and those involving conservation districts be appealed directly to the Supreme Court, with certain exemptions.

Your Committee received testimony in support of this measure from Maunakea Observatories and two individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that public-private contracts for landuse and development frequently involve significant expenditures of resources and operate on restrictive timelines. Your Committee further finds that when challenges to such projects arise, the legal questions at issue are generally much more complex and ambiguous than the questions of fact. Your Committee additionally finds that an expedited judicial review process will allow such challenges to be resolved quickly while still ensuring that the issues present in those challenges receive proper and complete consideration.

Your Committee has amended this measure by:

- (1) Making permanent the requirement that decisions in certain contested case hearings be appealed directly to the Supreme Court; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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. 1261, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1261, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

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

KARL RHOADS, Chair

## The Senate Thirtieth Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

B1261, HD1 Committee Referral: Date: 3/15/19					
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)					
WAKAI, Glenn (VC)		· .			
GABBARD, Mike					
KIM, Donna Mercado					
FEVELLA, Kurt					
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TOTAL		M		-	2
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
<b>Distribution:</b> Original File with Committee R	Yellow Pink Goldenrod se Report Clerk's Office Drafting Agency Committee File Copy				

\*Only one measure per Record of Votes