

STAND. COM. REP. NO.

1287

Honolulu, Hawaii

MAR 20 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 land-use 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



