

STAND. COM. REP. NO.

1960

Honolulu, Hawaii

APR 05 2019

RE: H.B. No. 1307  
S.D. 2

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 1307, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AN OFFICE OF ADMINISTRATIVE HEARINGS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Legislative Reference Bureau to submit a report to the Legislature regarding the existing administrative hearings process in the State and the potential for a centralized office of administrative hearings;
- (2) Require state departments and agencies to provide statistical, non-confidential information on contested case hearings to the Legislative Reference Bureau; and
- (3) Require the Legislative Reference Bureau to research centralized administrative hearings offices in other jurisdictions.

Your Committees received testimony in opposition to this measure from the Hawaii Civil Rights Commission. Your Committees received comments on this measure from the Legislative Reference Bureau.



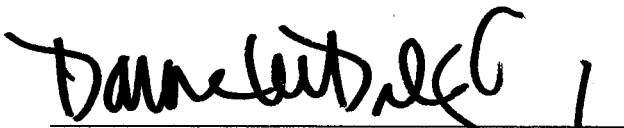
Your Committees find that in many jurisdictions, administrative adjudications take place within a single agency that combines regulatory, enforcement, prosecutorial, and adjudicatory authority. Your Committees further find that in certain jurisdictions, the conflict of interest inherent in the same agency acting as prosecutor and judge has led to the establishment of state central hearing agencies, in which an independent administrative law judge, who is completely independent of the agency's prosecutorial functions, presides over the administrative litigation. This measure will require the Legislative Reference Bureau to compile information about contested case hearings in the State and other jurisdictions and report its findings to the Legislature.

Your Committees have amended this measure by:

- (1) Requiring state departments and agencies to provide data required by the Legislative Reference Bureau in an electronic format approved by the Legislative Reference Bureau;
- (2) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1307, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1307, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,

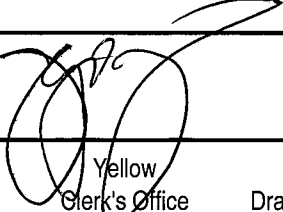
  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair



The Senate  
 Thirtieth Legislature  
 State of Hawai'i

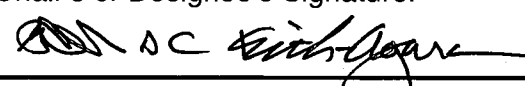
**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>HB 1307 SD1</b>	Committee Referral: <b>GVO, JDC / WAM</b>	Date: <b>4/3/19</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>∅</b>	<b>∅</b>	<b>∅</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 				
<b>Distribution:</b>	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1207 SD1	GVO, JDCI/WAM	4/3/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani				X
HARIMOTO, Breene				X
INOUE, Lorraine R.	X			
KAHELE, Kaiali'i				X
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>10</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

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