

STAND. COM. REP. NO. **258**

Honolulu, Hawaii

FEB 13 2019

RE: S.B. No. 416

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 S.B. No. 416 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 make permanent 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 of the State of Hawaii.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii; Chamber of Commerce Hawaii; Maunakea Observatories; Kona-Kohala Chamber of Commerce; Hawaii Island Chamber of Commerce; O'ahu County Committee on Legislative Priorities for the Democratic Party of Hawai'i; David S. DeLuz, Sr. Enterprises, Inc.; and seven individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that the process for land use authorization in Hawaii is extensive, thorough, and frequently takes a considerable amount of time. Your Committee further finds that administrative proceedings 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 are extremely detailed and create a significant record to serve as a foundation for appeal. This measure will make permanent a means by which these types of cases can be expeditiously resolved.

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 S.B. No. 416 and recommends that it pass Second Reading 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

Bill / Resolution No.:* SB 416	Committee Referral: JDC, WAM	Date: 2/7/19		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes