



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 971, RELATING TO THE EXPEDITED AGENCY HEARING.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, February 16, 2021 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Ryan K. P. Kanaka'ole,
Deputy Attorney General, at 587-2978)

Chair Nakashima and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

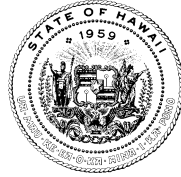
This bill amends chapter 91, Hawaii Revised Statutes (HRS), to create an expedited agency hearing process, which agencies may use in administrative proceedings that involve any criminal activity that threatens the public health and safety of the community or is drug-related.

This bill appears to create a separate type of hearing from what is already established in chapter 91 – the contested case hearing. The bill is unclear as to how the expedited agency hearing works within the established contested case framework. The bill appears to provide agencies with the ability to expedite matters that would typically proceed through a contested case hearing. If this is the intent, this bill should be amended to provide how and to what extent the existing statutes relating to contested case hearings apply (see sections 91-8.5 through 91-14, regarding ability to mediate; form and manner of notice and hearing; manner of service; presentation of evidence; and judicial review).

Thank you for the opportunity to provide these comments

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
HEARING ON FEBRUARY 16, 2021 AT 2:00PM VIA VIDEOCONFERENCE

HB 971 RELATING TO THE EXPEDITED AGENCY HEARING

February 16, 2021

Aloha Chair Nakashima, Vice Chair Matayoshi, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports this bill that provides for an expedited agency hearing for any criminal activity that threatens the health and safety of the community or any drug-related criminal activity. This bill was approved by the Hawaiian Homes Commission (HHC) and included in the Governor's administrative package by request of our department.

The Hawaiian Homes Commission has expressed concerns regarding ongoing criminal activity that is threatening the health and safety of the community and the slow pace of addressing these concerns through the existing process allowed for under Chapter 91. This bill was modeled after the Hawaii Public Housing Authority's Administrative Rules for Expedited Grievance Procedures or Federal Public Housing to allow for a prompt response through an expedited agency hearing.

Thank you for your consideration of our testimony.