

STAND. COM. REP. NO.

2836

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 3159  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3159 entitled:

"A BILL FOR AN ACT RELATING TO CONTESTED CASES,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that a contested case hearing is not required when a tribunal has already issued a final decision and order in a substantially similar contested case proceeding that was not appealed, or where a court of last resort has already issued a final decision on the proceeding or on other substantially similar matters.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee received comments on this measure from Life of the Land.

Your Committee finds that requiring agencies to hold multiple contested case hearings on matters that are substantially similar impedes agencies from acting to address critical issues and is unduly burdensome on agency staff and financial resources. Additionally, having multiple contested cases on substantially similar matters could lead to conflicting decisions and greater legal ambiguity. This measure will prevent the exploitation of the contested case process while also protecting the due process



rights of a party seeking a contested case for a matter that has not been previously adjudicated.

Your Committee has amended this measure by:

- (1) Specifying that a contested case hearing may be denied when a requesting party alleges or raises a cause of action, claim, controversy, issue, fact, or substantive law that is identical or arising from the same factual situation as another administrative matter that has been finally adjudicated;
- (2) Deleting language that would have required a denial for a contested case hearing to identify the previous administrative matter and reference the previous cause of action, claim, controversy, issue, fact, or substantive law and include findings that it was finally adjudicated;
- (3) Inserting language requiring a denial for a contested case hearing to include the agency's findings of facts and conclusions of law within the body of the decision; provided that a previous contested case may be utilized in whole or in part;
- (4) Inserting an effective date of April 14, 2112, to encourage further discussion;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments 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 S.B. No. 3159, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3159, S.D. 1, and be placed on the calendar for Third Reading.



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

*Karl Rhoads*

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KARL RHOADS, Chair



