

Honolulu, Hawaii

MAR 22 , 2024

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3159, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that a contested case hearing is not required for matters that are identical or arising from the same factual situation as another administrative matter that has been previously adjudicated; and
- (2) Include administrative contested case proceedings within the scope of the vexatious litigant statute.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from Earthjustice; Sierra Club of Hawai'i; Life of the Land; Starn O'Toole Marcus & Fisher; and one individual.

Your Committee finds that this measure seeks to remove the requirement of conducting multiple contested case hearings on substantially similar matters where the party or parties



requesting the hearing can make no bona fide showing as to why new or additional proceedings are warranted.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3159, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3159, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



