

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 1581  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committees on Water, Land, and Agriculture and Commerce,  
Consumer Protection, and Health, to which was referred H.B.  
No. 1581, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO JUDICIAL PROCEEDINGS,"

beg leave to report as follows:

The purpose and intent of this measure is to require  
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 to be appealed directly to the Supreme  
Court.

Your Committees received testimony in support of this measure  
from the Building Industry Association-Hawaii, Hawai'i Association  
of REALTORS, Hawai'i Farm Bureau, Chamber of Commerce Hawaii, and  
two individuals. Your Committees received comments on this  
measure from the Judiciary and Department of the Attorney General.

Your Committees find that this measure would substantially  
reduce the time required to resolve disputes on agency actions  
involving the Commission on Water Resource Management, Land Use  
Commission, Public Utilities Commission, Hawaii Community  
Development Authority, and those involving conservation districts.  
Reducing the number of decisions and appeals on an already  
cumbersome land use entitlement process would improve the



predictability and certainty and reduce the risk currently associated with Hawaii's land use entitlement process.

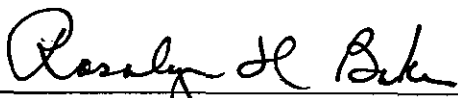
Your Committees note the concerns of the Department of the Attorney General and have therefore amended this measure by:

- (1) Amending section 602-5(a), Hawaii Revised Statutes, to resolve potential conflicts;
- (2) Requiring that the court gives priority to contested case appeals that are of significant statewide importance, relating to the Commission on Water Resource Management, conservation districts, Land Use Commission, and Public Utilities Commission;
- (3) Deleting language that would have allowed the court to reserve jurisdiction and appoint a master or monitor to ensure compliance with its orders, where a court remands a matter to an agency for the purpose of conducting a contested case hearing, because the language is redundant, as the court always has authority to enforce its own orders;
- (4) Removing proposed amendments to section 206E-20, Hawaii Revised Statutes, to avoid confusion;
- (5) Requiring the Judiciary to submit a report to the Legislature prior to the Regular Session of 2019;
- (6) Inserting a sunset date of July 1, 2019; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

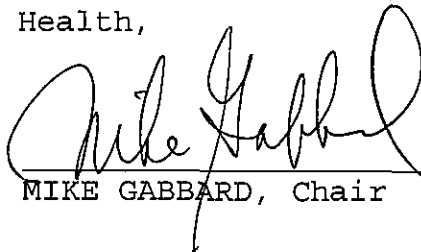
As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1581, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1581, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land, and  
Agriculture and Commerce,  
Consumer Protection, and  
Health,



ROSALYN H. BAKER, Chair



MIKE GABBARD, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Agriculture**  
**WLA**

Bill / Resolution No.:* <i>HB 1581, HD 2</i>	Committee Referral: <i>WLA/CPH, JOL</i>	Date: <i>3/21/16</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)	/			
DELA CRUZ, Donovan M.	/			
RIVIERE, Gil	/			
RUDERMAN, Russell E.	/			
SHIMABUKURO, Maile S.L.	/			
THIELEN, Laura H.	/			
WAKAI, Glenn				/
SLOM, Sam	/			
<b>TOTAL</b>	<i>8</i>			<i>1</i>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> <i>Clarence K. Nishihara</i> </div>				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

\*Only one measure per Record of Votes

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

\*Only one measure per Record of Votes