

Honolulu, Hawaii

APR 08 2016

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

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

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1581, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) 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;
- (2) Make conforming amendments to reflect the contested case hearings requirements of those boards and commissions; and
- (3) Require the Judiciary to submit a report to the Legislature regarding the change in judicial proceedings due to this measure.

Your Committee received testimony in support of this measure from The Chamber of Commerce Hawaii and Building Industry Association of Hawaii. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.



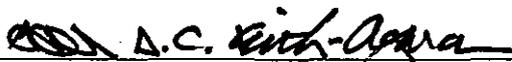
Your Committee finds that this measure would substantially reduce the time required to resolve disputes on agency actions involving the Commission on Water Resource Management, Land Use Commission, Public Utilities Commission, Hawaii Community Development Authority, and those involving conservation districts.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

Your Committee has amended this measure by:

- (1) Clarifying that for contested case proceedings of the Commission on Water Resource Management, Land Use Commission, and those involving conservation districts, only a person aggrieved in the contested case proceeding may appeal and adding the definition of "person aggrieved";
- (2) Excluding appeals arising from shoreline setback under part III of chapter 205A, Hawaii Revised Statutes (HRS), and public access to coastal and inland recreational areas under chapter 115, HRS, for contested case proceedings involving conservation districts under chapter 183C, HRS; and
- (3) 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1581, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1581, H.D. 2, S.D. 2.

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

  
GILBERT S.C. KEITH-AGARAN, Chair



