STAND. COM. REP. NO. 129

Honolulu, Hawaii

## APR 0 4 2017

H.B. No. 1033 RE: H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1033, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE,"

begs leave to report as follows:

The purpose and intent of this measure is to allow state and county agencies to participate in the administrative procedures process under chapter 91, Hawaii Revised Statutes, by including "agencies" within the definition of "persons" in section 91-1, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Office of Planning, and Land Use Commission. Your Committee received testimony in opposition to this measure from Life of the Land.

Your Committee finds that under the Hawaii Administrative Procedure Act, state and county agencies are included under the definition of "party" but not under the definition of "persons", which effectively restricts state and county agencies from full participation in the administrative process, including the authority to:

(1) Submit data, views, or arguments relating to a proposed amendment or repeal of any administrative rule;



STAND. COM. REP. NO. Page 2

- (2) Petition another agency that is requesting the adoption, amendment, or repeal of any administrative rule;
- (3) Pursue a judicial declaration regarding the validity of any administrative rule; and
- (4) Petition another agency for a declaratory order regarding the applicability of any statutory provision or any rule or order of the agency.

Your Committee further finds that state and county agencies often have the same needs as individuals, businesses, and public or private organizations to obtain clarity on statutes or administrative rules. By increasing the participation of state and county agencies in the administrative procedures process, this measure enhances the overall administrative procedures process.

Your Committee has amended this measure by:

- Inserting an effective date of January 7, 2059, to (1) encourage further discussion; and
- Making technical, nonsubstantive amendments for the (2) 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. 1033, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1033, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

GILBERT S.C. Chair



## The Senate Twenty-Ninth Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:			Date:	
HB1033, HDI	JDL			3/17/17	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended X Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)		~			
RHOADS, Karl (VC)		く			
GABBARD, Mike					
KIM, Donna Mercado	-	~	х. 		
THIELEN, Laura H.		~			
· · · · · · · · · · · · · · · · · · ·				· · · · · · · · · · · · · · · · · · ·	
		· · ·			
			5ª		-
· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·			
	· · · · · · · · · · · · · · · · · · ·				
· · · · ·					
· · · · · · · · · · · · · · · · · · ·					· · · · · · · · · · · · · · · · · · ·
					· · ·
TOTAL		4	0	0	1
Recommendation:					
Chair's ar Designes's Signature					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	Yellow Pink Goldenrod eport Clerk's Office Drafting Agency Committee File Copy				

\*Only one measure per Record of Votes