STAND. COM. REP. NO.

Honolulu, Hawaii

FEB 2 8 2019

RE: S.B. No. 189

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 189 entitled:

"A BILL FOR AN ACT RELATING TO DESIGNATING SUBSTITUTE JUDGES ON THE INTERMEDIATE COURT OF APPEALS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Chief Justice of the Supreme Court of Hawaii to designate circuit court judges, retired intermediate appellate judges, or retired Supreme Court justices to temporarily fill a vacancy on the Intermediate Court of Appeals.

Your Committee received testimony in support of this measure from the Judiciary.

Your Committee finds that the Intermediate Court of Appeals originally consisted of a chief judge and two associate judges. Your Committee further finds that the number of judges on the Intermediate Court of Appeals has since been increased to six as a result of significant increases in the court's caseload. Your Committee additionally finds that exiting law requires the Intermediate Court of Appeals to decide cases in panels of no fewer than three judges, and only allows the Chief Justice of the Supreme Court of Hawaii to designate temporary appellate judges if vacancies, disqualifications, or a combination of the two reduces the court to two or fewer available judges. This measure will

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give the Intermediate Court of Appeals the ability to continue meeting the court's substantial and complex caseload by authorizing the Chief Justice to designate judges to fill any temporary vacancy on the court.

Your Committee has amended this measure by making a technical, nonsubstantive amendment 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. 189, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 189, 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, Chair

The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral: Date:				
SB 189	700			1211	19
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		V/			
WAKAI, Glenn (VC)		V /		4.	
GABBARD, Mike					
KIM, Donna Mercado					V/
FEVELLA, Kurt	-				
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				:	
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		2	66		7
TOTAL			9		
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes