
A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE PROCEDURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 91-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§91-8 Declaratory rulings by agencies. (a)** Any
4 interested person may petition an agency for a declaratory order
5 as to the applicability of any statutory provision or of any
6 rule or order of the agency. Each agency shall adopt rules
7 prescribing the form of the petitions and the procedure for
8 their submission, consideration, and prompt disposition. Orders
9 disposing of petitions in such cases shall have the same status
10 as other agency orders.

11 (b) An agency shall not accept a petition under this
12 section on an issue or question for which a decision has already
13 been issued by another agency that has sole or shared
14 jurisdiction with the agency receiving the petition.

15 (c) Agency orders issued under this section shall be final
16 and are not appealable.



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1 (d) Subsections (b) and (c) shall not apply to agency
2 decisions that were issued prior to July 1, 2021."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2021.

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INTRODUCED BY: _____



JAN 22 2021



H.B. NO. 341

Report Title:

Administrative Procedure; Agency Declaratory Rulings; Petition

Description:

Beginning July 1, 2021: Prohibits agencies from accepting petitions for declaratory rulings on issues or questions for which a decision was already issued by another agency that has sole or shared jurisdiction with the agency receiving the petition and provides that agency orders under the State's administrative procedure law relating to declaratory rulings are final and not appealable.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

