STAND. COM. REP. NO. 2836



Honolulu, Hawaii

MAR 0 1 2024

RE: S.B. No. 3159 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3159 entitled:

"A BILL FOR AN ACT RELATING TO CONTESTED CASES,"

begs leave to report as follows:

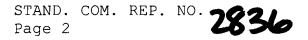
The purpose and intent of this measure is to clarify that a contested case hearing is not required when a tribunal has already issued a final decision and order in a substantially similar contested case proceeding that was not appealed, or where a court of last resort has already issued a final decision on the proceeding or on other substantially similar matters.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee received comments on this measure from Life of the Land.

Your Committee finds that requiring agencies to hold multiple contested case hearings on matters that are substantially similar impedes agencies from acting to address critical issues and is unduly burdensome on agency staff and financial resources. Additionally, having multiple contested cases on substantially similar matters could lead to conflicting decisions and greater legal ambiguity. This measure will prevent the exploitation of the contested case process while also protecting the due process





rights of a party seeking a contested case for a matter that has not been previously adjudicated.

Your Committee has amended this measure by:

- (1) Specifying that a contested case hearing may be denied when a requesting party alleges or raises a cause of action, claim, controversy, issue, fact, or substantive law that is identical or arising from the same factual situation as another administrative matter that has been finally adjudicated;
- (2) Deleting language that would have required a denial for a contested case hearing to identify the previous administrative matter and reference the previous cause of action, claim, controversy, issue, fact, or substantive law and include findings that it was finally adjudicated;
- (3) Inserting language requiring a denial for a contested case hearing to include the agency's findings of facts and conclusions of law within the body of the decision; provided that a previous contested case may be utilized in whole or in part;
- (4) Inserting an effective date of April 14, 2112, to encourage further discussion;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3159, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3159, S.D. 1, and be placed on the calendar for Third Reading.



STAND. COM. REP. NO. 2836

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

Hal Rhord

KARL RHOADS, Chair



The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee	Committee Referral:			Date:		
SB 3159	U	JDC			02 27 24		
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)			,	_			
GABBARD, Mike (VC)							
ELEFANTE, Brandon J.C.							
SAN BUENAVENTURA, Jo	y A.						
AWA, Brenton							
					ļ]		
			<u> </u>		ļ]		
					ļ		
					ļ[
					ļ		
				<u></u>	łł		
				<u> </u>	·		
			ļ				
			ļ		ļ		
	<i></i>		ļ				
TOTAL		3			2_		
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 <u>one</u> measure per Record of Votes