

Honolulu, Hawaii

FEB 29, 2024

RE: H.B. No. 2470
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2470 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that a contested case hearing is not required when a final decision or order has been issued in a contested case proceeding involving an identical or a substantially similar cause of action, claim, controversy, issue, fact, or substantive law; and
- (2) Include administrative contested case proceedings within the scope of the vexatious litigant statute.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from Earthjustice and one individual. 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 identical or substantially similar that have been previously adjudicated



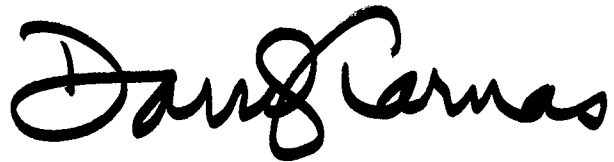
impedes agencies from acting to address critical issues, could lead to conflicting decisions creating ambiguity, and is unduly burdensome on agency resources. This measure would prevent the relitigating of decided matters in the contested case processes while also protecting due process of a party seeking a contested case for a matter that has not previously been adjudicated.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2470, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2470, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

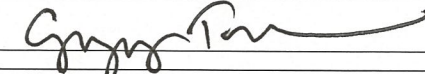
Bill/Resolution No.: HB2470	Committee Referral: JHA	Date: 2-22-24
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	/			
2. TAKAYAMA, Gregg (VC)	/			
3. EVSLIN, Luke A.	/			
4. GANADEN, Sonny			/	
5. HOLT, Daniel	/			
6. ICHIYAMA, Linda				/
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru				/
9. MIYAKE, Tyson K.	/			
10. SOUZA, Kanani				/
TOTAL (10)	6	-	1	3

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
 committee acronym(s)

Vice Chair's or designee's signature: 

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