STAND. COM. REP. NO. 74 -24

Honolulu, Hawaii

MAR 22 , 2024

RE: S.B. No. 3159

S.D. 1 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 S.B. No. 3159, S.D. 1, 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 for matters that are identical or arising from the same factual situation as another administrative matter that has been previously adjudicated; 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; Sierra Club of Hawai'i; Life of the Land; Starn O'Toole Marcus & Fisher; and one individual.

Your Committee finds that this measure seeks to remove the requirement of conducting multiple contested case hearings on substantially similar matters where the party or parties

2024-2319 SB3159 HD1 HSCR HMSO

requesting the hearing can make no bona fide showing as to why new or additional proceedings are warranted.

Your Committee has amended this measure by 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 S.B. No. 3159, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3159, S.D. 1, 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,

Dans James

DAVID A. TARNAS, Chair

State of Hawaii House of Representatives The Thirty-second Legislature

MSee 1341.24

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

1/Resolution No.: SB 3159, SD1 Committee Referral: JHA			Date: 3.12.24		
☐ 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					
F HOLE David					
5. HOLT, Daniel					
6. ICHIYAMA, Linda					
7. ILAGAN, Greggor					
8. KONG, Sam Satoru					
9. MIYAKE, Tyson K.			CONTRACTOR OF THE PARTY OF THE		
10. SOUZA, Kanani					
TOTAL (10)	7		3	_	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					