

## ACT 130

H.B. NO. 1976-80

A Bill for an Act Relating to the Hawaii Administrative Procedure Act.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 91-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The notice shall include a statement of:

- (1) The date, time, place, and nature of hearing;
- (2) The legal authority under which the hearing is to be held;
- (3) The particular sections of the statutes and rules involved;
- (4) An explicit statement in plain language of the issues involved and the facts alleged by the agency in support thereof; provided, that if the agency is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished;
- (5) The fact that any party may retain counsel if he so desires and the fact that an individual may appear on his own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.”

SECTION 2. Section 91-14, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The proceedings for review shall not stay enforcement of the agency decisions; but the reviewing court may order a stay if the following criteria have been met:

- (1) There is likelihood that the subject person will prevail on the merits of an appeal from the administrative proceeding to the court;
- (2) Irreparable damage to the subject person will result if a stay is not ordered;
- (3) No irreparable damage to the public will result from the stay order; and

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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(4) Public interest will be served by the stay order.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 27, 1980.)

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