

A Bill for an Act Relating to Administrative Procedure.

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

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

**“§91-1 Definitions.** For the purpose of this chapter:

~~[(1)]~~ “Agency” means each state or county board, commission, department, or officer authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

“Agency hearing” refers only to such hearing held by an agency immediately prior to a judicial review of a contested case as provided in section 91-14.

“Contested case” means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing.

“Party” means each person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any court or agency proceeding.

~~[(2)]~~ “Persons” includes individuals, partnerships, corporations, associations, agencies, or public or private organizations ~~[of any character other than agencies].~~

~~[(3)]~~ “Party” means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any court or agency proceeding.

~~[(4)]~~ “Rule” means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term does not include regulations concerning only the internal management of an agency and not affecting private rights of or procedures available to the public, nor does the term include declaratory rulings issued pursuant to section 91-8, nor intra-agency memoranda.

~~[(5)]~~ “Contested case” means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing.

~~[(6)]~~ “Agency hearing” refers only to such hearing held by an agency immediately prior to a judicial review of a contested case as provided in section 91-14.]”

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

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved July 10, 2017.)