

H.B. NO. 1033

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE PROCEDURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 91-1, Hawaii Revised Statutes, is
2 amended by amending the definitions of "persons" and "party" to
3 read as follows:

4 "(2) "Persons" includes individuals, partnerships,
5 corporations, associations, agencies, or public or
6 private organizations [~~of any character other than~~
7 ~~agencies~~].

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

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

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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY:

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BY REQUEST

JAN 23 2017

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Report Title:

Administrative Procedure; Definition of "Persons"

Description:

Includes "agencies" within the definition of "persons".

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE.

PURPOSE: To include "agencies" within the definition of "persons" to allow agencies greater opportunity to participate in administrative procedure.

MEANS: Amend section 91-1, Hawaii Revised Statutes.

JUSTIFICATION: This is a housekeeping measure that will provide opportunity for agencies and counties to participate in rule making, judicial declaration of validity of rules, and declaratory rulings.

Impact on the public: Provide the public a fuller vetting of administrative procedure.

Impact on the department and other agencies: Would afford opportunity to all agencies and counties to participate in or petition for adoption, amendment or repeal of rules, obtain judicial declaration of validity of rules, and petition for declaratory rulings.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION:

OTHER AFFECTED AGENCIES: Agriculture, Attorney General, Budget and Finance, Commerce and Consumer Affairs, Business, Economic Development & Tourism, Education, Hawaiian Home Lands, Health, Human Resources Development, Human Services, Labor and Industrial Relations, Land and

Natural Resources, Land Use Commission,
Lieutenant Governor, Public Safety,
Taxation, Transportation, University of
Hawaii, and counties.

EFFECTIVE DATE: Upon approval.