

Honolulu, Hawaii
February 16, 2018

RE: H.B. No. 2194
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2194 entitled:

"A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow a court of inferior jurisdiction to certify to the Hawaii Supreme Court a question or proposition of law on which the court of inferior jurisdiction seeks instruction for the proper decision of a remanded case; and
- (2) Require the Supreme Court to answer the question within 15 calendar days.

The Land Use Research Foundation of Hawaii and one individual testified in support of this measure. The Hawaii State Bar Association Appellate Section and three individuals testified in opposition. The Judiciary provided comments.



Your Committee has amended this measure by:

- (1) Changing the number of calendar days within which the Supreme Court must answer the question to an unspecified number; and
- (2) Changing its effective date to July 1, 2050, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2194, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2194, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


SCOTT Y. NISHIMOTO, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2194	Committee Referral: JUD, FIN	Date: 02/13/2018		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. NISHIMOTO, Scott Y. (C)	✓			
2. SAN BUENAVENTURA, Joy A. (VC)	✓			
3. BROWER, Tom	✓			
4. LEE, Chris				✓
5. MORIKAWA, Dee	✓			
6. TAKAYAMA, Gregg	✓			
7. McDERMOTT, Bob	✓			
8. THIELEN, Cynthia	✓			
TOTAL (8)	7			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not 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				