

STAND. COM. REP. NO.

40

Honolulu, Hawaii

FEB 08 , 2021

RE: H.B. No. 189

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 189 entitled:

"A BILL FOR AN ACT RELATING TO DESIGNATING SUBSTITUTE JUDGES ON THE INTERMEDIATE COURT OF APPEALS,"

begs leave to report as follows:

The purpose of this measure is to authorize the Chief Justice of the Hawaii Supreme Court to designate circuit court judges, retired intermediate appellate judges, or retired supreme court justices to temporarily fill a vacancy on the Intermediate Court of Appeals.

Your Committee received testimony in support of this measure from the Judiciary, Hawaii State Bar Association's Appellate Section, and numerous individuals.

Your Committee finds that the Intermediate Court of Appeals originally consisted of a chief judge and two associate judges. Your Committee further finds that the Legislature has since doubled the size of the Intermediate Court of Appeals to six judges. Existing law requires the Intermediate Court of Appeals to decide cases in panels of no less than three judges, and only allows the Chief Justice of the Hawaii Supreme Court to designate temporary judges when the number of available intermediate appellate judges is insufficient to make up a panel because of vacancy or disqualification. This measure will allow the

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Intermediate Court of Appeals to continue meeting its substantial and complex caseload by authorizing the Chief Justice to designate circuit court judges, retired intermediate appellate judges, or retired supreme court justices to fill any temporary vacancy on the court.

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 H.B. No. 189 and recommends that it pass Second Reading and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature **HSCR 40**

**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

Bill/Resolution No.: <b>HB 189</b>	Committee Referral: <b>JHA, FIN</b>	Date: <b>2-2-21</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane				✓
12. WARD, Gene	✓			
<b>TOTAL (12)</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
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