

STAND. COM. REP. NO. 702

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 873
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 873 entitled:

"A BILL FOR AN ACT RELATING TO CONTESTED CASES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the use of interactive conference technology for contested case hearings held by state agencies.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Land Use Commission, Hawai'i Civil Rights Commission, and Maunakea Observatories. Your Committee received testimony in opposition to this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawai'i. Your Committee received comments on this measure from one individual.

Your Committee finds that more efficient, yet still effective, contested case hearings can be conducted by interactive conference technology, which is already being utilized for public meetings in accordance with section 92-3.5, Hawaii Revised Statutes. Your Committee further finds that allowing contested case hearings to be held via interactive conference technology could allow for hearings to be held on a more timely basis allowing for greater efficiency. Your Committee additionally finds that interactive conference technology is especially useful



when agency members and parties to the hearing are on separate islands or rural locations.

Your Committee has amended this measure by:

- (1) Specifying that the notice for a hearing held by interactive conference technology is required to identify electronic contact information for the agency, party, and counsel instead of the location where they are physically present;
- (2) Broadening the method of evidence submission to include by electronic means; and
- (3) Inserting an effective date of May 6, 2137, to encourage 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 S.B. No. 873, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 873, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 873	Committee Referral: JDC	Date: 2/12/21
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
TOTAL	5	2	0	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes