

STAND. COM. REP. NO.

2416

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2819
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2819 entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CIVIL LEGAL
SERVICES,"

begs leave to report as follows:

The purpose of this measure is to make an appropriation for
civil legal service organizations that provide free or low-cost
direct legal services to indigent and low-income residents.

Specifically, this measure appropriates moneys for the
provision of free or low-cost civil legal services to indigent and
low-income Hawaii residents by the following: Catholic Charities,
Domestic Violence Clearinghouse and Legal Hotline, Hawaii Family
Law Clinic, Legal Aid Society of Hawaii, Na Loio Immigrant Rights
and Public Interest Legal Center, and Volunteer Legal Services of
Hawaii. The measure appropriates an unspecified amount of moneys
to be expended by the Judiciary.

Your Committee received testimony in support of this measure
from the Office of Hawaiian Affairs. The Judiciary supported the
intent of the measure, but noted concerns.

Your Committee finds that providing free and low-cost civil
legal services to indigent and low-income residents is essential
for ensuring access to the legal system for all members of
society. However, your Committee is concerned that the
appropriation does not meet the requirements of either chapter 42F

SB2819 SD1 SSCR LRB 08-1726.doc



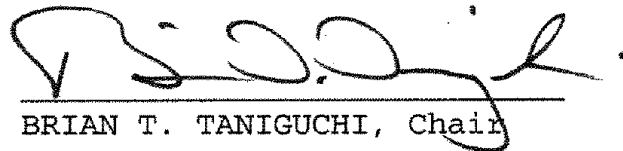
or 103F, Hawaii Revised Statutes, with respect to the appropriation of public funds to private organizations. Furthermore, your Committee recognizes that expending these moneys through the Judiciary may present the potential for a conflict of interest or the appearance of bias.

Accordingly, upon further consideration, your Committee has amended this measure by:

- (1) Amending section 2 of the bill to appropriate moneys to the Department of Human Services for the purchase of service contracts to provide free or low-cost civil legal services to indigent and low-income residents of the State, consistent with chapter 103F, Hawaii Revised Statutes; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2819, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2819, S.D. 1, and be referred to the Committee on Ways and Means.

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


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <p style="text-align:center; font-size: 1.2em;">SB 2819</p>	Committee Referral: <p style="text-align:center; font-size: 1.2em;">JDL WAM</p>	Date: <p style="text-align:center; font-size: 1.5em;">2-12-08</p>
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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
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
TOTAL	4	0	1	1

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

Mike Gabbard

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*Only one measure per Record of Votes