

STAND. COM. REP. NO.

2828

Honolulu, Hawaii

MAR 22 2010

RE: H.B. No. 1992
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1992, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT,"

begs leave to report as follows:

The purpose of this measure is to extend the Intermediate Court of Appeals (ICA) judges' express authority to subpoena witnesses, compel the production of evidence, and administer oaths.

Testimony in support of the measure was submitted by the Judiciary. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee believes that it is important for the ICA judges to have the authority to subpoena witnesses, compel the production of evidence, and administer oaths to ensure that the ICA judges may fully carry out all of their responsibilities under current statutory provisions that grant the ICA the jurisdiction to receive or require new evidence on appeal. Your Committee notes that H.B. No. 1992, H.D. 1, retains a repeal date for these powers. However, a similar measure heard and approved by your Committee, S.B. No. 2149, deletes the repeal date altogether and makes these powers permanent. Your Committee believes that this is the better course of action.



Accordingly, your Committee has amended this measure by:

- (1) Replacing its contents with the contents of S.B. No. 2149; and
- (2) Making the measure effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1992, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1992, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,




BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1992, HD 1	JGO	3/12/00		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes