

STAND. COM. REP. NO.

2376

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2149

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 S.B. No. 2149 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 permanently establish the authority of judges of the Intermediate Court of Appeals (ICA) to subpoena witnesses, compel production of evidence, and administer oaths.

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

Your Committee finds that Act 148, Session Laws of Hawaii 2008, which is due to be repealed on June 30, 2010, granted the ICA judges the express statutory authority to subpoena and compel the attendance of witnesses, to compel the production of books, papers, documents, or tangible things, and to administer oaths. Notwithstanding the impending repeal of these powers, some statutes that provide for direct appeals to the ICA permit the ICA to receive or require new evidence on appeal, which may require these powers to be exercised by the ICA judges during the course of the proceedings. Accordingly, your Committee finds it important for ICA judges to continue to have clear authority to exercise these powers in order to fully carry out all of their responsibilities.



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 S.B. No. 2149 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

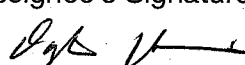


BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2149	JGO	2/10/10		
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input 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	✓			
<b>TOTAL</b>	5	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes