

STAND. COM. REP. NO.

2287

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2454
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 S.B. No. 2454 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS,"

begs leave to report as follows:

The purpose of this measure is to allow the Judiciary to charge fees to certify copies of pleadings, orders, transcripts, and other documents, as established by court rule.

Comments regarding this measure were submitted by two state agencies. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure will allow the Judiciary to consider whether to impose a fee for the certification of copies of any pleadings, orders, transcripts, and other documents through rule adopted by the Hawaii Supreme Court. Your Committee believes, however, that the measure should be amended to exempt state agencies from the payment of these fees while allowing the limitation of this exemption by court rule.

Your Committee also recognizes the observation expressed in testimony that the title of this measure, "Public Agency Meetings and Records", seems to refer more than one subject, which arguably touches on the requirement expressed in article III, section 14 of the Hawaii State Constitution that each bill may only embrace one subject, as expressed in its title. Your Committee notes that the

2010-1050 SSCR SMA-1.doc



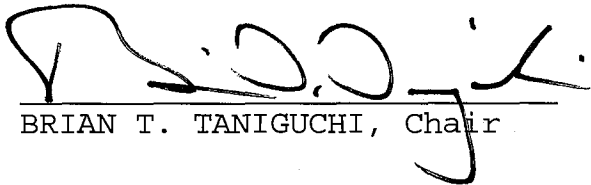
title of the measure is the title of the chapter being amended, chapter 92, Hawaii Revised Statutes, which is one subject.

Your Committee has amended this measure by:

- (1) Exempting state agencies from the payment of fees collected for certification of copies, while allowing the limitation of the extent of this exemption by court rule; and
- (2) Making a technical, nonsubstantive amendment to conform the title of section 92-25, Hawaii Revised Statutes, to the intent of this measure.

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. 2454, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2454, 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
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.:* SB 2454	Committee Referral: JGO, WAM	Date: 2/8/10		
<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 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	4	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes