

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 785
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 785, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the
reciprocity provision under existing law that allows the service
of process issued by another state upon a Hawaii recipient.
Specifically, this measure:

- (1) Clarifies that the service of process may be upon a
person or business;
- (2) Clarifies that the service of process is for the
production of records in the actual or constructive
possession of a person or business;
- (3) Requires that the service of process is based upon a
pending criminal investigation or prosecution;
- (4) Requires an issuing state to have a statute authorizing
the production of records held by an out-of-state person
or business; and
- (5) Requires that the service of process issued by or in
another state include specified information.



Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu and Police Department, City and County of Honolulu.

Prior to the hearing on this measure, your Committee made available a proposed S.D. 1 for review and comment. The proposed S.D. 1 amends this measure by deleting its contents and inserting language to:

- (1) Require annual reports from the Native Hawaiian Roll Commission on the status of preparation of the roll, expenditures related to the Commission's responsibilities, and any concerns or recommendations of the Commission;
- (2) Amend the definition of "qualified Native Hawaiian" to include individuals who meet certain expanded ancestry requirements;
- (3) Establish that the Native Hawaiian Roll Commission is responsible for including in the roll all individuals already registered as Hawaiians or Native Hawaiians through the Office of Hawaiian Affairs or Department of Hawaiian Home Lands; and
- (4) Repeal the directive under Act 195, Session Laws of Hawaii 2011 (Act 195), to amend the Hawaiian Homes Commission Act to effectuate the purposes of Act 195.

Your Committee received testimony in support of the proposed S.D. 1 from the Office of Hawaiian Affairs and Native Hawaiian Roll Commission. Testimony in opposition to this measure was submitted by Na Koa Ikaika and three individuals. The Department of Hawaiian Home Lands submitted comments on this measure.

Your Committee finds that the purpose of Act 195 was to recognize Native Hawaiians as the only indigenous, aboriginal, maoli people of Hawaii and provide for and implement this recognition by means and methods to facilitate Native Hawaiian self-governance. Act 195 established the Native Hawaiian Roll Commission to be responsible for preparing and maintaining a roll of qualified Native Hawaiians and certifying that the individuals on the roll of qualified Native Hawaiians meet the definition of qualified Native Hawaiian. The proposed S.D. 1 facilitates the process for the Native Hawaiian Roll Commission to prepare the



Native Hawaiian roll and certify that individuals meet the definition of qualified Native Hawaiian.

Your Committee has amended this measure by adopting the proposed S.D. 1 and amending it further by:

- (1) Adopting the amendment suggested by the Native Hawaiian Roll Commission and the Office of Hawaiian Affairs to delete the word "confidential" to describe the roll of qualified Native Hawaiians, as keeping the roll confidential would be contrary to the requirement that the Native Hawaiian Roll Commission publish a certified roll of qualified Native Hawaiians;
- (2) Adopting the amendment suggested by the Office of Hawaiian Affairs to clarify that a qualified Native Hawaiian is an individual who meets the ancestry requirements of Kamehameha Schools or any Hawaiian registry program of the Office of Hawaiian Affairs to accurately account for the Office of Hawaiian Affairs' three registry programs; and
- (3) Adopting the amendment suggested by the Department of Hawaiian Home Lands to delete the reference to individuals who are already registered with the Department of Hawaiian Home Lands from being automatically included in the roll to provide the Department's beneficiaries the choice to enroll.

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 H.B. No. 785, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 785, 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
Labor,



CLAYTON HEE, Chair



