

Honolulu, Hawaii

FEB 08 2013

RE: S.B. No. 968

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 Commerce and Consumer Protection, to which was referred S.B. No. 968 entitled:

"A BILL FOR AN ACT RELATING TO SERVICE BY PUBLICATION,"

begs leave to report as follows:

The purpose and intent of this measure is to specify the term "general circulation" as it refers to a newspaper for purposes of service by publication in a civil action.

Your Committee received testimony in support of this measure from the Hawaii Financial Services Association, Mortgage Bankers Association of Hawaii, and one individual.

Your Committee finds that the cost for publication of summons has continued to rise in recent years. These costs are usually passed on to the consumer. Your Committee further finds that this measure specifies that "general circulation" newspapers must be distributed at least weekly, along with other requirements. Currently, only daily newspapers are considered by the courts to be of general circulation. The amendments proposed by this measure will give parties to a lawsuit more inexpensive options when publishing summons.

Your Committee additionally finds that as technology advances and more people have access to the Internet, state agencies and departments will begin to move more toward online documents, notices, and publications. Your Committee notes that the Department of Commerce and Consumer Affairs has a website for the



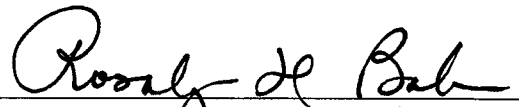
electronic publication of notices of public sale for foreclosed properties. The Department's website was created to address some of the issues associated with the rising cost of publishing foreclosure notices, and your Committee concludes that expanding this website to cover electronic service of publication would be an appropriate way to address the rising cost associated with service of publication and increase access to publication of summons.

Accordingly, your Committee has amended this measure by:

- (1) Permitting a summons for service by publication in a civil action to be published on a state website maintained by the Department of Commerce and Consumer Affairs; and
- (2) Amending the purpose section of this measure for consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 968, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 968, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 968	Committee Referral: CPN, JDL	Date: 2/5/13		
<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
BAKER, Rosalyn H. (C)	/			
GALUTERIA, Brickwood (VC)				/
NISHIHARA, Clarence K.	/			
SOLOMON, Malama				/
TANIGUCHI, Brian T.				/
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Clarence K. Nishihara</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes