

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 1415  
H.D. 1  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1415, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS,"

begs leave to report as follows:

The purpose of this measure is to require condominium associations, planned community associations, and cooperative housing corporations to implement a policy to provide entry for a process server.

Your Committee finds that service of process is an important component of a fair and efficient civil legal system. Your Committee further finds that under the current law, an individual living in a condominium, cooperative housing project, or gated community may be able to delay or avoid service of process if entry to the property is restricted. Your Committee has concerns as to whether this measure strikes a reasonable balance between respect for private property rights and the need to promote efficiency in the judicial process.

Your Committee has amended this measure by:

- (1) Requiring cooperative housing corporations and planned community associations to identify in their governing by-laws, rather than in their annual corporate filings, the persons designated to respond to a request for access;



- (2) Changing the term "process server" to "person authorized to serve civil process" to be consistent with the requirements of section 634-21, Hawaii Revised Statutes, and court rules;
- (3) Restricting the requirement of establishing an access policy to properties having entries inaccessible to the general public; and
- (4) Changing the effective date to July 1, 2050 to continue the discussions on this matter.

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. 1415, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1415, H.D. 1, S.D. 2.

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.:* <b>HB 1415, HD 1, SD 1</b>	Committee Referral: <b>CPN, JGO</b>	Date: <b>4/7/2009</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
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>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

**\*Only one measure per Record of Votes**