

STAND. COM. REP. NO. **625**

Honolulu, Hawaii

**MAR 05 2015**

RE: S.B. No. 758  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 758, S.D. 1, 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 means  
for effecting service of process when personal service is  
unsuccessful, by:

- (1) Publication three times in a newspaper of general  
circulation; or
- (2) Publication on a state website together with publication  
once in a newspaper.

Your Committee received testimony in support of this measure  
from the Department of the Attorney General and the Collection Law  
Section of the Hawaii State Bar Association. Your Committee  
received testimony in opposition to this measure from the Honolulu  
Star Advertiser. Your Committee received comments on this measure  
from the Department of Commerce and Consumer Affairs.

Your Committee finds that with the development of electronic  
technology, the law should be updated to allow for service of  
process by publication on the website of the Department of the  
Attorney General.

Your Committee has amended this measure by:

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- (1) Amending the criteria for a newspaper being of general circulation by:
  - (A) Providing that the newspaper has been distributed for a minimum of one year as of the date of first publication of the notice under certain circumstances; and
  - (B) Deleting the requirement that the newspaper be distributed to three percent of the residents of the circuit in which the civil action is filed;
- (2) Providing that service by publication on a state website be on the website of the Department of the Attorney General; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 758, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 758, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 758, SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPN, JDL</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/19/15</div>		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
THIELEN, Laura H.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	4			3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-family: cursive; font-size: 1.2em; margin-left: 50px;">Maile R.</div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <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