

Honolulu, Hawaii

APR 29 2011 , 2011

RE: S.B. No. 1073
S.D. 2
H.D. 2
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1073, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to amend the provisions regarding indigent legal services fee surcharges established in section 607-5.7, Hawaii Revised Statutes, by:

- (1) Increasing the amount of the indigent legal services fee surcharge on certain court filing fees by gradually increasing the surcharge over a two-year period, so that on January 1, 2012, the indigent legal services fee surcharge on certain filings in circuit and appellate courts will increase by \$25, and then by an additional \$15 on January 1, 2014, and the indigent legal services fee



surcharge on certain filings in district court will increase by \$15 on January 1, 2012, and an additional \$10 on January 1, 2014; and

- (2) Requiring the Hawaii Justice Foundation to review, on a biennial basis, whether the Indigent Legal Assistance Fund is meeting the civil legal needs of indigent persons, and report its findings and recommendations to the Legislature in even-numbered years beginning with the Regular Session of 2014.

Your Committee on Conference finds that there is a need to fund legal services for low- and moderate-income individuals who would not otherwise have access to them. The increases proposed by this measure on the surcharges for indigent legal services are the first since section 607-5.7, Hawaii Revised Statutes, was enacted in 1996, as well as the first proposed changes to the filings which are subject to the indigent legal services fee surcharges. Under the current law, the only district court filings subject to the surcharge are summary possession filings; this measure will make the surcharge applicable to other filings, such as assumpsit cases, which may involve individuals who need legal representation or services provided by the Indigent Legal Assistance Fund.

Your Committee on Conference has amended this measure by:

- (1) Requiring the Administrative Director of the Courts, or the contractor administering the Fund pursuant to contract with the Administrative Director of the Courts, rather than the Hawaii Justice Foundation, as the entity responsible for biennially reviewing the Indigent Legal Assistance Fund;
- (2) Changing the effective date to January 1, 2012; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1073, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1073, S.D. 2, H.D. 2, C.D. 1.





Respectfully submitted on behalf
of the managers:


ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


GILBERT KEITH-AGARAN, Co-Chair


CLAYTON HEE, Chair

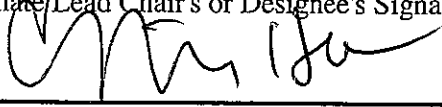


ISAAC W. CHOY, Co-Chair


MAILE SHIMABUKURO, Co-Chair


MICHELLE KIDANI, Co-Chair



Hawaii State Legislature
Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1073, SD 2, HD 2					Date/Time: <i>4/29/11, 5:24 pm</i>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
HEE, Clayton, Chr.		✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.		✓			
SHIMABUKURO, Maile S.L., Co-Chr.		✓				CHOY, Isaac W., Co-Chr.		✓			
KIDANI, Michelle, Co-Chr.		✓				BROWER, Tom		✓			
						LUKE, Sylvia		✓			
						OSHIRO, Blake K.		✓			
						THIELEN, Cynthia					✓
TOTAL		3				TOTAL		5			1
A = Aye		WR = Aye with Reservations			N = Nay			E = Excused			
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate/Lead Chair's or Designee's Signature: 						House Lead Chair's or Designee's Signature: 					
Distribution:		Original <i>File with Conference Committee Report</i>			Yellow <i>House Clerk's Office</i>		Pink <i>Senate Clerk's Office</i>		Goldenrod <i>Drafting Agency</i>		