STAND. COM. REP. NO. 2125

Honolulu, Hawaii

FEB 1 3 2012

RE: S.B. No. 2704 S.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2704 entitled:

"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL,"

begs leave to report as follows:

The purpose and intent of this measure is to enable the Department of the Attorney General to obtain funds necessary to prosecute civil claims of the State by retaining and depositing into the litigation deposits trust fund a percentage of any recovery from a civil action or settlement initiated or filed by the department as well as all recoveries from false claim actions.

Your Committee received testimony in support of this measure from the Department of the Attorney General. The Department of Commerce and Consumer Affairs submitted comments.

Your Committee finds that the Department of the Attorney General requests funds to initiate litigation of major claims of the State in order to hire staff, experts, or a special deputy. Major litigation, which is often document intensive, requires manpower that is not readily available to assign to these types of cases. This measure enables the department to obtain the funds necessary to hire the staff and expertise to prosecute major cases by retaining and depositing into the litigation deposits trust fund fifteen percent of any recovery from a civil action or settlement initiated or filed by the department as well as all recoveries from false claim actions.

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Your Committee has amended this measure by:

- (1) Reinstating the language that exempts from deposit into the litigation deposits trust fund proceeds from actions involving departments that are able to procure their own legal services, as requested by the Department of Commerce and Consumer Affairs; and
- (2) 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. 2704, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2704, S.D. 1, and be referred to the Committee on Ways and Means.

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



## The Senate Twenty-Sixth Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee		Dat	:e: / ,	
502704	JOL	- LUAM		2/3/1	<i>'2</i>
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)					
SHIMABUKURO, Maile (VC)					
GABBARD, Mike					
IHARA, Jr., Les					
SLOM, Sam					
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TOTAL		5			
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

<sup>\*</sup>Only one measure per Record of Votes