STAND. COM. REP. NO. 22

Honolulu, Hawaii

February 9

2017

RE: H.B. No. 78 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 78 entitled:

"A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES AND COSTS IN HAWAII FAMILY COURT,"

begs leave to report as follows:

The purpose of this measure is to establish a procedure to tender settlement offers in certain family court cases so that the party extending the offer may be entitled to its attorney's fees and costs if the offer is not accepted and the offeree does not obtain a judgment that, in its entirety, is patently more favorable than the offer.

The Family Law Section of the Hawaii State Bar Association and Farrell & Associates testified in support of this measure. The Hawaii State Commission on the Status of Women and Domestic Violence Action Center testified in opposition. The Department of the Attorney General provided comments.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 78, as amended herein, and recommends that it pass Second Reading in

the form attached hereto as H.B. No. 78, H.D. 1, and be referred to your Committee on Finance.

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

SCOTT Y. NISHIMOTO, Chair

State of Hawaii House of Representatives The Twenty-ninth Legislature

Record of Votes of the Committee on Judiciary

Bili/Resolution No.:	Committee Referral:		Date:			
HB78	J40, FIN			2/1/17		
θ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: θ Pass, unamended (as is) Pass, with amendments (HD) θ Hold						
θ Pass short form bill with HD to recommit for future public hearing (recommit)						
				<u>-</u>		
JUD Members		Ayes	Ayes (WR)		Nays	Excused
1. NISHIMOTO, Scott Y. (C)						
2. SAN BUENAVENTURA, Joy A. (VC)						
3. BELATTI, Della Au						
4. BROWER, Tom						
5. JOHANSON, Aaron Ling						
6. LEE, Chris						
7. MORIKAWA, Dee						
8. NAKASHIMA, Mark M.						
9. OSHIRO, Marcus R.						
10. McDERMOTT, Bob			***************************************			
11. THIELEN, Cynthia						
				-		
						 -
			A			
TOTAL (11)		X	$\underline{\hspace{0.1cm}}\mathscr{V}$	**	0	3
The recommendation is: Adopted H joint referral, Committee accounts (a) Adopted did not support recommendation.						
committee acronym(s)						
Vice Chair's or designee's signature:						
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO						