

Honolulu, Hawaii

FEB 13 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.



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,



CLAYTON HEE, Chair



