

Honolulu, Hawaii

Mardi 21, 2013

RE: S.B. No. 889
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 889, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES,"

begs leave to report as follows:

The purpose of this measure is to clarify that a court may award attorney's fees and litigation costs to the Department of the Attorney General in cases in which the State prevails.

The Department of the Attorney General and one concerned individual testified in support of the measure. The Sierra Club, Hawaii Chapter submitted comments.

Your Committee has amended this measure by:

- (1) Clarifying that attorney's fees and litigation costs may be awarded to the Department of the Attorney General when the State is the prevailing party in a court action and where an award of attorney's fees and litigation costs is expressly authorized by statute, rule of court, agreement, stipulation, or precedent;
- (2) Amending the effective date to be effective upon approval; 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 889, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 889, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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

Karl Rhoads

KARL RHOADS, Chair



