

STAND. COM. REP. NO. 3039

Honolulu, Hawaii

MAR 21 2018

RE: H.B. No. 2418
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2418, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FUNDS USED FOR THE SETTLEMENT OF CLAIMS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Education to expend previously appropriated monies to satisfy the settlement of class counsel attorney's fees related to a class action lawsuit against the State.

Your Committee received testimony in support of this measure from the Department of Education, Department of the Attorney General, and Special Education Advisory Council.

Your Committee finds that the class action case at issue in this measure was in litigation for seven years and that settlement negotiations relating to the remedies took place over four years. The Department of Education was aware of the settlement and associated attorney fees, and planned accordingly to cover the costs associated with the case without a separate appropriation request. As a result, the monies to be allocated to the class counsel attorney's fees were included in the Department's budget request in fiscal year 2017 as a part of the Department's



operating expenses. Authorization is now needed so that the monies may be expended for their intended purpose.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage 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. 2418, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2418, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

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


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2418, HD1	JDC, WAM	3/13/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.		✓		
TOTAL	4	1	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes