

STAND. COM. REP. NO.

374

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1489
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 1489 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify the law regarding attorney's liens to provide that an attorney's liens shall attach to judgments, decrees, orders, settlements, and awards pursuant to a court order or arbitration proceeding.

Your Committee received testimony in support of this measure from the Collections Law Section of the Hawaii State Bar Association.

Your Committee finds that section 507-81, Hawaii Revised Statutes, authorizes attorney's liens on certain actions, suits, and proceeds paid in satisfaction of these items, among other things. According to testimony submitted regarding this measure, this section was enacted pursuant to Act 49, Session Laws of Hawaii 2004, and was intended to address a double taxation issue arising from a position taken by the Internal Revenue Service. This measure is intended to clarify this law by eliminating an arbitrary one-year deadline for filing a lien and by making other technical amendments to the law.

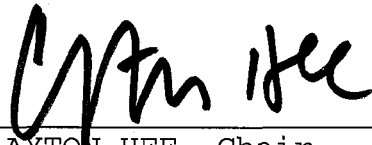
Your Committee has amended this measure by inserting an effective date of July 1, 2050, to allow for further discussion.

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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. 1489, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1489, 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



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <i>SB 1489</i>	Committee Referral: <i>JDL, JAM</i>	Date: <i>2/15/11</i>		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes