STAND. COM. REP. NO. 825 -08

Honolulu, Hawaii F2929, 2008 RE: H.B. No. 3386 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 3386, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ATTORNEYS,"

begs leave to report as follows:

The purpose of this bill is to ensure the timely provision of legal services to state departments by:

- (1) Allowing a board, commission, or agency to employ or retain outside counsel in a matter other than one in which the board, commission, or agency is a defendant in litigation, if the Attorney General (AG) declines representation based on a conflict of interest; and
- (2) Amending the method by which any court or judicial or legislative office may retain legal representation. Specifically, state departments may request representation by the AG, however, if the AG declines representation due to a conflict, the AG shall employ or retain outside counsel to provide the representation, subject to the approval of the court or judicial or legislative office.

The Judiciary testified in support of this bill. The Department of the Attorney General opposed this measure.



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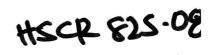
As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3386, H.D. 1, and recommends that it pass Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Finance,

MARCUS R. OSHIRO, Chair



State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Finance

Bill/Resolution No.: HB 3386	Committee Referral:		Date: 2 - 21 - 2008		
The committee is reconsidering its prev	ious decision on the measure.				
	unamended (as is) D P short form bill with HD to rec	ass, with amendments commit for future publ			
FIN Members	Ayes	Ayes (WR)	Nays	Excused	
1. OSHIRO, Marcus R. (C)	V				
2. LEE, Marilyn B. (VC)					
3. AWANA, Karen Leinani	· ·				
4. BELATTI, Della Au					
5. BROWER, Tom	V				
6. CARROLL, Mele	4				
7. HANOHANO, Faye P.					
8. HAR, Sharon E.	L				
9. KARAMATSU, Jon Riki	V				
10. MAGAOAY, Michael Y.	~ ~				
11. MANAHAN, Joey	~ ~				
12. MIZUNO, John	~ ~				
13. NAKASONE, Bob					
14. RHOADS, Karl	<u> </u>				
15. SAGUM, Roland D., III	~ ~ ~				
16. TOKIOKA, James Kunane	L 1				
17. MEYER, Colleen Rose			V		
18. PINE, Kymberly Marcos	· ·	~	Lax error		
19. WARD, Gene, Ph.D.	-				
TOTAL (19)	15		2	1	
The recommendation is: Ado If joint r		did not suppo	ort recommendation	I.	
Vice Chair's or designee's signature:	Mail	p Ble	2,		
Distribution: Original (White) – Con	nmittee Duplicate (Ye	llow) – Chief Clerk's (Office		