STAND. COM. REP. NO. 1591-08

Honolulu, Hawaii

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RE:

S.B. No. 3200

S.D. 1 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 Judiciary, to which was referred S.B. No. 3200, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENTAL RETENTION OF ATTORNEYS,"

begs leave to report as follows:

The purpose of this measure is to establish provisions authorizing the Attorney General (AG) to retain an attorney to represent a state department, including the Legislature and Judiciary, in the event that the AG discloses a conflict and the department does not waive the conflict.

The Judiciary and Office of the Auditor supported this bill. The AG opposed this measure.

Your Committee has amended this bill by:

- (1) Deleting provisions that would have allowed state departments to waive the AG's conflict;
- (2) Requiring the AG to retain an attorney to provide representation to a court or judicial office upon the request of the Chief Justice or designee, or to a legislative office upon the joint request of the Speaker of the House and President of the Senate, if the AG

SB3200 HD1 HSCR JUD HMS 2008-3431

declines to provide representation because of a conflict of interest;

- (3) Removing provisions that would have amended the definition of "department" to include the Legislature and the Judiciary; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 3200, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3200, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

TOMMY WATERS, Chair

HSCR 1591-08

State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:		Date:	
SB3200,SD1(SSCR2618)	JUD		3-21-08	
\Box The committee is reconsidering its previous	ous decision on the measure.			
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				
2. OSHIRO, Blake K. (VC)			·	
3. EVANS, Cindy				
4. GREEN, Josh, M.D.	/			
5. ITO, Ken				1
6. LUKE, Sylvia				
7. McKELVEY, Angus L.K.		V		
8. MORITA, Hermina M.				
9. SONSON, Alex M.				
10. SOUKI, Joseph M.				
11. TSUJI, Clift				
12. YAMANE, Ryan I. 13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.			1	
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia				
TOTAL (16)	9	l	2	4
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				