STAND. COM. REP. NO. 918

Honolulu, Hawaii

MAR 2 2 2017

RE: H.B. No. 74

H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 74, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF ATTORNEYS," begs leave to report as follows:

The purpose and intent of this measure is to allow a request to be made by either the Speaker of the House of Representatives or President of the Senate, rather than by a joint request, before the House of Representatives or Senate, respectively, may receive legal representation by an attorney who is retained by the Attorney General because the Attorney General has declined the request due to a conflict of interest.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that existing law allows a legislative office of the State to employ or retain any attorney other than the Attorney General for the purpose of representing the State or the office in any litigation, rendering legal counsel, or drafting legal documents. Past practice has demonstrated that if the Attorney General declines the request for legal representation due to a conflict of interest, the Attorney General is required to retain an attorney for the requesting body or legislative office, subject to the approval of the Speaker of the House of

Representatives or President of the Senate, or both jointly as appropriate. This measure codifies certain language to make it explicitly clear that requests to the Attorney General for legal representation can be made by either the Speaker of the House of Representatives or President of the Senate, rather by a joint request.

Your Committee has amended this measure by inserting an effective date of January 7, 2059, to encourage further discussion.

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 H.B. No. 74, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 74, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

GILBERT S.C. KEITH-AGARAN, Chair

The Senate Twenty-Ninth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* HB 74 HD1	Committee Referral:			3/13/17		
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (WR)	Nay	Excused	
KEITH-AGARAN, Gilbert S.C. (C)						
RHOADS, Karl (VC)				: : : : : : : : : : : : : : : : : : : :		
GABBARD, Mike				·		
KIM, Donna Mercado						
THIELEN, Laura H.						
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TOTAL		5	0	0	0	
Recommendation: Adopted Not Adopted						
Chair's or Designee's Signature: Kal Nhash						
Distribution: Original File with Committee Re				Pink Goldenrod Drafting Agency Committee File Copy		