

STAND. COM. REP. NO. 1336

Honolulu, Hawaii

MAR 20, 2023

RE: S.B. No. 1490
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1490, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATE EMPLOYEES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Attorney General to defend professionally licensed or certified state employees in civil actions or proceedings when the employee was acting within the scope of their employment and was not grossly negligent or wanton; and
- (2) Establish filing and hearing requirements for when the Attorney General refuses to defend any state or county employee in civil actions or proceedings on certain grounds.

Your Committee received testimony in support of this measure from the Hawaii Association for Justice and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of the Attorney General and Department of Human Services.

2023-2624 SB1490 HD1 HSCR HMSO



Your Committee finds that this measure would further strengthen the legal protections for governmental employees when exercising their professional judgment, which will enable the State to attract and retain qualified employees who may otherwise fear that they would be held personally and financially liable.

Your Committee has amended this measure by:

- (1) Deleting references to county employees; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1490, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1490, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



