

STAND. COM. REP. NO. 1205-24

Honolulu, Hawaii

**MAR 20**, 2024

RE: S.B. No. 2520  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2520, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE DEFENSE OF 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, wanton, or uncooperative;
- (2) Clarify that professionally licensed or certified state employees may employ their own attorneys at their own expense; and
- (3) Establish a process for the Attorney General to transfer or withdraw representation if the Attorney General declines to defend a professionally licensed or certified state employee.



Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Association for Justice; and Hawaii State AFL-CIO.

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) Clarifying the preamble;
- (2) Clarifying when the Attorney General must work with the professionally licensed or certified state employee to amicably transfer representation to the successor counsel;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) 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. 2520, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2520, S.D. 2, 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,



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DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

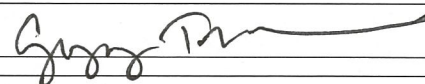
Bill/Resolution No.: SB2520, SD2      Committee Referral: JHA, FIN      Date: 3-12-24

The committee is reconsidering its previous 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)

JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. EVSLIN, Luke A.	✓			
4. GANADEN, Sonny	✓			
5. HOLT, Daniel	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIYAKE, Tyson K.	✓			
10. SOUZA, Kanani	✓			
TOTAL (10)	10	-	-	-

The recommendation is:     Adopted     Not 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    Duplicate (Pink) – HMSO