STAND. COM. REP. NO. 3019

Honolulu, Hawaii

MAR 0 1 2024

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

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 2520, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DEFENSE OF STATE EMPLOYEES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- Require the State to defend professionally licensed or certified state employees from civil actions when the employee was acting within the scope of their employment and was not grossly negligent or wanton, or failing to cooperate;
- (2) Clarify that the employee may employ their own attorney at the employee's own expense; and
- (3) Require that if the State refuses to defend a state employee from civil actions on certain grounds, the Attorney General shall first work with the employee to amicably transfer representation to the replacement counsel, and if necessary, file a motion to withdraw as counsel as a confidential document.

Your Committees received testimony in support of this measure from the Hawaii Association for Justice; Hawaii Government



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Employees Association, AFSCME Local 152, AFL-CIO; and Hawaii State AFL-CIO.

Your Committees find that currently state employees are not supported if they face civil action even if the employee's actions are within the scope of employment. Your Committees further find that it is critical to appropriately balance the protection of a resident's rights while providing protection to state employees if legal issues arise. This measure will prevent undue stress and financial burdens on state employees by providing protections if an employee faces civil action due to actions conducted in their capacity as a public employee.

Your Committees have amended this measure by clarifying that if the Attorney General and state employee cannot amicably transfer representation, the Attorney General shall file a motion to withdraw as counsel, regardless of any determination as to whether a motion to withdraw as counsel is required to be filed.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2520, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2520, S.D. 2.

DONOVAN M. DELA CRUZ,

Respectfully submitted on behalf of the members of the Committees on Judiciary and Ways and Means,

KARL RHOADS, Chair



The Senate Thirty-Second Legislature State of Hawai'i

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Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee	Committee Referral:		Date:				
5B2520 SD1	LBT, JDC/WAM 03/01/24							
The Committee is reconsidering its previous decision on this measure.								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
RHOADS, Karl (C)		V						
GABBARD, Mike (VC)		VI						
ELEFANTE, Brandon J.C.		/						
SAN BUENAVENTURA, Joy A								
AWA, Brenton								
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TOTAL	/	ک	_	·				
Recommendation:								
Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: Original File with Committee Re	istribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy							

*Only <u>one</u> measure per Record of Votes

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	Committee Referral:			Date:				
SB 2520 SD1	LBT, JDC/WAM 3/1/24							
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended X Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WF	R) Nay	Excused			
DELA CRUZ, Donovan M. (C)		X						
MORIWAKI, Sharon Y. (VC)		X						
AQUINO, Henry J.C.		X						
DECOITE, Lynn		X						
HASHIMOTO, Troy N.		Х						
INOUYE, Lorraine R.		Х						
KANUHA, Dru Mamo					X			
KIDANI, Michelle N.		X						
KIM, Donna Mercado		X						
LEE, Chris		X						
SHIMABUKURO, Maile S.L.					X			
WAKAI, Glenn		X						
FEVELLA, Kurt								
TOTAL		11	0	6	2			
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: Original File with Committee Re	Yellow port Clerk's Office		Pink Drafting Agen		Goldenrod Committee File Copy			

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