

STAND. COM. REP. NO.

2016

Honolulu, Hawaii

APR 04 , 2025

RE: S.B. No. 336

H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Finance, to which was referred S.B. No. 336
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) Declare that the State has a duty to defend any professionally licensed or certified state employee from civil actions when the employee's actions were within the employee's scope of employment and were not grossly negligent or wanton, as long as the employee is cooperating with the State's defense;
- (2) Clarify that professionally licensed or certified state employees may employ their own attorneys at their own expense;
- (3) Require the Attorney General to work with the professionally licensed or certified state employee to amicably transfer representation to the successor counsel chosen by the employee if the State declines to defend the employee from a civil action on certain grounds; and



- (4) Require the Attorney General to file a confidential motion to withdraw as counsel if the Attorney General and professionally licensed or certified state employee cannot amicably transfer representation to the successor counsel.

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

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 336, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 336, H.D. 1.

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



KYLE T. YAMASHITA, Chair



