

Honolulu, Hawaii

FEB 10 2025

RE: S.B. No. 336

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Labor and Technology, 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 and intent of this measure is to:

- (1) Require the Attorney General, on behalf of the State, to defend professionally licensed or certified state employees from civil actions when the employee's actions were within the 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; 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 Hawai'i State Teachers Association; Hawaii Government



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

Your Committee finds that state employees currently must seek their own counsel should legal issues arise in the course of their assigned duties. This measure will provide legal protections to licensed or certified professional employees when exercising their professional judgment in their capacity as public employees. This additional protection allows professionals to more confidently practice their craft and make effective, efficient decisions independent of outside influences. The transparent process established in this measure for legal representation will also aid the State in attracting and retaining qualified talent in fields where applicants may otherwise fear facing liability.

As affirmed by the record of votes of the members of your Committee on Labor and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 336 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

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


HENRY J. AQUINO, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
 Committee on Labor and Technology
 LBT

Bill / Resolution No.:* SB336	Committee Referral: LBT, JDC/WAM	Date: 1/31/2025		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
AQUINO, Henry J.C. (C)	x			
LEE, Chris (VC)	x			
IHARA, Jr., Les	x			
MORIWAKI, Sharon Y.	x			
FEVELLA, Kurt				x
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes